

# Resettlement Plan

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## India: Rajasthan Urban Sector Development Investment Program—Jhalawar-Jhalrapatan Water Supply Sub Project

Prepared by Local Self Government Department.

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## TABLE OF CONTENTS

I.	SHORT RESETTLEMENT PLAN .....	1
A.	Scope of Land Acquisition and Resettlement.....	1
B.	Socio-Economic Background .....	1
C.	Policy Framework and Entitlements .....	3
D.	Consultation, Information Dissemination, Disclosure, and Grievance Redress .....	6
E.	Compensation and Income Restoration .....	7
F.	Institutional Framework, Resettlement Costs, and Implementation Schedule	7
G.	Monitoring and Evaluation.....	9

## I. SHORT RESETTLEMENT PLAN

### A. Scope of Land Acquisition and Resettlement

1. The Investment Program will optimize social and economic development in 15 selected towns<sup>1</sup> in Rajasthan through investments in urban infrastructure (water supply, wastewater management, solid waste management, urban drainage, and urban transport and roads), social infrastructure, and infrastructure support to cultural heritage. The Program will also provide policy reforms to strengthen urban governance, management, and support for urban infrastructure and services<sup>2</sup>. This short resettlement plan (RP) has been prepared for the first phase of the water supply sub-project in Jhalawar-Jhalrapatan.

2. Scope and components of the works consist of the: (i) intakes structures and pumps, (ii) clear water and overhead tanks, (iii) dedicated power supply, (iv) rehabilitation of existing water treatment plants, (v) district laboratory, and (vi) works to reduce unaccounted for water (UFW)—repair and replacement of mains and house connections, and installation of meters. The location of sub-project components is provided in Map 1.

3. Sub-project design minimized land acquisition and resettlement impacts. The following works are confined within the compound of existing facilities and will not have any resettlement impacts: (i) intake structures and pumps, (ii) dedicated power supply, (iii) rehabilitation of existing water treatment plants, and (iv) district laboratory. Clear water and overhead tanks will be in vacant government land. For UFW works, repair and replacement for house connections and the installation of meters will not have any resettlement impacts. While the repair and replacement of mains will not require permanent land acquisition since it will be undertaken within road rights-of-way (RoW), it can cause temporary disruptions.

### B. Socio-Economic Background

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

- Name of respondent
- Daily Income from the affected structure
- Whether or not belongs to the under privileged / marginal class
- Details of the Construction Package with Address and Chainage
- Whether location is in urban, peri-urban or rural area
- Type of loss : viz. Residential, Commercial, Kiosks etc
- Whether the occupant of the structure is a squatter
- Address of the structure
- Whether the affected occupant holds a legal paper for occupancy
- Whether the occupant has Ration Card & enlisted in Voter's list
- Description of the affected structure and its present use
- Description of the affected structure within the RoW
- Parallel Distance of the affected structure along the RoW
- Perpendicular Distance of the affected structure from the Centre line and

<sup>1</sup> Particularly district headquarters and towns with significant tourism potential.

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

- Type of construction of the structure for Roof, Walls, Floor & boundary

5. A Socio-economic Survey on 20% of the occupants of the affected structures was conducted as per the requirements after the completion of Census survey in the stretches of impact of the proposed construction package. This was done with the aid of a structured close ended (for ease of information processing) battery of questions targeted to elicit responses on cardinal socio-economic enquiries:

- Name of the Head of the Household (HH)
- Name of Respondent
- Relationship of the respondent with the HH
- Details of the family type eg. Nuclear, Joint or Extended
- Social class & caste of the family eg. ST, SC, OBC or higher caste
- Details of the family members with corresponding details :
  - Name of each of the family members
  - Age of each of the family members
  - Relationship with the HH
  - Sex of each of the family members
  - Marital status of each of the family members
  - Attained Educational levels of each of the family members
  - Any particular skill of each of the family members
  - Main or marginal nature of work & general work of family members
- Nature of business of Name) of each of the family members
- Source of Annual Income of the Household
- Type of Use of affected structure
- Details of nature of business carried out from the affected structure
- Assets of the Household in terms of movable & immovable property
- Standard of living in terms of expenses on essentials and
- Indebtedness of the Family

6. Based on the socio-economic survey and confirmation from Program preparation engineers, there is no expected impact on permanent structures and will not require any permanent land acquisition . Impacts are confined to movable structures placed on RoWs, and public utility posts. APs will be assisted in moving to the other side of the road and returning to their structures after construction is completed .The transect walk concentrated on 1k.m area near Imli door to Chaubuja temple area in Jhalrapattan.The new alignment has been finalized after consultation with Line department(PHED) to avoid and minimize IR impacts. Temporary impacts will be on 2 households; one of them have an agricultural piece of land (The owner of this land has agreed to use the land for that purpose, letter attached ) ;the other one is a residential structure, which has encroached some portion of govt land .therefore during laying of pipeline in that area access may be lost .Households losing income due to disruption during construction period would be compensated as per the resettlement policy and entitlement matrix of the policy. Estimated resettlement impacts are in Table 1. The construction period will be minimized and is estimated to be 14 days per section of work. Average monthly income of APs is Rs 9833/- reported during census survey.

7. As one of the objectives of the Project is reducing poverty levels in the State and identified the Affected Persons (APs) that will be affected during construction and provide improved standard of living to APs it has been decided to present the data disaggregated by economic status. This will help to understand how the Project impacts the poor and the non-poor. The details of the social-economic profile of the APs under this sub-project are mentioned below. The sex ratio is 857, which is less than the urban data of the State. Both the APs have ration card and enrolled in voter list.

**Literacy-** Literacy, being an important indicator of social development, affects the demographic characteristics and participation. The Socio-economic survey results show that of the male 65 percent are literate and of the female 35 percent are literate.

**Economy-** Data on employment shows that between the two APs, one is totally dependent on agriculture and the other is a daily wage worker.

**Basic Services**

**a) Water Supply-** Most of the households are facing water problem, because the supply is only for one hour per day. They are totally dependent on PHED water supply. It is evident that safe water source is not ensured in these locations.

**b) Sanitation-** The survey data shows that majority in each income group have dry type of latrine facility.

**Transport Usage and Road safety-** All the income groups mentioned that they use public transport mainly for going to market. They usually travel up to 3-5 km for this purpose. Type of transport is bus, jeep and lorry. Their travel time is usually 5 minutes to 2 hours and they pay Rs.5-20 as fare for their travel. There is little information available on road safety. However, a few complained about high level of pedestrian including children and increase in traffic volume and speed as well.

8. The detail socio-economic data is presented in Appendix 2 show that the percentage of APs reduces towards higher income group (Table 1.1- Table 8).

**Table 1 Summary of Resettlement Impacts**

Impact	Jhalawar	Jhalrapatan
Permanent Land Acquisition (ha)	0	0
Temporary Land Acquisition (ha)	0	0
Temporarily Affected Persons (APs)	0	2
Titled APs (Temporarily Affected)	0	2
Non-titled APs (Temporarily Affected)	0	0
Female AP	0	0
IP/STAP	0	0
BPL AP (Temporarily Affected)	0	0
Affected Trees/Crops	0	0
Average Family Size		5.5
Average Household Income (per month)		Rs.9833
Income Sources Temporarily Affected		Agricultural ,worker

Source: Census and Socio-Economic Survey 2008

### C. Policy Framework and Entitlements

9. The policy framework and entitlements for the program are based on national laws: *The Land Acquisition Act, 1894* (LAA, amended in 1984), and the National Policy on Resettlement and Rehabilitation for Project Affected Persons, 2003 (NRRP); ADB's *Policy on Involuntary Resettlement, 1995*; and the agreed Resettlement Framework (RF). Based on these, the following core involuntary resettlement principles applicable are:

- (i) land acquisition, and other involuntary resettlement impacts will be avoided or minimized exploring all viable alternative sub-project designs;
- (ii) where unavoidable, time-bound RPs will be prepared and affected persons (APs) will be assisted in improving or at least regaining their pre-program standard of living;

- (iii) consultation with APs on compensation, disclosure of resettlement information to APs, and participation of APs in planning and implementing sub-projects will be ensured;
- (iv) vulnerable groups will be provided special assistance<sup>3</sup>;
- (v) payment of compensation/assistance to APs including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets at replacement rates;
- (vi) payment of compensation and resettlement assistance prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities;
- (vii) provision of income restoration and rehabilitation; and
- (viii) establishment of appropriate grievance redress mechanisms.

10. Policy framework and entitlements are further discussed in Appendix 4. The entitlement matrix for the sub-project based on the above policies and Section D of this RP are in Table 2.

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

**Table 2. Entitlement Matrix**

SN	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
1	Loss of trees and crops	Standing trees and crops	Legal titleholder/tenant/leaseholder/sharecropper/no-titleAP	<ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops</li> <li>• If notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value</li> <li>• Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other <ul style="list-style-type: none"> <li>• trees/crops.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Harvesting prior to acquisition will be accommodated to the extent possible.</li> <li>• Work schedules will avoid harvest season.</li> <li>• Market value of trees/crops has to be <ul style="list-style-type: none"> <li>• determined</li> </ul> </li> </ul>	IPMU will ensure provision of notice. Valuation Committee will undertake valuation of standing crops, perennial crops and trees, and finalize compensation rates in consultation with APs
2	Loss of residential structure	Residential structure and other assets <sup>11</sup>	Legal titleholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable).</li> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• Shifting assistance for households.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> </ul>	<ul style="list-style-type: none"> <li>• Vulnerable households will be identified during the census.</li> </ul>	verify replacement value. <sup>12</sup> NGO will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households
3	Any other loss not identified	-	-	<ul style="list-style-type: none"> <li>• Unanticipated involuntary impacts will be documented and mitigated based on the principles of the Resettlement Framework (RF).</li> </ul>	-	NGO will ascertain the nature and extent of such loss. IPMU will finalize the entitlements in line with the RF.

#### **D. Consultation, Information Dissemination, Disclosure, and Grievance Redress**

11. The RP was prepared in consultation with stakeholders. Meetings and individual interviews were held involving stakeholders, particularly potentially temporarily affected persons; transect walks, census, socio-economic survey and interviews were conducted to determine the potential impacts of subproject construction to prepare the sub-project RP. During Program preparation, a town wide stakeholder consultation workshop was conducted which provided an overview of the Program and sub-projects to be undertaken in Jhalawar and Jhalrapatan; and discussed the Government and ADB's resettlement policies and potential resettlement impacts of the subprojects in Jhalawar and Jhalrapatan. During the workshop, Hindi versions of the RF were provided to ensure stakeholders understood the objectives, policy principles and procedures for any land acquisition, compensation and other assistance measures for any AP. Information continues to be disseminated to APs and beneficiaries through various media. English and Hindi versions of the RF and RP have been placed in the Urban Local Body (ULB) office and RPs has been provided to APs. The NGO engaged to implement the RP will continue consultations, information dissemination, and disclosure. A strategy for continued consultations and participation is in the RF. The RP will be made available in the ULB office, Investment Program Project Management Unit and Implementation Unit (IPMU and IPIU) offices, and the town library. The finalized RP will also be disclosed in ADB's website, the State Government website, the local government website, and the IPMU and IPIU websites. ADB review and approval of the RP is required prior to award of civil works contracts; and compensation/assistance of APs is required prior to commencement of civil works.

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

## **E. Compensation and Income Restoration**

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

15. Should construction activities result in unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption whichever is greater will be provided. Vulnerable APs will be given priority in project construction employment. Compensation and assistance to APs must be made prior to possession of land/assets and prior to the award of civil works contracts.

## **F. Institutional Framework, Resettlement Costs, and Implementation Schedule**

16. The LSGD is the Executing Agency (EA) responsible for overall technical supervision and execution of all sub-projects funded under the Program. The Implementing Agency (IA) is the Project Management Unit of the ongoing RUIDP, which will be expanded and assigned as the IPMU, to coordinate construction of subprojects and ensure consistency across the towns. The EC will provide LSGD with central policy guidance and coordination. The IPMU will be assisted by: Investment Program Management Consultants (IPMC) who will manage the program and assure technical quality of the design and construction; and Design and Supervision Consultants (DSC), who will design the infrastructure, manage tendering of Contractors, and supervise construction.

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

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

**Table 3. Institutional Roles and Responsibilities**

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

AP=affected person, VC=Valuation Committee, FGD=focus group discussions, GRC = Grievance Redress Committee, NGO = nongovernmental organization, IPMU = investment program management unit, IPIU = investment program implementation unit, SDS = Social Development Specialist, RP=resettlement plan, SIA=social impact assessment.

**Table 4. Summary of Land Acquisition and Resettlement Costs**

	Item	Unit	APs	Rate Rs	Cost (in Rs.)
1	<b>Compensation</b>				
	Disruption of access during construction and Loss of crops during laying of pipeline.-		2		As decided by valuation committee
2	Implementing NGO covering NGO engagement, cost of census and survey of APs and inventory of assets, cost of information and consultations, training and monitoring (including evaluation by independent agency), and rental of office space and required physical facilities and materials.		Lump Sum		100000
3	<b>Contingencies</b>				
	Price (5%)				7385
	Physical (20%) for unanticipated impacts such as temporary impacts on structures or temporary loss of land				29540
	<b>Total</b>				<b>184623</b>

**Table 5. Schedule of Resettlement Implementation**

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

\* The census will be the cut-off date for non-titled APs. For titled APs, the cut-off date is the date of notification.

\*\* The RP will be updated based on final detailed design and AP census and surveys.

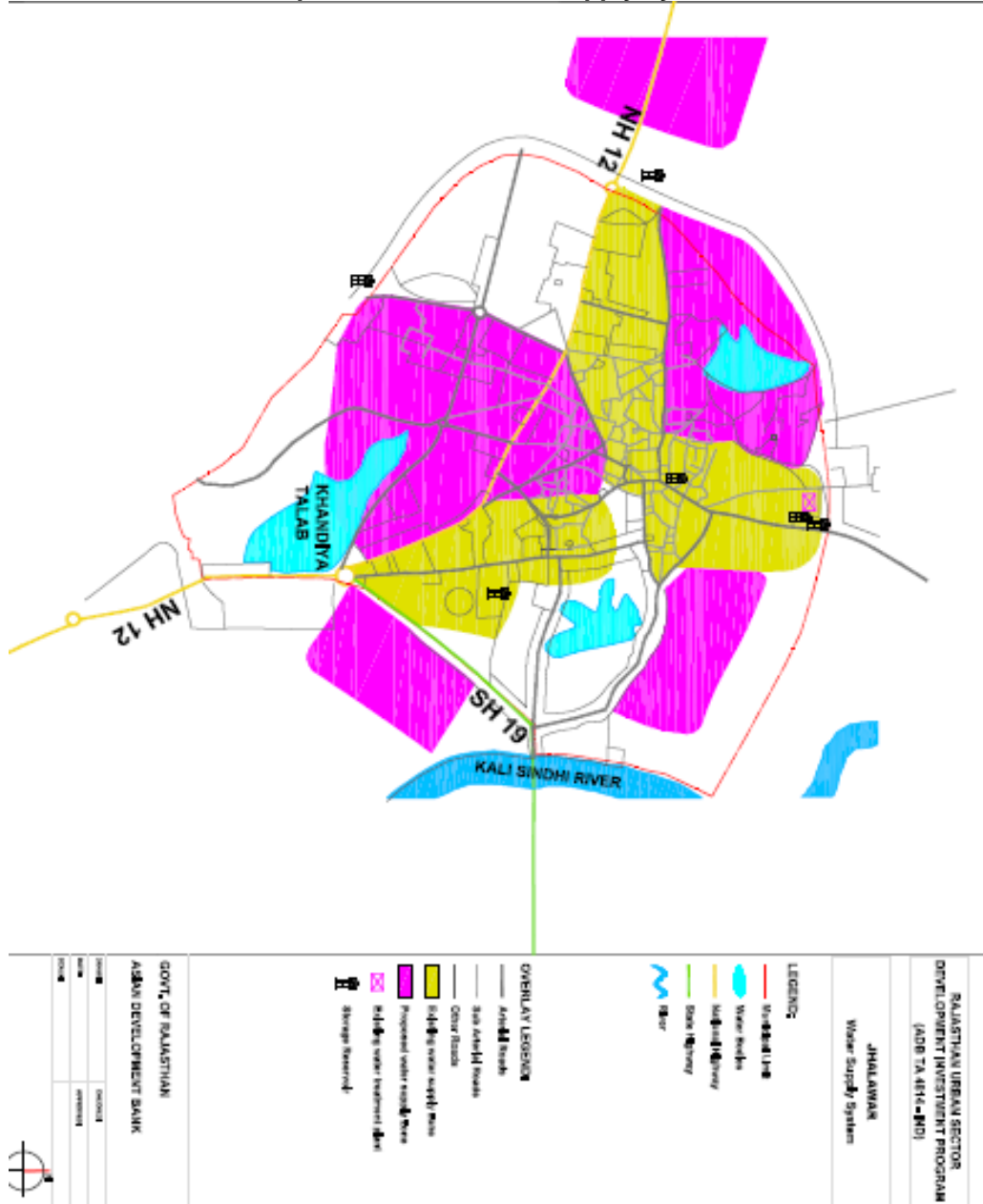
\*\*\* Endorsement and disclosure of finalized RPs consistent with the RF to be undertaken.

## G. Monitoring and Evaluation

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

sub-projects twice a year and submit reports directly to the EA (IPMU). The EA will submit all external monitoring reports to ADB for review. Further details are in the RF.

Map 1. Jhalawar Water Supply system





## Appendix 1

### Components and Resettlement Impacts

Component	Impact
Intakes structures and pumps	No impact as within vacant government land
Clear water and overhead tanks	No impact as on vacant government land
Dedicated power supply	With in RoW of vacant government land
Rehabilitation of existing water treatment plants	No impact as on existing facility
District laboratory	No impact as on vacant government land
Works to reduce unaccounted for water (UFW)— repair and replacement of mains and house connections, and installation of meters	Within RoW of vacant government land; it may cause temporary disruptions

**Appendix 2**  
**Table 1.1 Socio-economic Survey Summary**

Sl. No.	Location	Owner	Type of Structure	Type of Construction	Type of family	Social Category	Annual Income (in Rs.)	Nature of Impact
1	Gopal Ghat Road Jhalara-Patan	Kailash Chand Sen	Permanent	Pucca	Nuclear	OBC	18000.00	Disruption of access during construction
2	-do-	Mangi Lal Da Bhai	Agriculture Land		Joint	OBC	100000.00	Loss of crops during laying of pipeline.-

**Table 1.2 Age Group of the Head of Household of Affected Persons**

<b>Age Group (in years)</b>	<b>Percentage</b>
Less than 15	48.5
15-34	19.5
35-44	10.5
45-54	8.0
55-64	8.5
65 and above	5.0
<b>Total</b>	<b>100.0</b>

**Table 1.3 Type of Work of the Affected Persons**

<b>Work Type</b>	<b>Frequency</b>	<b>Percent</b>
183+ days	24	92.3
<183 days	2	7.7
<b>Total</b>	<b>26</b>	<b>100.0</b>

**Table 1.3 Possession of Legal Documents for the Affected Structure**

<b>Possession of Legal Documents</b>	<b>Percentage</b>
Yes	100

### Appendix 3

NOC letter signed by Agriculture land owner

अनापत्ती प्रमाण पत्र

दिनांक 11/08/2009 को आवासपारन में मंगीलालदा भाई से उनके निजी खेत से पाइपलाइन डालने के संबंध में चर्चा की गई और सबूत छात्रा तैयार की गई रिजोल्यूशन फ्रेमवर्क/प्लान की विस्तृत जानकारी दी गई।

मंगीलालदा भाई, जो पूर्व में सरकारी कर्मचारी रहे हैं, इस काम को लेकर काफी उत्साहित हैं और सहयोग देने की इच्छा जाहिर की और साथ-ही साथ अपने खेत से पाइप-लाइन डालने की स्वीकृति भी दे। ~~सहयोग~~



मंगीलालदा भाई

## Appendix 4

### Policy Framework and Entitlements

#### A. Policy and Legal Framework

1. The policy framework and entitlements for the Program are based on national laws: *The Land Acquisition Act, 1894* (LAA, amended in 1984) the National Resettlement and Rehabilitation Policy, 2007 (NRRP); and ADB's *Policy on Involuntary Resettlement, 1995*. The salient features of Government and ADB policies are summarized below.

##### 1. Government Policy

###### a. National Resettlement and Rehabilitation Policy, 2007

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

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

3. Though NRRP is applicable for projects where over 400 PAFs in the plains or 200 PAFs in hilly or tribal areas are displaced, the basic principles can be applied to resettling and rehabilitating PAFs regardless of the number affected. NRRP's provisions are intended to mitigate adverse impacts on PAFs. While key principles of NRRP are similar, and for some items go beyond ADB's Policy on Involuntary Resettlement (1995), NRRP excludes linear projects (which acquire only narrow strips of land). Linear impacts and temporary linear impacts (which is the likely impact of the Program) are not covered by NRRP. Further, there is no law on resettlement in the country. The law relating to the acquisition of privately owned immovable property is the Land Acquisition Act of 1894 (LAA, amended 1984) discussed in the following section.

###### b. Land Acquisition Act, 1894

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

- (i) Land identified for the purpose of a project is placed under Section 4 of the LAA. This constitutes notification. Objections must be made within 50 days to the District Collector (DC, the highest administrative officer of the concerned District).
- (ii) The land is then placed under Section 6 of the LAA. This is a declaration that the Government intends to acquire the land. The DC is directed to take steps for the acquisition, and the land is placed under Section 9. Interested parties are then invited to state their interest in the land and the price. Under Section 11, the DC will make an award within one year of the date of publication of the declarations. Otherwise, the acquisition proceedings shall lapse.
- (iii) In case of disagreement on the price awarded, within 6 weeks of the award, the parties (under Section 18) can request the DC to refer the matter to the Courts to make a final ruling on the amount of compensation.

- (iv) Once the land has been placed under Section 4, no further sale or transfer is allowed.
- (v) Compensation for land and improvements (such as houses, wells, trees, etc.) is paid in cash by the project authorities to the State Government, which in turn compensates landowners.
- (vi) The price to be paid for the acquisition of agricultural land is based on sale prices recorded in the District Registrar's office averaged over the three years preceding notification under Section 4. The compensation is paid after the area is acquired, with actual payment by the State taking about two or three years. An additional 30 percent is added to the award as well as an escalation of 12 percent per year from the date of notification to the final placement under Section 9. For delayed payments, after placement under Section 9, an additional 9 percent per annum is paid for the first year and 15 percent for subsequent years.

## **2. ADB'S POLICY ON INVOLUNTARY RESETTLEMENT, 1995**

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

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

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

### **C. Comparison of Borrower's Policy with the RF**

7. The NRRP represents a significant milestone in the development of a systematic approach to address resettlement issues in India. LAA, 1894 however gives directives for acquisition of land in public interest and provides benefits only to titleholders. Table 1

presents a comparison of Government policies (LAA and NRRP) in comparison with the RF which is consistent with ADB's involuntary resettlement policy.

**Table 1: Comparison Between the Borrower's and ADB's Involuntary Resettlement Policy**

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

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed RF with ADB's IR Policy
	appropriate timebound actions and budgets. Resettlers should be provided sufficient resources and opportunities to reestablish their homes and livelihoods as soon as possible.			when less than 200 people will experience major impacts. According to the NRRP, RP should be prepared when it involves resettlement of more than 400 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	Matrix.
		<input type="checkbox"/>	<input type="checkbox"/>	LAA does not provide for resettlement. However, it specifies the time limit for acquisition, though the project / program for which it is conceived need not necessarily be time-bound.	A time-bound action plan and implementation schedule for the IR activities is outlined. The key RP activities are identified and the responsibilities for the same outlined.
5.	The affected people should be fully informed and closely consulted on resettlement and compensation options. Where adversely affected people are particularly vulnerable, resettlement and compensation decisions should be preceded by a social preparation phase to build up the capacity of the vulnerable people to deal with the issues.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	LAA recognizes only titleholders, who are to be notified prior to acquisition.	Consultations have been carried out with APs. This will be further consolidated by the RP implementing NGO. The plan for information disclosure in the project, including the RF.
6.	Appropriate patterns of social organization should be promoted, and existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible. Resettlers should be integrated economically and socially into host communities so that adverse impacts on host communities are minimized. One of the effective ways of achieving this integration may be by extending development benefits to host communities.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	-	This is addressed in the Entitlement Matrix.
7.	The absence of formal legal title to land some affected groups should not be a bar to compensation. Affected persons entitled to compensation and rehabilitation should be identified and recorded as early as possible, preferably at the project identification stage, in order to prevent an influx of illegal encroachers, squatters, and other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	LAA provides for every affected person to receive a notification prior to acquisition and for a hearing in case of any objection. Acquisition under the Act is permitted within one year from the date of declaration of intent to acquire, failing which, the process has to start again. LAA does not regard non-	The process for verification of impacts and establishing the eligibility of the APs is outlined in the RF.

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed RF with ADB's IR Policy
	nonresidents who wish to take advantage of such benefits. Particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets,, female-headed households and other vulnerable groups, such as indigenous peoples, and appropriate assistance provided to help them improve their status.			titleholders as APs.  The <i>Rajasthan Urban Housing and Habitat Policy, 2006</i> aims to provide tenurial rights to urban slum dwellers with special emphasis on persons belonging to scheduled castes, scheduled tribes, weaker sections, physically handicapped and widows. This is consistent with recognizing those without legal titles and the vulnerable.	
8.	The full costs of resettlement and compensation, including the costs of social preparation and livelihood programs as well as the incremental benefits over the "without project" situation, should be included in the presentation of Project costs and benefits.	X <input type="checkbox"/>	✓ <input type="checkbox"/>	According to the ADB's IR policy full RP is required when 200 or more people will experience major impacts. A Short RP is required when resettlement is insignificant when less than 200 people will experience major impacts. According to the NRRP, RP should be prepared when it involves resettlement of more than 500 families (roughly about 2,500 persons) in plain areas and 250 families (roughly about 1,250 people) in hilly areas, Desert Development Programme (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.
		<input type="checkbox"/>	<input type="checkbox"/>	The NRRP's concept of replacement cost is not clearly defined. However, the NRRP does consider various compensation packages to substitute the losses of APs.	This is addressed in the Entitlement Matrix
9.	To better assure timely availability of required resources and to ensure compliance with involuntary resettlement procedures during implementation, eligible costs of resettlement and compensation may be considered for inclusion in Bank loan financing for the project, if requested.	X <input type="checkbox"/>	✓ <input type="checkbox"/>	-	The impacts have been assessed and RP costs according to the entitlement matrix have been worked out. These costs are included in the Project Costs.