

Resettlement Planning Document

Draft Short Resettlement Plan for Bharatpur Drainage Sub-project

Document Stage: Draft for Consultation

Project Number:

August 2008

India: Rajasthan Urban Sector Development Investment Program

Prepared by Local Self Government Department.

The resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

DRAFT SHORT RESETTLEMENT PLAN

A. Scope of Land Acquisition and Resettlement

1. The Investment Program will optimize social and economic development in 15 selected towns¹ in Rajasthan through investments in urban infrastructure (water supply, sewerage and sanitation, 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.² This short resettlement plan (RP) has been prepared for the drainage sub-project in Bharatpur.

2. The sample subproject includes: includes: (i) de-silting of approximately 700 meters of existing masonry drains; (ii) rehabilitation of approximately 3 kilometers (km) of the existing drains to a masonry drain at various stretches of town; (iii) de-silting and construction of about 1.5 km of secondary drains and connecting those to the main drains proposed as above; and (iv) construction of road culverts, entry points, drain cover for access as required on the drains to be rehabilitated as part of the sub-project. The location of sub-project components is provided in Map 1.

3. Sub-project design minimized land acquisition and resettlement impacts. Most drains are open and work will be done within the drain for rehabilitation, desilting, and construction. There is vacant road right-of-way owned by the Government for construction materials and silt, hence no temporary land acquisition is required. Appendix 1 shows each sub-project component and expected resettlement impacts. There will be impacts on two permanent structures and one moveable structure because they have encroached on drain covers. Socio-economic surveys were conducted for owners of these structures (Table 1). A summary of socio-economic survey information is Appendix 2. The scope of land acquisition and resettlement identified is based on preliminary design and will be updated during detailed design.

¹ Particularly district headquarters and towns with significant tourism potential.

² 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.

Table 1: Summary of Resettlement Impacts

Impact	
Permanent Land Acquisition (ha)	0
Temporary Land Acquisition (ha)	0
Affected Households (AHs)	3
Titled AHs	2
Non-titled AHs	1
Female AH	0
IP/STAH	0
BPL AH	0
Affected Trees/Crops	0
Affected Common Structures	0
Average Family Size	5
Average Household Income (per month)	Rs 2,600
Income Sources Affected	Tea and pan stalls and barber shop

B. Policy Framework and Entitlements

4. 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 Resettlement and Rehabilitation Policy, 2007 (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 assistance³;
- (v) payment of compensation 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.

5. Policy framework and entitlements are further discussed in Appendix 3. The entitlement matrix⁴ for the sub-project based on the above policies and Section D of this RP are in Table 2.

³ 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).

⁴ While no impacts are noted on common resources, such row is included in the entitlement matrix as there is a probability of impacts on common resources should alignments change after detailed design.

Table 2: Entitlement Matrix

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
1	Loss of government land	ROW of drainage	Encroachers	60 days' advance notice to shift from encroached ROW. Additional compensation for vulnerable households.	Vulnerable households will be identified during the census.	IPMU will ensure provision of notice. NGO will identify vulnerable households.
2	Loss of commercial structure	Commercial structure and other assets	Encroachers	60 days' advance notice to shift from occupied land. Transitional allowance based on 3 months' minimum wage rates. Shifting assistance for households. Right to salvage materials from structure and other assets. Additional compensation for vulnerable households.	Vulnerable households will be identified during the census.	NGO will verify the extent of impact through a full survey of affected households, determine the needed assistance, and verify and identify vulnerable households.
3	Temporary disruption of livelihood		Legal titleholders, non-titled APs	30 days advance notice regarding construction activities, including duration and type of disruption. Contractor ⁵ 's actions to ensure there is no income ⁶ /access loss consistent with the IEE. ⁷ Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity ⁸ For construction activities involving unavoidable livelihood disruption, compensation for lost income or a transitional allowance for the period of disruption whichever is greater.	Identification of alternative temporary sites to continue economic activity.	Valuation Committee will determine income lost. Contractors will perform actions to minimize income/access loss.
4	Impacts on vulnerable APs	All impacts	Vulnerable APs	Livelihood. Vulnerable households will be given priority in project construction employment.	Vulnerable households will be identified during the census.	NGO will verify the extent of impacts through a 100% surveys of AHs determine assistance, verify and identify vulnerable households.

⁵ As mentioned in Clause 93.1 of Section VIII: Particular Condition of Contract of Bid Document

⁶ Minimum wage in Rajasthan is Rs.73 per day

⁷ This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.

⁸ For example assistance to shift to the other side of the road where there is no construction.

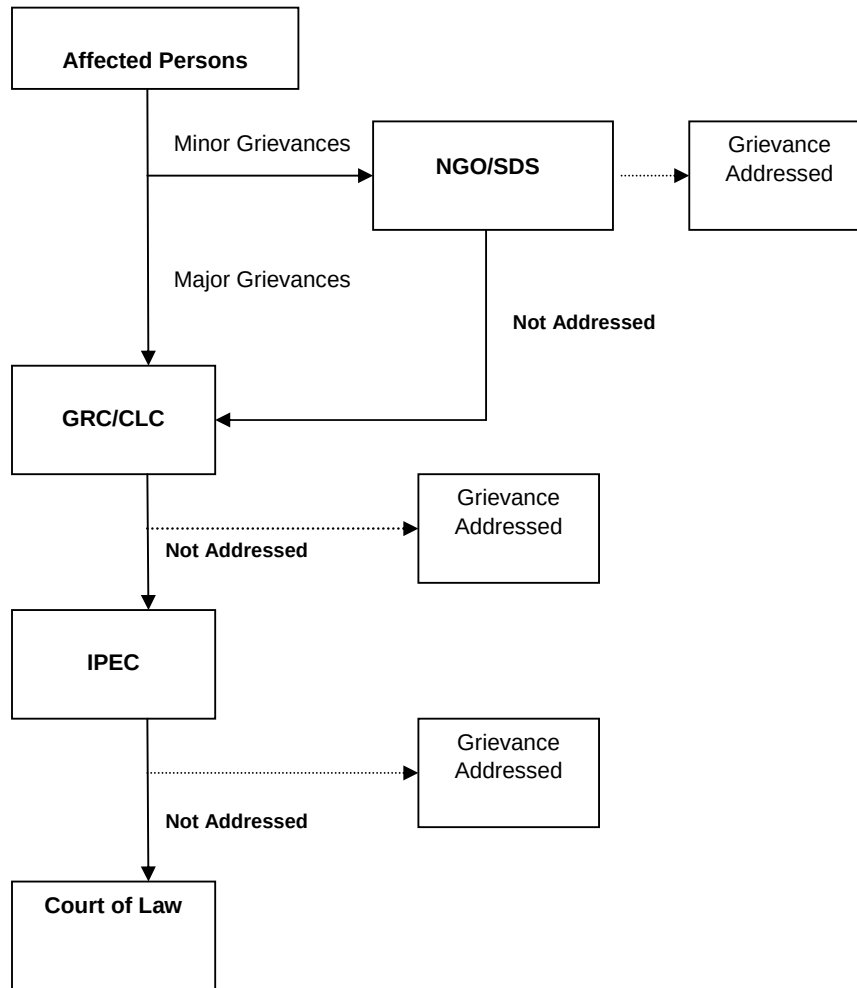
	Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsible Agency
5	Loss and temporary impacts on common resources	Common resources	Communities	Replacement or restoration of the affected community.	-	IPMU and Contractor.
6	Any other loss not identified	-	-	Unanticipated involuntary impacts will be documented and mitigated based on the principles of the Resettlement Framework (RF).	-	NGO will ascertain the nature and extent of such loss. IPMU will finalize the entitlements in line with the RF.

C. Consultation, Information Dissemination, Disclosure, and Grievance Redress

6. The RP was prepared in consultation with stakeholders. APs were individually interviewed and further meetings and individual interviews were held involving stakeholders to determine the potential impacts of sub-project construction to prepare the sample sub-project RP. Following the model developed for the MFF, a town-wide stakeholder consultation workshop was conducted which provided an overview of the Program and sub-projects to be undertaken in Bharatpur; and discussed the Government and ADB's resettlement policies and potential resettlement impacts of the sub-projects in Bharatpur. 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. During consultations, key issues discussed were: (i) drainage is aimed to eventually cover all wards and areas of the town; (ii) livelihood impacts will be addressed through cash compensation and if land acquisition is required it will be compensated using local market prices; (iii) local people will be employed by contractors during construction to the extent possible; (iv) mobile vendors/hawkers are willing to shift in nearby places. People perceived the sub-project positively noting: (i) the sub-project will ensure smooth discharge of liquid wastes of the town through the network of drainage systems; (ii) the system will ensure prompt discharge of storm water relieving the problem of water logging and flooding; (iii) as a direct outcome this would drastically reduce the accumulation of liquid city wastes in patches of the network due to optimum design and ideal construction; (iv) the sub-project will ensure reduced water logging leading to reduced incidence of water-borne diseases, and (v) the sub-project will assure healthy living for the residents. Consultation records are in Appendix 4.

7. Information continues to be disseminated to APs and beneficiaries through various media. English and Hindi versions of the RF and RP will be placed in the Urban Local Body (ULB) office and RPs will be 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 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. Consultation and disclosure activities to be followed are in Appendix 5.

8. 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. The grievance redress process is shown in Figure 1.

Figure 1: Grievance Redress Process

All costs involved in resolving the complaints will be borne by the IPMU. The GRCs will continue to function throughout the project duration.

D. Compensation and Income Restoration

9. APs experiencing loss of structures will be provided 60 days notice to shift from occupied ROW. A transition allowance based on 3 months' minimum wage rates will be provided as well as shifting assistance. The APs will have rights to salvage materials from structures and other assets. APs experiencing loss of livelihood will be provided 30 days advance notice. APs with moveable structures 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.

10. 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.

11. Compensation and assistance to APs must be made prior to possession of land/assets and prior to the award of civil works contracts.

E. Institutional Framework, Resettlement Costs, and Implementation Schedule

12. 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 has been expanded and assigned as the IPMU, to coordinate construction of subprojects and ensure consistency across the towns. The EC provides LSGD with central policy guidance and coordination. The IPMU is assisted by: Investment Program Management Consultants (IPMC) who manages the Program and assure technical quality of the design and construction; and Design and Supervision Consultants (DSC), who are designing the infrastructure, managing the tendering of Contractors, and supervising construction.

13. IPIUs are being established in seven zones across the State 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.

14. Resettlement issues are coordinated by a Social Development Specialist (IPMU SDS) within the IPMU, who ensures that all sub-projects comply with involuntary resettlement safeguards. A Resettlement Specialist (RS) who is part of the IPMC team assists 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
Sub-project Initiation Stage	
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
RP Preparation Stage	
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	
RP Implementation Stage	
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	Cost
1	Compensation	
	Transitional allowance	27,000
	Shifting assistance	9,000
	Assistance to vulnerable APs	27,000
2	Administrative and implementation costs (Cost for IPIU for all sub-projects in the zone)	
	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.	3,000,000
3	Contingencies	
	Price (5%)	150,000
	Physical (20%) for unanticipated impacts such as temporary impacts on structures or temporary loss of land	610,000
	Total (Rs)	3,823,000

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. Appointment of NGOs	♦																	
ii. Briefing of the CLC on GRC functions	♦																	
iii. Census and socio-economic surveys (issuance of i.d. cards)*	♦	♦																
iv. Consultations and disclosure		♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
v. Confirmation of government land to be used and transfer from other departments	♦	♦																
vi. RP updating**		♦	♦															
vii. RP review and approval (IPMU and ADB)***			♦															
viii. Issue notice to APs				♦														
ix. Compensation and resettlement assistance					♦	♦	♦											
x. Relocation as required					♦	♦	♦											
xi. Skills training as required					♦	♦	♦											
xii. Takeover possession of acquired property								♦	♦	♦								
xiii. Internal monitoring				♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
xiv. Handover land to contractors											♦							
xv. Start of civil works												♦						
xvi. External monitoring												♦						♦
xvii. 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.

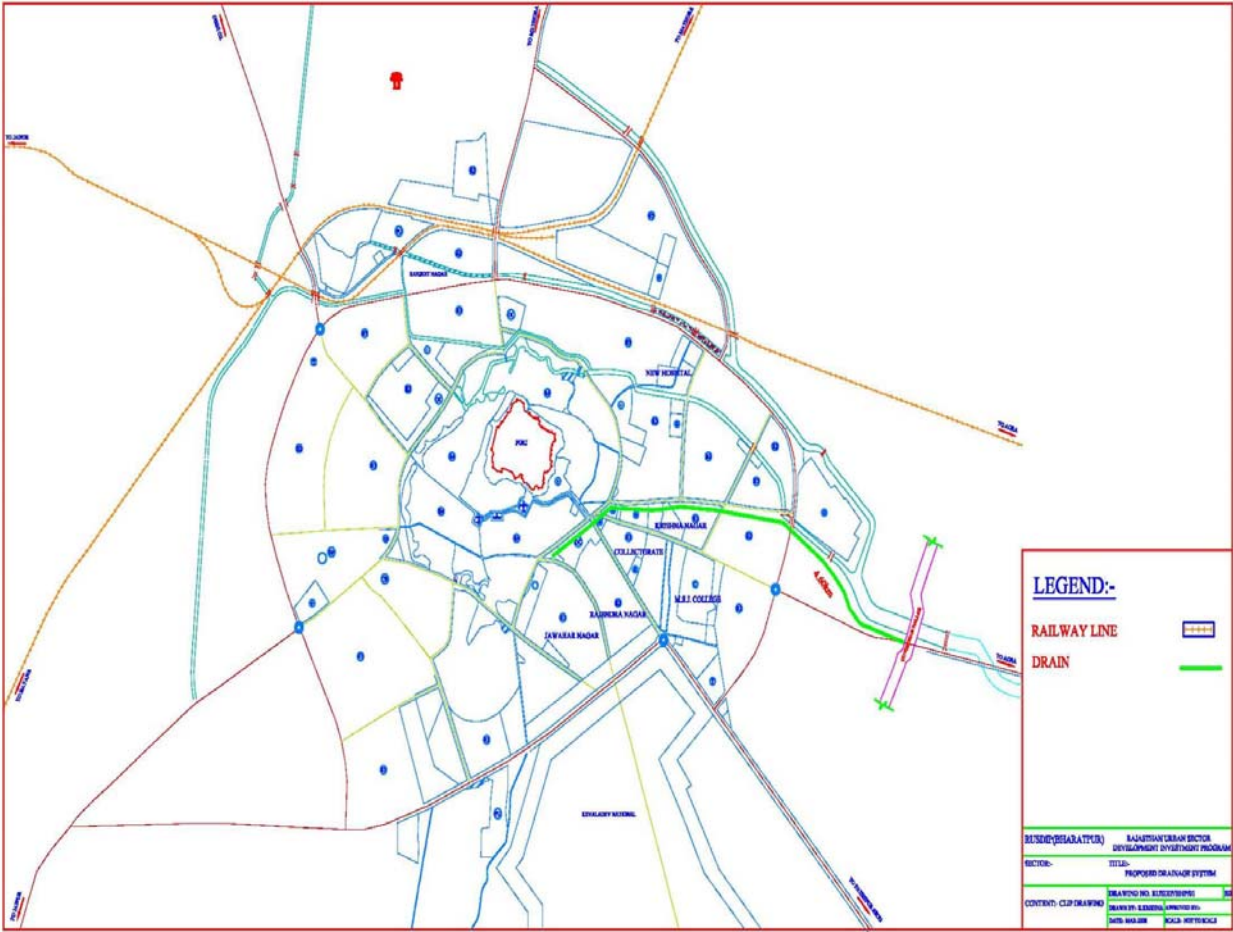
** The RP will be updated based on final detailed design and AP census and surveys.

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

F. Monitoring and Evaluation

15. 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



Appendix 1
COMPONENTS AND RESETTLEMENT IMPACTS

Component	Impact
De-silting of approximately 700 meters of existing masonry drains	No impact; as in the existing drain and these are not encroached.
rehabilitation of approximately 3 kilometers (km) of the existing drains to a masonry drain at various stretches of town	Significant impact; as there are three shops in two locations which will experience loss of structures and loss of livelihood.
de-silting and construction of about 1.5 km of secondary drains and connecting those to the main drains proposed as above	No impact; as in the existing drain and there is sufficient vacant ROW to contain all construction materials and desilted materials.
construction of road culverts, entry points, drain cover for access as required on the drains to be rehabilitated as part of the sub-project	No impact; as on the existing drain and there is sufficient vacant ROW to contain all construction materials.

Appendix 2

Socio-economic Survey Summary

Types of Business	Head of the Household	Members	Ownership	Daily income (in Rs.)	Impact	Types of Structure	Size of Structure (in meter)	Willing to Relocated	Area	Category
General-cum-tea/pan Shop	Mukundi	6	Tenant	250	Affected	Shop	3x3x2.5	Yes	Super Market	OBC
Tea stall Pan Shop	Bishan Singh	4	Owner	200	Affected	Mobile Wood Structure	2x2x2.1	Yes	B Narayan Gate	OBC
Barber	Shellu	3	Owner	60	Affected	Temporary	2x2x2.1	Yes	Super Market	SC

All the three APs want to be relocated and reestablished in suitable area in the market. All the members of affected households are fully dependant on this business.

Appendix 3

POLICY FRAMEWORK AND ENTITLEMENTS

A. Policy and Legal Framework

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

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.

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 immoveable property is the Land Acquisition Act of 1894 (LAA, amended 1984) discussed in the following section.

b. Land Acquisition Act, 1894

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

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.

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 with out 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

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	✓	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	✓	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	x	✓	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	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed RF with ADB's IR Policy
	who may have usufruct or customary rights to the land or other resources taken for the project.			(DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	
4.	Any involuntary resettlement should, as far as possible, be conceived and executed as a part of a development project or program and resettlement plans should be prepared with appropriate timebound actions and budgets. Resettlers should be provided sufficient resources and opportunities to reestablish their homes and livelihoods as soon as possible.	×	✓	According to the ADB's 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 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.	The RF addresses the IR impacts. The entitlements to the APs are outlined in the Entitlement Matrix.
				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.	×	✓	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	×	✓	-	This is addressed in the Entitlement Matrix.

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed RF with ADB's IR Policy
	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.				
7.	The absence of formal legal title to land some affected groups should not be a bar to compensation. Affected persons entitled to compensation and rehabilitation should be identified and recorded as early as possible, preferably at the project identification stage, in order to prevent an influx of illegal encroachers, squatters, and other nonresidents who wish to take advantage of such benefits. Particular attention should be paid to the needs of the poorest affected persons including those without legal title to assets,, female-headed households and other vulnerable groups, such as indigenous peoples, and appropriate assistance provided to help them improve their status.	×	✓	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-titleholders as APs. The <i>Rajasthan Urban Housing and Habitat Policy</i>, 2006 aims to provide tenurial rights to urban slum dwellers with special emphasis on persons belonging to scheduled castes, scheduled tribes, weaker sections, physically handicapped and widows. This is consistent with recognizing those without legal titles and the vulnerable.	The process for verification of impacts and establishing the eligibility of the APs is outlined in the RF.
8.	The full costs of resettlement and compensation, including the costs of social preparation and livelihood programs as well as the incremental benefits over the “without project” situation, should be included in the presentation of Project costs and benefits.	×	✓	According to the ADB's 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.
				The NRRP's concept of replacement cost is not clearly	This is addressed in the Entitlement

	Policy Principles	LAA	NRRP	Remarks	Compliance of proposed RF with ADB's IR Policy
				defined. However, the NRRP does consider various compensation packages to substitute the losses of APs.	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.	×	✓	-	The impacts have been assessed and RP costs according to the entitlement matrix have been worked out. These costs are included in the Project Costs.

Appendix 4

PUBLIC CONSULTATIONS

ISSUES DISCUSSED

- a. Drainage is aimed to cover all wards and areas of the city
- b. Livelihood affected households shall be given assistance in the mode of cash compensation
- c. As far as possible local people shall be employed by the contractor during construction work
- d. Due safety measures shall be taken during actual construction work
- e. Compensation package to be determined at the local market price in the event of land acquisition (if any)
- f. Willingness to shift in nearby places of Mobile kiosk/vendors

PEOPLE'S PERCEPTIONS

The overall benefits of the project as per the local residents recorded during public consultation and field survey are:

- (i) This program will ensure smooth discharge of liquid wastes of the town through the network of drainage system after proper curing.
- (ii) The system will ensure prompt discharge of storm water reliving the problem of accumulation of water (water logging) and flooding.
- (iii) As a direct outcome this would drastically cut off the accumulation of liquid city wastes in patches of the network due to optimum design and ideal construction with due importance accorded to gradient and other technical parameters.
- (iv) The project would ensure reduction water logging and as a result in the incidence of vector bourn diseases such as malaria etc.
- (v) Finally the program would assure healthy life style of the people of Bharatpur.

30-JUN-2008 14:45

GEL, BHARATPUR

0564422243

Khd OH:- Sangeet Jain
APC - Bharatpur

Appendix 1: Proceedings of City Level Consultation Meeting At Bharatpur on June 25, 2008

Introduction : Government of Rajasthan has embarked upon an ambitious project of developing infrastructures in the 15 towns of Rajasthan with an aim to raise general standard of hygiene and living of the people. The major factors contributing to this objective is to overcome deficit in various service sectors such as water supply, waste water, solid waste etc. The meeting is organized to make people of the town aware about this project, invite queries from them and thus to arouse interest in people for taking part in the program.

1. The public consultation meeting was therefore organized on June 25, 2008 at Bharatpur Municipal Council (BMC) meeting hall. The meeting was organized by the BMC on the request of the Council, prominent persons of the city, political leaders, general public and also invited were the technical staff of the various government agencies (List of persons attended the meeting is enclosed herewith).

2. The objective of the meeting was to appraise the stakeholders about the environmental and social impacts of the proposed program and the safeguards provided in the program to mitigate the same.

In the specific context of Bharatpur, the environmental and social impacts of the proposed subprojects under Tranche II & III in Bharatpur were discussed in detail with people present.

3. Domestic environmental specialist and an EA representative, who is also the in-charge of Bharatpur town, made the detailed presentation to the stakeholders (copy of presentation is enclosed herewith). Draft resettlement framework (RF) and summary initial environmental examination (SIEE) documents of RUSDIP, translated in the local language – Hindi, were displayed in the Notice Board of BMC and also distributed during presentation to the interested parties. The copies of documents are also made available to all the interested parties through the BMC. It may be noted that the EA has already distributed these documents to the affected persons (APs) and project implementation agencies, the PHED and BMC.

4. The comments, suggestions of the stakeholders are presented below:

- 47 stakeholders attended this meeting, which was chaired by the elected Chairman of Bharatpur Municipal Council.
- The meeting started with a briefing by the Chairman of Bharatpur Municipal Council.
- Domestic environmental specialist then made a detailed presentation on (i) objective and benefits of RUSDIP, (ii) proposed subprojects in Bharatpur in Tranche II & III, (iii) mandatory environmental and social assessment requirements of subprojects, i.e. Government Regulations and as well as ADB policies on Environment, involuntary Resettlement and Indigenous People – salient features of these three key safeguard

policies were presented, (iii) key social safeguard features in the program to avoid social impacts, (iv) draft resettlement framework (v) IR impacts of Tranche II & III subprojects in Bharatpur, (vi) environmental subproject selection criteria to minimize the negative environmental impacts of subproject implementation and, lastly, (vii) identified environmental impacts and mitigation measures through sample subproject IEEs.

- All the stakeholders supported the project and indicated their willingness to participate in the program to make it successful.
- Stakeholders were of the general view that these subprojects provide benefits to all the people by improving water supply, sewerage, roads and solid waste management infrastructure.
- Most of the stakeholders also indicated that solid waste at present is not managed properly. Waste is collected partially and disposed haphazardly all over, making Bharatpur unhealthy. During rains the solid waste joins natural streams. Therefore, all were of the view that solid waste management subproject will improve the environmental and aesthetical values of the city.
- People were very much impressed by the ADB Policy that the "absence of formal legal title to land is not a bar to ADB policy entitlement".
- The EA further appraised that RUSDIP is designed to minimize the IR impacts. In unavoidable cases, the LA and R & R will be handled through the Resettlement Framework (RF) of RUSDIP. Stakeholders were satisfied that all possible IR issues are included in RF, however, indicated to the EA that this shall be implemented in letter and spirit.
- The ADB has also a policy according to which contract can not be finalized unless land required and RF/RP are cleared. With this policy cost over runs and delays will be avoided.

25.6.08
(Dharendra Godhava)
Health Officer -
Municipal Council
Bharatpur.

Bharatpur
Attendance Sheet
DSC-I, RUSIDP on dated: 25/6/2008

S. No.	Name	Designation / Address	Signature
1	Yogesh Goel	Comp. Engg.	
2	Yatincha Mahan	Support Engg.	
3	R. S. Verma	Support Engg.	
4	Chandani Singh	EE M.C. Bharatpur	
5	L. K. Balot	Commissioner, NAGAR PARISAD BHARATPUR	
6	RATEEN KUMAR GOYAL.	Junior Engineer	
7	Vineet Nagareen	Junior Engineer	
8	Dinesh Kumar Sharma	Junior Engineer	
9	Jay Raj Dermanu	Assessor & R.O. M.C. B.Pur.	
10	K.M. Tiwari	A.A.C.	
11	Lokendra Singh	Dr. H.Ct.	
12	Dr. Anil Kumar	N.O.	
13	ओमना सिंह राणा	असिस्टेंट A.I	
14	नारायण सिंह	क. डी. डी. क.	

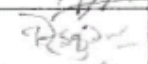
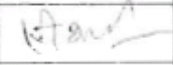
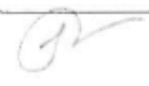
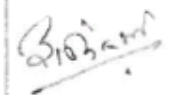
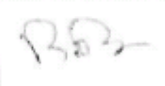
Attendance Sheet

DSC-I, RUSIDP on dated:

S. No.	Name	Designation / Address	Signature
15	प्रमोद-च-5 (व-500000)	व-500000	Prady
16	प्रमोद-च-5	व-500000	Prady
17	प्रमोद-च-5	व-500000	Prady
18	प्रमोद-च-5	व-500000	Prady
19	प्रमोद-च-5	व-500000	Prady
20	प्रमोद-च-5	व-500000	Prady
21	प्रमोद-च-5	व-500000	Prady
22	प्रमोद-च-5	व-500000	Prady
23	प्रमोद-च-5	व-500000	Prady
24	प्रमोद-च-5	व-500000	Prady
25	प्रमोद-च-5	व-500000	Prady
26	प्रमोद-च-5	व-500000	Prady
27	प्रमोद-च-5	व-500000	Prady
28	प्रमोद-च-5	व-500000	Prady

Attendance Sheet

DSC-I, RUSIDP on dated:

S. No.	Name	Designation / Address	Signature
29	मिनिनंदनमगलशर्मा	L.D.C	
30	नरेन्द्र कुमार शर्मा	---	
31	पन्तमोखर शर्मा	---	
32	शमशेर शर्मा	राज्य सरकार	24
33	नरेश शर्मा	नरेश शर्मा	
34	मंगल शर्मा	म. डायरी	
35	नरेन्द्र शर्मा	कठिना	
36	मिनिनंदन शर्मा	---	
37	प्रमोद शर्मा	विद्युत निरीक्षक	प्रमोद
38	दिनेश लोहारी	लीडर लिफिफ	
39	वीरभारी		
40	भूदेवी		
41			
42	मंगल शर्मा		

गामांलम नउरु मीरकत मयलकुई

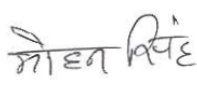
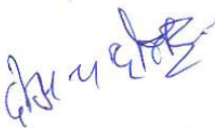
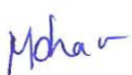
नउरु मीरकत मीरकत मीरकत दि. २५-६-०६ को मीरकत डोह
न. मीरकत मीरकत मीरकत मीरकत मीरकत मीरकत मीरकत मीरकत
मीरकत मीरकत मीरकत मीरकत मीरकत मीरकत मीरकत मीरकत
मीरकत मीरकत मीरकत मीरकत मीरकत मीरकत मीरकत मीरकत

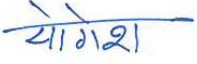
उपनिर्वाह

1	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—
2	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—
3	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—
4	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	मीरकत
5	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—
6	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—
7	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—
8	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—
9	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	मीरकत
10	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—
11	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—
12	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	मीरकत
13	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—
14	मी. मी. मीरकत मीरकत मीरकत	मीरकत मीरकत	—

1) श्री श्रीगणेशदेव	(12)	—
18 श्रीगणेश विनोददेव	(13)	—
19 श्री श्रीगणेश	(14)	—
20 श्री श्रीगणेश	(15)	—
21 श्री श्रीगणेशदेव	(16)	—
22 श्रीगणेश लक्ष्मीगुप्त	(17)	—
23 श्रीगणेशदेव	(18)	—
24 श्रीगणेशदेव	(19)	—
25 श्रीगणेशदेव	(20)	—
26 श्रीगणेशदेव	(21)	—
27 श्रीगणेशदेव	(22)	—
28 श्रीगणेशदेव	(23)	—
29 श्रीगणेशदेव	(24)	—
30 श्रीगणेशदेव	(25)	—
31 श्रीगणेशदेव	(26)	श्रीगणेशदेव
32 श्रीगणेशदेव	(27)	—
33 श्रीगणेशदेव	(28)	—
34 श्रीगणेशदेव	(29)	—

List of Participants

Name	Male/Female	Signature	Type of Business.
Mohan Singh	-M-		Pan Bhandar
Deep Chand	-M-		Juice Centre
Digamber Singh	-M-		- Wine-shop
Yogesh Bansal	-M-		Building material
Saran.	-M-		Medical
Abhishek Sharma	-M-		Computer -
Jitencha	-M-		Medical
Mohan	-M-		Mobile Repair
Pratap Fojdar	-M-		Medical Lab

me	male/female	Signature	Type of business.
nehroob	-m-		Amritur
Yogesh	-m-		Electronic
2 mpralcaash	-m-		Reg Pickers
Gaurav	-m-		welding
Rajendra Bihari	-m-		wine shop
Airaj	-m-		Tea stall
R-K. Kaushik	-m-		Medical
J Bhandari,	-m-		Pam Bhande.

name	male/female (M) (F)	Signature	Type of Business.
Aman deep -M-	<u>Aman</u>		Ronda showroo
Sureshchand -M-	<u>Suresh</u>		General str.
Rahul -M-	<u>राहुल</u>		Hawker (Bun)
Nanesh -M-	<u>Nanesh</u>		Building mater
Dr. Sharma -M-	<u>Anurag</u>		Hospital
Tena Chand -M-	<u>Tena Chand Sharma</u>		Auto showroom.
Nawal Das -M-	<u>नवल</u>		Tea Stall
) Suresh Chand -M-	<u>सुरेश चंद</u>		Tea stall
Jagjit Singh -M-	<u>जगजित सिंह</u>		Building material

Appendix 5

CONSULTATION AND DISCLOSURE

A. Consultation

Consultations will be held with special emphasis on vulnerable groups. Encouraging public participation in consultations informs the public of the Program and serves as a venue for the public to express their opinion on priorities which the Program should address.

The key stakeholders to be consulted during RP implementation and Program implementation includes:

- (i) all APs, including vulnerable households;
- (ii) program beneficiaries;
- (iii) host populations in resettlement sites;
- (iv) elected representatives, community leaders, and representatives of community-based organizations;
- (v) local NGOs;
- (vi) local government and relevant government agency representatives; and
- (vii) Program staff, IPMU, IPIU, and consultants.

Consultations conducted during RP implementation will identify help required by APs during rehabilitation. Continuing involvement of those affected by sub-projects is necessary in the resettlement process. The IPIU will ensure that APs and other stakeholders are informed and consulted about the sub-project, its impact, their entitlements and options, and allowed to participate actively in the development of the sub-project. This will be done particularly in the case of vulnerable APs, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the sub-project—during preparation, implementation, and monitoring of sub-project results and impacts.

The implementing NGOs will ensure that views of APs, particularly those who are vulnerable, related to the resettlement process are looked into and addressed. The NGOs will ensure that APs consulted are informed of the outcome of the decision-making process, and will confirm how their views were incorporated. Since resettlement is a continuous process and baseline data/information will be collected, the implementing NGO will regularly update the baseline information.

B. Disclosure

Information was and continues to be disseminated to APs for the sample sub-projects. Finalized RPs will be disclosed in ADB's website, IPMU websites, and IPIU or town websites; and information dissemination and consultation will continue throughout program implementation.

The IPIU SDS will conduct consultations and disseminate information to all APs.

RPs will be translated into the local language and made available at offices of the: (i) Urban Local Bodies (ULBs); (ii) relevant local government line agencies; and (iii) IPMU and IPIUs. RPs will also be kept in the public libraries, accessible to citizens as a means to disclose the document and at the same time creating wider public awareness.

16. The RF and RPs will be disclosed in the following websites: IPMU, IPIU, State Government, local governments, and ADB. The IPMU will issue notification of implementation start dates for each sub-project. The notice will be issued by the IPMU in local newspapers one month ahead of implementation. This will create awareness of project implementation. The IPMU and IPIUs will provide information on IR policies and features of the RP. Basic information such as sub-project location, impact estimates, entitlements, and

implementation schedule will be presented in the form of a brochure that will be circulated among APs. Posters containing basic RP information will also be posted in different localities to increase awareness. Copies of RP summaries will be kept in the IPMU and IPIU offices and will be distributed to any AP consulting on resettlement issues. The RF will be made available in local language during public meetings. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contracts.

17. An intensive information dissemination campaign for APs will be conducted by the IPIU with assistance from the implementing NGO at the outset of RP implementation. All the comments made by the APs will be documented in the sub-project records and summarized in sub-project monitoring reports. A summary of consultation and disclosure activities to be followed for each sub-project are in Table 1.

Table 1: Consultation and Disclosure Activities

Program Phase	Activities	Details	Responsible Agency
Investment Program Bridging Phase	Mapping of the Program areas	Area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	IPMU in coordination with DC's offices and other local bodies.
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the Program.	IPMU and IPIUs in consultation with stakeholders.
	Program/sub-project information dissemination; Disclosure of proposed land acquisition	Leaflets containing information on the Program and sub-project to be prepared. Public notice issued in local newspapers (and disclosed on IPMU/IPIU websites) including survey numbers and names of titleholders for land to be acquired concurrent with consultation with titleholders.	SDS and RS from IPMU. IPMU may seek the assistance of CAAP consultants for leaflet preparation. Notice will be issued from the DC's office. SDS IPMU and SDS IPIU to disclose on the web.
	Stakeholder consultations	Further consultations with affected titleholders and households. Consultations with non-titled APs and other stakeholders during sub-project scoping.	SDS IPIU and NGO.
RP Preparation Phase	SIA surveys	Surveys to be conducted. Summary RF to be disclosed in local language through printed materials to APs particularly those who are vulnerable and other stakeholders.	IPIU to conduct surveys. SDS IPIU to disclose RF to stakeholders (including making it available in IPMU/IPIU offices and government agency offices), SDS IPMU to disclose on the web.
	Formulating compensation and resettlement assistance measures	Conducting stakeholder consultations particularly APs in and reflecting issues raised in revised RP.	SDS IPIU and NGO.
	Disclosure of final entitlements and rehabilitation packages	Provision of RPs to all stakeholders particularly APs. Conducting consultations and distributing local language versions of the summary RP.	SDS IPMU, and SDS IPIU to disclose on the web. SDS IPIU and NGO to conduct consultations.
RP Implementation Stage	Disclosure of RP	Review and approval of RP by EA. Review and approval of RP by ADB. Web disclosure of the RP.	EA to provide ADB with RP for review and approval. SDS IPMU, and SDS IPIU to disclose on the web.
	Consultation with APs during RP implementation	Consultations with APs.	NGO with monitoring from IPIU and external agency.