

# Resettlement Framework

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## IND: Visakhapatnam to Chennai Industrial Corridor Development Program (VCICDP)

Prepared by the Department of Industries (DoI), Government of Andhra Pradesh, for the Asian Development Bank (ADB).

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## **CURRENCY EQUIVALENTS**

(as of 15 February 2016)

Currency unit	=	Rupee (INR)
INR 1.00	=	USD 0.01468
USD 1.00	=	INR 68.1092

## **ABBREVIATIONS**

ADB	–	Asian Development Bank
APIIC	–	Andhra Pradesh Industrial Infrastructure Corporation
APRDC	–	Andhra Pradesh Road Development Corporation
APTransco	–	Andhra Pradesh Power Transmission Company
BSR	–	Basic Schedule of Rates
DC	–	District Collector
DH	–	Displaced Household
DP	–	Displaced Person
EA	–	Executing Agency
GOI	–	Government of India
GRC	–	Grievance Redressal Committee
GVMC	–	Greater Visakhapatnam Municipal Corporation
IA	–	Implementing Agency
IAY	–	Indira Awaas Yojana
IPP	–	Indigenous Peoples Plan
JC	–	Joint Collector
LA	–	Land Acquisition
RFCTLARR	–	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
NGO	–	Nongovernment organization
PD	–	Project Director
PIU	–	Project implementation Unit
RDO	–	Revenue Divisional Officer
R&R	–	Resettlement and Rehabilitation
RF	–	Resettlement Framework
RO	–	Resettlement Officer
RoW	–	Right-of-Way
RP	–	Resettlement Plan
SC	–	Scheduled Caste
SH	–	State Highway
SMU	–	Social Management Unit
SPS	–	Safeguard Policy Statement
ST	–	Scheduled Tribe

## **NOTE**

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

## CONTENTS

	<b>Page</b>
I. INTRODUCTION	1
A. Overview of the Project	1
B. Resettlement Framework (RF)	1
C. Subproject Description	2
II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS	4
A. Policy and Legal Framework	4
B. Comparison of Government and ADB Policies	9
C. Involuntary Resettlement Safeguard Principles for the Project	10
D. Eligibility Criteria	11
E. Entitlement Matrix	12
F. Schedule for Compensation Payment and Resettlement Assistance	21
G. Screening Criteria of Subprojects	21
H. Negotiated Settlement	22
I. Voluntary Land Donation	23
III. SOCIO-ECONOMIC INFORMATION	23
A. Surveys	23
B. Resettlement Plan	24
C. Gender Impacts and Mitigation Measures	25
IV. COMPENSATION, INCOME RESTORATION AND RELOCATION	25
A. Valuation of Affected Land and Assets	25
B. Income Restoration and Relocation	26
V. CONSULTATION, PARTICIPATION AND DISCLOSURE	27
A. Meaningful Consultations	27
B. Information Dissemination and Resettlement Plan Disclosure	28
VI. GRIEVANCE REDRESSAL MECHANISM	30
A. Common Grievance Redress Mechanism	30
B. Grievance Redressal Committee	30
VII. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION	33
A. Project Management Unit	33
B. Project Implementation Unit	35
C. NGO/Agency for RP Implementation Support	38
D. External Monitoring Agency	39
E. Implementation Schedule	40
VIII. MONITORING AND EVALUATION	41
A. Internal Monitoring	41
B. External Monitoring	42
C. Impact Evaluation	42
IX. BUDGET AND FINANCING	43

## List of Appendixes

1. List of Proposed Subprojects under VCICDP Tranche II
2. Comparison between ADB IR Policy Requirements and RFCTLARR Act 2013 with Gap filling measures in VCICDP RF
3. Involuntary Resettlement Impact Categorisation Checklist
4. Outline of a Resettlement Plan
5. Terms of Reference for the NGO/agency to assist PIU in Resettlement Plan Implementation
6. Terms of Reference for engaging an External Monitoring Agency/Expert
7. Outline of Social Safeguards Monitoring Report during project implementation period
8. Terms of Reference for the Nodal NGO/agency to assist PIU (APRDC) in Coordinating the Resettlement Plan Implementation
9. Terms of Reference for Independent Third Party for Negotiated Purchase or Voluntary Land Donation
10. Sample Certification Formats

## I. INTRODUCTION

### A. Overview of the Project

1. The proposed Visakhapatnam-Chennai Industrial Corridor Development Program (VCICDP) will complement ongoing efforts of the Government of Andhra Pradesh (GoAP) to enhance manufacturing sector growth and create high quality jobs in the state of Andhra Pradesh. The VCICDP comprises: (i) a policy-based loan to support policy reforms, and institutional development in the state's industrial sector; and (ii) a multitranche financing facility (MFF) for priority infrastructure projects within the Visakhapatnam-Chennai Industrial Corridor (VCIC).

2. The envisaged outputs of VCICDP include: (i) ease of doing business improved; (ii) VCIC infrastructure strengthened; and (iii) institutional capacities and program management strengthened. The Program will support output 1; and the MFF will support outputs 2 and 3. Subprojects identified for funding under Tranche 1 of the MFF include: (i) Package APIIC/01: Construction of Common Effluent Treatment plant at Atchutapuram and Naidupet Industrial cluster; (ii) Package APIIC/03: Augmenting utility services for Naidupet Industrial cluster. [SWD, power, internal road and one stop centre]; (iii) Package GVMC/02: Distribution Network improvements for NRW reduction and 24x7 supply in GVMC area; (iv) Package APRDC/01: Upgrading and Rehabilitation of 'Samarlkota to Rajanagaram' Section of 'Kakinada – Rajanagaram' Road to '2 Lane Dual Carriageway Standard; (v) Package AP Transco/01: Augmenting power distribution capacity for meeting Industry demand at Kapuleppada, Oszone Valley, Nakkapalle/ Chandanada and Achutapuram locations; and (vi) APTransco/02: Augmenting power distribution capacity for meeting Industry demand at Rachagunneri, Naidupeta and Yerpedu locations. All Tranche 1 subprojects are to be implemented in 4 years, from 2016 to 2019.

3. The State of Andhra Pradesh acting through its Department of Industries will be the executing agency (EA). The Directorate of Industries within the Department of Industries will be responsible for the daily coordination and execution of both the Program as well as the MFF. A program management unit (PMU), established in the DOI, will be responsible for planning, implementation, monitoring and supervision, and coordination of all activities under the Program and the MFF. Project implementation units (PIUs) will be established in Andhra Pradesh Industrial Infrastructure Corporation Limited (APIIC), Andhra Pradesh Road Development Corporation (APRDC), Andhra Pradesh Power Transmission Corporation of Andhra Pradesh (APTransco), and Greater Visakhapatnam Municipal Corporation (GVMC), and will be responsible for implementing the MFF. The respective PIUs will be responsible for screening subprojects, categorisation based on IR/IP impacts, conducting the social assessment, preparation and implementation of Resettlement Plans (RPs)/Indigenous Peoples Plan (IPP) as required, and as outlined in this Resettlement Framework (RF).

### B. Resettlement Framework (RF)

4. This Resettlement Framework (RF) has been prepared conforming to the National laws, the State laws and the Asian Development Bank's Safeguard Policy Statement (SPS), 2009. The policy framework describes the principles and approach in avoiding, minimizing and mitigating adverse social impacts that may arise in implementing subprojects proposed under Visakhapatnam to Chennai Industrial Corridor Development Program (VCICDP).

5. The RF also describes the process for: (i) screening subprojects; (ii) assessment of involuntary resettlement impacts; (iii) categorisation of subject based on significance of involuntary resettlement impact; (iv) structure and process for consultations; (v) approach and methodology in undertaking census and socio-economic surveys; and (vi) preparation and implementation of resettlement plans.

6. All sub-projects proposed under Tranche-I of VCICDP have been screened for social impacts and is in compliance with this framework. Subprojects that are to be taken up in Tranche-II and subsequent tranches will have to comply with this framework to be eligible for financing. This RF will be reviewed and updated from time to time to reflect the changes in applicable State / National laws.

### C. Subproject Description

7. The identified subprojects under Tranche-I include; (i) 10-substations and related transmission lines; (ii) laying of transmission main to replace open canal transmission of water from Raiwada reservoir to augment the water supply of Vishakhapatnam City; (iii) construction of effluent treatment plant at Atchutapuram SEZ and Naidupet SEZ; (iv) Augmenting utility services for Naidupet Industrial cluster. [SWD, power, internal road and one stop centre; and (v) 4-lanning of Samalkota to Rajanagaram Road. The following table describes the subproject components and the land acquisition and involuntary resettlement impacts. The list of subprojects proposed for Tranche-II is provided as Appendix 1.

**Table 1.1: Subprojects proposed under Tranche-I**

Package No	Name of Subproject	Subproject Components	LA and IR Impacts	IR Categorisation
APTransco/01	Augmenting power distribution capacity for meeting Industry demand at Kapuluppada, Ozone Valley, Achutapuram and Mangalgiri /AIIMS locations (substation, laying of power cable and associated civil works)	132Kv GIS <sup>1</sup> Substation (2X80 MVA) at Kapuluppada	None	Category-B
		132Kv GIS Substation (2x80 MVA) at Ozone Valley	None	
		220kv GIS Substation (2x100 MVA) at Atchutapuram	None	
		220kv Substation (3X100+2x80 MVA) at Nakapalle	None	
		Transmission lines	Loss of land value for transmission towers Potential temporary income loss to shops / businesses Traffic diversions	
APTransco/02	Augmenting power distribution capacity for meeting Industry	220/132/33KV Nakkapalle/DL-Puram including Overhead Line(3X100+2x80 MVA)	Loss of land value for transmission towers	Category-B

<sup>1</sup> GIS is Gas-Insulated Substation technology which requires only about 10-25% of the land required for conventional AIS.

Package No	Name of Subproject	Subproject Components	LA and IR Impacts	IR Categorisation
	demand at Nakapalle/ Chandanada, Pydibhimavaram, Naidupeta and Kakinada SEZ locations (substation, cable, transmission lines and associated civil works)	220kV/132 kV SS including Overhead Line at Pydibhimavaram (3x100 MVA)	Assigned land resumption and Loss of land value for transmission towers	
		220kV/132 kV SS including Overhead Line at Naidupeta (3x100 MVA)	Loss of land value for transmission towers	
		220 Kv SS including Overhead Line in GMR SEZ at Kakinada	Loss of land value for transmission towers	
APTransco/03	Augmenting power distribution capacity for meeting Industry demand at Rachagunneri and Yerpedu locations (substation, cable, transmission lines and associated civil works)	Upgradation of existing AP Transco SS at Rachagunneri from 220 kV to 400 kV including Overhead Line	Loss of land value for transmission towers	Category-B
		132 KV SS including Overhead Line at Yerpedu (2X80 MVA)	Loss of access to assigned land resumption and Loss of land value for transmission towers	
GVMC/01	Supply and Laying of water supply pipeline along Raiwada canal to Visakhapatnam City	Improvements to Water Transmission System – Loss Reduction in Raiwada Scheme by Laying Pipeline to Replace Open Channel Transmission	No land acquisition. Potential permanent livelihood impact to encroachers. Potential temporary income loss to shops/businesses during pipe-laying work.	Category-B
APIIC/01	Construction of Common Effluent Treatment plants at Atchutapuram and Naidupet cluster	Common Effluent Treatment Plant (CETP) – 3 MLD at Atchutapuram	None; CETP proposed on APIIC land, presently vacant and not under any use	Category-C
		Common effluent treatment plant – 1 MLD capacity at Naidupet	None; CETP proposed on APIIC land, presently vacant and not under any use	
APIIC/03	Augmenting utility services for Naidupet Industrial cluster. [SWD, power, internal road and one stop centre	Internal road network (42.255 km), storm drains (93.847 km), power transmission lines (57.9 km), internal water distribution pipelines (55.36 km) and a one-stop service centre. Total land required for the 4 proposed power substations = 4 acres; and for one stop centre=2.00 acres.	None; all facilities proposed on APIIC land, presently vacant and not under any use.	Category-C

Package No	Name of Subproject	Subproject Components	LA and IR Impacts	IR Categorisation
APRDC/03	Laying of 4 lane road from Samalkota to Rajanagaram	Two lane paved shoulders to four lane	Private land acquisition, impacts to residential, commercial and residential cum commercial structures identified, including some that require displacement and others that will have minor impacts. 77 vulnerable APs identified.	Category-A

## II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

8. The Resettlement Framework (RF) has been prepared for the Multitranchise Financing Facility (MFF) of VCICDP. RPs for Tranche-1 subprojects are being prepared in accordance with this RF and the same will apply for subprojects under subsequent tranches identified for financing under the program loan.

9. The RF describes the principles and approach in avoiding, minimising and mitigating adverse social impacts that may arise in implementing the subprojects proposed under Visakhapatnam-Chennai Industrial Corridor Development Program (VCICDP). The RF outlines the objectives, policy principles and procedures for land acquisition, compensation and other assistance measures for displaced persons. It includes guidance on screening and categorisation, assessment, eligibility and entitlement, planning, institutional arrangements, consultation and disclosure and processes to be followed for all subprojects.

10. For subprojects proposed under subsequent tranches, the Project Implementation Units (PIUs) viz. APRDC, APIIC, APTransco and GVMC, will be responsible for conducting the social assessment and preparing and implementing RPs as per the procedures outlined in this RF. The draft RPs will be disclosed to the displaced persons and submitted to ADB for review and approval prior to award of contract. Compensation and other assistances will have to be paid to DPs prior to any physical or economic displacement of displaced households and prior to commencement of any civil works.

### A. Policy and Legal Framework

11. The policy framework and entitlements for the program are based on national laws: The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, The Indian Telegraph Act, 1885, The Indian Electricity Act, 2003, Rehabilitation and Resettlement (R&R) Policy of Government of Andhra Pradesh, 2005, State laws and regulations and ADB's Safeguard Policy Statement (SPS), 2009.

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

12. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013, provides for a transparent process and just and fair



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

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

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

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

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

## **2. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Removal of Difficulties) Order, 2015**

17. In order to expedite land acquisition for infrastructure projects, the government promulgated an ordinance in December 2014, amending certain provisions in the RFCTLARR Act, 2013. Since the ordinance was to lapse, the second ordinance was promulgated in May 2015, wherein infrastructure projects were exempted from (i) the provisions of SIA; and (ii) the bar on acquisition of multi crop land. Further, through the ordinance, the determination of compensation as per the First Schedule, rehabilitation and resettlement provisions contained in the Second Schedule and infrastructure amenities to be provided in resettlement sites as per the Third Schedule became applicable to the exempted acts in the Fourth Schedule with effect from January 01, 2015. Since this second ordinance also was to lapse and the replacement bill relating to the RFCTLARR (Amendment) Ordinance has been referred to the Joint Committee of the Houses (Parliament) for examination, this order dated August 28, 2015 has been passed wherein the provisions of the RFCTLARR Act, relating to the determination of compensation in

accordance with the First Schedule, rehabilitation and resettlement in accordance with the Second Schedule and infrastructure amenities in accordance with the Third Schedule shall apply to all cases of land acquisition under the enactments specified in the Fourth Schedule to the said Act with effect from September 01, 2015. Further, the exemption of SIA and acquisition of multi crop land for infrastructure projects has been done away with; thereby SIA provisions become applicable to VCICDP.

### **3. The Indian Telegraph Act, 1885 (Central Act 13 of 1885)**

18. The act provides for erection of transmission towers and draw transmission lines in or upon any immovable property and the maintenance of the same.

- (i) Sec 10 of the act defines powers of the telegraph authority<sup>2</sup> to erect and maintain telegraph lines and posts.
- (ii) Sec 10 (b) vests the telegraph authority no right on the land other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post on the land in which telegraph lines and posts are laid.
- (iii) Sec 10 (c) bars use property vested in or under the control or management of any local authority, without the permission of the local authority.
- (iv) Sec 10 (d) provides for efforts to be taken to minimise damage to the property and payment of full compensation to all persons interested for any damage sustained while erecting and maintaining telegraph lines and posts. This provision does not apply to property belonging to local body and it is governed by Sec 12 of the act.
- (v) Sec 16 (1) provides for intervention by District Collector / Magistrate empowering the telegraph authority to exercise his right to erect and maintain telegraph lines and posts when there is resistance from the property owner.
- (vi) Sec 16 (3) empowers the District Judge to determine the compensation paid for damages if any dispute arises on the same.
- (vii) Sec 16 (4) provides for remitting the compensation for damages in the Court of District Judge, when there is a dispute on person entitled to receive the compensation and / or apportionment.

### **4. The Indian Electricity Act, 2003 (Central Act 36 of 2003)**

19. The act consolidates the laws relating to generation, transmission, distribution, trading and use of electricity and for matters connected therewith or incidental thereto.

- (i) Sec 164 empowers the appropriate Government to confer on any Authority or person engaged in the business of supplying electricity under the Act, any of the powers which the Telegraph Authority possesses under the Telegraph Act with respect to the placing of telephonic lines or posts for the purpose of a telephone established or maintained by the Government or to be so established or maintained

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<sup>2</sup> To be read along with Section 164 of India Electricity Act, 2003

## **5. APTranco Memo on Payment of Diminution Value for Tower Area, 20153**

20. The Chief Engineer, Construction, Transmission Corporation of Andhra Pradesh Limited (APTranco), through an office memo has directed payment of diminution of land value to the land owner on whose land the transmission tower is erected along with compensation for trees and crops affected. Prior to this office memo, no payment were made for erecting the tower other than the compensation for trees and crops damaged as per the provisions of The Indian Telegraph Act, 1885.

## **6. Government of Andhra Pradesh Rehabilitation and Resettlement Policy, 2005**

21. The GoAP vide its order G.O. Ms. No.68 of Irrigation and CAD (Project Wing-LA-IV--R&R) Department, dated April 08, 2005 approved a comprehensive and uniform R&R policy applicable to projects implemented by all departments of GoAP.

22. The objective of the policy are: to minimise displacement and to identify non- displacing or least displacing alternatives; to plan the resettlement and rehabilitation of project affected families and project displaced families, including special needs of scheduled tribe and vulnerable sections; to provide better standard of living to project affected families and project displaced families; and to facilitate harmonious relationship between the requiring body and project affected families through mutual cooperation.

23. The policy applies to projects that are notified under this R&R policy and that displaces 100 or more families en-mass in plain areas or 25 or more families en- mass in Tribal areas or in areas mentioned in Schedule V of the Constitution of India from their lands and or houses.

24. The definition of a family under this policy is contentious; it defines a family as one that includes a person, his or her spouse, minor sons, minor daughters, minor brothers or minor sisters and other members residing with him and dependent on him for their livelihood. Further each major son and major daughter residing with such person has been treated as a separate family. This is contrary to the definition of a family by Registrar General and Census Commissioner of India which states that 'a household is usually a group of persons who normally live together and take their meals from a common kitchen unless the exigencies of work prevent any of them from doing so'.

25. In defining the project affected family, the policy recognises both title and non-title holders whose livelihood is substantially affected, but only if such have been there for not less than 3-years preceding the date of declaration of the affected zone. Further, it includes families who lose more than 50 percent of land due to acquisition and left over land after acquisition is below 5 acre of dry or 2.5 acre of wet or a combination of both, in other words land owners losing more than 50 percent of their land and reduced to small farmer category are defined as

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<sup>3</sup> On October 2015 specific order and guidelines for payment of compensation toward damages in regards to right of way of transmission line was issued by Ministry of Power, Government of India. In that guidelines the landowner on whose land the tower is erected is entitled for 85 percent of the guideline value as per the Stamp Act towards the tower base area as compensation and for the corridor through which the transmission line passes through, a 15 percent of the guideline value as per the Stamp Act towards the width of the right-of-way corridor of the transmission line as diminution of land value. During the processing of this project no decision is made by the GoAP/ APTranco on this guideline. As and when the GoI guidelines are adopted by GoAP, the same will become payable and this RF and subproject related RPs will be updated and the APTranco Memo on the payment of diminution value for transmission tower will be replaced.

project affected family. A project displaced family and any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land (including plot in the abadi or other property) in the affected area or otherwise, has been involuntarily displaced from such land or other property are also included as project affected family.

26. The Administrator for R&R is stipulated as an officer not below the rank of Joint Collector of the State and an officer of the rank of Commissioner or Secretary is stipulated to be the Commissioner for Resettlement and Rehabilitation, who will be in overall charge for Resettlement and Rehabilitation.

27. The policy provides for free house site for loss of house and house construction grant to the BPL amongst them. Land for land is an option available to those who loss of agricultural land and become landless or marginal or small farmer and the policy recommends issue of title in the joint names of wife and husband. Grant for cattle shed, grant for transportation, grant for re-establishing shop/trade, assistance for loss of livelihood commensurate to the extent of land lost, assistance to labourers and employees for loss of livelihood and subsistence allowance to displaced families are the R&R benefits provided in the policy.

28. The policy also lists the basic amenities and infrastructure facilities that are required to be provided in the resettlement sites and include drinking water, internal roads, drainage, electricity, primary school building, playground, community centre and access road.

#### **7. Modification to Government of Andhra Pradesh Rehabilitation and Resettlement Policy, 2005 in 2010 for Road Sector Projects**

29. Modification to the R&R policy was made for road sector projects, at the behest of Andhra Pradesh Road Development Corporation, vide G.O. Rt. No. 1059 of Transport, Roads and Buildings (R.IV) Department dated 20.11.2010.

30. The applicability of the policy in projects where 100 or more families en-mass are displaced in plain areas is widened to include projects that result in partial losses and/or displacement and covers scattered displacement.

31. Families without legal titles are defined as persons occupying government/other land for cultivation to earn their living and those residing or carrying out economic activity in structures built within the affected zone/corridor of impact.

32. The definition of the displaced family is modified to include those losing more than 25 percent of land or 25 percent of their residential or commercial structure. Further, the concept of cut-off-date is introduced and is defined as the date of land acquisition notification for the legal owners and the date of social survey for squatters and encroachers to be eligible to receive R&R entitlements.

33. The provision of free house site to legal owners is extended to squatters losing dwelling/shops/work place. While the extent of site allotted for dwelling remains unchanged, the extent of site for shop is stipulated as 30 sq.m in rural areas and 25 sq.m in urban areas.

34. The house site grant assistance is extended to BPL amongst the squatters and to those losing shops are provided with grant to reconstruct the shop.

## **8. Andhra Pradesh Government Order on Resumption of Assigned Lands**

35. The GoAP vide its order G.O. Ms. No. 1307 of Revenue (Assignment. I) Department, dated December 23, 1993 has stipulated that compensation for assigned lands, that are resumed for public purpose, are paid the market value for land on par with similar *pattadhar* land and with an additional 30 percent as solatium. The assignee is also entitled for compensation for any structure or well erected in the land. The order further explains that this payment is an ex-gratia payment and that the assignee will not have right to seek enhanced compensation through the court.

36. Since the RFCTLARR Act, 2013 provides for an enhanced solatium of 100 percent, the same would apply to assignees too.

## **9. ADB's Safeguard Policy Statement (SPS), 2009**

37. ADBs Safeguard Policy Statement (SPS) 2009 describes the policy objective, its scope and triggers and principles of (i) environmental safeguards; (ii) involuntary resettlement safeguards; and (iii) indigenous people's safeguards. The objectives of involuntary resettlement safeguards are: (i) avoid involuntary resettlement where possible; (ii) if avoidance is not possible, minimize involuntary resettlement by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

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

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

## **B. Comparison of Government and ADB Policies**

40. A comparison between Government Statutes and ADB's involuntary resettlement safeguards policy that provides gap-filling measures reflected in the entitlement matrix is presented as Appendix 2. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', which has integrated provisions of NRRP with that of LA Act 1894, recognises titleholders and non-titleholders affected by land acquisition. Wherein, the squatters, encroachers and those present in RoW and other government lands are excluded from the purview of the Act.

41. The key difference between the Government and ADB's involuntary resettlement safeguards policy is with regard to the cut-off date for determining the eligibility for compensation and R&R assistance to all those who are affected by the project irrespective of

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

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

### **C. Involuntary Resettlement Safeguard Principles for the Project**

43. 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, to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a census and socio-economic survey of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Adopt measures to avoid and minimize involuntary resettlement impacts by taking the following measures: (i) explore siting the subproject components in government land or locations which are less impacting; (ii) ensure use of appropriate technology to reduce land requirement; and (iii) modify the designs of subproject components to minimise land requirement and ensure involuntary resettlement is avoided or minimized.
- (iii) Where displacement is unavoidable, improve, or at least restore, the livelihoods of all displaced persons through: (i) land-based resettlement strategies, where possible, when affected livelihoods are land based, and when loss of land is significant, or cash compensation at replacement cost for land when the loss of land does not undermine livelihoods; (ii) prompt replacement of assets with access to assets of equal or higher value; and (iii) prompt compensation at full replacement cost for assets that cannot be restored.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

- (v) 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 at replacement value.
- (vi) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to national minimum standards or standard before displacement whichever is higher.
- (vii) Carry out meaningful consultations with displaced persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous peoples, and those without legal title to land, and ensure their participation in consultations.
- (viii) Prepare a resettlement plan elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, 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.
- (x) Pay compensation and provide all resettlement entitlements before physical or economic displacement and before commencement of civil works. Implement the resettlement plan under close supervision throughout project implementation.
- (xi) Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of displaced persons.
- (xii) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement<sup>4</sup> to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (xiii) Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

#### **D. Eligibility Criteria**

44. The displaced persons falling in any of the following three categories will be eligible for compensation and resettlement assistance in accordance with the principles of this RF:

- (i) those who have formal legal rights to land lost in its entirety or in part;

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<sup>4</sup> ADB SPS 2009 (Safeguards Requirements 2) does not apply to negotiated settlements. The policy encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, an independent external party will be engaged to document the negotiation and settlement processes. In cases where the failure of negotiations would result in expropriation through eminent domain or the buyer could acquire the property regardless of its owner's decision to sell it or not, will trigger ADB's involuntary resettlement policy. The Safeguard Requirements 2 will apply in such cases, including preparing a resettlement plan.

- (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.

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

#### **E. Entitlement Matrix**

46. In accordance with the R&R measures suggested for the project, all displaced households and persons will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts including socio-economic vulnerability of the displaced persons and measures to support livelihood restoration if livelihood impacts are envisaged. Unforeseen impacts will be mitigated in accordance with the principles of this RF. The displaced persons will be entitled to the following five types of compensation and assistance packages:

- (i) Cash compensation for the loss of land/ value of land, crops/ trees at their replacement cost;
- (ii) Cash compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- (iii) Cash compensation of loss of business/ wage income and income restoration assistance;
- (iv) Cash/ in kind assistance for shifting and provision for the relocation site (if required), and
- (v) Rebuilding and/ or restoration of community resources/facilities.

47. An Entitlement Matrix has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements; and is in compliance with National/State Laws and ADB SPS. The following entitlement matrix presents the entitlements corresponding to the tenure of the DPs.



**Table 2.1: Entitlement Matrix**

<b>Section I. TITLE HOLDERS - Loss of Private Property</b>			
Loss of Land (agricultural, homestead, commercial or otherwise)	1.1	Compensation for land at Replacement Cost or Land for land, where feasible.	<p>Land will be acquired by the competent authority in accordance with the provisions of RFCTLARR Act, 2013.</p> <p>Replacement cost for land will be the higher of the following: (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land situated in the nearest village or nearest vicinity, ascertained from the highest 50% of sale deeds of the preceding 3 years; or (iii) consented amount paid for PPP projects or private companies.</p> <p>In addition to the above, 100% solatium and 12% interest from date of notification<sup>5</sup> to award.</p> <p>The multiplier or factor adopted by GoAP<sup>6</sup> for land in rural area, based on the distance from urban area to the affected area, will be applied.</p> <p>In case of severance of land, the land owner will have the option of offering the unviable severed portion of the land for acquisition.</p>
	1.2	One-time payment of Rs.500,000 for each affected household, <b>or</b> , annuity policy that shall pay Rs.2000 per month for 20 years with appropriate indexation to CPIAL	
Loss of residential structure	2.1	<p>In addition to compensation for land and assistances listed above under S.No.1</p> <p>Cash compensation at scheduled rates for structure without depreciation and with 100% solatium</p>	<p>The value of houses, buildings and other immovable properties will be determined by R&amp;B Department on the basis of relevant R&amp;B (Buildings) Schedule of Rates (SoR) as on date, without depreciation.</p> <p>For partially affected structures, the AP will have the option of claiming compensation for the entire structure, if the remaining portion is unviable.</p>

<sup>5</sup> For the purpose computing the 12% interest on the market value, the competent authority will take the period from SIA notification [Sec 4(2)] to award or, from preliminary notification [Sec 11(1)] to award, as the case may be.

<sup>6</sup> Vide G.O.Ms. No. 389 of Revenue (Land Acquisition) Department, dated 20.11.2014.

	2.2	Right to salvage materials from affected structure	
	2.3	One time assistance of Rs. 25,000 to those who lose a cattle shed	
	2.4	An alternative house as per IAY specifications for those in rural areas who have to relocate; and a constructed house/flat of minimum 50 sq.m. for those in urban areas, or, cash in lieu of house if opted for (the cash in lieu of house will be Rs.100, 000 <sup>7</sup> in rural areas in line with GoI IAY standards, and Rs.150, 000 in case of urban areas, for those who do not have any homestead land and have been residing in the affected area continuously for a minimum period of 3 years.	Stamp duty and registration charges will be borne by the project in case of new houses or sites.
	2.5	One-time assistance of Rs. 25,000 for each affected family of an artisan or self-employed person who has to relocate.	
	2.6	One-time subsistence allowance of Rs.36, 000 for affected households who are required to relocate due to the project. In addition, subsistence grant of Rs. 50,000 for each affected Scheduled Tribe/Scheduled Caste family	
	2.7	Shifting assistance <sup>8</sup> of Rs.50,000 for affected households who require to relocate due to the project	
	2.8	One time Resettlement Allowance of Rs.50,000 for affected households who have to relocate	
	2.9	Additional one-time assistance of Rs.50, 000 to scheduled caste and scheduled tribe families who are displaced from	

<sup>7</sup> Under Indira Awas Yojana (IAY), GoI contribution is Rs.70, 000 and State contribution Rs.30, 000.

<sup>8</sup> To cover the cost of transportation of household articles and salvaged material from the structure.

		scheduled areas and who are required to relocate due to the project.	
	2.10	Registration cost and taxes associated with new house, if any, will be borne by the project.	
Loss of Commercial structure	3.1	In addition to compensation for land and assistances listed above under S. No.1:  Cash compensation for structure at scheduled rates without depreciation, with 100% solatium.	The value of commercial structures and other immovable properties will be determined by R&B Department on the basis of relevant R&B (Buildings) Schedule of Rates (SOR) as on date, without depreciation.  For partially affected structures, the AP will have the option of claiming compensation for the entire structure, if the remaining portion is not viable for continuing business.
	3.2	Right to salvage affected materials	
	3.3	Shifting assistance <sup>9</sup> of Rs. 50,000 for affected households who require to relocate due to the project	
	3.4	One time Resettlement Allowance of Rs. 50,000 for affected households who have to relocate and reconstruct the shop	
	3.5	Additional onetime assistance of Rs.50, 000 to scheduled caste and scheduled tribe families who are displaced from scheduled areas and who are required to relocate due to the project.	
Impact to tenants / leaseholders (residential / commercial /agricultural) / sharecroppers	<b>4.1</b>	<b>Residential</b>	
	4.1.1	Two months' notice to vacate the rented premises	
	4.1.2	For tenants who have to relocate, rental allowance for 2 months	
	4.1.3	Shifting assistance <sup>10</sup> of Rs.10,000	

<sup>9</sup> To cover the cost of transportation of household articles and salvaged material from the structure

<sup>10</sup> To cover the cost of transporting household articles and salvaged material from the structure

	<p><b>4.2 Commercial</b></p> <p>4.2.1 Two months' notice to vacate the rental premises</p> <p>4.2.2 For tenants who have to relocate, rental allowance for 2 months</p> <p>4.2.3 Shifting assistance<sup>11</sup> of Rs.10,000</p> <p><b>4.3 Agricultural Tenants</b></p> <p>4.3.1 In case of agricultural tenants, advance notice to harvest crops, or, compensation for lost crop at market value of the yield determined by the Agricultural Department</p>	
	<p><b>4.4</b> For all the above categories (residential/commercial/agricultural) of tenants/leaseholders/sharecroppers:</p> <p>4.4.1 In addition to the above, reimbursement for unexpired lease/advance rent paid, even if informal.</p> <p>4.4.2 Assistance to find new land/place for affected tenants/leaseholders.</p> <p>4.4.3 All the above provisions will apply to tenants/leaseholders/sharecroppers of negotiated land settlements as well as those affected by land acquisition.</p>	
Impact to trees, standing crops, other properties, perennial and non-perennial crops:	<p>5.1 Three months (90 days) advance notification for the harvesting of standing crops, or, lump sum equal to the market value of the yield of the standing crop lost determined by the Agricultural Department</p>	

<sup>11</sup> To cover the cost of transporting household articles and salvaged material from the structure

	5.2	Compensation for trees based on timber value at market price to be determined by the Forest Department for timber trees and by the Horticulture / Agriculture Department for other trees (perennial trees), with 100% solatium.	
	5.3	Loss of other associated properties such as irrigation wells will be compensated at scheduled rates of R&B Department (Buildings) Department, with 100% solatium.	
<b>Section II. NON TITLE HOLDERS - Impact to squatters / encroachers</b>			
Impact to Squatters	<b>6.1</b>	<b>Loss of Residential House</b>	Only directly affected squatters who live there will be eligible for all assistance.  Structure owners in RoW/government lands who do not live there and have rented out the structure will be provided compensation for structure and no other assistance will be provided them. The occupier (squatter-tenant) will be eligible for other assistances.
	6.1.1	Compensation for structure at scheduled rates without depreciation, with two months' notice to demolish the affected structure	
	6.1.2	Right to salvage materials from the affected house.	
	6.1.3	An alternative house for those who have to relocate, as per IAY specifications in rural areas and a constructed house/flat of minimum 50 sq.m. in urban areas, or, cash in lieu of house, if opted for (the cash in lieu of house will be Rs.100, 000 in line with Gol IAY standards in rural areas and Rs.150, 000 in case of urban areas), for those who do not have any homestead land and who have been residing in the affected area continuously for a minimum period of 3 years.	
	6.1.4	One-time subsistence allowance of Rs.18,000	
	6.1.5	Shifting assistance <sup>12</sup> of Rs.10, 000.	
	<b>6.2</b>	<b>Loss of Commercial shop</b>	Only directly affected squatters, who do business at the location, will be eligible for all assistance.  Structure owners in RoW/government land who do not run the business and have rented out
6.2.1	Compensation at scheduled rates without depreciation for structure with one-month notice to demolish affected structure		

<sup>12</sup> To cover the cost of transporting household articles and salvaged material from the structure

	6.2.2	Right to salvage materials from affected structure	the structure will be eligible for compensation for structure and no other assistance will be provided them. The occupier (squatter-tenant) will be eligible for one time subsistence allowance and shifting/relocation assistances.
	6.2.3	One time rehabilitation grant of Rs. 20,000 for reconstruction of affected shop or at the replacement cost which ever higher	
	6.2.4	One time subsistence allowance of Rs.18,000	
	6.2.5	Shifting assistance <sup>13</sup> of Rs.10,000	
	<b>6.3</b>	<b>Street Vendors</b>	The PIU and the implementation support NGO/agency will consult such DPs and assess the requirement of rehabilitation grant.
	6.3.1	One month's advance notice to relocate to nearby place for continuance of economic activity.	
	6.3.2	One time financial assistance of Rs.5,000	
	<b>6.4</b>	<b>Cultivation</b>	
	6.4.1	Two months' notice to harvest standing crops, or market value as compensation for standing crops, if such notice is not given.	
Impact to Encroachers	<b>7.1</b>	<b>Cultivation</b>	Market value for the loss of standing crops will be decided by the PIU, in consultation with the Agriculture or Horticulture Department.
	7.1.1	Two months' notice to harvest standing crops, or market value as compensation for standing crops, if such notice is not given.	
	<b>7.2</b>	<b>Structure</b>	
	7.2.1	Two months' notice to demolish the encroached structure	
	7.2.2	Compensation at scheduled rates without depreciation for the affected portion of the structure	The value of commercial structures and other immovable properties will be determined by R&B Department on the basis of relevant Schedule of Rates (SoR) as on date without depreciation.
<b>Section III. Loss of Livelihood Opportunities</b>			
Loss of income from commercial shop / business to titleholders	8.1	Shifting assistance <sup>14</sup> of Rs. 36,000 for affected business owner who require to relocate due to the project	If the business owner is different from the structure owner, the one-time grant for loss of livelihood will be paid to the business owner.
	8.2	One time grant of Rs.25,000 for affected business owners who are required to relocate due to the project	

<sup>13</sup> To cover the cost of transporting household articles and salvaged material from the structure

<sup>14</sup> To cover the cost of transportation of household articles and salvaged material from the structure

	8.3	Displaced families belong to scheduled Caste (SC) and Scheduled Tribe (ST) will received additional one time Rs 50,000 as subsistence allowance	
Loss of employment in non-agricultural activities or daily agricultural wages or other wage workers	9.1	<ul style="list-style-type: none"> <li>Subsistence allowance equivalent to applicable prevalent minimum wage for 6 months.</li> </ul>	Only agricultural labourers, who are in full-time / permanent employment of the land owner, or, full-time employees of affected businesses, will be eligible for this assistance. Seasonal agricultural labourers will not be entitled to this assistance.
<b>Section IV. Temporary Impacts</b>			
Temporary loss of land and damage to crops during erection of towers and drawing transmission / distribution lines	10.1	Titleholders will be entitled for one-time grant <sup>15</sup> of Rs.190, 000 for a 400kV, Rs. 99,500 for a 220kV and Rs. 55,000 for a 132kV tower erected in their land as compensation for diminution of land value to the land owner.	The landowner will have the right to use the land after civil works are completed, without causing damage to the tower or lines.
	10.2	For trees and crops, the landowner will be compensated at four times the rate fixed by Revenue Department vide their GO 357 of Revenue (LA) dated 23.03.2006 for loss of crops/trees, and land will be restored back to its original condition.	
	10.3	Non-titleholders will be given three months' notice to harvest standing crops.	

<sup>15</sup> The unit rate will be revised as and when the Chief Engineer, Construction, Transmission Corporation of Andhra Pradesh Limited (APTranco) revises the rate.

Temporary disruption to residences and shops during laying of transmission/distribution lines	11.1	<u>Residential</u> Temporary access to residences with adequate safety measures	<p>The project will provide alternate space in cases not involving permanent displacement.</p> <p>In the event that temporary displacement exceeds 3 months, monthly assistance will be payable at minimum wage rate for the duration of disruption.</p>
	11.2	<u>Commercial shops/vendors/kiosks</u> All temporarily disrupted commercial activities will be provided with alternative temporary space to enable continuity in economic activities	
	11.3	Compensation at the average net income/loss reported by similar types of affected businesses in the area for the period of disruption, or, three months of minimum wages whichever is more.	
<b>Section V. Impact to Vulnerable DPs</b>			
Vulnerable <sup>16</sup> Households ( affected by all type of impacts)	12.1	Training for skill development. This includes cost of training and financial assistance for travel/conveyance, food, and loss of wages for earning members for the duration of training.	<p>One adult member of the affected household, whose livelihood is affected, will be entitled for skill development.</p> <p>The PIU, with the support of the NGO appointed for RP implementation, will identify the number of eligible vulnerable displaced persons during joint verification and updating of the RP. The PIU will conduct training needs assessment in consultation with the APs so as to develop appropriate training programmes suitable to the skill and the region.</p> <p>Suitable trainers or local resource persons will be identified by PIU and NGO in consultation with local training institutes.</p> <p>Assistance to be provided by PIU and NGO to vulnerable households to find suitable jobs.</p>
	11.2	One time assistance of Rs.25,000 to AHs who have to relocate	
	11.3	Preference in employment in project construction activities, and project-related permanent employment and industries in GVMC/APIIC areas	
<b>Section VI. Impact During Civil Works</b>			

<sup>16</sup> Women Headed Households (WHH), households with physical/mentally disabled members, Antyodaya Anna Yojana (AAY) and Annapurna Scheme (AP) card holder households (i.e.) who come under BPL households, scheduled caste households and scheduled tribe households.



Impact to structure / assets / tree / crops	12.1	The contractor is liable to pay damages to assets/trees/crops in private/public land, caused due to civil works	The PIU will ensure compliance
Use of private land	13.1	The contractor should obtain prior written consent from the landowner and pay mutually agreed rental for use of private land for storage of material or movement of vehicles and machinery or diversion of traffic during civil works	
<b>Section VII. Common Property Resources</b>			
Impact to common property resources such as places of worship, community buildings, schools, etc.	14.1	Relocation or restoration, if feasible, or cash compensation at replacement cost.	The PIU will ensure that utilities are relocated prior to commencement of civil works in accordance with the civil works schedule.
Utilities such as water supply, electricity, etc.	15.1	Will be relocated and services restored prior to commencement of civil works.	
<b>Section VIII. Unforeseen Impacts</b>			
Unforeseen impacts encountered during implementation will be addressed in accordance with the principles of ADB SPS 2009.			

#### **F. Schedule for Compensation Payment and Resettlement Assistance**

48. Compensation for land, structure and loss of income/livelihood, in accordance with the eligibility and entitlement, will be paid prior to physical or economic displacement. One-time rehabilitation assistances and shifting assistances paid as cash will also be disbursed prior to civil works. However, any long term rehabilitation measures like training for skill development and annuity for life will continue for a longer period and such rehabilitation measures will not be a bar to commence civil works.

49. For DPs require relocation physical displacement and houses demolition can only be done after the relocation sites are ready for occupations, completed with the necessary household facilities (i.e. water, electricity) and access to markets, employments, school and health posts. Additional assistances for relocation and transports should also be provided prior to the relocation activity.

#### **G. Screening Criteria of Subprojects**

50. The respective PIUs viz. APTransco, APIIC, GVMC and APRDC, will be responsible for involuntary resettlement planning and implementation. The PIU will use the checklist given in Appendix 3 to screen subprojects to identify the resettlement impacts of the subprojects and involuntary resettlement impact categorisation. The PIU will submit the involuntary resettlement

impact categorisation checklist to ADB through PMU for each subproject along with the subproject appraisal note.

51. Based on the screening, the Project will be assigned to one of the following categories depending on the significance of probable involuntary resettlement impacts.

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

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

## H. Negotiated Settlement

53. The ADB SPS encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation<sup>17</sup> with displaced persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, in case of negotiated settlement, an independent external party<sup>18</sup> will be engaged by the PIU to document the negotiation and settlement processes. The principles of this RF with regard to meaningful consultation processes, mechanisms for calculating the replacement costs of land and other assets affected and record-keeping requirements, will be followed while handling Negotiated Settlement. If negotiation fails, the PIU will acquire land following the provisions of RFCTLARR Act and this RF.

54. The process of Negotiation involves the following steps: (i) negotiation will take place when there is a willing buyer – willing seller; (ii) consultation with the affected person has to be carried out and documented; (iii) the minimum negotiated price to start negotiations will be not below the valuation of land based on the market value of land; (iv) all the safeguards as mentioned in the RF has to be followed (v) all negotiations has to be carried out in a transparent manner and validated by a Third Party (eminent citizen / any party without any interest in the process, appointed by the PMU);(vi) in case of failure of negotiations compensation will be paid as outlined in the Entitlement Matrix of the RF and (viii) the entire process has to be documented. <sup>19</sup> 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. The

<sup>17</sup> A process that (i) begins early in the Project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

<sup>18</sup> An independent external party is a person not involved in the day-to-day implementation of the project and can include, for example, a local university professor, local NGO representative, etc.

<sup>19</sup> The sample TOR of third independent external party is in the Appendix 9 of this document.

land transfer and updated records of the purchased lands will have to be completed prior to the start of civil works. No negotiated purchase from vulnerable households shall be undertaken for the project.

### **I. Voluntary Land Donation<sup>20</sup>**

55. In many cases ADB funded projects are based on the concept of land donation. In the case of land donation which the community or affected person agrees to donate a part of their land for the project an independent external party will have to be engaged to ensure and validate these requirements: (i) The donation will not cause significant impacts on the livelihood of the donor(s) and the donor is fully understood on the value of their donated land(s); (ii) the donation does not come from the land owner categorized as poor or vulnerable family; (iii) the donation will not cause any economical or physical displacement (legal or illegal) of the current land users; (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s); and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The above information has to be included in a due diligence report to be prepared by the external party, preferably from reputed and qualified NGO, for ADB review and approval. The land transfer and updated records of the donated lands will have to be completed prior to the start of civil works. No land donation by vulnerable households shall be undertaken for the project.<sup>21</sup>

## **III. SOCIO-ECONOMIC INFORMATION**

### **A. Surveys**

56. On completion of the detailed engineering designs, a social impact assessment report and resettlement plan shall be prepared based on a census of the Displaced Persons (DPs) and socio economic survey of significantly impacted DPs. Social Impact Assessment (SIA) of the displaced persons will be undertaken in each subproject so as to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a resettlement and rehabilitation program for implementation.

57. The PIU either directly or through the Detailed Project Report (DPR) consultants or Turnkey Contractors will carry out the census and socio economic surveys based on the final design of the subproject.

58. Census Survey: The census survey will cover 100 percent of the DPs and shall be carried out using a structured questionnaire to record the details of the present occupants within the subproject area, the area required for siting all the components of the subproject. The census survey is undertaken to: (i) identify the displaced persons; (ii) prevent further influx of persons within the subproject area; (iii) to assess the magnitude of impact to private assets; and (iv) to assess the extent of physical and/or economic displacement.

59. Socio Economic Survey: The purpose of the baseline socioeconomic survey of significantly impacted DPs 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 shall cover all significantly impacted DPs and the survey shall also collect gender-disaggregated

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<sup>20</sup> This includes donation of other type of assets attached to the land.

<sup>21</sup> The sample TOR of third independent external party is in the Appendix 9 of this document.

data to address gender issues in resettlement. The socio economic survey shall be carried out using a structured questionnaire, that would capture details of standard of living, inventory of assets, sources of income, level of indebtedness, profile of household members, health and sanitation, access to services and facilities, perceived benefits and impacts of the project and resettlement preferences of all major impacted households likely to be displaced. This information along with the census survey data would facilitate the preparation of a resettlement plan to mitigate adverse impact.

60. As part of socio-economic survey, wide range of consultations with different impacted groups as well as other stakeholders will be conducted to ascertain their views and preferences. Based on the outcome of these consultations the designs changes, if required and if feasible, and mitigation measures will be incorporated. Consultations will include women and their concerns and reactions to the project will be addressed through appropriate mitigation plan.

61. Subprojects involving acquisition of private land and causes impact to non-titleholders who had been affected by the acquisition of such land and who have been living/working three years or more prior to the acquisition of the land, the scope of SIA provisions of RFCTLARR Act will apply. In such cases, the census and socio economic survey will be carried out in accordance with the provisions of the RFCTLARR Act.

62. Land Plan Schedule: Land Plan Schedule (LPS) to establish the ownership of land shall be prepared based on village maps, field measurement books (FMB) and Adangal (ownership details). Subproject components sited in government land will also require to establish that the ownership is vested with the government through preparation of the LPS. Wherever additional land is required, these LPS would provide the details of land owners and the extent of land being acquired as a percentage total land holding.

## **B. Resettlement Plan**

63. The Resettlement Plan (RP) will be prepared and updated/ finalized based on the findings of the census and socio economic survey and consultations. It will include the findings of the census of displaced persons, and their entitlements to restore losses, socio economic characteristics of the displaced persons, institutional mechanisms and implementation schedules, budgets, assessment of feasible income restoration mechanisms, development of resettlement sites and relocation, grievance redressal mechanism, coordination of implementation in conjunction with civil works procurement and construction schedules and internal and external monitoring mechanisms. The resettlement plan should be structured as per the outline in Appendix 4 and will be detailed as needed depending upon the magnitude and nature of impacts. The impacts and mitigation measures will be presented subproject component wise so to coordinate with the procurement and construction schedules of the respective components.

64. The resettlement plans will comply with the principles outlined in this RF and the final RP for subprojects under VCICDP will be reviewed and endorsed by the Asian Development Bank and approved by competent authority in the PIU prior to invitation of bids for civil works. Disbursement of compensation payments and resettlement and rehabilitation assistances will be made prior to displacement and prior to handing over of the land parcels to contractors for civil works.

### C. Gender Impacts and Mitigation Measures

65. Women Headed Households (WHH) have been categorised as vulnerable group in this RF. Any adverse impact of a subproject on women headed households will be addressed in accordance with the provisions of this RF. 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 should be ensured that gender impacts are adequately addressed and mitigated. Women's focus groups discussions should be conducted to address specific women's issues.

## IV. COMPENSATION, INCOME RESTORATION AND RELOCATION

### A. Valuation of Affected Land and Assets

66. Compensation for land and assets attached to the land: Land will be acquired in accordance with provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and while determining the compensation for land, the competent authority will be guided by the provisions of Sec 26, Sec 27, Sec 28, Sec 29 and Sec 30 of RFCTLARR Act, 2013. The compensation includes a multiplying factor<sup>22</sup> of 1-2 times of the compensation determined as the higher of guideline value or average of higher 50% of sale dead rates for last 3 years or any rates consented for PPP or private project's. In addition 100% solatium for involuntary acquisition of land will be added. There shall be no income tax deductions in line with Sec 96 of the RFCTLARR Act.

67. If the residual land, remaining after acquisition, is unviable, the owner of such land/property will have the right to seek acquisition of his entire contiguous holding/property. The competent authority will be guided by the opinion of the concerned authority on the viability of the residual land.

68. Compensation for structures: The replacement value of houses, buildings and other immovable properties will be determined on the basis of latest R&B (Buildings) Schedule of Rates (SoR) as on date without depreciation. While considering the SoR, the PIU will ensure that it uses the latest rates for the structures. Wherever the SoR for current financial year is not available, the PIU will update the SR to current prices based on approved previous year escalations. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self-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.

69. Further, all compensation and assistance will be paid to DPs at least 1 month prior to displacement or dispossession of assets. There shall be no income tax deductions in line with Sec 96 of the RFCTLARR Act.

70. Compensation for trees: Compensation for trees will be based on their market value. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops, fruit bearing trees will be decided by the PIU in consultation with the Departments of Forest, Agriculture and Horticulture. In line with the provision of RFCTLARR Act 2013, 100% solatium will be added to the assessed value of the trees. Prior to taking

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<sup>22</sup> Prescribed Vide G.O.Ms. No 389 of Revenue (Land Acquisition) Department, dated 20.11.2014

possession of the land or properties, the compensation will be fully paid and DPs will have the opportunity to harvest crops/trees within 30 days from the date of payment of compensation.

71. Right to salvage material: 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 30 days from the date of disbursement: otherwise, the same will be disposed by the project authority without giving any further notice. Trees standing on the land owned by the government will be disposed of through open auction by the concerned Revenue Department/ Forest Department.

72. Updating unit costs of entitlement: All unit costs of entitlement and assistances will be revised by PMU, based on Consumer Price Index for Agricultural Labourers (CPIAL) and communicated to all PIU for making payment as per the revised rates. The values/rates contained in this RF will be applicable until March 31, 2017. The updating will be done annually in the month of March and will become effective from the 1st day of April of that year.

Formula is  $x_i = x_j \times (y_i/y_j)$

Where  $x$  is the unit of entitlement

$i$  is the updating month and year

$j$  is February 2016

$y$  is the Consumer Price Index for Agricultural Labourers (CPIAL)

73. Rehabilitation and Resettlement Award: The PIU will conduct R&R award enquiry and pass a separate Rehabilitation and Resettlement Award in accordance with the provisions [Sec 31(2)] of RFCTLARR Act, listing the names of displaced persons and their entitlements as per the provisions of this RF. The same will be displayed in prominent places such as the office of the local body concerned and office of the PIU. Wherever, the subproject involves non-titleholders, the R&R award enquiry for non-titleholders will be held separately without clubbing it with the R&R award enquiry of titleholders, to avoid misgivings as to the entitlements.

## **B. Income Restoration and Relocation**

74. Income Restoration: Each DP whose income or livelihood is affected by a subproject 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/state minimum standards or pre-project levels, whichever is higher. DPs access to basic utilities and public services will be ensured. The results of the census and socioeconomic survey will be used as baseline to develop appropriate income restoration schemes in consultation with DPs and considering their resource base, existing skills and availability of market/demand for the same. During the joint verification, the PIU with support from the implementation support NGO/agency will identify the number of eligible economically displaced persons and vulnerable DPs requiring assistance for income restoration and skill development. The census and socio economic survey undertaken during DPR stage and updated subsequently, as required, will form the baseline data for joint verification and conducting a training need assessment in consultations with the DPs so as to develop appropriate income restoration schemes. The PIU with support of the implementation support NGO/agency or PMSC experts, will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by PIU and implementation support NGO/agency in consultation with local training institutes. The PIU and implementation support NGO/agency will also facilitate DP to access

Government schemes that could help them to restore income and livelihood. The PIU will closely monitor and ensure the vulnerable DPs to have long term job employment in any Government institutions as appropriate with their residential locations.

75. Further, the entitlement matrix contained in this RF provides for subsistence allowance as a short-term measure to support the DPs during the intervening period from displacement to reestablishing the income generating activity.

76. Development of Resettlement Sites: While selecting the resettlement site the suitability for housing purpose, land ownership and use will be verified. Only those sites which are suitable for housing and amenable for issue of titles will be selected. If Government lands are not available, then private land acquisition will be initiated. The suitability of sites for housing will be confirmed from the District Administration and title will be issued to the DPs prior to the commencement of construction of houses. In case of resettlement sites, the minimum facilities described in Second Schedule of the RFCTLARR Act, 2013 will be provided. Consultations with the displaced families will be held to ascertain their acceptance. The resettlement sites will be developed if more than 20 displaced families are displaced in a continuous stretch of 5 Kms. In other cases individual sites will be offered. Displaced families will be given the option of getting a house or cash in lieu of house and based on options exercised by the affected people, resettlement sites or house sites will be developed.

77. The PIU and implementation support NGO/agency involved in the RP implementation, during the joint verification stage, will consult all DPs eligible for alternate housing, and seek their preference on whether they would like to move into a resettlement site, developed in accordance with the provisions of the Third Schedule of the RFCTLARR Act, or would prefer to relocate themselves to their place of choice. Upon obtaining the choice from the eligible DPs and if adequate number of DPs have opted for moving into a resettlement site, the requirement for resettlement site will be submitted to the jurisdictional Joint Collector for identification of suitable site. If no government land is identified within 1-month, the PIU will initiate steps to acquire suitable land for the same through the jurisdictional Joint Collector.

78. The land obtained/acquired for resettlement site will be provided with all amenities and facilities as stipulated in the Third Schedule of the RFCTLARR Act and plots will be allotted to the DPs through public draw of lots and title will be issued to the DPs. The DPs will be provided with built house in accordance with the provisions of the RFCTLARR Act and this RF. The stamp duty and registration charges for the house site and built house will be borne by the project. In case of resettlement sites that are situated close to existing villages or urban areas, appropriate measures will be taken to integrate the host population and enhance the various common facilities for smooth integration of host population with re-settlers. Wherever houses or house sites are provided to the DPs, the same may be registered jointly in the name of the wife and husband and title will be issued in the name of the wife/women and the husband.

## **V. CONSULTATION, PARTICIPATION AND DISCLOSURE**

### **A. Meaningful Consultations**

79. ADB's SPS defines meaningful consultation as a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged

and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

80. Consultations will be undertaken with the DPs, their host communities and civil society for every subproject identified as having involuntary resettlement impacts. Consultation will be undertaken from design stage and continue throughout the resettlement plan implementation. The consultation process established for the project will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project preparation, such as in-depth interviews, public meetings, and group discussions.

81. Particular attention will be paid to the need of the disadvantaged or vulnerable groups, especially those below poverty line, the landless, the elderly, female headed households, women and children, Indigenous People/ Scheduled Tribes (if any), and those without legal title to land. The key informants to be consulted, during the project preparation phase and during the RP updating and implementation, shall include the following stakeholders:

- (i) Heads and members of households likely to be displaced
- (ii) Physically and economically displaced households belonging to the vulnerable groups
- (iii) Host communities
- (iv) Women in the displaced as well as host communities
- (v) Local self-government leaders, and,
- (vi) Government line departments.

82. Each subproject resettlement plan will be prepared and implemented in close consultation with the key stakeholders. Women's participation will be ensured by involving them in public consultation at various level and stages of project preparation, which would enhance their ability to attend such meetings. The PIU will ensure that views of the DPs, particularly those vulnerable and women, related to the resettlement process are looked into and addressed. The PIU will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated or not incorporated with reasons thereof. PIU will ensure that resettlement assistance and income rehabilitation program will be designed in close consultations with the physically and economically displaced people and monitor the result of such program to ensure none of them will be worse off due to the project activities.

## **B. Information Dissemination and Resettlement Plan Disclosure**

83. Information will be disseminated to DPs at various stages. In the subproject initiation phase, the PIU will be responsible for issue of public notice to acquire particular land/property for the subproject components along with project information/details. The notice will be published once in local newspapers. The PIU along with local self-government leaders/revenue officials will also conduct meetings with DPs in addition to the public notification to ensure that the information is given to all of them.

84. For the benefit of the community in general and DPs in particular, a summary of this RF will be made available in local language during public meetings at the community level, and be disclosed in public places both as draft and final version after it is approved by Government.



85. Each subproject resettlement plan will be disclosed to the displaced community detailing information including measurement of losses, detailed asset valuations, entitlements, grievance procedures, timing of payments and displacement schedule by the PIU, with assistance from the NGO/agency hired for assisting in RP implementation. This will be done through public consultation and made available as brochures, leaflets, or booklets, using local languages.

86. Gist of each RP will be translated and made available to the DPs. Hard copies of the resettlement plan will also be made available at: (i) Offices of the PIU; (ii) Office of the District Collectors; (iii) Taluk Office; and (iv) Office of the Panchayat / Union / Municipality / Corporation, as soon as the plans are available and certainly before land is acquired for the project. A report of disclosure, giving detail of date and location, will be shared with ADB along with the Quarterly Progress Report (QPR). The basic information in the resettlement plan including subproject components, locations, magnitude of impact, entitlements, implementation schedule etc. will be presented in the form of a brochure that will be circulated among the DPs.

87. Electronic version of the RF as well as the RPs, and the translation of them, will be placed on the official website of the PIU, after approval by ADB and endorsed by PMU, GoAP. In addition, all safeguard documents including the quarterly progress reports and concurrent monitoring reports, impact evaluation reports, list of eligible DPs will be disclosed. The RF and RPs will be maintained throughout the life of the project. A public consultation and disclosure plan will be finalised by PIU for the subproject as per the tentative schedule given in the following table.

**Table 5.1: Public Consultation and Disclosure Plan**

Activity	Task	Responsible Agencies	Communication Method
Screening of subproject and stakeholder Identification	Identifying subproject components involving IR impacts and assessment of likely impact	PIU	-
Census and Socio-economic survey	Identifying final DPs and collection of socioeconomic information from each DP. Carrying out meaningful consultations to capture issues and concerns of people and incorporate in the design.	PIU / DPR Consultants/ Turnkey contractors/ PMSC experts	Individual interviews, FGDs and public consultation meetings
Notification for LA	Publish list of affected lands/sites in a local newspaper	PIU / Competent authority	Newspaper advertisements and issue of individual notice
Web disclosure of the RF/RP	RF and final RPs posted on PIU website	PIU	Website of PIU
RP disclosure meetings	Carryout consultations with DPs on magnitude of impact, entitlement, implementation arrangement and GRC	PIU / NGO/ Turnkey contractors/PMSC experts	FGDs and public consultation meetings
Hearing of objections on LA	Hearing of DPs objections / concerns of acquisition, ownership, apportionment, valuation, etc., pertaining to LA	Jurisdictional RDO	Individual hearing
Consultative meetings on resettlement mitigation measures outline in the RF/RP	Discuss entitlements, compensation rates, and grievance redress mechanisms.	PIU / NGO/ Turnkey contractors/PMSC experts	FGDs and public consultation meetings
RF/RP information Dissemination	Distribution of information leaflets containing gist of the RF and RP in Telugu language to displaced	PIU / / Turnkey contractors/PMSC experts/ NGO	Individual meetings

Activity	Task	Responsible Agencies	Communication Method
	persons (DPs)		
Project information dissemination	Project commencement details and scheduling of civil works	PIU / NGO/ Turnkey contractors/PMSC experts	Hand-outs and Individual meetings
Consultation with DPs	Throughout during RP implementation and formal consultation meetings to be held at least once in every quarter	PIU / NGO/ Turnkey contractors/PMSC experts	FGDs, individual meetings and public consultation meetings
Dissemination of monitoring reports	Internal and external monitoring reports will be uploaded in the website of PIU along with corrective actions taken, if any.	PIU	Website of PIU
Dissemination of GRC actions	Summary of complaints received and action taken will be uploaded in the website of PIU	PIU	Website of PIU

## VI. GRIEVANCE REDRESSAL MECHANISM

### A. Common Grievance Redress Mechanism

88. Project grievance redress mechanism will be established to evaluate, and facilitate the resolution of APs' concerns, complaints, and grievances related to social and environmental issues of the project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project.

89. A common GRM will be in place for social, environmental, or any other grievances related to the project. Every grievance shall be registered and careful documentation of process with regard to each grievance undertaken, as explained below. The PIU environmental and social safeguards officers will have the overall responsibility for timely grievance redress on environmental and social safeguards issues, including keeping and maintaining the complaint and redress records. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated.

90. Affected persons will have the flexibility of conveying grievances/suggestions by sending grievance redress/suggestion in writing, through telephone call to Divisional Engineer (DE), GVMC/ AT Transco/ APRDC/ APIIC PIU's safeguard manager, or by filling forms for complaints/suggestion by email in the VCICD Project site to be installed under the AP Transco/ APRDC/ APIIC/ GVMC websites. The RF provides the sample grievance registration form. Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. The PIUs' safeguard officers will have the overall responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party.

### B. Grievance Redressal Committee

91. Grievance Redressal Committee (GRC) will be established at two-levels, one at district level and another at state/PMU level, to receive, evaluate and facilitate the resolution of displaced persons concerns, complaints and grievances. The GRC will provide an opportunity to the APs to have their grievances redressed prior to approaching the jurisdictional sub court. The

GRC is aimed to provide a trusted way to voice and resolve concerns linked to the project, and to be an effective way to address affected person's concerns without allowing it to escalate resulting in delays in project implementation.

92. The GRC will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The GRC is not intended to bypass the government's inbuilt redressal process, nor the provisions of the statute, but rather it is intended to address displaced persons concerns and complaints promptly, making it readily accessible to all segments of the displaced persons and is scaled to the risks and impacts of the project.

93. The district level GRCs will function out of each District where the subproject is being implemented. The GRC will be Chaired by Joint Collector and comprising of the Divisional Engineer acting as its member secretary and the following members: (i) RDO/Sub Collector of the division; (ii) Project Director, DRDA; (iii) Chief Executive Officer, Zilla Parishad; (iv) District Panchayat Officer; (v) District Education Officer; (vi) District Medical and Health Officer; (vii) District Level representative of DISCOM; and (viii) Superintendent, RWS Panchayat Raj Department.

94. The Project Director, PMU will be the appellate authority who will be supported by the PMSC and Safeguard Officer of PMU, and concerned PIUs to make final decisions on the unresolved issues.

95. **Grievance redress process.** In case of grievances that are immediate and urgent in the perception of the complainant, the contractor and PMSC on-site personnel will provide the most easily accessible or first level of contact for quick resolution of grievances. Contact phone numbers and names of the concerned Divisional Engineer, PIU safeguard officers and contractors will be posted at all construction sites at visible locations. The PIU safeguard officers will be responsible to see through the process of redressal of each grievance.

- (i) **1<sup>st</sup> Level Grievance.** The phone number of the PIU office should be made available at the construction site signboards. The contractors, DE and PIU safeguard officers can immediately resolve on-site in consultation with each other, and will be required to do so within 7 days of receipt of a complaint/grievance.
- (ii) **2<sup>nd</sup> Level Grievance.** All grievances that cannot be redressed within 7 days at field/ward level will be reviewed by the PIU level grievance redress committee (GRC) with support from PIU safeguard officers and PMSC environment and resettlement specialists. PIU level GRC will attempt to resolve them within 15 days.
- (iii) **3<sup>rd</sup> Level Grievance.** The PIU safeguard officers will refer any unresolved or major issues to the PMU/State-level GRC, who in consultation with PIU will resolve them within 15 days.

96. Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage, and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

97. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB India Resident

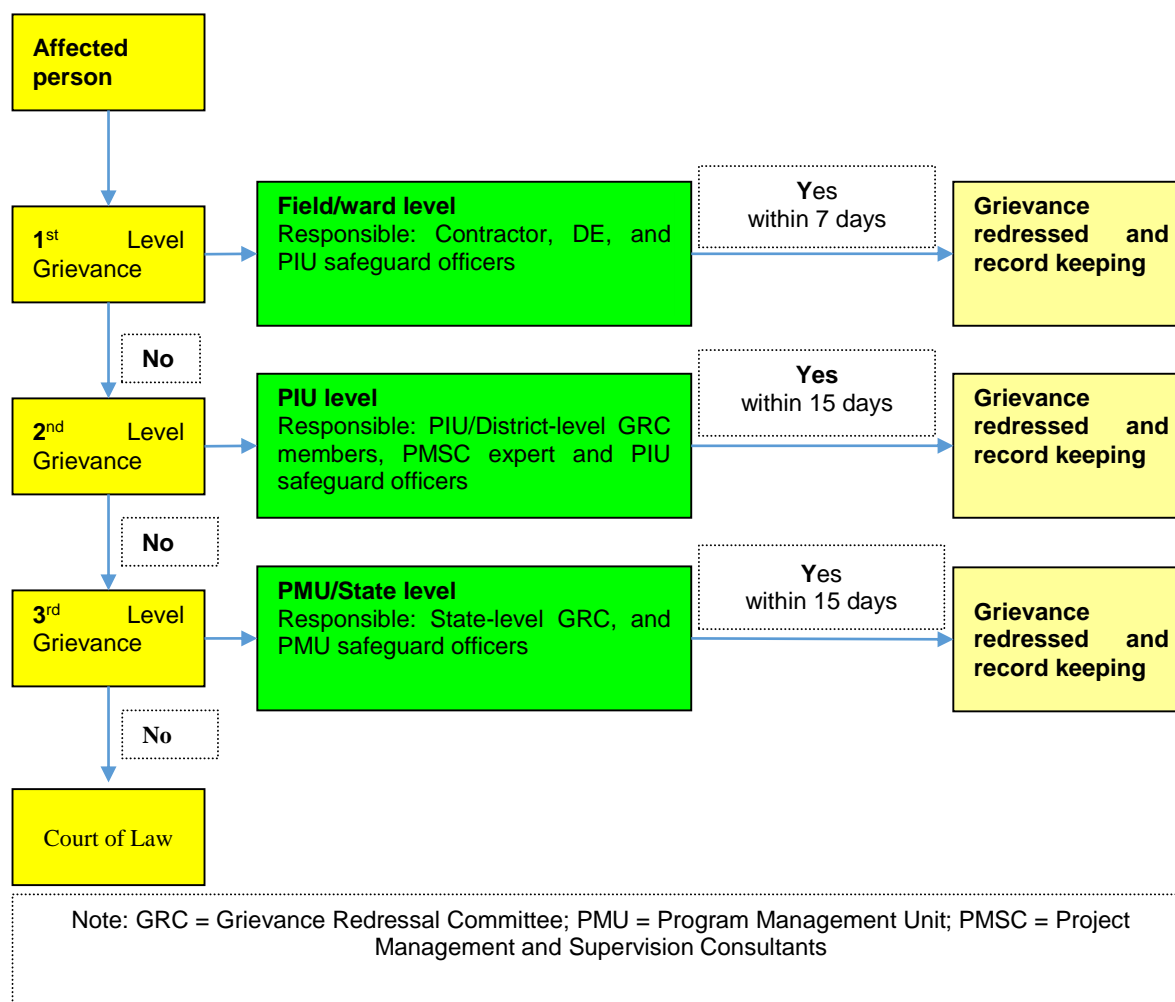
Mission (INRM). The complaint can be submitted in any of the official languages of ADB's developing member countries. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

98. **Record keeping.** Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were effected and final outcome will be kept by PMU. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMU office, and on the web, as well as reported in the semi-annual social and environmental monitoring reports to be submitted to ADB.

99. **Periodic review and documentation of lessons learned.** The PMU, and PIUs, supported by the PMSC specialist will periodically review the functioning of the GRM and record information on the effectiveness of the mechanism, especially on the PIU's ability to prevent and address grievances.

100. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the respective PIUs; while costs related to escalated grievances will be met by the PMU. Cost estimates for grievance redress are included in resettlement cost estimates. The grievance redress process is shown in Figure 1.

**Figure 1: VCICDP Grievance Redress Mechanism**



101. The GRCs will continue to function throughout the project duration.

## VII. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

### A. Project Management Unit

102. The State of Andhra Pradesh through the Department of Industries (DoI) will be the Executing Agency (EA) for the project and the Project Director, Directorate of Industries will head the Project Management Unit (PMU) and will be in charge of overall coordination between the various Project Implementation Units (PIU) and in prioritising subprojects for subsequent tranches based on social safeguards compliance. A Project Steering Committee will be established to advise the PMU on policy, monitor the implementation of the Investment Program, and coordinate with PIUs on cross-cutting issues.

103. The Social Safeguards and Gender Officer (SSGO) in the PMU with assistance from PMSC Social safeguards consultant will:

- (i) update resettlement plans<sup>23</sup> in accordance with VCICDP RF, ADB's Safeguards Policy Statement (SPS, 2009) based on final detailed designs and submit to ADB for review, final approval, and disclosure prior to award of contract;
- (ii) Review and submit the final RPs from PIUs to ADB for review and disclosure;
- (iii) ensure payment of compensation, readiness of relocation sites and R&R assistances prior to commencement of civil works and physical and economic displacement of the affected people;
- (iv) monitor resettlement plan implementation and rehabilitation of displaced persons prior to and during construction;
- (v) conduct internal monitoring and assist the external monitor in external monitoring of the resettlement process to ensure smooth implementation;
- (vi) Closely monitor and evaluate the status of socio economic of the affected people in each subproject as reported in the monthly progress report from PIU, especially vulnerable/poor people that will experience (1) physical/economical displacements from road subprojects; (2) the acquisition of assigned lands for substations; or (3) losing value of the lands due to the construction of the transmission towers. If the affected households are becoming economically worse off due to the subproject activities corrective action plan will have to be prepared and implemented to bring back the economic status of the affected households into pre project level;
- (vii) monitor the work of nongovernmental organization (NGO) or External Monitoring Agency recruited by the PIU/PMU;
- (viii) review quarterly resettlement monitoring reports prepared by resettlement agency if applicable and take required corrective actions, if any and consolidate the reports of Category B or C subprojects;
- (ix) Monitor the implementation of the corrective action plan (CAP) prepares by the PIU for any unanticipated involuntary resettlement impacts or unforeseen negative impacts to the APs consistent with the safeguard framework and principles;
- (x) assist and address escalated grievances through the GRM in a timely manner, and taking quick corrective actions where necessary to facilitate the redressal of grievances;
- (xi) Assist PIU safeguard manager to engage in ongoing meaningful consultations with stakeholders and affected persons;
- (xii) responsible for the implementation of project GRM and maintain the records;
- (xiii) for all Category A subprojects, recruit independent external monitoring agency with endorsement from ADB;
- (xiv) ensure project compliance to resettlement framework of VCICDP and ADB Safeguards Policy Statement including safeguards requirement on indigenous people and Indigenous Peoples Development Framework;
- (xv) prepare and submit semi-annual safeguard monitoring report to ADB based on the quarterly social safeguard/involuntary resettlement reports submitted by PIUs or resettlement NGO.

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<sup>23</sup> ASTo ensure policy compliance, easy monitoring and practical implementation, RP updating of this subproject can be prepared based on the component/section wise upon the completion of final detail engineering design of the relevant section/component

## B. Project Implementation Unit

104. Project Implementation Units (PIU) will be set up in each of the implementing agencies. The road subprojects will be implemented by Andhra Pradesh Road Development Corporation (APRDC) PIU; the energy subprojects will be implemented by Andhra Pradesh Transmission Corporation (APTransco) PIU; the infrastructure subcomponents proposed in the industrial estates/special economic zones will be implemented by Andhra Pradesh Industrial Infrastructure Corporation (APIIC) PIU; and urban infrastructure subprojects in Greater Vishakhapatnam Municipal Corporation (GVMC) area will be implemented by GVMC PIU. The respective PIUs will be responsible for screening subprojects, categorisation based on IR/IP impacts, conducting the social assessment, preparation and implementation of Resettlement Plans (RPs)/Indigenous Peoples Plan (IPP) as required, and as outlined in this Resettlement Framework (RF).

105. Andhra Pradesh Road Development Corporation: The road subprojects will be implemented by Andhra Pradesh Road Development Corporation (APRDC) and the Social Management Unit (SMU) comprising of the Sociologist (R&B) and Deputy Collector (R&B), at the head office of APRDC in Hyderabad, will be responsible for subproject compliance to social safeguards and concurrent internal monitoring of RP/IPP implementation.<sup>24</sup> The role is to implement the policies and operational procedures of Resettlement Framework (RF) and Indigenous People Plan (IPP), and requirements under the Gender Equity and Social Inclusion Plan (GESI).

106. The following are the envisaged responsibilities of the sociologist:

- (i) Update the draft RP(s)<sup>25</sup> and preparation of RP(s) implementation plan in consultation with affected people and the project manager;
- (ii) Recruit and oversee the performance of implementation NGO;
- (iii) Mobilize community and initiate public consultations in coordination with the PMU including public dissemination of project GRM ;
- (iv) Ascertain the extent of private land to be acquired and extent of government to be transferred and liaison with the jurisdictional RDO and concerned government departments in getting possession of the same.
- (v) Initiate engagement of an RP implementation support NGO/agency to assist the field units in RP implementation.
- (vi) Review and approve micro plans, containing the list of DPs and their entitlements, prepared by field units.
- (vii) Translate and disclose the final RPs/ micro plans into language and forms that are appropriate and understood by the affected people;
- (viii) Obtain necessary approval for the micro plans and make necessary funds available for disbursement and for development of resettlement sites.
- (ix) Coordinate with Joint Collector and field units in identifying suitable land for resettlement sites and monitor the progress of development of site and relocation of DPs.
- (x) Prepare, review, certify progress and compliance of RP implementation to the project manager/ Superintending engineer;

<sup>24</sup> The Social Safeguards Specialist/Sociologist of APRDC currently working on a World Bank Project will coordinate all social aspects of the VCICDP APRDC projects.

<sup>25</sup> To ensure policy compliance, easy monitoring and practical implementation, RP updating of this subproject can be prepared based on the component/section wise upon the completion of final detail engineering design of the relevant section/component

- (xi) Closely monitor and evaluate the status of socio economic of the affected people in each subproject as reported in the monthly progress report from PIU, especially vulnerable/poor people that will experience permanent physical/economical displacements from road subprojects. If the affected households are becoming economically worse off due to the subproject activities corrective action plan will have to be prepared and implemented to bring back the economic status of the affected households into pre project level;
- (xii) Ensure that disbursement decision takes into account the successful completion of the RP, GESI and IPP implementation.
- (xiii) Ensure complete payment, readiness of relocation sites and the required resettlement assistance provided to the identified APs **prior to** economic and physical displacement and starts of civil works/awards of contracts in the affected areas;
- (xiv) Prepare and submit monthly social safeguard implementation and progress reports to PMU
- (xv) Undertake internal monitoring of the progress made in RP implementation through the NGO and take necessary corrective actions, if required.
- (xvi) Participate, facilitate on the implementation of project GRM and problem solving
- (xvii) Maintain RP(s) and GRM data base; and
- (xviii) Ensure submission of final RPs to PMU for ADB review, approval and disclosure

107. Andhra Pradesh Transmission Corporation: The energy subprojects will be implemented by Andhra Pradesh Transmission Corporation (APTransco). The subprojects of APTransco involve construction of substations, transmission towers and drawing/laying of transmission and distribution cables. The jurisdictional Assistant Divisional Engineer (ADE) will be designated Safeguard Manager, Social and Gender and will be responsible for social safeguards compliance. The Safeguard Manager (SM), Social and Gender at APTransco PIU will be responsible for subproject compliance to social safeguards and concurrent internal monitoring of RP implementation. The PIU will use the services of safeguards personnel from PMU and PMSC for support, as AP Transco will be developing infrastructure on land transferred by agencies such APIIC/ Government. The role of APTransco PIU related to social safeguards is to implement the policies and operational procedures of Resettlement Framework (RF) and Indigenous People Plan (IPP), and requirements under the Gender Equity and Social Inclusion Plan (GESI).

108. The following are the specific responsibilities of the Safeguards Manager (Social and Gender):

- (i) Update the prepared draft RP(s)<sup>26</sup> and preparation of RP(s) implementation plan in consultation with the project manager;
- (ii) Monitor and initiate public consultations in coordination with the PMSC experts/ Turnkey contractors and PMU including public dissemination of project GRM ;
- (iii) Conduct meaningful consultation with the vulnerable groups for the design and implementation of livelihood rehabilitation/income restoration program;
- (iv) Prepare, review, certify progress and compliance of RP(s) implementation to the project manager/ Superintending engineer;
- (v) Ensure that disbursement decision takes into account the successful completion of the RP, GESI and IPP implementation.

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<sup>26</sup> See footnote number 33.



- (vi) Ensure complete payment and the required resettlement assistance provided to the identified APs **prior to** economic and physical displacement and starts of civil works/awards of contracts in the affected areas;
- (vii) Monitor the socio economic status of the vulnerable people losing their access to assigned lands or diminution of land value due the constructions of substations and transmission towers. If negative impacts are identified prepare the necessary corrective action plan to bring back their socio economic status to the pre project level;
- (viii) Prepare and submit monthly social safeguard implementation and progress reports to PMU;
- (ix) Participate, facilitate on the implementation of project GRM and problem solving;
- (x) Maintain RP(s) and GRM data base; and
- (xi) Ensure submission of final RPs to PMU for ADB review, approval and disclosure

109. Andhra Pradesh Industrial Infrastructure Corporation: The infrastructure subcomponents proposed in the industrial estates/special economic zones will be implemented by Andhra Pradesh Industrial Infrastructure Corporation (APIIC). The Deputy Zonal Manager (Electrical) at head office of APIIC at Hyderabad will be designated as the Safeguard Manager (SM), Social and Gender and will be responsible for social safeguards compliance. The role of the SM is to implement the policies and operational procedures of Resettlement Framework (RF) and Indigenous People Plan (IPP), and requirements under the Gender Equity and Social Inclusion Plan (GESI).

110. The following are the specific responsibilities of the Safeguard Manager:

- (i) Update/confirm the prepared draft RP(s)/Due Diligence Reports<sup>27</sup> based on detailed design and reflecting any design changes and/or site changes; and preparation of RP(s) implementation plan in consultation with the project manager;
- (ii) Mobilize community and initiate public consultations in coordination with the PMU including public dissemination of project GRM ;
- (iii) Prepare, review, certify progress and compliance of RP(s) implementation to the project manager/ Superintending engineer;
- (iv) Ensure that disbursement decision takes into account the successful completion of the RP, GESI and IPP implementation.
- (v) Ensure complete payment and the required resettlement assistance provided to the identified APs **prior to** economic and physical displacement and starts of civil works/awards of contracts in the affected areas;
- (vi) Prepare and submit monthly social safeguard implementation and progress reports to PMU;
- (vii) Participate, facilitate on the implementation of project GRM and problem solving;
- (viii) Maintain RP(s) and GRM data base; and
- (ix) Ensure submission of final RPs to PMU for ADB review, approval and disclosure

111. The Land Acquisition Officer (LAO) in APPIC, a retired officer of joint collector cadre, will be responsible for land acquisition involved in subprojects, if any. The LAO will ascertain the extent of private land to be acquired and extent of government to be transferred and liaison with the jurisdictional RDO and concerned government departments in getting possession of the same.

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<sup>27</sup> See footnote number 33

112. **Greater Vishakhapatnam Municipal Corporation:** The urban infrastructure subprojects in Greater Vishakhapatnam Municipal Corporation (GVMC) area will be implemented by GVMC. A Project implementation unit (PIU) will be established in GVMC. The Executive Engineer (Projects) at head office of GVMC at Vishakhapatnam will be designated as the Safeguard Manager (SM), Social and Gender and will be responsible for social safeguards compliance. The role of the SM is to implement the policies and operational procedures of Resettlement Framework (RF) and Indigenous People Plan (IPP), and requirements under the Gender Equity and Social Inclusion Plan (GESI). The following are the responsibilities of the SM related to RP implementation:

- (i) update resettlement plans in accordance with VCICDP RF, ADB's Safeguards Policy Statement (SPS, 2009) based on final detailed designs with supports from PMSC and/or turnkey contractors;
- (ii) submit the final RPs to PMU to be submitted to ADB for review, final approval, and disclosure prior to award of contract
- (iii) the implementation of R&R activities in coordination with line departments and revenue officials;
- (iv) prepare and review of individual entitlement plans/micro plans or implementing RP and submit for approval;
- (v) identify suitable land for the resettlement/relocation area in coordination with District administration and initiate transfer/acquisition process, after receiving endorsement for the physically displaced persons;
- (vi) supervise the contractor in RP implementation, in particular, implementation of impact avoidance and mitigation measures;
- (vii) assisting in disbursement of compensation and resettlement assistances;
- (viii) holding periodical and meaningful consultations with the affected people on implementation of LA and R&R activities;
- (ix) Closely monitor and evaluate the status of socio economic of the affected people in each subproject as reported in the monthly progress report from PIU, especially vulnerable/poor people that will experience permanent physical/economical displacements If the affected households are becoming economically worse off due to the subproject activities corrective action plan will have to be prepared and implemented to bring back the economic status of the affected households into pre project level;
- (x) preparing monthly RP implementation and physical and financial progress reports;
- (xi) lead the GRM implementation and record keeping at the project/district/PIU level;
- (xii) updating payment of compensation, disbursement of resettlement assistances, DPs socio-economic data in the database; and
- (xiii) verification of claims for inclusion as DPs and submit report to PMU for decision.
- (xiv) Prepare and implement any corrective action plan (CAP), when required, consistent with the frameworks requirements.
- (xv) Ensure submission of final RPs to PMU for ADB review, approval and disclosure

### **C. NGO/Agency for RP Implementation Support**

113. The implementation of the R&R provisions will be carried out by jurisdictional Administrator with the support of the respective PIUs. Wherever subprojects involve IR impacts, the PIUs will engage implementation support NGO/agency, who have had experience in implementing RPs and experienced in working on similar infrastructure development projects. The NGOs to be engaged will have proven experience in carrying out resettlement and

rehabilitation activities and community development and consultations in projects of similar nature, preferably in Andhra Pradesh or in any State.

114. The NGO/agency will play a key role in the implementation of the RP. Their tasks will include the final verification of DPs, consultations, establishment of support mechanisms and facilitate the delivery of the rehabilitation assistances as per the RP provisions and to ensure that the DPs receive all the entitlements as per the R&R policy of the project.

115. Key activities of the NGO in relation to resettlement planning and implementation include: (i) assist PIU in verification and updating, if required, the detailed census and socio-economic survey of displaced persons carried out during DPR preparation based on detailed design, and verify the identity of below poverty line, female-headed, and other vulnerable households affected by land acquisition and involuntary resettlement and issue ID cards; (ii) prepare micro plan and get vetted by PIU; (iii) facilitate the process of disbursement of compensation to the DPs – coordinating with the PIU and informing the displaced persons of the compensation disbursement process and timeline; (iv) assist DPs in opening bank accounts explaining the implications, the rules and the obligations in having a bank account, process of disbursement adopted by the Administrator and how s/he can access the resources s/he is entitled to; (v) assist the DPs in ensuring a smooth transition (during the part or full relocation of the affected persons), helping them to take salvaged materials and shift; (vi) in consultation with the DPs, inform the PIU about the shifting dates agreed with DPs in writing and the arrangements they desire with respect to their entitlements; (vii) organize training programs to the vulnerable for income restoration; (viii) conduct meaningful consultations throughout the RP implementation and ensure disclosure of the gist of resettlement plans in an accessible manner to the displaced persons; (ix) assist DPs in grievance redressal process; (x) assist PIU in keeping detailed records of progress and monitoring and reporting system of RP implementation; (xi) act as the information resource center for community interaction with the project and maintain liaison between community, contractors, project implementing units and the administrator, during the execution of the works; and (xii) monitor the socio economic condition of the displaced households to ensure that they will not be worse off due to the subproject activities and prepare the necessary recommendation/corrective actions to the PIU/PMU safeguard officer. Terms of reference for the recruitment of a NGO/agency for RP implementation support is given in Appendix 5.

#### **D. External Monitoring Agency**

116. External monitoring will be needed for subprojects under Category A for involuntary resettlement impacts. In the event such impacts are identified during project implementation in any subprojects of this investment, qualified and reputable external Monitoring agency will be engaged for monitoring. The draft sample ToR for External Monitoring Agency attached in this RF will be finalized by PMU safeguard officer supported by PIU safeguard manager/PMSC experts.

117. After the implementation of the subprojects, the agency will carry out an end-term evaluation to assess the effectiveness of the implementation of the R&R provisions. The external impact evaluation will emphasize on assessment of achievements of Program targets and the change in quality of life of APs. For carrying out the evaluation assignment, the agency/consultant will develop the necessary evaluation indicators. All evaluations are expected to be done on the basis of selective indicators.

118. The external impact evaluation will be made on the issues as:
- (i) Restoration of income levels of APs;
  - (ii) Changes and shifts in occupational pattern;
  - (iii) Changes in asset ownership;
  - (iv) Changes in types of housing of AP; and
  - (v) Assessing APs' access to amenities, such as water, electricity, transportation, etc.

119. The following **Table 6** tentatively lists the impact indicators to be studied to evaluate impacts after the Program is completed.

**Table 6: Impact Indicators for Evaluation**

Items	Impact Indicators	Frequency
Better Economic Conditions	<ul style="list-style-type: none"> <li>• Income: Program related and Independent means but assisted by the Program</li> <li>• Housing: Changes in quality over a period of time</li> <li>• Food Security</li> <li>• Changes in occupation</li> <li>• Skill portfolio</li> <li>• Migration profile</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation stage through monitoring.</li> <li>• Implementation and post implementation stage through mid-term and end-term impact evaluation study</li> </ul>
Better Social Conditions	<ul style="list-style-type: none"> <li>• Representation in Community Based Institutions</li> <li>• Indicators of participation</li> <li>• Empowerment</li> <li>• School enrolment</li> <li>• Health and morbidity</li> <li>• Better available infrastructure: potable water, living space, sanitation, proper road and drainage facilities, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation stage through monitoring.</li> <li>• Implementation and post implementation stage through impact evaluation study</li> </ul>

120. Evaluation study reports, one mid-term and one end-term will be generated based on the findings of the mid-term and end-term evaluation studies. The reports will have to be generated within one month after the studies are conducted. The mid-term evaluation report should highlight program achievements as per set targets for the period and specify whether any problem exists in the implementation of the final RPs. If such problems are encountered, then the reports should provide rectification measures for achieving targets in the next phase.

121. The end-term evaluation will reveal the actual target achievements of RPs' implementation by the PMU. This report should take into account whether the Program has improved the quality of life of the targeted beneficiaries of the subprojects, especially APs. Any lacunae in the process of RP implementation should also be stated with future strategies to overcome such situations so that project benefits can be utilized by the APs to the furthest extent.

## **E. Implementation Schedule**

122. The implementation schedule for land acquisition and RP implementation will depend on the extent of land to be acquired and the magnitude of involuntary resettlement impacts. The

subproject RPs will describe the various activities involved in land acquisition and RP implementation and the time frame for each activity. The key implementation activities are: (i) approval of RP and disclosure of RP; (ii) appointment of NGOs and external monitoring consultant; (iii) constitution of GRC and disclosure of GRM details to DPs; (iv) verification of DPs and disclosure of micro plan; (v) issue of identity cards; (vi) MIS operational for tracking LA and R&R implementation progress; (vii) valuation of structure and other immovable assets; (viii) R&R award enquiry; (ix) R&R award; (x) LA award enquiry; (xi) LA award; (xii) relocation of CPRs; (xiii) disbursement of LA compensation and R&R assistances; (xiv) development of resettlement site; (xv) relocation of DPs to alternate resettlement site; (xvi) certification of payment of LA compensation and R&R assistance; and (xviii) impact evaluation.

123. Coordination with Civil Works: The land acquisition and resettlement implementation will be co-coordinated with the timing of procurement and commencement of civil works. The required co-ordination has contractual implications, and will be linked to procurement and bidding schedules, award of contracts, and release of encumbrance free land to the contractors. The project will provide adequate notification, counselling and assistance to DPs so that they are able to move or give up their assets without undue hardship before commencement of civil works and after receiving the compensation and R&R assistances.

124. The construction of resettlement sites should commence well in advance, as it would take about 12-months to complete the construction and relocation of the physically displaced. The land acquisition and corresponding payment of compensation and R&R assistance with encumbrance free certification will be available prior to award of contract. The relocation of common property resources will be linked to handing over of encumbrance free land to the contractors.

## **VIII. MONITORING AND EVALUATION**

### **A. Internal Monitoring**

125. Internal monitoring will be undertaken by PMU Safeguard Officer and PIUs' Safeguard managers with assistance from the resettlement NGO, when recruited, PMSC experts and other field staff. Internal monitoring will ensure all land acquisition and resettlement activities are implemented according to the approved Resettlement Plans in accordance with this Resettlement Framework.

126. The PIUs' safeguard managers will prepare monthly progress reports and submit to PMU's social safeguards and gender officer (SSGO) of VCICDP. The SSGO will prepare semi-annual monitoring reports and submit to ADB. The monthly reports will describe the progress of the implementation of resettlement activities, GRM status, any compliance issues and corrective actions. These reports will closely follow the involuntary resettlement monitoring indicators agreed at the time of resettlement plan approval. Outline of semi-annual monitoring report is in Appendix 7.

127. In order to supervise the implementing of LA and R&R and oversee the recruited NGO/agency performance and provide guidance, the respective PIU will undertake internal monitoring of physical and financial progress. The monthly internal monitoring reports based on the outcome of consultations and feedback with displaced people who have received assistance and compensation and review of progress of other implementation activities including complains/concerns/issues raised by the DPs, will be submitted to PMU by the end of 1<sup>st</sup> week of the subsequent calendar month. In view of the significant magnitude of impact in road

subprojects, the internal monitoring for APRDC will be done by a nodal NGO/agency<sup>28</sup>. The Design and Supervision Consultants (DSC) at PIU level for civil works will have some limited monitoring responsibilities related to certification of encumbrance free stretches to be handed over to the contractors based on the LARR completion certificate issued by the concerned project engineer.

## **B. External Monitoring**

128. The external monitoring will include but not limited to: (i) review and verify the monitoring reports prepared by PIU; (ii) monitor the work carried out by NGO/agency and provide training and guidance on implementation; (iii) review the implementation of the subprojects grievance redressal mechanism and whether its working properly; (iv) impact assessment through sample surveys amongst displaced persons for midterm corrective action; (v) consultation with DPs, officials, community leaders for preparing review report; (vi) assess the resettlement efficiency, effectiveness and efficiency of PIU, impact and sustainability, and drawing lessons for future resettlement policy formulation and planning. Some of the important task of external monitoring is the feedback of the DPs who receives compensation and assistance and also alerts on the risks, non-compliances and early warnings in the implementing.

129. The indicative monitoring indicators for physical monitoring will be: land acquired (ha) - private; land transferred (ha) - government; issue of ID cards; number of DPs received full R&R assistance (titleholders); number of DPs received full R&R assistance (non-titleholders); number of families provided alternative resettlement house; number of vulnerable people received additional support; number of CPRs relocated; and number of grievance received and resolved. The indicative monitoring indicators for financial monitoring will be: amount paid as land compensation; amount paid as structure compensation; amount paid as R&R assistances; and amount spent on common property resources.

130. The indicators should be revisited prior to RP implementation and revised in accordance with the final approved RF and prepared for each subproject. Terms of reference for the recruitment of an External Monitoring Agency/Expert is given in Appendix 6

131. In addition to the above, the following will also be tracked to judge social inclusion and gender mainstreaming in RP implementation. Proportion of women land owners who received compensation; number of women headed households who received R&R assistances; local female and scheduled caste labour force participation in unskilled jobs under contractors; number of vulnerable people who received R&R assistances; proportion of women as beneficiaries of house sites/houses offered in the resettlement site under R&R assistance; and proportion of women participation in consultation meetings during implementation.

## **C. Impact Evaluation**

132. An independent agency will be engaged to undertake impact evaluation of the implementation of land acquisition and resettlement to assess the changes in the living standards and impact of compensation and R&R assistance provided to them. The impact evaluation will be based on the key socio economic indicators developed during RP preparation through the census and socio economic surveys.

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<sup>28</sup> The TOR of Nodal NGO is in the Appendix 8.

## IX. BUDGET AND FINANCING

133. Government will provide adequate budget for all land acquisition compensation and R&R assistance from the counterpart funding. The budget estimates and its sources will be reflected in each RP. The resettlement budget shall include: (i) detailed costs of land acquisition and livelihood and income restoration and improvement; (ii) source of funding; (iii) administrative and staff training; (iv) cost for GRM and consultation/disclosure; (iv) monitoring costs; and (v) costs related to strengthening of the SMU. All land acquisition and resettlement costs will be borne by the government and provided in a timely manner to ensure payment of all entitlements prior to physical and economic displacement.

134. In order to ensure that: (i) the DP need not make frequent visits to his/her bank for depositing the physical paper instruments; (ii) s/he need not apprehend loss of instrument and fraudulent encashment; and (iii) the delay in realisation of proceeds after receipt of paper instrument is obviated, all disbursement of compensation for land and structure and R&R assistances shall be done only through Electronic Clearing Service (ECS) mechanism and charges for ECS, if any, will be borne by the respective PIUs. If the DPs destination branch does not have the facility to receive ECS (Credit), then the disbursement shall be done through respective lead banks' IFSC (Indian Financial System Code). Payment through account payee cheques will be made wherever required and no cash payment will be made.

135. The NGO/agency and PIU, while collecting bank particulars from the DPs, will also check with the respective bank branches if the branch has ECS (Credit) mechanism, and if not, details of lead bank offering the facility will be collected to facilitate ECS transfer. Wherever new accounts are to be opened, preference will be given to bank's having ECS (Credit) facility.

**LIST OF PROPOSED SUBPROJECTS UNDER VCICDP TRANCHE II**

<b>Sl.No</b>	<b>Package Reference No.</b>	<b>Name of the Package</b>
1	VCICDP-APIIC/02	Augmenting utility services for Atchutapuram Industrial cluster, Visakhapatnam [Summer storage and bulk water supply]
2	VCICDP-APIIC/04	Supply and laying of water supply and distribution pipelines and laying of connectivity road to Naidupet Industrial cluster
3	VCICDP-GVMC/01	Supply and Laying of water supply pipeline along the Raiwada canali <sup>1</sup>
4	VCICDP-APRDC/02	Upgrading & Rehabilitation of 'Kakinada to Samarlkota' Section of 'Kakinada – Rajanagaram Road' to 'Dual 2 Lane Carriageway Standard'
5	VCICDP-APRDC/03	Upgrading & Rehabilitation of Road Sections to '2 Lane Dual Carriageway Standard' for the road sections between (I) Atchutapuram - Anakapalle and (ii) Krishnapatnam port to Nellore via Muthukur
6	VCICDP-APRDC/04	Implementation of ICT-based Intelligent Traffic Management Systems, Moving-weighing-bridges, check posts, blind spots improvements or other components (to be identified later)
7	VCICDP-APTransco/02	Augmenting power distribution capacity for meeting Industry demand at Pydibhimavaram, Mangalgiri and Kakinada SEZ locations (substation, cable, transmission lines and associated civil works)

<sup>1</sup> Subject to readiness will be replaced with Distribution improvements in Bhimiipattinam and Anakapalle zones of GVMC.



**COMPARISON BETWEEN ADB IR POLICY REQUIREMENTS AND RFCTLARR ACT 2013 WITH GAP FILLING MEASURES IN VCICDP RF**

SNo	Asian Development Bank's Involuntary Resettlement Policy Requirement	AP R&R Policy 2005	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RF of VCICDP
<b>Policy Objectives</b>					
1	Avoid involuntary resettlement (IR) wherever feasible	✓	✓	Social Impact assessment (SIA) should include: (i) whether the extent of land proposed for acquisition is the absolute bare minimum extent needed for the project; (ii) whether land acquisition at an alternate place has been considered and found not feasible [Ref: Section 4 sub-section 4(d) and 4(e)]	
2	If IR is unavoidable, minimise involuntary resettlement by exploring viable alternate project design	✓	x		In Para 36(ii), the principles of RF address this requirement.
3	DPs should be assisted in their efforts to enhance or at least restore the livelihoods of all displaced persons in real terms to pre-project levels	✓	✓	The cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto [Ref: Preamble of the RFCTLARR ACT]	-
<b>Scope of Application</b>					
4	Involuntary acquisition of land	✓	✓	In the definition of affected family, it includes 'a family whose land or other immovable property has been acquired' [Ref: Section 3 sub-section c (i)]	
5	Involuntary restriction of land use or on access to legally designated	x	✓	In the definition of affected family in includes 'family whose primary	

SNo	Asian Development Bank's Involuntary Resettlement Policy Requirement	AP R&R Policy 2005	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RF of VCICDP
	parks and protected areas.			source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land' [Ref: Section 3 sub-section c (vi)]	
<b>Eligibility Criteria</b>					
6	Those who have formal legal rights to land lost in its entirety or in part	✓	✓	In the definition of affected family, it includes 'a family whose land or other immovable property has been acquired' [Ref: Section 3 sub-section c (i)]	
7	Those who do not have formal legal rights to land lost but who have a claim to such land that are recognized or recognizable under national laws	✓	✓	In the definition of affected family, it includes 'the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land'; and also includes 'a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition'. [Ref: Section 3 sub-section c(iii) and (v)]	
8	Those who have neither formal legal rights nor recognised or recognizable claim to land lost	✓	x		In para 37(iii) of the RF, under eligibility criteria, this is addressed.
9	Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form	✓	x		In para 38 of the RF, the cut-off date has been defined.

SNo	Asian Development Bank's Involuntary Resettlement Policy Requirement	AP R&R Policy 2005	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RF of VCICDP
	of resettlement assistance.				
<b>Policy Principles</b>					
10	Carry out meaningful consultations with affected persons, host communities and concerned non-government organisations	✓	✓	Whenever a SIA is required, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the SIA Report. [Ref: Section 5]	
11	Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns.	✓	✓	For the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as "the Land Acquisition, Rehabilitation and Resettlement Authority" [Ref: Section 51 sub-section 1]	The RF provides for a District level GRC to resolve grievances in the First Level and the appellate authority at the Second Level of grievance resolution mechanism, prior to referring/approaching the LARR authority
12	Preference to land-based resettlement strategies for displaced persons whose livelihoods are land-based.	✓	✓	Land for land is recommended in irrigation projects and in projects where SC/ST is involved equivalent land. [Ref: Second Schedule S.No.2]	Land for land option, if feasible, is provided in the EM. If not feasible, then cash compensation at replacement cost has been provided
13	Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their	✓	✓	The Rehabilitation and Resettlement Award shall include all of the following: (c) particulars of house site and house to be allotted, in case of displaced families; (d) particulars of land allotted to the displaced families; (e) particulars of one time subsistence allowance and transportation allowance in case of displaced families;.....	

SNo	Asian Development Bank's Involuntary Resettlement Policy Requirement	AP R&R Policy 2005	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RF of VCICDP
	host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.			[Ref: Section 31 sub-section 2(c), (d) and (e)]	
14	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards	✓	✓ (partly)	<p>The act provides for special provisions and assistance for scheduled caste and scheduled tribe in scheduled area. [Ref: Section 41]</p> <p>Further the act recognizes widows, divorcees and women deserted by families as separate families [Ref: Section sub-section (m)]</p> <p>The act does not recognize other vulnerable category and also SC/ST from non-scheduled areas.</p>	Special provision for vulnerable have been provided in Entitlement matrix.
15	Develop procedures in a transparent, consistent, and equitable manner if actuation is through negotiated settlement.	x	x	Not explicitly stated	Provided for in para 44 in the RF
16	Prepare a resettlement plan elaborating on displaced persons entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time-bound implementation schedule	✓	✓	The Act provides for the preparation of Rehabilitation and Resettlement Scheme including time line for implementation [Ref: Section 16 - sub-section 2]	
17	Disclose a draft resettlement plan,	✓	✓	The appropriate Government shall	

SNo	Asian Development Bank's Involuntary Resettlement Policy Requirement	AP R&R Policy 2005	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RF of VCICDP
	including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders			<p>ensure that the Social Impact Assessment study report and the Social Impact Management Plan, are prepared and made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government. [Ref: Section 6 sub-section 1]</p> <p>Further the commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal Corporation. As the case may be, and the offices of the district collector, the Sub-Divisional Magistrate and Teshil, and shall be published in affected areas, in such manner as may be prescribed and uploaded on the website of the appropriate Government [Ref: Section 18]</p>	
18	Pay commission and provide other resettlement entitle before physical or economic displacement. Implant the resettlement plan under close supervision throughout project implementation	✓	✓	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	Para 58 of RF stipulated that all compensation and assistance will be paid to DPs at least 1 month prior to displacement or dispossession of assets

SNo	Asian Development Bank's Involuntary Resettlement Policy Requirement	AP R&R Policy 2005	RFCTLARR Act 2013	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the RF of VCICDP
				and a period of six months for monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30. [Ref: Section 38 - sub-section 1]	
19	Monitoring and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	✓	✓	The Central Government may, whenever necessary for national or inter-state projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act. [Ref: Section 48 - sub-section 1]	The RF provides for internal and external monitoring of LARR

## INVOLUNTARY RESETTLEMENT IMPACT CATEGORISATION CHECKLIST

Date:

<b>Project Data</b>	
Country/Project No./Project Title :	_____
<b>Subproject title</b>	_____
Project Executing Agency :	_____
Project Implementing Agency :	_____
Modality	
<input type="checkbox"/> Project Loan <input type="checkbox"/> Program Loan <input type="checkbox"/> Financial Intermediary <input type="checkbox"/> General Corporate Finance <input type="checkbox"/> Sector Loan <input type="checkbox"/> MFF <input type="checkbox"/> Emergency Assistance <input type="checkbox"/> Grant <input type="checkbox"/> Other financing modalities:	
<b>IR Impact categorization</b> <input type="checkbox"/> New <input type="checkbox"/> Recategorization — Previous Category <input type="checkbox"/>	
<input type="checkbox"/> <b>Category A:</b> Significant IR impact	(200+ persons (not households!) are physically displaced from residence or lose more than 10% of productive (income generating) assets
<input type="checkbox"/> <b>Category B:</b> Non-significant IR impact	
<input type="checkbox"/> <b>Category C:</b> No IR impact	
<b>Prepared by:</b>	
Social Development Specialist (Name, title, signature) :	
Date:	
For Project Implementing Agency (Name, title, signature)	
Date:	
For Project Executing Agency (Name, title, signature)	
Date:	

- Please attach subproject details, such SAR, DPR or a brief summary of subproject activities proposed

<b>Probable Involuntary Resettlement Effects</b>	<b>Yes</b>	<b>No</b>	<b>Not Known</b>	<b>Remarks</b>
<b>Involuntary Acquisition of Land</b>				
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?				
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
<b>Information on Displaced Persons:</b>				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes				

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



## OUTLINE OF A RESETTLEMENT PLAN

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

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

**B. Introduction and Project Description.** This section:

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

**C. Scope of Land Acquisition and Resettlement.** This section:

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

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

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

**E. Information Disclosure, Consultation, and Participation.** This section:

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

- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced persons during project implementation.

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

**G. Legal Framework.** This section:

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

**H. Entitlements, Assistance and Benefits.** This section:

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

**I. Relocation of Housing and Settlements.** This section:

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

**J. Income Restoration and Rehabilitation.** This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (e.g. project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);

- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

**K. Resettlement Budget and Financing Plan.** This section:

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

**L. Institutional Arrangements.** This section:

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

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

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

## **TERMS OF REFERENCE (TOR) FOR THE NGO/AGENCY TO ASSIST PIU IN RESETTLEMENT PLAN IMPLEMENTATION**

### **A. Project Background**

1 Government of Andhra Pradesh (GoAP) has taken up the implementation of the Visakhapatnam to Chennai Industrial Corridor Development Program (VCICDP) and has proposed to avail Asian Development Bank (ADB) financing for the same. The project involves infrastructure development and policy and institutional reforms to stimulate economic growth and employment generation. The subprojects covering transport, water supply, energy and infrastructure in industrial estate/SEZ, have been proposed in identified project towns and industrial clusters. The list of subprojects proposed under VCICDP is given in the Appendix-1.

2 The project is being executed by the Department of Industries (DoI) who will be the Project Management Unit (PMU) and being implemented by separate Project Implementation Units (PIUs) formed for each sector. The subprojects include 5-road subprojects under PIU-APRDC, 3-water supply subprojects under PIU-GVMC, 2-industrial estate/SEZ infrastructure subprojects under PIU-APIIC and 10-substation and related transmission lines under PIU-Transco.

3 Resettlement Plan (RP) have been prepared for 10-subprojects involving Land Acquisition (LA) and Involuntary Resettlement (IR) impacts and for the remaining subprojects that have no LA & IR, due diligence reports have been prepared. All the RPs have been prepared based on census and baseline socio-economic surveys conducted in the field. The RP describes: (i) the project components that cause involuntary resettlement; (ii) socio economic characteristics of the affected people; (iii) entitlements and method of valuation of assets; (iv) institutional and implementation arrangements required to mitigate adverse impacts; and (v) budget and time line for RP implementation.

4 The PMU has decided to call in for the services of RP implementation support agencies/NGO's experienced in carrying out such rehabilitation and resettlement activities at the grass root level to assist the PIUs in RP implementation. The 10-subprojects have been grouped into 4-groups and PMU proposes to appoint 4 agencies/NGO or 1 agency/NGO with 4-separate teams, with 1 agency/NGO or 1 team for each group. The grouping of the 10-subprojects is given in the Appendix-XX.

### **B. Objectives of the Assignment**

5. The NGO shall be responsible for the following, according to the Resettlement Plan:
- Educating the DPs on their rights to entitlements and obligations.
  - To ensure that the DPs are given the full entitlements due to them, according to the entitlements in the RP.
  - To provide support and information to DPs for income restoration.
  - Assist the DPs in relocation to resettlement site and rehabilitation, including counselling, and coordination with local authorities/lien departments.
  - Assist the DPs in redressing their grievances (through the grievance redress committee set up for the subproject)
  - To assist the Project Implementation Unit (PIU) with social responsibilities of the subproject, such as compliance with labour laws, prohibition of child labour, and gender issues.

- To conduct awareness program for HIV/AIDs, Health and Hygiene, and Human Trafficking.
- To collect data and submit progress reports on a monthly and quarterly basis for PIU to monitor the progress of RP implementation.

### **C. Scope of Work**

#### **a) Administrative Responsibilities of the NGO**

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

#### **b) Responsibilities for Implementation of the RP**

- Agency/NGO shall verify the information already contained in the RP and the individual losses of the DPs. They should validate the data provided in the RP and report to PIU on changes required, if any, along with documentary evidence.
- The Agency/NGO shall establish rapport with DPs, consult and provide information to them about the respective entitlements as proposed under the RP, and distribute entitlement cum Identity Cards to the eligible DPs. The identity card should include a photograph of the DP, the extent of loss suffered, the entitlement and contact details of the PIU, NGO and GRC.
- The Agency/NGO shall develop rapport between the DPs and the Project Authority, particularly the RO. This will be achieved through regular interactions with both the RO and the DPs. Meetings with the RO will be held at least fortnightly, and meetings with the DPs will be held monthly, during the entire duration of the assignment. All meetings and decisions taken shall be documented by the NGO/Agency.
- Prepare monthly action plans with targets in consultation with the RO.
- The Agency/NGO shall prepare micro plan detailing the type of impact and entitlements for each DP and display the list of eligible DPs in prominent public places like villages, Panchayat offices, Block/Mandal headquarters, and the District Headquarters.

- During the verification of the eligible DPs, the Agency/NGO shall ensure that each of the DPs are contacted and consulted either in groups or individually. The Agency/NGO shall specially ensure consultation with women from the DPs families especially women headed households.
- Participatory methods should be adopted in assessing the needs of the DPs, especially with regard to the vulnerable groups of DPs. The methods of contact may include village level meetings, gender participation through group's interactions, and individual meetings and interactions.
- The Agency/NGO shall explain to the DPs the provisions of the policy and the entitlements under the RP. This shall include communication to the roadside squatters and encroaches about the need for the timely shifting/relocation to resettlement site, the timeframe for disbursement of their entitlement.
- The Agency/NGO shall disseminate information to the DPs on the possible consequences of the project on the communities' livelihood systems and the options available, so that they do not remain ignorant.
- Agency/NGO will monitor the civil construction work in each package to ensure there is no bonded/child labour.
- In all of these, the Agency/NGO shall consider women as a special focus group, and deal with them with care and sympathy.
- The Agency/NGO shall assist the project authorities in ensuring a smooth transition (during the part or full relocation of the DPs), helping the DPs to take salvaged materials and shift. In close consultation with the DPs, the Agency/NGO shall inform the RO about the shifting dates agreed with the DPs in writing and the arrangements desired by the DPs with respect to their entitlements.
- The Agency/NGO shall assist the DPs in opening bank accounts explaining the implications, the rules and the obligations of a joint account and how s/he can access the resources s/he is entitled to.

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

- The Agency/NGO shall nominate a suitable person (from the staff of the NGO) to assist the DPs in the GRC.
- The Agency/NGO shall make the DPs aware of the existence of grievance redressal committees (GRCs)
- The Agency/NGO shall help the DPs in filling the grievance application and also in clearing their doubts about the procedure as well as the context of the GRC award.
- The Agency/NGO shall record the grievance and bring it to the notice of the GRCs within seven days of receipt of the grievance from the DPs. It shall submit a draft note with respect to the particular grievance of the DP, suggesting multiple solutions, if possible, and deliberate on the same in the GRC meeting through the NGO representative in the GRC.
- To accompany the DPs to the GRC meeting on the decided date, help the DP to express his/her grievance in a formal manner if requested by the GRC and again inform the DPs of the decisions taken by the GRC within 3 days of receiving a decision from the GRC.

d) Carry out Public Consultation

- In addition to counselling and providing information to DPs, the Agency/NGO will carry out periodic consultation with DPs and other stakeholders
- Should organise meetings and appraise the communities about the schedule / progress of civil works
- All the consultations should be documented and if possible, photographs and attendance sheets should be compiled. The list of participants and a summary of the consultations and outcome should be submitted to PIU.

e) Assisting the PIU with the Project's Social Responsibilities

- The Agency/NGO shall assist the PIU to ensure that the Contractors are abiding by the various provisions of the applicable laws pertaining to labour standards.
- The Agency/NGO shall assist the PIU to implement HIV/AIDS awareness measures, including collaboration with the line agencies.
- The Agency/NGO will assist the PIU in conducting the R&R award enquiry

f) Monitoring and Reporting

- The RP includes provision for monitoring by PIU and quarterly, mid-term, and post-project monitoring and evaluation by external agency. The Agency/NGO involved in the implementation of the RP will be required to supply all information, documents to the external monitoring consultants.

**D. Documentation and Reporting by NGO**

6. The NGO selected for the assignments shall be responsible to:

- Submit an inception report within three weeks; on signing up of the contract including a work plan for the whole contract period, staffing and personnel deployment plan, and a withdrawal plan at the end of the period of contract. The withdrawal plan shall be detailed and reflect how the DPs will maintain the assets created and transferred to the DPs.
- Prepare monthly progress reports to be submitted to the RO, with weekly progress and work charts as against the scheduled timeframe of RP implementation.
- Prepare and submit quarterly reports on a regular basis, to be submitted to the PMU.
- Submit a completion report at the end of the contract period summarizing the actions taken during the project, the methods and personnel used to carry out the assignment, and a summary of support/assistance given to the DPs.
- All other reports/documentation as described in these terms of reference.
- Record minutes of all meetings.
- Four copies of each report shall be submitted to PIU together with one soft copy of each report in the CD

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

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

### E. Timeframe for Services

8 It is estimated that the NGO services will be required for about 18 months to undertake the assignment of facilitating the implementation of the RP. The time schedule for completion of key tasks is given below

SNo	Task Description	Time for completion
1	Inception Report	At the end of the 3 <sup>rd</sup> week after commencement of services
2	a. Joint verification, issue of identity card and submission of corrected data, if any, including proposal for replacement and upgradation of community assets	At the end of the 2 <sup>nd</sup> month after commencement of services
	b. Additional and /or missing census survey records of DPs (to be collected only after due approval of such cases by RO in writing) including profiles of DP in such survey	At the end of the 3 <sup>rd</sup> month after commencement of services
3	Monthly Progress Report /Quarterly Progress Report covering the activities in the scope of works and corresponding deliverables	In 7 days from the end of each month /quarter
4	Facilitating disbursement of the entitlements for 25% of total DPs coinciding with the milestone fixed by PIU	At the end of the 5 <sup>th</sup> month after commencement of services
5	Disbursement of the entitlements for another 25% of total DPs	At the end of the 7 <sup>th</sup> month after commencement of services
6	Disbursement of the entitlements for another 25% of total DPs	At the end of the 9 <sup>th</sup> month after commencement of services
7	a. Disbursement of the entitlements for remaining 25% of total DPs	At the end of the 11 <sup>th</sup> month after commencement of services
	b. Facilitating resettlement of DPs to the resettlement site(s)	
8	Draft Final Report summarising the action taken and other resettlement works to be fulfilled by the NGO	One month before the service / 17 <sup>th</sup> month after commencement of services
9	Final report summarising the action taken and other resettlement works to be fulfilled by the NGO	At the end of the service / 18 <sup>th</sup> month after commencement of services incorporating suggestions of PIU on the draft report.

### G. Team for the Assignment

7. The Agency/NGO shall assign a team of professionals for assisting PIU in RP implementation. The Agency/NGO team should consist of the following 3-core professionals and 4 support staff including a skilled data entry operator. The core team should have a combined professional experience in the areas of social mobilization, community development, land acquisition and resettlement, census and socio economic surveys and participatory planning and consultations.



SNo	Key Professional	No. of Persons	Experience
1	Team Leader (intermittent input)	1	Postgraduate in Social Science with a minimum of 10 years' experience in R&R and proficient in Telugu and English
2	R&R Expert (intermittent input)	1	Postgraduate in Social Science with 5 years' experience in R&R and proficient in Telugu and English
3	Field Coordinator (full time input)	1	Graduate in Social Science with knowledge and experience in census and socio-economic surveys, PRA Technique and fluent in Telugu and English.

## **TERMS OF REFERENCE FOR ENGAGING AN EXTERNAL MONITORING AGENCY/EXPERT**

### **A. Project Description**

1 Government of Andhra Pradesh (GoAP) has taken up the implementation of the Visakhapatnam to Chennai Industrial Corridor Development Program (VCICDP) and has proposed to avail Asian Development Bank (ADB) financing for the same. The project involves infrastructure development and policy and institutional reforms to stimulate economic growth and employment generation. The subprojects covering transport, water supply, energy and infrastructure in industrial estate/SEZ, have been proposed in identified project towns and industrial clusters. The list of subprojects proposed under VCICDP is given in Appendix-1.

2 The project is being executed by the Department of Industries (DoI) who will be the Project Management Unit (PMU) and being implemented by separate Project Implementation Units (PIUs) formed for each sector. The subprojects include 5-road subprojects under PIU-APRDC, 3-water supply subprojects under PIU-GVMC, 2-industrial estate/SEZ infrastructure subprojects under PIU-APIIC and 10-substation and related transmission lines under PIU-Transco.

3 Resettlement Plan (RP) have been prepared for 10-subprojects involving Land Acquisition (LA) and Involuntary Resettlement (IR) impacts and for the remaining subprojects that have no LA & IR, due diligence reports have been prepared. All the RPs have been prepared based on census and baseline socio-economic surveys conducted in the field. The RP describes: (i) the project components that cause involuntary resettlement; (ii) socio economic characteristics of the affected people; (iii) entitlements and method of valuation of assets; (iv) institutional and implementation arrangements required to mitigate adverse impacts; and (v) budget and time line for RP implementation.

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

### **B. Scope of work – Generic**

5 The scope of work include:

- To review and verify the progress in resettlement implementation as outlined in the RP;
- To monitor the effectiveness and efficiency of PIU, and NGO in RP implementation;
- To assess whether resettlement objectives, particularly livelihoods and living standards of the Displaced Persons (DPs) have been restored or enhanced;
- To assess resettlement efficiency, effectiveness, impact and sustainability, drawing both on policies and practices and to suggest any corrective measures, if necessary; and
- To review the project impacts on vulnerable groups, indigenous people and groups and assess the effectiveness of the mitigative actions taken.

### **C. Scope of work- Specific**

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

### **D. Time Frame and Reporting**

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

### **E. Qualifications**

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

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

### **F. Budget and Logistics**

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

## OUTLINE OF SOCIAL SAFEGUARDS MONITORING REPORT DURING PROJECT IMPLEMENTATION PERIOD

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

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

- A. Executive Summary.** This section provides a concise statement of project scope and impacts, key findings and recommended actions.
- B. Background of the Report and Project Description.** This section provides a general description of the project, including:
  - Background/context of the monitoring report which includes the information on the project, project components, safeguards categorizations and general scope of the social safeguards impacts.
  - Information on the implementation progress of the project activities, scope of monitoring report and requirements, reporting period, including frequency of submission and changes in project scope and adjusted safeguard measures, if applicable
  - Summary table of identified impacts and the mitigation actions.
- C. Scope of Impacts.** This section outlines the detail of
  - Scale and scopes of the project's safeguards impacts,
  - Vulnerability status of the affected people/communities,
  - Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final RP(s) /IPP(s).
- D. Compensation and Rehabilitation.<sup>1</sup>** This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan. This includes:
  - Payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons;
  - Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.
  - Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.
- E. Public participation and consultation.** This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with APs during RP finalization after the completion of detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing NGOs, project supervision consultants, contractors, etc.

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

- F. Grievance Redress Mechanism (GRM).** This section described the implementation of project GRM as design in the approved RP/IPP. This includes evaluations of its effectiveness, procedures, complaints receive, timeliness to resolve issues/ complaints and resources provided to solve the complaints. Special attentions should be given if there are complaints received from the affected people or communities.
- G. Institutional Arrangement.** This section describes the actual implementation or any adjustment made to the institutional arrangement for managing the social safeguards issues in the projects. This includes the establishment of safeguards unit/ team and appointment of staff in the EA/IA; implementation of the GRM and its committee; supervision and coordination between institutions involved in the management and monitoring of safeguards issues, the roles of NGO and women's groups in the monitoring and implementation of the plan, if any.
- H. Monitoring Results – Findings.** This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of IR compensation rates and timeliness of payments, adequacy and timeliness of IR rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing EMP, RP, or IPP, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g. IR impacts avoided or minimized; livelihood restored or enhanced; IP's identity, human right, livelihood systems and cultural uniqueness fully respected; IP not suffer adverse impacts, environmental impacts avoided or minimized, etc.). For FI projects this includes the effectiveness of the Environmental and Social Management System (ESMS) managed by the FI and its participating institutions<sup>2</sup>. If noncompliance or any major gaps identified, include the recommendation of corrective action plan.
- I. Compliance Status.** This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR 2 and the approved final RP(s).
- J. Follow up Actions, Recommendation and Disclosure.** This section describes recommendations and further actions or items to focus on for the remaining monitoring period. It also includes lesson learned for improvement for future safeguards monitoring activities. Disclosure dates of the monitoring report to the affected communities should also be included. A time-bound summary table for required actions should be included.

#### Appendix 1

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

#### Appendix 2

- (i) Copies of AP's certification of payment (signed by the APs)
- (ii) Summary of minutes of meetings during public consultations
- (iii) Summary of complaints received and solution status

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

## TERMS OF REFERENCE FOR THE NODAL NGO/AGENCY TO ASSIST PIU (APRDC) IN COORDINATING THE RESETTLEMENT PLAN IMPLEMENTATION

### A. Project Background

1 Government of Andhra Pradesh (GoAP) has taken up the implementation of the Visakhapatnam to Chennai Industrial Corridor Development Program (VCICDP) and has proposed to avail Asian Development Bank (ADB) financing for the same. The project involves infrastructure development and policy and institutional reforms to stimulate economic growth and employment generation. The subprojects covering transport, water supply, energy and infrastructure in industrial estate/SEZ, have been proposed in identified project towns and industrial clusters. The list of subprojects proposed under VCICDP is given in the Appendix-1.

2 The project is being executed by the Department of Industries (DoI) who will be the Project Management Unit (PMU) and being implemented by separate Project Implementation Units (PIUs) formed for each sector. The subproject involves reconstruction and widening of 29.600km stretch of the *Samarlakota to Raganagram* section of *Kakinada to Rajanagram* road, also known as ADB Road, which connects the *Samarlakota* town with the National Highway-16 (Old NH-5) at *Rajanagram*

3 Resettlement Plan (RP) has been prepared that captures the involuntary resettlement impacts arising out of the proposed improvements to *Samarlakota to Rajanagram* Road under VCICDP. The document describes the magnitude of impact, mitigation measures proposed, method of valuation of land, structure and other assets, eligibility criteria for availing benefits, baseline socio-economic characteristics, entitlements based on type of loss and tenure, the institutional arrangement for delivering the entitlements and mechanism for resolving grievances and monitoring. The summary of RP with subproject impacts is given in the annexure **XX**

4 The field unit is responsible for the RP implantation and is supported by an implementation support NGO. The PIU has decided to call in for the services of a nodal NGO for coordinating RP implementation and who has experience in carrying out such coordination of rehabilitation and resettlement activities in a transport project.

### B. Objectives of the Assignment

5. A qualified and experienced NGO will be engaged as Nodal NGO by the PIU to facilitate the implementation of the RP. The Nodal NGO would play the role of a facilitator and will work as a coordinating agency between the PIU, field units and the package NGO, hired for RP implementation under the field unit. The Nodal NGO will function as the Technical Support Unit to APRDC. The Nodal NGO will play an important role in the implementation of the RP, by mitigating the adverse effects of the project and providing guidance for successful implementation of the RP. The Nodal NGO will facilitate the project stakeholders to take advantages of the options available in the projects and in existing Government developmental schemes. The scope of work for the Nodal NGO will include to the following:

- (i) Facilitate in the implementation of RP;
- (ii) Regular reporting, documentation;
- (iii) Facilitate in the implementation of HIV/AIDS action plan;
- (iv) Facilitate in the implementation of road safety awareness program; and
- (v) Assist in internal monitoring and evaluation

### C. Scope of Work

6. The scope of work that requires to be performed in order to achieve the objective is given below.

- (i) Working in co-ordination with the PD, PIU; and assist the PD in monitoring the progress of RP implementation;
- (ii) To closely follow-up and assist PIU in timely resolution of grievances through the GRCs;
- (iii) Assist the PIU in disclosure, conducting public meetings, information campaigns during the RP implementation;
- (iv) To assist the PIU in ensuring that the Contractors comply with the applicable labour laws (including prohibition of child labour, bonded labour and gender requirements) as contained in the contract document;
- (v) To assist the PIU in ensuring compliance with safety, health and hygiene norms, and the conduct HIV/AIDS and Human Trafficking awareness/prevention campaigns;
- (vi) Review the monthly and quarterly progress report and update the PIU on the progress and factors detrimental to the project.
- (vii) Provide data and information that PIU will require in the management of the data base of the DPs.
- (viii) Assist PIU in providing training to DPs, wherever required in the implementation of RP.
- (ix) The RP includes provision for monitoring by PIU and quarterly, mid-term, and post-project monitoring and evaluation by external agency. The Agency/NGO involved in the implementation of the RP will be required to supply all information, documents to the external monitoring consultants.

### D. Timeframe for Services

7 It is estimated that the Nodal NGO services will be required for about 24 months with intermittent inputs of key-personnel, to undertake the assignment of facilitating the implementation of the RP. The inputs of key personnel should be in accordance with the tasks and the corresponding time required for their completion.

### E. Team for the Assignment

8. The Nodal Agency/NGO shall assign a team of professionals for assisting PIU in coordinating and facilitating RP implementation. The Agency/NGO team should consist of the following 2-core professionals. The core team should have a combined professional experience in the areas of social mobilization, community development, land acquisition and resettlement, census and socio economic surveys and participatory planning and consultations.

SNo	Key Professional	No. of Persons	Experience
1	Team Leader cum R&R expert (intermittent input)	1	Postgraduate in Social Science with a minimum of 10 years experience in R&R, with land acquisition and R&R coordination/implementation experience in 5 projects of which at least 3 should be linear projects (Highway) funded by external agencies. Should be proficient in Hindi and English

SNo	Key Professional	No. of Persons	Experience
2	R&R Expert and Field Coordinator (intermittent input)	1	<p>Graduate in Social Science with knowledge and experience in census and socio-economic surveys, RP implementation PRA Technique and fluent in Hindi and English.</p> <p>Should have a minimum of 5 years experience in R&amp;R, with land acquisition and R&amp;R coordinating/implementation experience in 3 projects of which at least 2 should be linear projects (Highway) funded by external agencies.</p>



## **TERMS OF REFERENCE FOR INDEPENDENT THIRD PARTY FOR NEGOTIATED PURCHASE OR VOLUNTARY LAND DONATION**

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

### **TOR for Independent Third Party Witness**

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

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

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

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

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

**SAMPLE CERTIFICATION FORMATS**

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

Date

Officers Concerned PIU and land donor  
(Names and Signatures)

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

I certify that:

1. The process of purchase / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land/assets for the welfare of the community/subproject activities.
2. No coercion was used in the purchase/donation process.
3. No (formal/informal) third party (associated with the purchase/donation) is negatively affected<sup>32</sup> by the purchase/donation activity
4. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
5. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
6. The following mitigation measures were identified and implemented / provided to the land owner/donor.
7. Attached are the minutes of meetings held between project proponents and the land owner/donor, and the agreed price/value of the donated land, which I was witness to.
8. Attached are the pictures of the land purchased/donated and pictures of the original land owner(s) of the purchased/donated land.
9. Attached are the information of the socio economic background of the land owner(s)/ donor(s)

Signed/

Name

XXXXXXXXXXXXXXXXXXXXXXXXX

Date: \_\_\_\_\_ Place: \_\_\_\_\_

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

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<sup>32</sup> Negatively affected defines as permanent loss of/ access to shelter or livelihood support which could cause impoverishment to the affected third party.