

# Resettlement Framework (DRAFT)

---

Document stage: Draft for Consultation  
Project Number: 49107-003  
October 2017

## IND: Tamil Nadu Urban Flagship Investment Program (TNUFIP)

Prepared by Tamil Nadu Urban Infrastructure Financial Services Ltd., Government of Tamil Nadu for the Asian Development Bank.

This resettlement framework 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.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.



## CURRENCY EQUIVALENTS

(as per 12 January 2017)

Currency Unit	–	Indian rupee (₹)
₹1.00	=	\$0.0157
\$1.00	=	₹63.6620

## ABBREVIATIONS

ADB	–	Asian Development Bank
BPL	–	below poverty line
CMA	–	Commissionerate of Municipal Administration
CMSC	–	Construction Management and Supervision Consultant
CMWSSB	–	Chennai Metro Water Supply and Sewerage Board
ESF	–	Environmental and Social Framework
ESMF	–	Environmental and Social Management Framework
ECSMF	–	Environmental Climate Change and Social Management Framework
EUP	–	Enter Upon Permission
FGD	–	focus group discussion
FMB	–	field map book
GAP	–	gender action plan
GIAC	–	Governance Improvement and Awareness Consultant
GoTN	–	Government of Tamil Nadu
GRM	–	Grievance Redress Mechanism
LPS	–	Land Plan Schedule
MAWS	–	Municipal Administration and Water Supply Department
NGO	–	nongovernmental organization
NOC	–	No Objection Certificate
PIU	–	project implementation unit
PMU	–	program management unit
RFCTLARR 2013	–	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013
RFCTLARR Rules 2017	–	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017
RoW	–	Right of Way
SIA	–	social impact assessment
SIMP	–	Social Impact Management Plan
SPS	–	Safeguard Policy Statement
TNUDF	–	Tamil Nadu Urban Development Fund
TNUFIP	–	Tamil Nadu Urban Flagship Investment Program
TNUIFSL	–	Tamil Nadu Urban Infrastructure Financial Services Ltd.
TOR	–	terms of reference
TWADB	–	Tamil Nadu Water Supply and Drainage Board
ULB	–	urban local body

## NOTE

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



## **CONTENT**

	<b>Page</b>
I. INTRODUCTION	1
A. Overview	1
B. Proposed Tamil Nadu Urban Flagship Investment Program	1
II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS	3
A. Government Policy	4
B. Environmental and Social Management Framework of TNUIFSL	5
C. ADB's Safeguard Policy Statement, 2009	6
D. Comparison of Government and ADB Policy	7
E. Policy Principles and Entitlements	8
F. Subproject Screening Criteria and Checklists	10
G. Eligibility, Entitlements and Benefits	11
III. SOCIOECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION	18
A. Surveys	18
B. Resettlement Plan	18
C. Gender Impacts and Mitigation Measures	20
IV. CONSULTATION, PARTICIPATION AND DISCLOSURE	20
A. Consultation	21
B. Disclosure	21
V. GRIEVANCE REDRESS MECHANISM	23
VI. COMPENSATION, INCOME RESTORATION, AND RELOCATION	27
A. Compensation	27
B. Income Restoration	28
C. Assistance for Temporary Economic Impacts	29
D. Relocation	29
VII. BUDGETING AND FINANCING	29
VIII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION	30
A. Safeguard Implementation Arrangement	30
B. Institutional Capacity and Development	33
C. Implementation Schedule	34
IX. MONITORING AND REPORTING	35
A. Internal Monitoring	35
B. Monitoring Physical and Financial Progress	36
C. Internal Monitoring Indicators	36
D. End Term Evaluation	37
 APPENDIXES	
Appendix 1: Review and Comparison of Borrowers Policy and ADB Policy	39
Appendix 2: Social Screening Form (ESMF)	51
Appendix 3: Outline of Resettlement Plan	55
Appendix 4: Sample Subproject Information Disclosure Leaflet	60
Appendix 5: Minutes of Stakeholder Consultation Meeting	61
Appendix 6: Sample Grievance Registration Form	64

Appendix 7: Terms of Reference for Independent Third Party for Negotiated Purchase or Voluntary Land Donation	65
Appendix 8: Outline of Social Safeguards Monitoring Report	67

## **I. INTRODUCTION**

### **A. Overview**

1. The Tamil Nadu Urban Infrastructure Financial Services Limited (TNUIFSL) is the Fund Manager of Tamil Nadu Urban Development Fund (TNUDF), a Trust established to fund urban infrastructure projects in Tamil Nadu. The deployment of funds will be on the basis of a management contract. Eligible borrowers include urban local bodies (ULBs), Statutory Boards, Public Undertakings and potential Private Investors.

2. The World Bank has had a long partnership with the Government of Tamil Nadu (GOTN) in the area of urban development starting from the 1980s with Chennai centered MUDP-I and II with the Tamil Nadu Urban Development Project (TNUDP-II and III).

3. These projects, in addition to creation of infrastructure assets, have influenced reforms in urban sector as well as build new institutions such as the TNUDF. These projects have been going hand-in-hand with urban sector reforms in the state where TN has been one of the leading states in India.

4. The MUDP and TNUDP II and III have achieved great milestones in urban development in Tamil Nadu and it has taken path breaking steps in terms of providing financial innovations which have formed basis of policy formation even for the Government of India. The infrastructure projects have also been done with innovations in terms of financial viability, project structuring and sustainability. Now, the urban sector of the State is in a stage where it is mature enough to be catapulted to the next level of urban innovation.

5. While ensuring financial and technological viability, it may be imperative to have environmental sustainability also. With this in view, the objectives of the Tamil Nadu Sustainable Urban Development Project (TNSUDP) would be to build upon the past achievements of TNUDP series of projects and take forward urban reforms and innovative financing mechanisms in the State.

6. The TNUDF throughout the implementation of MUDP and TNUDP II and III, promoted Environmentally and Socially sustainable urban infrastructures projects besides technical and financial sustainability. The environmental and social safeguards are managed through frameworks such as Environment and Social Report (ESR) and Environment and Social Framework (ESF) for TNUDP-III, and Environmental and Social Management Framework (ESMF) developed for TNSUDP. The KfW assisted projects are implemented by adopting Environmental, Climate Change and Social Management Framework (ECSMF). In continuation resettlement framework has been formulated specifically for the proposed Tamil Nadu Urban Flagship Investment Program (TNUFIP).

### **B. Proposed Tamil Nadu Urban Flagship Investment Program**

7. The proposed TNUFIP is aligned to support in the following: (i) urban infrastructure across the state improved and world class cities focusing on universal access to 24x7 water supply services and sanitation facilities including tertiary treatment of sewage to become engines for economic growth developed (Vision 2030, Government of Tamil Nadu, [GOTN]); (ii) five industrial corridors developed (GOTN Vision 2030); (iii) quality of life for all, especially the poor and the disadvantaged improved (Mission Statement and Guidelines, Atal Mission for Rejuvenation and Urban Transformation, Government of India, 2015); (iv) a clean and sustainable environment

provided (Smart Cities-Mission Statement and Guidelines, Government of India, 2015). TNUFIP will focus on cities in five priority economic corridors: (i) Chennai-Hosur, (ii) Chennai-Tiruchirapalli, (iii) Coimbatore-Madurai, (iv) Coimbatore-Salem and (v) Madurai-Thoothukudi. The reform-based component of the program will seek to provide results-based performance incentives to select cities and towns. The program shall also focus on transformative investments in 24X7 water supply, full sanitation coverage smart water management, and urban climate change resilience drawing from the support of various Asian Development Bank (ADB) grant technical assistance.

8. **Components.** The TNUFIP is envisaged to be structured under three main components: (i) investment in municipal infrastructure namely water supply and sewerage, (ii) municipal reform-based activities, and (iii) technical assistance for design, supervision, program management, reforms, and climate change. TNUFIP will be implemented over an 8-year period beginning in 2018, and will be funded by ADB via its multi tranche financing facility (MFF). The impact of the TNUFIP will be improved livability and resilience in urban areas of economic importance in Tamil Nadu. The outcome of TNUFIP will be livability and climate resilience in at least 10 cities in priority industrial corridors enhances:

- (i) **Output 1: Sewage collection and treatment, and drainage systems with climate-friendly designs in at least 8 cities developed.**<sup>1</sup> This will include: (i) new (187 million liters per day [MLD]) and rehabilitated (155 MLD) sewage treatment capacity developed with solar power for operations installed on a pilot basis; (ii) reuse of treated wastewater for industrial purposes in selected areas;<sup>2</sup> (iii) new sewage collection pipelines (2,810 kilometers [km]) constructed with 100% household connections made (426,600 household connections); (iv) 173 new sewage pumping stations of 6,390 kilowatts (KW) capacity added; (v) 20 community water and sanitation committees formed with female participation; and (vi) climate resilient drainage and flood management systems established (250 km tertiary and 50 km primary and secondary).
- (ii) **Output 2: Access to reliable and smart water supply systems in at least 3 cities improved.**<sup>3</sup> This will include: (i) smart water supply distribution systems (1,520 km pipelines) established within 110 new district metered areas (DMAs) to reduce NRW and provide regular water supply with 100% household connections (171,000 household connections); (ii) new transmission mains (120 km); (iii) 30 pump stations of 1,530 KW capacity; and (iv) new water storage reservoirs (40 reservoirs totaling 70 million liters). TNUFIP will scale up smart water pilots in Chennai under TA-9048 to reduce NRW and optimize operational efficiency through the latest technologies in smart metering and digital diagnostic tools.<sup>4</sup>
- (iii) **Output 3: Institutional capacity, public awareness, and urban governance strengthened.** This will include: (i) establishing a new state-level Urban Data and Governance Improvement Cell in the Commissionerate of Municipal Administration (CMA); (ii) establishing a new Project Design and Management Center in CMA; (iii) introducing and implementing a state-wide performance-based

<sup>1</sup> The 8 cities include: Ambur, Chennai, Coimbatore, Rajapalayam, Tiruchirappalli, Tirunelveli, Tirupur, and Vellore. Drainage proposed only in Chennai.

<sup>2</sup> ADB. 2013. TA-8556. *Technical Assistance for Supporting the Cities Development Initiative for Asia*. Manila. The TA will conduct a market study for industrial reuse of treated municipal sewage in Tamil Nadu.

<sup>3</sup> Smart water services achieve efficient use of water and energy through information and communication technology and real-time data (e.g., flow, pressure, distribution patterns) as part of a solution for water management challenges.

<sup>4</sup> ADB. 2015. RETA-9048. *Technical Assistance for Promoting Smart Drinking Water Management in South Asia Cities*. Manila. In Chennai, the TA will (i) carry out diagnostic works on the existing water supply systems, (ii) develop operational efficiency improvement plans, and (iii) develop and conducting training and skills development programs.



urban governance improvement program for all 135 cities in Tamil Nadu to improve revenue, financial management, administration, service delivery, gender mainstreaming, wastewater reuse, and fecal sludge management; and (iv) implementing public awareness campaigns in areas of water conservation, sanitation, and hygiene in project cities. TNUFIP will intensify capacity building of key urban institutions and continue the good practice of incentivizing urban governance improvement. Project design consultants (PDC) will be recruited to prepare new projects in subsequent tranches meeting ADB requirements.

9. The TNUFIP is designed under the MFF modality of ADB financing. The focus of the TNUFIP will be on provision of water supply and sewerage, and a series of subprojects will be implemented under the program to improve water supply and sewerage in project towns. The main types of infrastructure and their principal components are shown in Table 1.

**Table 1: Subprojects and Components Proposed under Tamil Nadu Urban Flagship Investment Program**

Subproject	Main Components	Infrastructure (New or Refurbished)
Water Supply	Source development	Intake works (for surface water sources)
		Tube wells
	Treatment works	Water treatment plant
		Chlorination unit
	Water Transmission	Raw Water Transmission mains
		Clear water Transmission mains
	Water Storage	Ground level reservoirs
		Overhead tanks
	Water Distribution	Distribution mains and network
		Bulk valves and flow meters
		House connections
		Household meters
Sewerage and Sanitation	Sewer Network	Sewer network
		Tertiary piped network
		Household connections
	Sewage Transfer	Trunk sewer
	Sewage Treatment Facility	Sewage treatment plant
		Outfall for treated effluent

10. Based on the investigations, surveys and site visits conducted for all subprojects under Tranche 1, Project-1/Tranche-1 of TNUFIP is assessed as Involuntary Resettlement Category 'B'. Subprojects assessed to have potentially significant adverse resettlement impacts (categorized as A) will not be considered for implementation under TNUFIP.

## II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

11. This resettlement framework for TNUFIP, has been prepared and endorsed by the government and disclosed by the executing agency in the project website. This resettlement framework will apply to all subprojects under TNUFIP and will be reviewed and updated to ensure relevance and consistency with applicable country legal frameworks and ADB's Safeguard Policy Statement (SPS) 2009, as amended from time to time.

12. The resettlement framework describes the policy principles and approach in avoiding, minimizing and mitigating adverse social impacts that may arise in implementing the subprojects proposed to be taken up under proposed TNUFIP, and the procedures to be followed in the event

of involuntary resettlement impacts. The compensation and assistance provided to the affected persons / displaced persons<sup>5</sup> will be based on the applicable Acts, legislations, regulations, and the Safeguard Policy Statement (2009) of the ADB. A detailed description of compensation measures and assistance is provided in the entitlement matrix.

13. **Regulatory Environment.** The resettlement principles adopted in this framework are mainly based on: (i) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR), 2013 and the RFCTLARR Rules, 2017 Notified by GOTN; (ii) ESMF of TNUISL; and (iii) ADB's SPS, 2009. The projects that are financed by TNUISL need to be consistent with, compliant with and meet the requirements of the applicable acts, notifications and policies. The salient features of Government and ADB policies and its relevance to TNUFIP are summarized below.

#### A. Government Policy

**Table 2: Applicable Legislations and Their Relevance to Tamil Nadu Urban Flagship Investment Program**

Acts, Notifications, Policies and Guidelines	Relevance to Tamil Nadu Urban Flagship Investment Program
<b>National</b>	
The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR ACT 2013) <sup>a</sup>	The RFCTLARR Act applies to acquisition of land for public purpose, as defined in the act. The RFCTLARR Act, 2013, provides for a transparent process and just and fair compensation to the affected families whose land is acquired or proposed to be acquired or are affected by such acquisition and provides for rehabilitation and resettlement of the affected families. The basic principle of the RFCTLARR Act is to ensure that the cumulative outcome of compulsory land acquisition should be such that, the affected persons become partners in development, leading to an improvement in the standard of living after acquisition. This act came into effect on 1 January 2014 and the Land Acquisition Act, 1894 stands repealed. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to land acquisition, rehabilitation and resettlement. The Act prohibits acquisition of multi-cropped irrigated land as a special provision to safeguard food security, unless in exceptional circumstances as a demonstrable last resort. <sup>b</sup> Salient features of RFCTLARR Act, 2013 are furnished below while a detailed write up is attached in Appendix 1.
The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and Rules <sup>c</sup> 2015 notified by GOTN.	The Street Vendors Act came into force on March 5, 2014, and seeks to protect the livelihoods of street vendors while regulating street vending. The Act recognizes street vendors of different types including mobile (moving) vendors, stationary (vending from a particular place), natural markets (spaces where buyers and sellers traditionally congregate), vendors with temporary built-up structures, hawkers, peddlers and squatters. It provides for regulation of street vendors, defines the rights and duties of street vendors and requires definition of designated vending zones, issue of certificates of vending and identity cards to street vendors, and proposes vending fees and maintenance charges. Under the Act, each state government is required to define the public purpose for which a street vendor may be evicted and the manner of relocation, manner of

<sup>5</sup> In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

Acts, Notifications, Policies and Guidelines	Relevance to Tamil Nadu Urban Flagship Investment Program
	giving notice, and provides for a dispute resolution mechanism. As per the Act, planning and regulation of street vending is to be undertaken at town level by the Town Vending Committee. The Act also provides for social audit of the activities of the Town Vending Committee.
Environmental and Social Management Framework (ESMF), 2015.	The Entitlement Matrix of ESMF for compensating the Project Affected Persons is modified, revised and updated with respect to ADBs Safeguard Policy Statement (SPS), 2009 and adopted in this resettlement framework.

<sup>a</sup> The Act is notified in Tamil Nadu state on 21 September 2017 (G.O. Ms. No. 298, Revenue & Disaster Management (LA-I(1), 20th September 2017).

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

<sup>c</sup> [http://moud.gov.in/upload/uploadfiles/files/5\(1\).pdf](http://moud.gov.in/upload/uploadfiles/files/5(1).pdf).

## **B. Environmental and Social Management Framework of TNUIFSL**

14. For more than two decades, TNUIFSL has been implementing various urban reforms and urban development projects with World Bank assistance and acts as a fund manager for TNUDF. From the beginning, TNUIFSL has duly considered environmental and social aspects in all projects funded or managed by it, and integrated safeguard concerns into project development cycle. During implementation of the World Bank funded TNUDF-III, TNUIFSL drafted its ESF and formally adopted it for its operations through a Government Order in 2006.<sup>6</sup> The ESF was updated again in 2015 as the ESMF incorporating the decade long experience and learnings of TNUIFSL in implementing TNUDF-II and III.<sup>7</sup>

15. The Social Safeguard Framework of the ESMF is based on applicable national, state and World Bank policies<sup>8</sup> and outlines the policies, procedures and guidelines to incorporate the social concerns into project preparation, appraisal, implementation, monitoring and reporting.

16. The basic objective of the social safeguards policy is to mitigate the social adverse impacts to the population affected by project implementation. This policy also emphasizes that the involuntary resettlement will be avoided and minimized by exploring different options. The ESMF bridges the gap between the World Bank's Policy on Involuntary Resettlement and RFCTLARR Act 2013. It comprises a regulatory framework, social categorization of project, ESMF adoption framework and institutional framework. The Framework defines project affected person (PAP) as any person affected either directly or indirectly by the project and/or project related activity, irrespective of legal status and provides compensation at replacement cost. ESMF includes Compensation for Land Related Resettlement and Rehabilitation (R&R). Wherever land acquisition is involved in the projects, compensation for land and related resettlement and rehabilitation assistance to PAPs will be as per RFCTLARR 2013. The Entitlement Matrix for compensation and R&R includes: (i) title holders (compensation as per the RFCTLARR Act 2013

<sup>6</sup> Approved by the Government of Tamil Nadu Vide G.O.(Ms) No.44, Municipal Administration and Water Supply Department, dated 05.03.2015.

<sup>7</sup> In 2016, ESMF was approved as Environmental, Climate Change & Social Management Framework (ECSMF) to comply with KfW's Sustainability Guidelines to integrate climate change aspects in project implementation. Currently, social framework of ESMF is applicable to all the projects managed by TNUIFSL as it is the more advanced and updated version compared to ECSMF.

<sup>8</sup> OP 4.12 on Involuntary Resettlement and OP 4.10 on Indigenous Peoples.

and Rules notified from time to time; (ii) non-title holders– compensation for residential and commercial squatters, encroached structures and loss of kiosks; (iii) loss of income/ livelihood; (iv) impact to vulnerable PAFs; (v) impacts to community assets; and (vi) unforeseen impacts. The ESMF divided into two volumes, of which Volume-I is the Framework, and Volume-II, a Guidance Manual. ESMF is also applicable to technical assistance undertaken with support from World Bank Loan. Based on magnitude of impacts, the ESMF provides the following social categorization of projects:

**Table 3: Social Categorization of Projects as per Environmental and Social Management Framework**

Category	Description		Type of Project
	Level of Issues	Management Measures	
<b>S-1</b>	Serious social issues expected	Social Impact Assessment (SIA) and Resettlement Action Plan (RAP)	1. If it involves acquisition of private land with major impacts (people lose more than 20 % of the productive assets) 2. If it involves physical displacement.
<b>S-2</b>	Moderate social issues expected	SIA and Abbreviated RAP.	If impacts are limited to less than 200 persons or about 50 families of minor nature (people lose less than 20 % of the productive assets).
<b>S-3</b>	No social issues expected hence socially benign	Social Screening Report	No private land acquisition or no impacts to project affected person (PAPs).

17. TNUIFSL has two experienced Environmental and Social Safeguards (ESS) managers (one for environment and one for social) for implementation of ESMF. The Social Safeguard Manager is responsible for developing checklists for screening of projects and approval of social categorization; review and approval of SIAs/ Resettlement Action Plans (RAPs) prepared by the implementing ULBs/ agencies, monitoring of compliance during implementation, and providing guidance and capacity development for the implementing ULBs/ agencies.

### **C. ADB's Safeguard Policy Statement, 2009**

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

19. The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods), as a result of: (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. Following are the basic policy principles of ADB's SPS 2009:

- (i) Identification of past, present, and future involuntary resettlement impacts and risks and determination of the scope of resettlement planning;
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations (NGO);

- (iii) Improvement or at least restoration of the livelihoods of all displaced persons;
- (iv) Ensure physically and economically displaced persons are provided with needed assistance;
- (v) Improvement of the standards of living of the displaced poor and other vulnerable groups;
- (vi) Development of procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement;
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
- (viii) Preparation of a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule;
- (ix) Disclosure of resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders;
- (x) Execution of involuntary resettlement as part of a development project or program;
- (xi) Payment of compensation and provide other resettlement entitlements before physical or economic displacement; and
- (xii) Monitoring and assessment of resettlement outcomes, their impacts on the standards of living of displaced persons.

20. ADB policy recognizes three types of displaced persons including: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of displaced persons.

#### **D. Comparison of Government and ADB Policy**

21. The recently enacted RFCTLARR Act, 2013 represents a significant milestone in the development of systematic approach to address land acquisition, rehabilitation and resettlement in India. The Act has also laid down similar principles like ADB's SPS 2009 and focuses on avoiding or minimizing involuntary resettlement impacts, and if avoidance is not possible, restoring and enhancing the quality of life of affected families irrespective of title to the land. A comparison of TNUFSL's ESMF (which is primarily based on RFCTLARR Act 2013) and policy principles and entitlements adopted in this resettlement framework has been made, and how the gaps will be addressed through this Framework in case of any instance of involuntary land acquisition is given in Appendix 1.

22. The resettlement framework addresses the following gaps in relation to ESMF, namely: (i) screening past, present and future involuntary resettlement impacts and risks: The environmental and social management framework followed presently provides for screening provided in the Appendix 2. In addition to this, for TNUFIP subprojects, screening shall be undertaken using the ADB involuntary resettlement checklist in Appendix 2, to identify past, present and future involuntary resettlement impacts and risks; (ii) define vulnerable group as per SPS, policy principle 2. The Entitlement Matrix outlines assistance for vulnerable groups, as defined by ADB policy; (iii) third party monitor of negotiated purchases and land donation: to ensure a fair and transparent process, a third party independent monitor will be hired to certify the process the

negotiated purchase/donation was undertaken in a transparent, consistent and equitable manner; (iv) the principle of replacement cost is clearly defined and the policy principle of improvement or at least restoration of livelihoods of displaced persons including compensation for temporary economic impacts is addressed through the entitlement matrix; (v) the entitlement matrix for TNUFIP covers loss of all types of productive assets in line with ADB SPS; and (vi) frequency of resettlement plan monitoring: frequency of monitoring will be semi-annual, as per SPS. In addition, the resettlement framework specifies that the definition of significant impact for TNUFIP will be as per ADB Policy.

#### **E. Policy Principles and Entitlements**

23. The Program will recognize three types of physically displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of physically displaced persons. It also applies to all types of economically displaced persons – those facing permanent income loss as well as those facing temporary income loss. In accordance with the involuntary resettlement principles of this Resettlement Framework, all affected persons will be entitled to compensation/resettlement assistance. Compensation and assistance will be based on the nature of ownership rights on lost assets and the impacts, including vulnerability status of the affected persons

24. Based on RTFLARRA Act 2013 and RFCTLARR GOTN Notified Rules, 2017; state policies and regulations; and the ADB SPS, the following resettlement principles are adopted for this program: (i) Screening of the project to identify involuntary resettlement impacts and risks. Minimizing and avoiding land acquisition and resettlement impacts of each subproject by exploring all viable alternative designs; (ii) where unavoidable, time-bound resettlement plans will be prepared and affected persons will be assisted in improving or at least regaining their pre-program standard of living; (iii) full information and close consultations with affected persons including consultation with affected persons on compensation, disclosure of resettlement information to affected persons, and participation of affected persons in planning and implementing sub-projects will be ensured; Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders. Disclose the final resettlement plan and other documents such as the monitoring reports to affected persons and other stakeholders; (iv) Where the resettlement impacts are unavoidable, the displaced persons should be assisted in improving or at least regaining their standard of living; (v) Vulnerable groups comprising below poverty line households, including female-headed households, disabled persons, elderly, children, landless, non-titled households with no tenure security, and schedule castes and scheduled tribe households will be given special assistance; (vi) payment of compensation to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets at replacement cost; (vii) 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; (viii) provision of income restoration and rehabilitation; and (ix) establishment of appropriate GRMs.

25. The above policy principles do not apply to negotiated settlements, unless expropriation would result upon the failure of negotiation.

26. **Negotiated Land Acquisition.** Negotiated land acquisition helps avoid expropriation and eliminate the need to use governmental authority to remove people forcibly. However, in this mechanism the project needs ensure that alternative options are available in the event the land owner(s) refuse(s) to sell the land or the negotiation fails to reach an agreement. Section 46 of RFCTLARR Act, 2013 permits direct purchase of land and undertaking direct negotiation with the land owner. Such purchase is supported by the ADB SPS provided that eminent domain will not be applied should the negotiated purchase fail and where direct negotiations with land owners' results in a fair and transparent manner and land will be purchased upon agreement of a negotiated price. In the Project, in addition to the requirements in RFCTLARR Act, the process of negotiation will involve the following steps, in line with ADB SPS:

- (i) negotiation will take place when there is a willing seller;
- (ii) consultation with the affected person has to be carried out and documented;
- (iii) the minimum negotiated price to start negotiations will be not below the valuation of land based on the market value/guideline value of land whichever is higher;
- (iv) all negotiations have to be carried out in a transparent manner and the negotiation and settlement processes documented by an external party appointed by the PMU;<sup>9</sup>
- (v) The land transfer and updated records of the purchased lands will have to be completed prior to the start of civil works.

27. If the negotiated land acquisition fails, the acquisition and compensation will be as per RFCTLARR 2013 and Rules notified by the Government of Tamil Nadu from time to time.

28. **Land Donation<sup>10</sup>.** For a project that directly benefits communities such as TNUFIP, land may be voluntarily donated to the project. In case of land donation, an independent external party will have to be engaged to ensure and validate these requirements: (i) The donation will not cause significant impacts<sup>11</sup> on the livelihood of the donor(s) and the donor(s) has/have full understanding of the value of their donated land(s); (ii) the donation is not by a land owner(s) categorized as poor or vulnerable; (iii) the land donation should not cause displacement of tenants, lessees or other current land users; (iv) the donation will not cause any economic or physical displacement (to legal titleholder or non-titleholder); (v) the land donor(s) will get direct benefits from the proposed project activities; (vi) meaningful consultations are conducted with the land owner(s); and (vii) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The above information has to be included in a due diligence report to be prepared by an external party for ADB review and approval. The cost for changing the land ownership titles<sup>12</sup> and land registration should be borne by the project and land transfer (with new titles) should be completed prior to start of civil works.

29. **Use of Government Lands.** Very often, the lands belonging to other landowning departments are required to be used for various facilities to be proposed. Generally, necessary permissions and approvals for land alienation take a long time. In case of all Government lands, obtaining necessary "Enter Upon Permission (EUP)"/"No Objection Certificate" from land owning agencies or other authorities concerned, prior to contract award is a pre-requisite and the land alienation or conditions for EUP must be completed as soon as possible and prior to commencement of construction in those respective facilities/sites. In case of Hindu Religious and

<sup>9</sup> Process of external/third party certification is in Appendix 7. The third party will have to submit a report documenting the negotiations and settlement; costs related to third party certification will be borne by the project proponent.

<sup>10</sup> This donation also refers to other assets attached to the land (i.e. trees, structures etc.).

<sup>11</sup> Impact is considered significant if the donor will lose 10% or more of his/her productive assets/income generating assets (ADB OMF1/OP, 2013).

<sup>12</sup> For both private donor and government lands.

Charitable Endowments (HR&CE) Department land, acquisition will be as per the applicable provisions of the state government. However, the sites will be screened for social impacts and mitigation plans will be prepared in line with the policy provisions of this resettlement framework, as required.

30. The Program is likely to have the following major types of involuntary resettlement impacts that are eligible for compensation and mitigation measures: (i) loss of assets, including land and structures; (ii) loss of income or livelihood; and, (iii) collective impacts on groups, such as loss of common property resources and loss of access or limited access to such resources. Every effort will be made during the preparation of detailed design to minimize acquisition of land and other assets and to reduce any involuntary resettlement impacts. Other unforeseen impacts will also be compensated and addressed in accordance with the principles of this Resettlement framework.

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

32. A detailed description of each compensation measure and assistance is provided in the entitlement matrix (Table 5). The matrix has special provisions for non-titled persons. affected persons/displaced persons will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons.

#### **F. Subproject Screening Criteria and Checklists**

33. Involuntary Resettlement Safeguards Categorization: Based on ADB SPS (2009) and Operations Manual Section F1/Bank Policies the social safeguards categorization of subprojects as per this resettlement framework are as follows:

**Table 4: Tamil Nadu Urban Flagship Investment Program Involuntary Resettlement Safeguards Categorization and Reporting Requirements**

TNUFIP Involuntary Resettlement Safeguards Category	Definitions and Management Measures/Reporting Requirements		Description
	Definition	Management Measures/ Reporting Requirements	
A	A proposed project is classified as Category A if it is likely to have significant involuntary resettlement impacts.	A resettlement plan, including an assessment of social impacts, is required. External monitoring required.	The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income-generating).



TNUFIP Involuntary Resettlement Safeguards Category	Definitions and Management Measures/Reporting Requirements		Description
	Definition	Management Measures/ Reporting Requirements	
B	A proposed project is classified as Category B if there are potential adverse involuntary resettlement impacts	A resettlement plan, including an assessment of social impacts, is required. Internal monitoring.	Involuntary resettlement impacts that are not deemed significant, i.e. less than 200 people will experience involuntary resettlement impacts, or there are moderate to minor involuntary resettlement impacts.
C	If there are no involuntary resettlement impacts.	Social Screening Report and Due Diligence Report.	No private land acquisition and no involuntary resettlement impacts. No further action is required.

34. For Category A and B subprojects, a resettlement plan is required. For Category C project a Due Diligence Report is required. The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks.

35. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternative for subproject designs and alternative sites or locations for subproject components to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized.

## **G. Eligibility, Entitlements and Benefits**

### **1. Eligibility**

36. The following displaced persons are eligible for compensation, assistance, and benefits. All persons described in the definition of a family as given in the RFCTLARR Act, 2013 will be also be eligible for assistance/compensation in addition to those mentioned in this section. Eligible persons include:

- (i) persons who lost land/assets/income in their entirety or in part, who have formal legal rights to the land;
- (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g. tenants and leaseholders;
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g. squatters, encroachers, wage labor without formal contracts; and
- (iv) vulnerable persons, defined as those below the poverty line, the landless, the elderly, women and children, scheduled castes and scheduled tribes, indigenous peoples, disabled, elderly, and those without legal title to land.

### **2. Entitlements, Assistances and Benefits**

37. The Project entitlement policy addresses the direct and indirect impacts of project construction and operation on displaced persons, households and communities. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and loss of residences. Other losses include loss of other assets such as cattle sheds, water sources etc. and common property resources. Mitigation is provided through

compensation and assistance to project-displaced persons, households, and group on the basis of this policy framework adopted by the project. The policy provides compensation and mitigation for:

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

38. Compensation eligibility is limited by a cut-off date. People moving into the sub-project area after the cut-off date will not be entitled to compensation or other assistance. The cut-off date for non- title-holders, is the date of the start of the census survey, during preparation of the Draft Resettlement Plan. In case of any change in design, sites or alignments, additional census survey to determine eligibility in the newly added/changed sites and/or alignments will be conducted. The cutoff date will be formally established and documented, and information regarding the cutoff date will be disseminated throughout the project area (para 58) The date of Land Acquisition Notification under Section 11 of the RFCTLARR Act, 2013 will be the cut-off-date for all titleholders losing land and structures. The project Entitlement Matrix (Table 5) identifies and lists various types of losses resulting out of the project and specific compensation and resettlement packages for each category. Wherever land acquisition is involved in the projects, compensation for the land and related rehabilitation and resettlement will be made as per the provisions of the RFCTLARR 2013 and Rules, 2017 notified by the GoTN and will be based on the amendments, notifications made from time to time.

39. Damages/unanticipated losses caused during construction, if any, will be eligible for compensation. Such issues will be identified and reported by ULBs and closely monitored by the PMU. Compensation for damages during construction will be borne by the contractor. Unanticipated losses, if any, will be mitigated / compensated as per the Entitlement Matrix of these resettlement framework. Affected utilities such as drinking water, sanitation and/or any other facility due to damage of existing infrastructure due to subproject construction activities will be mitigated through provision of alternate facilities (e.g. alternate means of water supply). The time gap between transfer from old system to new in certain areas will be minimized to avoid inconvenience to the public.

**Table 5: Entitlement Matrix<sup>13</sup>**

No.	Impact Category	Entitlements	Explanations
<b>I. Impacts to Title holders (Loss of Private Properties)</b>			
A	Loss of Land (agricultural, homestead, commercial or otherwise)	<ol style="list-style-type: none"> <li>1. Compensation at replacement cost<sup>14</sup> as specified in the RFCTLARR Act, 2013 and Rules notified by GoTN<sup>15</sup>.</li> <li>2. One-time grant not exceeding ₹5,00,000/- for each affected household or annuity policy that shall pay Rs.2000/- per month for 20 years with appropriate indexation to Consumer Price index.</li> <li>3. One-time Resettlement Allowance of ₹50,000/- for the displaced household.</li> </ol>	Higher of (i) market value as per India Stamp Act, 1899 for the registration of sale deed or agreements; or (ii) average sale price for similar land ascertained from the highest 50% of sale deeds of the preceding 3 years or (iii) consented amount paid for PPPs or private companies. Plus 100% solatium and 12% interest from date of notification to award. The multiplied factor adopted by GOTN for distance from urban area to the affected area will be applied. In case of impacts to assigned lands, the compensation and other benefits will be provided to affected owners at par with the land owners. The provision of infrastructural amenities will be as per the Third Schedule of RTFCTLARR Act 2013, wherever alternative resettlement sites are provided. The provision of purchase or lease as available under RTFCTLARR act, 2013, will be exercised whoever appropriate. The acquiring entity shall consider acquisition of residual land or asset, if it is not economically viable and shall compensate as per the provisions of the RTFCTLARR Act, 2013 and Rules Notified by GOTN. All fees, stamp duties and registration charges are to be borne by the executing agency.
B	Loss of residential structure	<ol style="list-style-type: none"> <li>1. Cash compensation as per the replacement cost of the structure without depreciation and 100 % solatium.</li> <li>2. Each affected family having cattle will be provided one-time financial assistance of ₹25,000 for construction of cattle shed.</li> <li>3. Provision of alternative house or Minimum of Rs,1,50,000 financial assistance in Urban Areas. Provision of House in case of rural area as per IAY specifications or equivalent cost of the house.</li> <li>4. Each affected family which is displaced due to land acquisition shall be given a monthly subsistence</li> </ol>	The value of houses, buildings and other immovable properties will be determined without depreciation and as per the provisions of RTFCTLARR Act 2013. Stamp duty and registration charges will be borne in case of new houses or sites by the executing agency. Houses in urban areas may be provided in multi-storied building complexes. Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section.

<sup>13</sup> Any changes required in the Entitlement Matrix pursuant to any Amendments in the LARR 2013 Act and Rules notified by the GOTN will be incorporated with the concurrence of the ADB. All cash allowances in the EM will be revised at the rate of 5% per annum starting from financial year 2019-20.

<sup>14</sup> Replacement cost includes (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any (ADB SPS 2009, p 45 para 10). Applicable wherever replacement cost is mentioned in this EM.

<sup>15</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017. Notified by GoTN G.O.Ms.No.298, Revenue and Disaster Management (LA-1(1), 20<sup>th</sup> September 2017, புரட்டாசி 4, ஹெவிளம்பி, திருவள்ளூர் ஆண்டு -2048. ([http://www.stationeryprinting.tn.gov.in/extraordinary/2017/300\\_Ex\\_III\\_1a.pdf](http://www.stationeryprinting.tn.gov.in/extraordinary/2017/300_Ex_III_1a.pdf)).

No.	Impact Category	Entitlements	Explanations
		allowance equivalent to ₹3000/- per month for a period of one year from the date of award. 5. Transportation cost of ₹50,000/- 6. Right to salvage affected materials.	
C	Loss of Commercial structure/productive asset	1. Cash compensation as per replacement cost for the Structure without depreciation and 100 % solatium. 2. One-time grant to artisan, small trader and certain others shall get a onetime financial assistance of ₹25,000/- 3. Each owner of affected commercial establishment which is displaced due to land acquisition shall be given a monthly subsistence allowance equivalent to Rs.3000/- per month for a period of one year from the date of award. 4. Each affected family having cattle will be provided one-time financial assistance of ₹25,000. 5. Transportation cost of ₹50,000/- 6. Right to salvage affected materials.	The value of commercial structures and other immovable properties will be determined without depreciation and as per Section 29 of RTFCTLARR Act 2013. Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section.
D	Impacts to tenants, leaseholders and sharecroppers (residential / commercial/agricultural)	<p><b><u>Residential</u></b></p> <p>1. Each affected family (not the owner) which is displaced due to land acquisition shall be given a monthly subsistence allowance equivalent to ₹3000/- per month for a period of one year from the date of award. 2. One-time financial assistance of ₹50,000 as transportation cost for shifting of the family, building materials, belongings and cattle. 3. Right to salvage affected materials</p> <p><b><u>Commercial</u></b></p> <p>1. Each affected commercial establishment (not the owner) which is displaced due to land acquisition shall be given a monthly subsistence allowance equivalent of Rs.3000/per month for a period of one year from the date of award. 2. One-time financial assistance of ₹50,000 as transportation cost for shifting of the family, building materials, belongings and cattle. 3. One-time grant to artisan, small trader and certain others shall get a onetime financial assistance of ₹25,000</p> <p><b><u>Agricultural</u></b></p> <p>Advance notice to harvest crops or compensation for lost crop at market value of the yield determined by Agriculture Department</p>	

No.	Impact Category	Entitlements	Explanations
<b>II. Impacts to Non-title holders (Squatters, encroachers, tenants, leaseholders)<sup>16</sup></b>			
A	Loss of House:	<ol style="list-style-type: none"> <li>1. Compensation as per replacement cost for the structure without depreciation</li> <li>2. Alternative house with minimum area as per Government norms. The cost of alternative housing to be provided can be set off against all or part of the compensation payable for the structure lost.</li> <li>3. One-time Subsistence grant equivalent to 180 days of minimum wages which will be worked out as per the notified minimum wage rates<sup>17</sup>.</li> <li>4. One-time financial assistance of ₹10,000/- as transportation cost for shifting of the family, building materials, belongings and cattle.</li> <li>5. Right to salvage the affected materials.</li> </ol>	Houses in urban areas may, if necessary, be provided in multi-storied building complexes. The Titles for alternatives houses shall be provided in the joint name of the wife and husband.
B	Loss of shop/ productive asset	<ol style="list-style-type: none"> <li>1. Compensation as per the replacement cost of the structure/productive asset without depreciation.</li> <li>2. One-time subsistence grant equivalent to 180 days of minimum wages which will be worked out as per the notified minimum wage rates.</li> <li>3. One-time financial assistance of ₹10,000/- as transportation cost for shifting.</li> <li>4. One-time assistance of ₹15,000/- toward economic rehabilitation.</li> <li>5. Right to salvage the affected materials.</li> </ol>	
C	Encroached Structure:	<ol style="list-style-type: none"> <li>1. Cash compensation for the affected structure as per the replacement cost without depreciation.</li> <li>2. Right to salvage material.</li> </ol>	The value of commercial structures and other immovable properties will be determined by the replacement value of the encroached structure without depreciation
D	Loss of Kiosk	<ol style="list-style-type: none"> <li>1. Compensation as per The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the Tamil Nadu Street Vendors (Protection of Livelihood and Regulation of Street Vending) scheme and Rules, 2015.<sup>18</sup>.</li> </ol>	The relocation shall be done with concurrence of the Town Vending Committee, and will broadly involve relocation of permanently impacted vendors to a suitable area/vending zone without threat of eviction and issuance of vending licences to them to continue with their economic activities. This will be over and above any compensation for structure/asset loss, in accordance with the provisions of this EM.
<b>III. Loss of Income /Livelihood</b>			

<sup>16</sup> Affected non-titleholders on private or government land are included. Tenants and leaseholders in this category are those with informal/verbal arrangements.

<sup>17</sup> Minimum wage rate for unskilled category estimated based on: Weblink: [HTTP://CMS.TN.GOV.IN/SITES/DEFAULT/FILES/GO/LABEMP E 62 2017 2D PDF.PDF](http://cms.tn.gov.in/sites/default/files/go/labemp_e_62_2017_2d_pdf.pdf).

<sup>18</sup> [HTTP://MOUD.GOV.IN/UPLOAD/UPLOADFILES/FILES/5\(1\).PDF](http://moud.gov.in/upload/uploadfiles/files/5(1).pdf) (Tamil Nadu).

No.	Impact Category	Entitlements	Explanations
A	Loss of employment in non-agricultural activities or daily agricultural wage and other wage workers	1. Subsistence allowance as per notified minimum wage rates for a period of 3 months <sup>19</sup>	Only agricultural laborers, who are in fulltime / permanent employment of the affected land owner or fulltime employees of the affected business, will be eligible for this assistance.
B	Loss of livelihood (other than wage income)	1. Assistance to link up with government skill or entrepreneurship development programs (including training, travel, conveyance and food costs).	Training will be provided through relevant training institutes. Suitable government skill /entrepreneurship development programs will be identified and assistance provided to APs to enroll and access the same.
<b>IV. Loss of Trees and Crops</b>			
A	Loss of trees, plants and standing crops	1. Compensation at market value The District Collector for the purpose of determining the market value of trees, plants and standing crops attached to the land acquired, will use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.	The compensation for the affected trees, plants shall be determined as per Section 29 (2) & (3) of the RTFCTLARR Act 2013.
<b>V. Impact to Vulnerable affected persons</b>			
A	Vulnerable <sup>20</sup> affected persons (permanently affected)	1. Training for skill development. This assistance includes cost of training and financial assistance for travel/conveyance and food. <sup>21</sup> 2. One adult member of the affected household, whose livelihood is affected, will be entitled for skill development. 3. Additional one-time assistance of ₹5000 will be paid to the vulnerable affected persons whose livelihood/ shelter is impacted by the project. 4. Wherever possible, the vulnerable people shall be assisted in enrolling in the applicable government programmes.	Training will be provided through relevant training institutions. Suitable government skill /entrepreneurship development programs will be identified and assistance provided to APs to enroll and access the same.  Each vulnerable household - with single or multiple vulnerabilities, will receive one-time assistance.
<b>VI. Impacts to Community Assets</b>			
A	Community Assets	Wherever possible the community assets will be relocated/restored in consultation with community. When the relocation/restoration of the community assets are not feasible, they will be replaced/provided afresh.	-

<sup>19</sup> Subsistence allowance is not incremental if the impact period for various losses is same. In such case allowance will be provided under any one category, whichever is higher.

<sup>20</sup> Vulnerable affected persons are those living below the poverty line, the elderly (age above 60), persons with disabilities, SC and ST families, widows, women headed households and children (orphans, child workers), the landless and those without legal title to land among the affected persons).

<sup>21</sup> Skill training institutes will be contractually bound for job placement as well, as per GOTN's current practice. Elderly or physically challenged APs who are unable to undergo training and/or access job placement, will be assisted to access government social welfare programs.

No.	Impact Category	Entitlements	Explanations
<b>VII. Unforeseen Impacts<sup>22</sup></b>			
A	Unforeseen Impacts	Unforeseen impacts encountered during implementation will be addressed in accordance with the principles of this resettlement framework.	-
<b>VIII. Temporary Economic Impacts during implementation</b>			
A	Temporary economic impacts	Compensation for loss of income for the duration of impact based on net income worked out as per IT returns or based on notified minimum wage rates, whichever is higher.	Advance notice provided to temporarily affected persons once contractor's work plans are finalized, with minimum 7 working days.

<sup>22</sup> If unanticipated involuntary resettlement impacts are found during implementation, a social impact assessment will be conducted, and the resettlement plan updated, or a new resettlement plan prepared, in accordance with ADB SPS 2009.

### III. SOCIOECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION

#### A. Surveys

40. Social impact assessment (SIA) will be undertaken for all TNUFIP sub-projects. The SIA will determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a resettlement plan for implementation. The SIA will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the project will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development.

41. As part of SIA a Census Socio Economic Survey to be carried out. The purpose of the census is to register and document the status of potentially affected persons<sup>23</sup> within the sub-project impact area. The census will cover 100% of affected persons. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood. Socio-economic surveys of persons facing negotiated land purchase or those donating land will be undertaken as part of due diligence, to establish their socio-economic profile and willingness.

42. For subprojects involving acquisition of private lands and associated impacts, provisions of RFTLARR Act, 2013 and Rules 2017 notified by the Government of Tamil Nadu to conduct SIA will apply (Appendix 1). In such cases, the census and socio-economic survey will be carried out in accordance with the provisions of the Act and Rules notified.

43. The Census survey should also cover all the pipe line alignments. The census survey in such cases will be undertaken for every 500m of stretches ready for construction. Detailed measurement of road width, marking of proposed pipe alignment or pit location, as applicable, and extent of excavation will be undertaken to ascertain impact/loss and identify affected persons to be surveyed. Based on the Social Screening Checklists, Forms and other surveys, the SIA shall have Social Categorization of the Project as per this resettlement framework.

44. **Land Plan Schedule/Enter Upon Permission.** As a part of SIA, Land Plan Schedule (LPS) to establish the ownership of land shall be prepared based on village/city maps, field measurement book (FMB) and ownership details. Subproject components sited in government land will also require to establish that the ownership is vested with the government through preparation of the LPS. Wherever additional land is required, these LPS would provide the details of land owners and the extent of land being acquired as a percentage of total land holding. Along with the LPS, obtaining Enter Upon Permission (EUP)/No Objection Certificate (NOC) from land owning government agencies/authorities, prior to contract award and start of civil work.

#### B. Resettlement Plan

45. A resettlement plan has to be prepared if the proposed project will have involuntary resettlement impacts. The resettlement plan will be based on the social impact assessment (SIA) and through meaningful consultation with the affected persons. The resettlement plan will be

---

<sup>23</sup> The potentially affected persons will include both the titleholders and the non-titleholders within the sub-project construction zone. The identification of non-titleholders will be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, information from the community will be considered.



prepared based on the results of the census and socio-economic survey; the database on affected persons should be completed before resettlement plan preparation. Some of the key steps to be followed during resettlement plan preparation include: (i) Screening of subprojects and subproject involuntary resettlement categorization; (ii) Conducting SIA covering 100% census and socio-economic surveys; (iii) Preparation of draft resettlement plan including extent of loss, list of affected persons, entitlements, budget, implementation schedule and other institutional, consultation and grievances etc. requirements for resettlement plan implementation; (iv) Disclosure of draft resettlement plan with various stakeholders including with affected persons and the ADB; (v) Addressing various grievances (if any) in line with the procedures outlines in the resettlement framework/resettlement plan; (vi) Preparation of Final resettlement plan incorporating suggestions/outcome of consultations from various stakeholders; (vii) Submission and approval of Final resettlement plan from the ADB and its final disclosure.

46. Prior to resettlement plan preparation, screening of subprojects through preliminary investigations and field visits will be undertaken to understand the extent of impacts due to proposed subprojects. An inventory of key indicators such as extent of land/structure loss, number of affected persons, broad social-economic profile of affected persons etc. will be collected and based on this involuntary resettlement checklist (Appendix 2) and Indigenous Peoples checklist will be prepared. The involuntary resettlement and Indigenous Peoples checklists will specify the safeguard category of the subproject in line with the resettlement framework/ADB SPS-2009 and identified impacts. It will also specify the requirement for appropriate plan to mitigate the identified impacts.

47. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives, options as available. During the identification of the impacts of resettlement and resettlement planning, and implementation, the PMU/Project Implementation Unit (PIU) will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a Resettlement plan is presented in Appendix 3 for guidance.

48. The resettlement plan will be prepared in consultation with affected persons and local representatives. Resettlement issues will be coordinated by the PIU who will ensure that all sub-projects comply with involuntary resettlement safeguards. The PMU will submit all resettlement plans to the ADB for review and feedback. All resettlement plans will be reviewed and approved by ADB prior to the award of any contracts related to the sub-project.

49. The draft resettlement plan to be shared with affected persons and host communities and revised to reflect their views. The resettlement plan will be prepared in local language (Tamil) or translated<sup>24</sup> and disclosed to affected persons and the public through posters and/or resettlement information handouts. The completed resettlement plan based on detailed design and the detailed measurement survey will include the census of affected persons, and their entitlements to restore

---

<sup>24</sup> The cost of resettlement framework/ resettlement plan translation in local languages is included in the resettlement plan budgets under the head Consultation, grievance redress, disclosure.

losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, GRMs, and participatory results monitoring mechanisms. As per the ADB's SPS 2009, the resettlement plan should be broadly structured in the following manner (Refer Appendix 3 for Outline of Resettlement Plan).

- (i) Executive Summary;
- (ii) Project Description;
- (iii) Scope of Land Acquisition and Resettlement;
- (iv) Socioeconomic Information and Profile;
- (v) Information Disclosure, Consultation and Participation;
- (vi) Grievance Redress Mechanisms;
- (vii) Legal Framework;
- (viii) Entitlements, Assistance and Benefits;
- (ix) Relocation of Housing and Settlements;
- (x) Income Restoration and Rehabilitation;
- (xi) Resettlement Budget and Financing Plan;
- (xii) Information Disclosure;
- (xiii) Institutional Arrangements;
- (xiv) Implementation Schedule;
- (xv) Monitoring and Reporting; and
- (xvi) Appendixes (among other things List of affected person/displaced persons with basic socioeconomic details, compensation matrix for all the affected person/displaced persons, key baseline socio economic indicators, minutes/proceedings of the consultation, photographs of consultation, new paper clippings etc.).

50. The draft resettlement plan will be revised as the final resettlement plan incorporating the outcomes of census and socioeconomic survey of affected persons, involuntary resettlement impacts upon completion of detailed design and final consultations and their outcomes.

## **H. Gender Impacts and Mitigation Measures**

51. The resettlement plans shall cover the gender impacts to affected person/displaced persons and include mitigation measures to address such impacts. Any negative impacts of a sub-project on female-headed households will be taken will be treated on a priority basis. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs, and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. The resettlement plan will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households. Joint ownership in the name of husband and wife will be provided in cases of non-female-headed households. Preference to be given affected person/displaced persons for participation in the activities proposed in gender action plan (GAP).

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

52. Comprehensive planning is required to assure that local government, communities, host population and project staff interacts regularly and purposefully in all stages of the Program. Aiming at promotion of public understanding and fruitful solutions to address the local needs of the communities and issues pertaining to resettlement, various sections of affected persons and other stakeholders were consulted through focus group discussions (FGDs), meetings and

individual interviews. The opinions of the stakeholders and their perceptions were obtained during these consultations.

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

#### **A. Consultation**

54. A range of formal and informal consultative methods will be carried out for TNUFIP sub-projects including, but not limited to: focus group discussions (FGDs), public meetings, community discussions, and in-depth and key informant interviews; in addition to the census and socio-economic surveys. Consultations will be held with special emphasis on vulnerable groups and affected persons. 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, and for affected persons to express their concerns that need to be addressed.

55. The key stakeholders to be consulted at various stages during sub-project preparation, resettlement plan preparation and implementation, and program implementation include:

- (i) Heads and members of households likely to be affected;
- (ii) program beneficiaries, groups/clusters of affected persons;
- (iii) Local voluntary organizations and CBOs,
- (iv) Government agencies and departments, and
- (v) Major project stakeholders, such as women, trader's associations, community based organizations, etc.

#### **B. Disclosure**

56. **Web Disclosure.** The draft and final resettlement framework and resettlement plans will be disclosed in the following websites: TNUFSL, CMA, Chennai Metro Water Supply and Sewerage Board (CMWSSB), ULBs, PMU, PIU and ADB. Hard copies of the sub-project Draft as well as final resettlement plans will be made available in respective ULBs, PIU and PMU offices. The project information leaflets will be distributed by PIU/Construction Management and Supervision Consultants (CMSCs) to the affected communities for their information. A sample project information leaflet is attached in Appendix 4.

57. **Print Media.** An involuntary resettlement brochure explaining key safeguard policies of resettlement framework, entitlement matrix and eligibility will be prepared and will be made available in local language during public meetings. Copies of resettlement plan summaries will be kept in the PIU and PMU offices and will be distributed to any affected person consulting on resettlement issues.

58. The project cutoff date will be established during conduct of census survey and will be informed by PIU/CMSC/Governance Improvement and Awareness Consultant (GIAC) to the

affected persons directly, disseminated in project leaflets, publicly announced in the local media, as well as stated in the project sign boards.

59. For future sub-projects, information will be disseminated to affected persons at various stages. In the initial stage, the PMU (with support from PIU) will be responsible for issuing public notices to acquire land required for sub-projects disclosing the cut-off dates and providing Project information. Permanent land acquisition will follow the various cut-off dates as specified under RFCTLARR, 2013 while for the temporary impacts the date/period of socio-economic surveys will be considered as cut-off date. The notice and cut-off dates will be published in local newspapers, twice with one week interval for permanent land acquisition while PIUs will provide the cut-off date schedule at PIU offices for temporary impacts.

60. Continued involvement of those affected by the sub-project will be ensured. An intensive information dissemination and feedback campaign for affected persons will be conducted by the PIU with assistance from the CMSC from the time of resettlement plan preparation to implementation and monitoring. The proceedings of such campaigns shall be documented. All the comments made and concerns raised by the affected persons 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 is in Table 6. Outline for preparation of minutes of stakeholder consultation meetings is given at Appendix 5.

**Table 6: Consultation and Disclosure Activities**

<b>Program Phase</b>	<b>Activities</b>	<b>Details</b>	<b>Responsible Agency</b>
Investment Program Initiation/ Bridging Phase	Mapping of the program areas	Area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition.	Project Implementation Unit (PIU) in coordination with local bodies.
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the Program.	PIUs 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 PIU websites) including survey numbers and names of titleholders for land to be acquired concurrent with consultation with titleholders.	Web disclosure by urban local body (ULB), PIU, implementation agency
	Stakeholder consultations	Further consultations with affected titleholders and households. Consultations with non-titled affected persons and other stakeholders during sub-project scoping.	ULB
Resettlement Plan Preparation Phase	Disclosure of cut-off date	For permanent land acquisition as per the LARR, 2013 while for temporary impacts by PIU.	Will be as per the Act and Rules for Land Acquisition. For the rest ULBs.

<b>Program Phase</b>	<b>Activities</b>	<b>Details</b>	<b>Responsible Agency</b>
	SIA surveys	Surveys to be conducted. Summary resettlement framework to be disclosed in local language through printed materials to affected persons particularly those who are vulnerable and other stakeholders.	ULB to disclose resettlement framework to stakeholders
	Formulating compensation and resettlement assistance measures	Conducting stakeholder consultations particularly affected persons in and reflecting issues raised in revised resettlement plan.	Construction Management and Supervision Consultants (CMSC) social and resettlement safeguards expert (SRSE)
	Disclosure of final entitlements and rehabilitation packages	Provision of resettlement plans to all stakeholders particularly affected persons. Conducting consultations and distributing local language versions of the summary resettlement plan.	Project Management Unit (PMU)/PIU to disclose on the web. CMSC SRSE to conduct consultations.
Resettlement Plan Implementation and Monitoring Stage	Disclosure of resettlement plan	Review and approval of resettlement plan by executing agency. Review and approval of resettlement plan by ADB. Web disclosure of the resettlement plan.	PMU to provide ADB with resettlement plan for review and approval. PMU to disclose on the web.
	Consultation with affected persons during resettlement plan implementation	Consultations with affected persons.	CMSC with monitoring from PIU/PMU and GIAC.
	Monitoring of resettlement plan implementation	Monitoring and guidance to PIUs on resettlement plan implementation; Helping PIUs to set up systems for monitoring and reporting on resettlement plan implementation	GIAC to guide PIUs in resettlement plan implementation

## **V. GRIEVANCE REDRESS MECHANISM**

61. A common GRM will be in place to redress social, environmental or any other project related grievances. The GRM described below has been developed in consultation with stakeholders. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per project entitlement matrix, and PMU and concerned PIUs will ensure that their grievances are addressed.

62. Affected persons will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes or through telephone

hotlines at accessible locations, by e-mail, by post, or by writing in complaints register in ULB or PIU or implementing agency offices. PIU Safeguards officer will have the responsibility for timely grievance redress on safeguards and gender issues and for registration of grievances, related disclosure, and communication with the aggrieved party.

63. GRM provides an accessible, inclusive, gender-sensitive and culturally appropriate platform for receiving and facilitating resolution of affected persons' grievances related to the project. A two-tier GRM is conceived, one, at project level and another, beyond project level. For the project level GRM, a grievance redress committee (GRC) will be established in PIUs; Safeguards officer, supported by the social, gender and environmental safeguards specialist of CMSC will be responsible for creating awareness among affected communities and help them through the process of grievance redress, recording and registering grievances of non-literate affected persons.

64. GRM aims to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. All grievances – major or minor, will be registered. Documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. PIU will also be responsible for follow-through for each grievance, periodic information dissemination to complainants on the status of their grievance and recording their feedback (satisfaction/dissatisfaction and suggestions).

65. In case of grievances that are immediate and urgent in the perception of the complainant, the contractor, and supervision personnel of the CMSC and PIU will resolve the issue on site, and any issue that is not resolved at this level will be dealt at PIU head level for immediate resolution. Should the PIU fail to resolve any grievance within the stipulated time period, the unresolved grievances will be taken up at ULB level. In the event that certain grievances cannot be resolved even at ULB level, particularly in matters related to land purchase/acquisition, payment of compensation, environmental pollution etc., they will be referred to the district level GRC headed by the District Collector. Any issue which requires higher than district level inter-departmental coordination or grievance redress, will be referred to the state level Steering Committee.

66. GRC will meet every month (if there are pending, registered grievances), determine the merit of each grievance, and resolve grievances within specified time upon receiving the complaint-filing which the grievance will be addressed by the state-level Steering Committee. The Steering Committee will resolve escalated/unresolved grievances received.

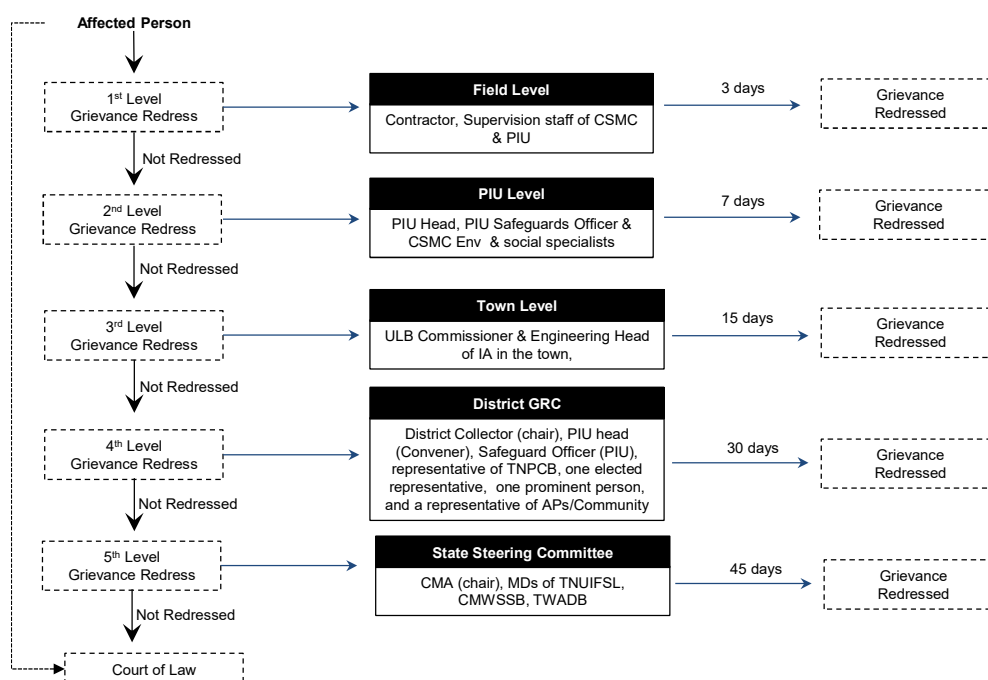
67. **Composition of Grievance Redress Committee.** GRC will be headed by the District Collector, and members include: PIU head, Safeguards Officer of PIU, representative of TNPCB, one elected representative/prominent citizen from the area, and a representative of affected community. GRC must have a women member.

68. **State Level Steering Committee** will include Commissioner of Municipal Administration as chair, member include managing directors of TNUIFSL, CMWSSB, TWAD Board and others as applicable.

69. **Areas of Jurisdiction.** The areas of jurisdiction of the GRC, headed by the District Magistrate will be (i) all locations or sites within the district where subproject facilities are proposed, or (ii) their areas of influence within the District. The SC will have jurisdictional authority across the state (i.e., areas of influence of subproject facilities beyond district boundaries, if any).

70. The multi-tier GRM for the project is outlined below (Figure 1), each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. The GRC will continue to function throughout the project duration. The implementing agencies/ULBs shall issue notifications to establish the respective PIU level grievance redress cells, with details of composition, process of grievance redress to be followed, and time limit for grievance redress at each level.

- (i) **1st level grievance.** The contractor and CMSC supervision personnel and PIU supervision personnel can immediately resolve issues on-site in consultation with each other, and will be required to do so within 3 days of receipt of a complaint/grievance.
- (ii) **2nd level grievance.** All grievances that cannot be redressed within 3 days at field/ward level will be brought to the notice of Social Safeguards Officer (SSO) of PIU. PIU will resolve the grievance within 7 days of receipt of compliance/grievance in discussion with the CMSC and the Contractor. PIU SSO will be supported by the CMSC SSS at this stage.
- (iii) **3rd level grievance.** All the grievances that are not addressed by PIU within 7 days of receipt will be brought to the notice of the Town Level Committee (TLC), of which ULB Commissioner will be the Chairperson, and will be assisted by the concerned city level engineers. TLC will meet twice a month and determine the merit of each grievance brought to the committee. The PIU SSO will be responsible to see through the process of redressal of each grievance. The TLC will resolve the grievance within 15 days of receiving the complaint.
- (iv) **4th level grievance.** All grievances that are not addressed by the TLC within 15 days, and which require the District Collector's intervention, will be escalated to the district level Grievance Redress Committee (GRC), chaired by the District Collector. The district level GRC will have the District Collector as chair, PIU head as Convenor, and Safeguard Officers of the PIU, representative of TNPCB, one elected representative, one prominent person/member of the community, and a representative of affected persons/community as members. At least one member of the GRC will be a woman. The GRC will resolve the grievance within 30 days of registration with it.
- (v) **5th level grievance.** Any grievance that remains unresolved by the GRC will be escalated to the state level steering committee.

**Figure 1: Grievance Redress Process**

71. The project GRM notwithstanding, an aggrieved person shall have access to the country's legal system at any stage, and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. In case of grievance related to land acquisition, resettlement and rehabilitation<sup>25</sup>, the affected persons will have to approach a legal body/court specially proposed under RFCTLARR, 2013; Land Acquisition, Rehabilitation and Resettlement Authority (LARRA).<sup>26</sup>

72. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing)

<sup>25</sup> The Authority admits grievance only with reference to the LA and R&R issues under the RFCTLARR, 2013.

<sup>26</sup> The authority shall consist of one person called Preceding Officer. Preceding Officer shall be either District Judge or qualified legal practitioner with minimum seven years of service and shall be appointed in consultation with the Chief Justice of the High Court within the Project jurisdiction. He shall hold the office for three years and shall be supported by Registrar and other officers. The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908. Authority (GRS) shall dispose any matter received within six months. All proceedings before Authority shall be judicial proceedings and shall take place in public. No civil court (other than High Court or the Supreme Court) shall have jurisdiction to entertain any dispute relating to land acquisition in respect of which the Collector or the Authority is empowered by or under this Act, and no injunction shall be granted by any court in respect of any such matter. Applications first go to Collector and within 30 days he can refer (if required) to the Authority. Such application can be made within six weeks by the applicant (if he or representative is personally present) after the date of award, and in other cases within six months. Collector may also accept any application within one year if feels appropriate. Interests are payable for delayed and excess payments. Payment of award into their bank accounts. Any disputed payments etc. shall be deposited with the Authority



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

73. **Recordkeeping.** Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were effected and final outcome will be kept by PIU (with the support of CMSC) and submitted to PMU.

74. **Information dissemination methods of the GRM.** The PIU, assisted by experts will be responsible for information dissemination to affected persons and general public in the project area on GRM. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per this resettlement framework including contact details of officials/members of GRC, whom to contact, and when, where/ how to register grievance, various stages of grievance redress process, time likely to be taken for redress of minor and major grievances, etc. Grievances received and responses provided will be documented and reported back to the affected persons. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PIU, offices, ULB notice boards and on the web, as well as reported in the semi-annual environmental and social monitoring reports to be submitted to ADB. A Sample Grievance Registration Form has been attached in Appendix 6.

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

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

## **VI. COMPENSATION, INCOME RESTORATION, AND RELOCATION**

### **A. Compensation**

77. All losses (assets, incomes and livelihoods) will be compensated based on the replacement cost principle, in accordance with ADB SPS. The SPS states that the calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. This principle is taken into account in the entitlement matrix in this resettlement framework.

78. Compensation will be paid and resettlement of affected persons will be completed before taking possession of land/properties and prior to the start of civil works. The affected persons will hand over to the Government, land and properties acquired free from all encumbrances such as mortgage and debt.

## **B. Income Restoration**

79. Income restoration schemes will be designed in consultation with affected persons. The strategy for income restoration will be prepared prior to land acquisition. Based on the information collected from the census and the socio-economic surveys, income restoration strategies will be framed and activities planned. The CMSC Social and Resettlement Safeguard Expert (SRSE) will consider the resource base of affected persons and their socio-economic characteristics and preferences to develop appropriate income restoration schemes.

80. The objective of income restoration is to ensure that each affected person will have at least the pre-project level income or improved income after the sub-project. The PIU with the help from CMSC will identify the number of eligible affected persons based on the census of affected persons and will conduct training need assessment in consultations with the affected persons. The CMSC will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by the CMSC in consultation with local training institutes.

81. The Program provides for short-term transitional allowances and linkages to training programs for income restoration. The resettlement plan budget will reflect the cost of providing training as well as transitional allowances. The CMSC SRSE with the support from PMU will facilitate affected persons' access to Government schemes that could help them to restore income and livelihood.

82. Key steps to be undertaken in livelihood skills training by the CMSC for vulnerable households are:

- (i) Identification of affected, vulnerable households through the census and socio-economic survey of affected persons;
- (ii) Identification of potential trainees and training needs assessment for vulnerable households, which would require a detailed survey and assessment of the literacy, educational level, and/or skill sets of one member of the household nominated for skill training. The needs assessment will also document income from various sources, assets, resources, and coping strategies currently used by the household. The strategy will improve/maximize returns from present occupation of the principal earning member or introduce a new/supplementary occupation aimed at achieving the right mix of activities in order to enable the household to improve/maintain its living standards. Baseline details will be documented for post-training impact assessment.
- (iii) Identification of requirements for credit support and assistance in accessing employment.
- (iv) Identification of local trainers, resource persons or training institutes.
- (v) A maximum time frame of 3 months is planned for training.
- (vi) Internal monitoring of training and submission of progress reports.
- (vii) Post-training impact assessment will be conducted by an external agency engaged for external monitoring, 1 year after project implementation. Indicators would be developed during detailed design stage.

83. For affected vulnerable persons, skill training institutes will be contractually bound for job placement as well, as per GOTN's current practice. Elderly or physically challenged affected persons who are unable to undergo training and/or access job placement, will be assisted to access government social welfare programs.

### **C. Assistance for Temporary Economic Impacts**

83. Sub-projects requiring work on rights-of-way such as rehabilitation or construction of water supply and sewerage networks are not expected to require land acquisition nor affect permanent structures. However, there are possible minimal impacts on access and livelihood. affected persons will be provided with:

- (i) Advance notice regarding construction activities, including duration and type of disruption provided to temporarily affected persons once contractor's work plans are finalized, with minimum 7 working days.
- (ii) Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. 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.
- (iii) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity. For example, assistance to shift to the other side of the road where there is no construction or lump sum shifting assistance in cash.
- (iv) For construction activities involving unavoidable livelihood disruption and income loss, compensation for lost income for the period of disruption.

84. Census surveys for temporary impacts will be conducted in sections ready for implementation, based on detailed design, when the exact alignments are known.

### **D. Relocation**

85. Should relocation be required, consultations will be carried out with affected persons in terms of the choice of their relocation options. affected persons requiring relocation of residential or commercial structures will be assisted by the PMU in identifying sites that (a) minimize disruption of social networks and/or access to means of livelihood, and (b) provide access to similar (pre-project level) or improved services and facilities. Tenant affected persons (residential or commercial tenants) requiring relocation will be assisted by the PMU in finding suitable rental accommodations.

## **VII. BUDGETING AND FINANCING**

86. Detailed budget estimates for involuntary resettlement will be prepared for each resettlement plan, by the ULB. It will be included in the overall sub-project estimate. The budget will include (i) detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement, (ii) cost for GRM and consultation/disclosure; and (iii) monitoring costs. Necessary provisions to be made in the estimates towards resettlement plan implementation. The sources of funds, arrangements for approval, flow of funds and contingency arrangements will be clearly presented.

87. The disbursement of various compensations to titleholders will be made through issue of bank cheque or direct deposit in affected persons account. In case of impacts to non-titleholders and temporary economic impacts, payments will be directly made by PIU to affected persons. The CMSC will be involved in facilitating the disbursement process, and will facilitate opening bank

accounts for the affected persons who do not have bank accounts. All compensation should be paid before the start of civil works.

## **VIII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION**

88. The Municipal Administration and Water Supply Department (MAWS) acting through the TNUIFSL will be the state-level executing agency. A program steering committee, headed by Principal Secretary, MAWS, GOTN, will provide overall guidance and strategic directions to the program. A program management unit (PMU) for TNUFIP, headed by the Managing Director, TNUIFSL acting as Program Director will be established within TNUIFSL for overall management, planning, implementing, monitoring, reporting, and coordinating TNUFIP. The Commissioner of Municipal Administration will act as the Deputy Program Director in the PMU. The project urban local bodies (ULBs), represented by respective Municipal Commissioners, will be the implementing agencies for works in cities/towns and will establish program implementing units (PIUs) headed by a municipal engineer as full-time Project Manager. For sewerage and water supply works in Chennai, CMWSSB, represented by its Managing Director, will be the IA and establish a PIU headed by a superintending engineer as full-time Project Manager. PIUs will be responsible for overseeing implementation of the various projects on a day-to-day basis. ULBs under the Program with less project implementation capacity, may utilize implementation support from the Tamil Nadu Water and Drainage Board (TWADB) to act as PIU. The Project Managers of the PIUs will be supported by technical, financial, safeguards and administrative staff from a CMSC recruited by TNUIFSL. For the capacity development and incentivized reforms components, CMA acting through its Commissioner, will be responsible for carrying out these activities and establish a PIU.

89. A Program Steering Committee, headed by Principal Secretary, MAWS, and Members comprises of: (i) Managing Director, TNUIFSL (Convener); (ii) Commissioner of Municipal Administration; (iii) Managing Director, CMWSSB; (iv) Managing Director, TWADB; and (v) Managing Director, TUFIDCO.

### **A. Safeguard Implementation Arrangement**

90. **Project Management Unit.** PMU will monitor the Project and have overall responsibility for ensuring adoption and compliance of resettlement framework and ADBs SPS. Additionally, PMU will monitor PIUs for: (i) identifying and preparing sub-projects; (ii) reviewing resettlement plans prepared by PIU/ULB; (iii) ensure adoption and compliance of resettlement framework in land acquisition and other safeguards; (iv) guide in awareness campaigns and participation programs; (v) organize and operate the program performance monitoring system; (vi) prepare and submit timely reports to ADB; and (vii) design and organize capacity building programs. PMU will be assisted by CMSC in managing and guiding the overall implementation of the Program. Social Project Officer (SPO) of PMU will responsible for all land acquisition and resettlement matters from PMU side.

91. PMU SPO will perform responsibilities like: (i) addressing social safeguards issues; (ii) implementing the resettlement framework; (iii) report to Projects Head with respect to land acquisition and resettlement plan implementation in the sub-projects; (iv) monitoring physical and financial progress on land acquisition activities and updating the PMU on the same; (v) monitoring

implementation of safeguards plans (resettlement plan); (vi) guiding the PIUs as and when necessary; and (vii) endorsing and submitting periodic monitoring reports.<sup>27</sup>

92. **Construction Management and Supervision Consultants (CMSC).** The implementing agency will be assisted by a CMSC SRSE. The SRSE will (i) based on final designs, carry out census and socioeconomic surveys/verification surveys for the affected people and update resettlement plan in line with the TNUFIP resettlement framework; (ii) identify requirement for any EUPs/NOCs for sub-project sites and assist PIUs in obtaining the same prior to start of civil works. Prepare any additional safeguard documentation, if required, such as due diligence reports; (iii) assist PIU in day-to-day implementation of resettlement plan activities and ensure contractors comply with conditions of resettlement framework/resettlement plan; (iv) take proactive action to anticipate and avoid delays in implementation, and ensure gender equality and social inclusion during implementation; (v) assist PIU in conducting public consultation and disclosure activities; (vi) Assist PIU in preparing periodic social safeguard monitoring reports as per Project Administration Manual (PAM) requirements; (vii) under guidance of GIAC, assist PIU in establishing a system and indicators, focusing on gender and vulnerable households, to monitor social safeguards including GRM activities; (viii) support GIAC in conducting training focused on involuntary resettlement safeguards implementation capacity of the PIUs; and (ix) assistance to PIU/ PMU in any other social safeguard related tasks.

93. **Project Implementation Unit (PIU).**<sup>28</sup> PIUs will be established in each of the participating ULBs within their structure or at TWADB and in CMWSSB. The PIUs will be responsible for implementation of the resettlement plans. PIUs will undertake internal monitoring and supervision and record observations throughout the project period to ensure that the safeguards and mitigation measures are provided as intended. PIUs will be responsible for: (i) conduct briefing to contractors on safeguards requirements including GRM; (ii) implementing and monitoring safeguards compliance activities, public relations activities, gender mainstreaming activities, and community participation activities; (iii) coordinating with district administration and GIAC for land acquisition and R&R aspects and addressing any problems and/or delays; (iv) monitoring physical and financial progress on land acquisition and R&R activities; (v) organizing monthly meetings with the PIU to review the progress on R&R; and (vi) share all reports relating to land acquisition, alienation, R&R activities etc. and status to PMU. Further details on agencies responsible for resettlement plan activities are in Table 7.

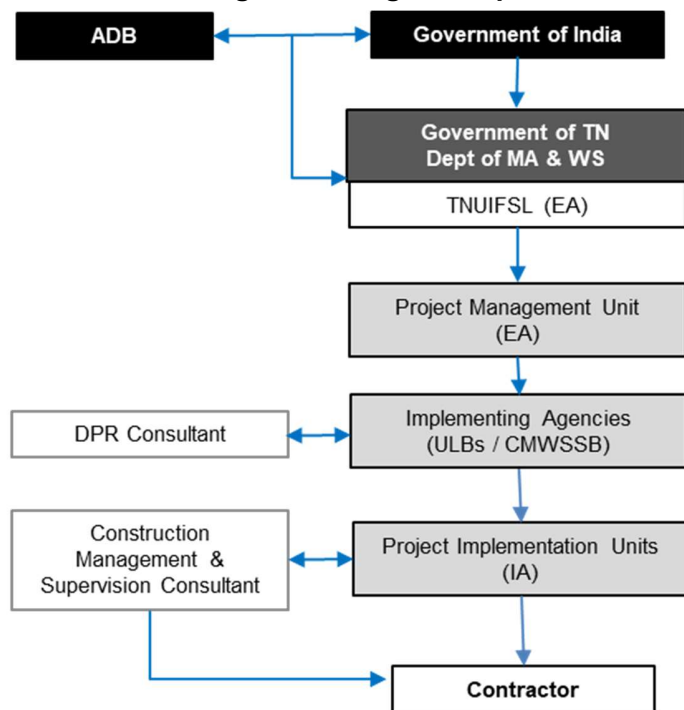
94. **Governance Improvement and Awareness Consultants.** The scope of service will include, but not be restricted to, implementation, monitoring and reporting of the community awareness and participation plan (CPP); GAP Plan, and monitor and guide resettlement plan implementation and lead involuntary resettlement trainings. Specific tasks related to social safeguards include: (i) monitor and guide PIUs on resettlement plan implementation, with particular reference to significant impacts; (ii) lead involuntary resettlement training and capacity building on involuntary resettlement/IP safeguards to project PIUs and CMA; (iii) guide PIUs to set up GRMs, record keeping and feedback mechanisms; and (iv) guide PIUs in keeping detailed

<sup>27</sup> The monitoring report will focus on the progress of implementation of the IEE/EIA and EARF, resettlement plan/RF and IPP/IPF, issues encountered and measures adopted, follow-up actions required, if any, as well as the status of compliance with subproject selection criteria and relevant loan covenants.

<sup>28</sup> If the subproject triggers new LARR, PIU will facilitate land acquisition (LA) through DC and will provide all details of land acquisition to CMSC SRSE/PMU. CMSC SRSE will incorporate the same in resettlement plan and check its compliance with RF/ADB SPS-2009 to make necessary additions (if any). PIU will bear the cost of any deviations in the compensation etc. to comply with RF/ADB SPS-2009. Government procedures under land acquisition act can run parallel even though under ADB project required surveys/preparation of resettlement plan will be undertaken. ADB project need to wait for the outcomes of government procedures to finalize the compensation and disbursement of payments.

records of progress and establishing monitoring and reporting systems for resettlement. GIAC will also provide guidance to PIUs on specific requirements for IPP implementation, if SR-3 triggered.

**Figure 2: Program Implementation Arrangement**



ADB – Asian Development Bank; CMWSSB = Chennai Metro Water Supply & Sewerage Board; DPR = Detailed Project Report; EA – Executing Agency; GoTN – Government of Tamil Nadu; IA – Implementing Agency; MA & WS = Municipal Administration & Water Supply; TNUIFSL = Tamil Nadu Urban Infrastructure Financial Services Limited; ULB = Urban Local Body

**Table 7: Institutional Roles and Responsibilities**

Activity	Responsible Agency
<b>Subproject Initiation Stage</b>	
Finalization of sites for sub-projects	PIU
Disclosure of proposed land acquisition and sub-project details by issuing Public Notice	PIU
Meetings at community/household level with affected persons	PIU/CMSC
<b>resettlement plan Preparation and Updating Stage</b>	
Conducting Census of all affected persons	PIU/ULB
Conducting FGDs/meetings/workshops	PIU/ULB
Computation of replacement values of land/properties proposed for acquisition and for associated assets	PIU/ULB and as per RFCTLARR 2013 for Land Acquisition
Categorization of affected persons for finalizing entitlements	PIU/ULB
Formulating compensation and rehabilitation measures	PIU/ULB
Conducting discussions/meetings/workshops with affected persons and other stakeholders	PIU/ULB
Fixing compensation for land/property with titleholders	As per RFCTLARR 2013 for land acquisition
Finalizing entitlements and rehabilitation packages	PIU/ULB

<b>Activity</b>	<b>Responsible Agency</b>
Disclosure of resettlement plan	PIU
Approval of resettlement plan	PMU/ ADB
Sale deed execution and payment	PIU/ULB
Taking possession of land	PIU/ULB
<b>resettlement plan Implementation Stage</b>	
Implementation of proposed rehabilitation measures	PIU/ CMSC
Consultations with affected persons during rehabilitation activities	PIU/ CMSC
Grievances redressal	CMSC/ PIU/ GRC/ PMU
Internal monitoring	PMU / PIU/ULB

ADB = Asian Development Bank, CMSC SRSE = Construction, Management, and Supervision Consultant's Social and Resettlement Safeguard Expert, FGD = focus group discussion, PIU = project implementation unit, PMU = project management unit, GIAC = governance improvement and awareness consultant.

## **B. Institutional Capacity and Development**

95. TNUIFSL is responsible for implementation of the resettlement framework while the implementing agencies/ULBs are directly responsible for preparing resettlement plans and its implementation. TNUIFSL will have overall responsibility of implementation, compliance, reviewing and approving report, monitoring of safeguards issues, providing support and guidance to implementing agencies as required. TNUIFSL project staff through its earlier World Bank funded projects have gained substantial knowledge on social safeguards and experience in its implementation. However, compliance in relation to ADB policies, changes in nature of duties and candidates will require training of new/additional staff and officers that will be involved in project preparation and implementation of this Project.

96. PMU will organize training programs for designated staff with the help of Social Officer on aspects such as resettlement planning and implementation, social protection, and gender, including the specific recording, reporting, and disclosure requirements. Training and capacity building program on resettlement management for the PMU and PIU staff will involve: (i) resettlement framework and resettlement plan preparation; (ii) principles and procedures of land acquisition; (iii) public consultation and participation; (iv) entitlements and compensation disbursement mechanisms; (v) grievance redressal; and (vi) monitoring of resettlement operation. Specific modules customized for the available skill set shall be devised after assessing the capabilities of the target participants and the requirements of the project.

97. Table 8 provides the indicative training needs assessment. The cost of trainings will be borne by Project's capacity building program by PMU. The detailed cost and specific modules will be customized for the available skill set after assessing the capabilities of the target participants and the requirements of the project.

**Table 8: Indicative Training Needs Assessment**

<b>Description</b>	<b>Target Participants and Venue</b>
1. Introduction and Sensitization to Social/Involuntary Resettlement/Indigenous Peoples Safeguards (1 day) - ADB Safeguards Policy Statement - Government of India and Tamil Nadu applicable social safeguard acts - Incorporation of social/resettlement components under EMP into the project design and contracts - Monitoring, reporting and corrective action planning	All staff and consultants involved in the project  At PMU, Chennai  First year of the launch of TNUFIP.
2. Resettlement plan implementation (2 days; 2 times during implementation with interval of 1 year in-between)	All staff and consultants involved in the subproject

Description	Target Participants and Venue
<ul style="list-style-type: none"> <li>- Roles and responsibilities</li> <li>- resettlement plan components and stages in implementation</li> <li>- Construction schedules and timelines</li> <li>- Public relations</li> <li>- Consultations</li> <li>- Grievance redress</li> <li>- Monitoring and corrective action planning</li> <li>- Reporting and disclosure</li> <li>- Timely documentation</li> </ul>	All contractors prior to award of contract At each PIU
3. Experiences and best practices sharing (1 day) <ul style="list-style-type: none"> <li>- Experiences on resettlement plan implementation</li> <li>- Issues and challenges</li> <li>- Best practices followed</li> </ul>	All staff and consultants involved in the project All contractors All consultants At PMU Chennai

### C. Implementation Schedule

98. The program will be implemented for 6 years starting from year 2018. The resettlement plan implementation schedule will vary from subproject to subproject. In general, the project implementation will consist of the three major phases, namely project preparation, land acquisition, and rehabilitation of affected persons. In line with the principles laid down in this resettlement framework, the executing agency and implementing agency will ensure that project activities are synchronized between the resettlement plan implementation activities and the subproject implementation. The executing agency and implementing agency will ensure that no physical or economic displacement of affected households will occur until all compensation estimated as per the final disclosed resettlement plan has been paid in full to all identified affected person/displaced persons.

99. All land acquisition, resettlement, and compensation for a sub-project will be completed before the award of civil works contracts. All land required will be provided free of encumbrances to the contractor prior to handing over of subproject sites and the start of civil works. The implementation of the resettlement plan will include: (i) identification of cut-off date and notification,<sup>29</sup> (ii) verification of losses and extent of impacts, (iii) finalization of entitlements and distribution of identity cards, (iv) consultations with affected persons on their needs and priorities, and (v) resettlement, provision of compensation and assistance, and income restoration for affected persons. The expected implementation schedule for a sub-project is given in Table 9.

**Table 9: 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 PMU and PIU	♦																	
ii. Appointment of CMSC	♦																	
iii. Appointment of GIAC	♦																	
iv. Briefing on GRC functions	♦																	
v. Census and socio-economic surveys (issuance of ID. cards)	♦	♦																
vi. Consultations and disclosure		♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦	♦
vii. Confirmation of government land to	♦	♦																

<sup>29</sup> The census will be the cut-off date for non-titled APs. For titled APs, the cut-off is the date of Declaration.



Activity	Months																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
be used and transfer from other departments																		
viii. Resettlement plan preparation		♦	♦															
ix. Resettlement plan review and approval (PMU and ADB)			♦															
x. Issue notice to affected persons				♦														
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 if any																		Immediately after construction

\* The census will be the cut-off date for non-titled affected persons. For titled affected persons, the cut-off date is the date Declaration.

\*\* The resettlement plan will be updated based on final detailed design and affected person census and surveys.

\*\*\* Endorsement and disclosure of finalized resettlement plans consistent with the resettlement framework to be undertaken.

ADB = Asian Development Bank, CMSC = construction, management and supervision consultants, GRC = grievance redress committee, PIU = project implementation unit, PMU = project management unit, SSE = social safeguard expert.

## IX. MONITORING AND REPORTING

100. Resettlement plan implementation will be closely monitored by the PMU. ULBs with the assistance from PIU/ CMSC will prepare monthly progress reports on implementation of resettlement plan and submit to PMU.

### A. Internal Monitoring

101. Internal monitoring for resettlement plan implementation will be carried out during the entire program period. Regular monitoring of resettlement progress will identify potential difficulties and problem areas. After 3 months of project initiation, monitoring will be performed with reports generated every quarter for the first year of implementation and bi-annually thereafter. The CMSC will undertake internal monitoring and reports will be submitted to the PIU documenting actual achievements against targets fixed and identifying reasons for shortfalls, if any. All monitoring reports will be produced within fifteen days of the end of each quarter or half-year. After review, the PIU will submit the monitoring report to the PMU.

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

- (i) Administrative monitoring including but not limited to: daily planning, implementation, feedback and troubleshooting, individual affected person file maintenance, progress reporting;
- (ii) Socio-economic monitoring including but not limited to: case studies, using baseline information for comparing affected person socio-economic conditions,

- (iii) evacuation, demolition, salvaging materials, morbidity and mortality, communal harmony, dates for consultations, number of grievances and resolutions; and Impact evaluation monitoring including but not limited to income standards restored or improved.

## **B. Monitoring Physical and Financial Progress**

103. Internal monitoring will involve the following:
- (i) Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis;
  - (ii) Socioeconomic monitoring during and after the relocation process to ensure that people are settled and recovering. This will utilize the baseline information established by the socioeconomic survey of affected persons undertaken during sub-project preparation; and
  - (iii) Overall monitoring whether recovery has taken place successfully and on time.
104. Data from baseline socio-economic surveys undertaken during sub-project preparation will provide the benchmark for monitoring to assess the progress and success of resettlement plan implementation. Monitoring will also include the following:
- (i) Communication with and documentation of reactions from affected persons.
  - (ii) Information from affected persons on entitlements, options, alternative developments, etc.;
  - (iii) Valuation of properties;
  - (iv) Usage of GRM; and
  - (v) Disbursement of compensation amounts and all assistance.
105. Monitoring will also cover the physical progress of resettlement plan implementation. This will include relocation of affected persons and affected community properties.

## **C. Internal Monitoring Indicators**

106. The indicators for achievement of objectives during resettlement plan implementation are of two kinds:
- (i) Process Indicators: Indicating project inputs, expenditure, staff deployment, etc.; and
  - (ii) Output Indicators: Indicating results in terms of numbers of affected persons compensated, area of temporarily occupied lands restored with topsoil (and other pre-project features), number of affected persons provided with skills training, etc.
107. Input and output indicators related to physical progress of the work will include items such as:
- (i) Training of PIU and other staff completed;
  - (ii) Census, assets inventories, assessments and socio-economic studies completed;
  - (iii) Consultants recruited and trained;
  - (iv) Grievance redress procedures in-place and functionality;
  - (v) Compensation payments disbursed;
  - (vi) Relocation of affected persons completed;
  - (vii) Project employment provided to affected persons;
  - (viii) Infrastructure rehabilitated or constructed;
  - (ix) Income restoration activities initiated;
  - (x) Skills training of affected persons initiated;

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

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

#### **D. End Term Evaluation**

109. After the completion of the Program, an end-term impact evaluation to assess the effectiveness of the implementation of the R&R provisions will be carried out. This will emphasize on assessment of achievements of Program targets and the change in quality of life of affected persons. For carrying out the evaluation assignment, the agency/consultant will develop the necessary evaluation indicators and as per key baseline socio economic indicators listed in the resettlement plan. All evaluations are expected to be done on the basis of selective indicators as detailed below.

- (i) Restoration of income levels of affected persons;
- (ii) Changes and shifts in occupational pattern;
- (iii) Changes in asset ownership;
- (iv) Changes in types of housing of affected persons; and
- (v) Assessing affected persons' access to amenities, such as water, electricity, transportation, etc.

110. The following Table 10 tentatively lists the impact indicators to be studied to evaluate impacts after the Program is completed.

**Table 10: Impact Indicators for Evaluation**

<b>Items</b>	<b>Impact Indicators</b>	<b>Frequency</b>
Better Economic Conditions	Income: Program related and - Independent means but assisted by the Program Housing: Changes in quality over a period of time Food Security Changes in occupation Skill portfolio Migration profile	Implementation stage through monitoring.  Implementation and post implementation stage through mid-term and end-term impact evaluation study
Better Social Conditions	Representation in Community Based Institutions Indicators of participation Empowerment School enrolment Health and morbidity	Implementation stage through monitoring.  Implementation and post implementation stage through impact evaluation study

Items	Impact Indicators	Frequency
	Better available infrastructure: potable water, living space, sanitation, proper road and drainage facilities, etc.	

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

112. The end-term evaluation will reveal the actual target achievements of resettlement plan implementation by the PMU. This report should examine whether the Project has improved the quality of life of the people in coverage areas, especially affected persons. Any lacunae in the process of resettlement plan implementation should also be stated with future strategies to overcome such situations so that project benefits can be utilized by the affected persons to the furthest extent.

## REVIEW AND COMPARISON OF BORROWERS POLICY AND ADB POLICY

1. In addition to ADB policy on Involuntary Resettlement, applicable existing laws policies of Government of India and State Government of Tamil Nadu are reviewed for preparation of this resettlement framework. Following sections deals with the details of applicable policy requirements.

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

2. This new RFCT in LARR repeals the Land Acquisition Act, 1984 and is applicable to all states in India including Tamil Nadu (Except the state of Jammu and Kashmir). LARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement collectively. Establishing of a completely new Act, which was due from a long time, is a pioneering step taken by the Government of India in providing a humane, participative, informed and transparent process for permanent/temporary land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to land acquisition, rehabilitation and resettlement. The Act prohibits acquisition of multi-cropped irrigated land as a special provision to safeguard food security, unless in exceptional circumstances as a demonstrable last resort<sup>30</sup>. The general process for land acquisition and resettlement under LARR is:

#### 1. Preliminary Investigations/Preparation of Social Impact Assessment/ Social Impact Management Plan

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

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

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

<sup>30</sup> Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. This condition has been included in the entitlement matrix. These provisions however do not apply in case of projects that are linear in nature such as railways, highways, other roads, canals, power lines etc.

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

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

## **2. Preliminary Notification, Objections and Hearing**

6. Followed by SIA approval, a requiring body shall publish<sup>31</sup> a preliminary notification and inform various concerned authorities regarding this in a meeting called specially for this purpose. SIA report shall be considered lapsed if the preliminary notification is not issued within 12 months from its approval; unless otherwise specified in writing by the appropriate government for special circumstances. The preliminary notification will include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement. After the preliminary notification is issued, landowners shall not make any further transactions of the land specified and create any encumbrance on such land. If made so, landowner shall make this willful in writing and impacts associated shall not be borne by the Collector/acquiring authority. Appropriate government authority shall undertake updating of all land records etc. within two months after the issue of preliminary notification provided that all associated activities (surveys etc.) shall be carried out after adequate prior notice and in the presence of the landowner or person authorized by him in writing.

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

---

<sup>31</sup> Notification will be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

then shall consolidate and present his recommendations on all objections heard to the appropriate Government and the decision of the appropriate Government shall remain final.

### **3. Preparation of Rehabilitation and Resettlement Scheme and its Declaration**

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

9. The Collector shall publish<sup>32</sup> a summary of RSS along with Declaration under the hand and seal of Secretary to such Government or any other official duly authorized<sup>33</sup> only after the Requiring Body deposits amount towards the cost of land acquisition<sup>34</sup>. RSS summary and Declaration shall be compulsorily made within the twelve months after the issue of preliminary notification. If not complied, such notification shall be considered rescinded unless land acquisition was held up on account of any stay or injunction by the order of Court.

### **4. Public Notice and Award**

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

11. Land Acquisition Award shall include:

<sup>32</sup> Declaration shall be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

<sup>33</sup> Summary RSS shall not be published unless it is published along with Declaration.

<sup>34</sup> In full or part, as prescribed by the appropriate Government.

- (i) Loss of land as per market value determined.
- (ii) Standing crops/trees/plants. The Collector can use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.
- (iii) Damage (if any) sustained by reason of severing adjoining lands from/to affected land.
- (iv) Damage to any property/building (movable or immovable) or earnings. The Collector use the services of a competent engineer or any other specialist in the relevant field as considered necessary by him.
- (v) Reasonable expenses incidental such change if affected landowner is compelled to change his place of residence or business
- (vi) Bonafide; resulting from diminution of the profits of the land between the time of the publication of the declaration and the time of the Collector's taking possession of the land.
- (vii) any other ground which may be in the interest of equity, justice and beneficial to the affected families.

12. The Collector shall impose Solatium equivalent to the 100 percent of the total compensation amount as estimated above. In addition, 12 percent interest per annum shall be payable for the period from the date of issue of SIA notification till the date of award or date of taking possession of land, whichever is earlier. The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose. Land Acquisition payment shall be made within three months and R&R (except infrastructure entitlements-within 18 months) shall be made within six months from the date of the award. The Collector shall acquire land only after such payment; unless in urgency cases where land can be acquired within 30 days from the date of notice (notice to acquire land)<sup>35</sup>. As per the Act, the land acquisition that involves involuntary displacement of SC/ST shall require preparation of Development Plan. In such cases, one third of the compensation shall paid before taking possession of the land. (page 20-21-22 for IPP)

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

14. **Administrator:** If involuntary displacement of persons is involved then the State Government shall, by notification appoint an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be the

---

<sup>35</sup>If there is any displacement involved, the Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families. The Collector shall also, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.



Administrator for Rehabilitation and Resettlement. Formulation, execution and monitoring of the Rehabilitation and Resettlement Scheme shall vest in the Administrator.

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

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

## **B. ADB's Safeguard Policy Statement, 2009**

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

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

19. The main policy principles of the Involuntary Resettlement Safeguard are:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning

- through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a GRM to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
  - (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
  - (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
  - (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
  - (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
  - (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
  - (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
  - (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
  - (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's

costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

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

### **C. Comparison of National Policies with ADB's SPS, 2009**

20. A detailed policy comparison between ADB's SPS, 2009; RFCTLARR Act, 2013; ESMF, 2016 and the resettlement framework is given in following Table.

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

	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement (SPS), 2009</b>	<b>Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)</b>	<b>TNUIFSL Environmental and Social Management Framework</b>	<b>Measures to Bridge Gaps</b>
1	Screen project	Screen the project to identify past, present and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement	Section 4 (I) it is obligatory for the appropriate Government that intend to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concerned Panchayat, Municipality or Municipal Corporation, as the case maybe, at village level or ward level in the affected area. The Social Impact Assessment study report shall Be made available to the public in the manner prescribed under section 6.	Specified	<p>No gap in conduct of social impact analysis between RFCTLARR and SPS</p> <p>Gap in screening past, present and future involuntary resettlement impacts and risks between RFCTLARRA and ADP SPS. The Project will undertake screening of all subprojects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks.</p>
2	Consult stakeholders and establish grievance redress mechanism (GRM)	Carryout consultations with displaced persons, host communities and concerned nongovernmental organizations (NGOs). Informally displaced persons of their entitlements and resettlement options	Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been	Specified;	<p>No gap between SPS and RFCTLARR.</p> <p>Gap in establishing a project-level GRM for projects that do not have significant resettlement impacts, between RFCTLARRA and ADB SPS. A common GRM is proposed for addressing grievances relating to Safeguards.</p>

	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement (SPS), 2009</b>	<b>Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)</b>	<b>TNUIFSL Environmental and Social Management Framework</b>	<b>Measures to Bridge Gaps</b>
			initiated by the State Government or its agencies.		
3	Improve or at least restore, the livelihoods of all displaced, and payment at replacement cost	Improve or restore the livelihoods of all displaced persons through:(i) land-based resettlement strategies; (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and(iv) additional revenues and services through benefit sharing schemes where possible.	The Deputy Commissioner (DC) having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the landowner (whose land has been acquired) by including all assets attached to the land.	Specified	No gap between SPS and RFCTLARR/ESMF. Assets to be compensated at replacement cost without depreciation
4	Assistance for displaced persons	Provide physically and economically displaced persons with needed assistance	Schedule I, provides market value of the land and value of the assets attached to land. Schedule II provides resettlement and rehabilitation package for land owners and for livelihood losers including landless and special provisions for Scheduled Tribes.	Specified	No gap between SPS and RFCTLARR/ESMF. Entitlement Matrix outlines compensation and assistance for Affected persons.
5	Improve standard of living of displaced vulnerable groups	Improve the standards of living of the displaced poor and other vulnerable groups, especially those below the poverty line, the landless, the elderly, women, children, indigenous peoples, and those without title to land, to at least national minimum standards	Special provisions are provided for vulnerable groups.	Specified; definition covers most of the categories of vulnerable as per SPS	Gap in terms of definition of vulnerable. Entitlement Matrix outlines assistance for vulnerable groups, as defined by ADB policy.

	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement (SPS), 2009</b>	<b>Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)</b>	<b>TNUIFSL Environmental and Social Management Framework</b>	<b>Measures to Bridge Gaps</b>
6	Negotiated settlement	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihoods status	Section 46 of RFCTLARR Act, 2013 permits direct purchase of land and undertaking direct negotiation with the land owner.	Process not specified. ESMF strictly follows the Acquisition of private land as per the Act and there is no such provision for negotiated land acquisition in ESMF.	To ensure a fair and transparent process, a third party independent monitor will be hired to certify the process the negotiated purchase was undertaken in a transparent, consistent and equitable manner.
7	Compensation for nontitle holders	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. In the rural area, provide them with access to resources. In the urban area, provide them with access to housing.	Schedule II provides benefits to families whose livelihood is primarily dependent on land acquired	ESMF recognizes all affected people/families irrespective of their titles.	No gap between policy principle related to non-titleholders in SPS and RFCTLARR/ESMF.  Entitlement Matrix outlines compensation and assistance for nontitle holders, including squatters, encroachers and sharecroppers.
8	Prepare resettlement plan	Prepare a resettlement plan/indigenous peoples plan on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	Preparation of Rehabilitation and Resettlement Scheme including timeline for implementation. <i>Section: 16. (1) and (2).</i> Separate development plans to be prepared. <i>Section 41</i>	Specified	No gap between SPS and RFCTLARR. resettlement plan will be prepared for subprojects with impact.
9	Disclose Resettlement Plan	Disclose a draft resettlement plan, including documentation of the consultation processing a timely manner, before	Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the	Specified	No gap between SPS and RFCTLARR/ESMF. The resettlement framework and resettlement plans will be disclosed to affected persons.

	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement (SPS), 2009</b>	<b>Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)</b>	<b>TNUIFSL Environmental and Social Management Framework</b>	<b>Measures to Bridge Gaps</b>
		project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders	local language to the Panchayat, Municipality or Municipal Corporation. As the case maybe, and the offices of the DC the Sub-Divisional Magistrate and the Taluka, and shall be published in the affected areas, in such manner as maybe prescribed and uploaded on the website of the appropriate Government.		
10	Cost of resettlement	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	Section 16. (I) Upon the publication of the preliminary Notification under sub-section(/) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include:(a) particulars of lands and immovable properties being acquired of each affected family;(b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;(c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;(d) details of the	Cost of Resettlement arising out of Land acquisition is as per the Act. For non-title holders' entitlement provisions are provided. Also, the non-title holders are further divided into commercial squatters and residential squatters. This is a significant provision of ESMF	No gap between SPS and RFCTLARR. Cost of resettlement will be covered by the executing agency.

	<b>Involuntary Resettlement Policy Principle</b>	<b>ADB Safeguard Policy Statement (SPS), 2009</b>	<b>Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARR)</b>	<b>TNUIFSL Environmental and Social Management Framework</b>	<b>Measures to Bridge Gaps</b>
			amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and(e) details of any common property		
11	Taking over possession before payment of compensation	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	38 (I) The Collector shall take possession of Land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.	In ESMF all the compensation for the land will be as per RFCTLARR Act. For non-title holders the compensation shall be paid prior to dispossession of asset is provided. (see par 50 of ESMF).	No gap between SPS and RFCTLARR.
12	Monitoring	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	48 (I)The Central Government may, whenever necessary for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.	Specified	RFCTLARR does not specify the frequency of monitoring. There is a slight difference between the reporting requirements as outlined in the SPS and ESMF. The Project will prepare monitoring reports semi-annually as per SPS.

Note: In addition to the above, the resettlement framework defines significant impact in accordance with ADB Policy, which differs from the ESMF definition of significant impacts.



**SOCIAL SCREENING FORM (ESMF)**

Name of the ULB :

Sub Project location :

Sub Project :

<b>Land Use, Resettlement, and/or Land Acquisition</b>				
	<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Details</b>
1	Does the project involve acquisition of private land?			
2	Alienation of any type of Government land including that owned by Urban Local Body?			
3	Clearance of encroachment from Government/urban local body land?			
4	Clearance of squatters/hawkers from Government/ Urban Local Body Land?			
5	Number of structures, both authorized and/or unauthorized to be acquired/ cleared/			
6	Number of household to be displaced?			
7	Details of village common properties to be alienated Pasture Land (acres) Cremation/ burial ground and others specify?			
8	Describe existing land uses on and around the project area (e.g., community facilities, agriculture, tourism, private property)?			
9	Will the project result in construction workers or other people moving into or having access to the area (for a long time period and in large numbers compared to permanent residents)?			
10	Are financial compensation measures expected to be needed?			
<b>Loss of Crops, Fruit Trees, Household Infrastructure and livelihood</b>				
<b>Sl.no</b>	<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Details</b>
11	Will the project result in the permanent or temporary loss of the following?			
11.1	Crops?			
11.2	Fruit trees / coconut palms? Specify with numbers			
11.3	Petty Shops/ Kiosks			
11.4	Vegetable/Fish/Meat vending			
11.5	Cycle repair shop			
11.6	Garage			
11.7	Tea stalls			
11.8	Grazing			
11.9	Loss of access to forest produce (NTFP)			
11.10	Any others - specify			
<b>Welfare, Employment, and Gender</b>				
	<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Details</b>
12	Is the project likely to provide local employment opportunities, including employment opportunities for women?			

13	Is the project being planned with sufficient attention to local poverty alleviation objectives?			
14	Is the project being designed with sufficient local participation (including the participation of women) in the planning, design, and implementation process?			
<b>Historical, Archaeological, or Cultural Heritage Sites</b>				
<b>Sl.no</b>	<b>Components</b>	<b>Yes</b>	<b>No</b>	<b>Details</b>
Based on available sources, consultation with local authorities, local knowledge and/or observations, could the project alter:				
15	Historical heritage site(s) or require excavation near the same?			
16	Archaeological heritage site(s) or require excavation near the same?			
17	Cultural heritage site(s) or require excavation near the same?			
18	Graves, or sacred locations or require excavations near the same?			
<b>Tribal Population/Indigenous People</b>				
19	Does this project involve acquisition of any land belonging to Scheduled Tribes?			
<b>Beneficiaries</b>				
20	Population proposed to be benefitted by the proposed project			
21	No. of Females proposed to be benefitted by the proposed project			
22	Vulnerable households /population to be benefitted			
23	No. of BPL Families to be benefitted			

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

Sign and Seal

Enclosures: Land details for the project sites, location, survey numbers, extent available and required, land use classification, current use of the site, land ownership, alienation/acquisition status, FMB extracts, as required along with a certificate giving availability of sites required for the project by the borrower.

## Involuntary Resettlement Impact Categorization Checklist

### A. Introduction

1. Each subsection/section needs to be screened for any involuntary resettlement impacts which will occur or have already occurred. This screening determines the necessary action to be taken by the project team.

### B. Information on subsection/section:

- a. District/administrative name: \_\_\_\_\_
- b. Location (km): \_\_\_\_\_
- c. Civil work dates (proposed): \_\_\_\_\_
- d. Technical description: \_\_\_\_\_

### C. Screening Questions for Involuntary Resettlement Impact

2. Below is the initial screening for involuntary resettlement impacts and due diligence exercise. Both permanent and temporary impacts must be considered and reported in the screening process.

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
Will there be land acquisition?				
Is the site for land acquisition known?				
Is the ownership status and current usage of land to be acquired known?				
Will easement be utilized within an existing Right of Way (ROW)?				
Will there be loss of shelter and residential land due to land acquisition?				
Will there be loss of agricultural and other productive assets due to land acquisition?				
Will there be losses of crops, trees, and fixed assets due to land acquisition?				
Will there be loss of businesses or enterprises due to land acquisition?				
Will there be loss of income sources and means of livelihoods due to land acquisition?				
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
Will people lose access to natural resources, communal facilities and services?				
If land use is changed, will it have an adverse impact on social and economic activities?				
Will access to land and resources owned communally or by the state be restricted?				
<b>Information on Displaced Persons:</b>				
<b>Any estimate of the likely number of persons that will be displaced by the Project?    [ ] No [ ] Yes</b>				
If yes, approximately how many?				

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes				

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

## **OUTLINE OF RESETTLEMENT PLAN**

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

### **A. Executive Summary**

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

### **B. Project Description**

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

### **C. Scope of Land Acquisition and Resettlement**

This section:

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

### **D. Methodology for Impact Assessment**

This section outlines the methodology and tools adopted for:

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

### **E. Socioeconomic Information and Profile**

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

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;

- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

## **F. Stakeholders Consultation and Participation**

This section:

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

## **G. Legal Framework**

This section:

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

## **H. Entitlements, Assistance and Benefits**

This section:

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

## **I. Relocation of Housing and Settlements**

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;

- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

## **J. Income Restoration and Rehabilitation**

This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

## **K. Resettlement Budget and Financing Plan**

This section:

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

## **L. Information Disclosure**

This section:

- (i) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) during project implementation.

## **M. Grievance Redress Mechanisms**

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

## **N. Institutional Arrangements**

This section:

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

## **O. Implementation Schedule**

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

## **P. Monitoring and Reporting**

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

## **Appendixes to Resettlement Plan**

The resettlement plans shall have the following appendixes:

1. Filled in Social Screening Form & resettlement impact categorisation checklist (duly signed)
2. Land details of all the project sites (sl.No, component, location, extent available, extent required, land use, ownership, remarks, GPS coordinates).
3. FMB extracts and Adangal (ownership) records.
4. Details of pipe line alignment and network (length, size of pipe, available RoW, pipe line location).
5. Strip map /plan of pipe line alignment details.
6. Photographs, orientation drawings of the sites.
7. Details of Public/Stakeholder consultations – newspaper clippings, photographs, Minutes, proceedings etc.
8. Entitlement matrix of resettlement framework
9. List of affected person/displaced person with basic socioeconomic details and address details.



10. List of AD/displaced person with entitlements
11. Key base line socio economic indicators (indicators as per Table 10 of this resettlement framework)
12. Formats for reporting of R&R implementation progress.
13. Translated R&R brochures explaining key features of resettlement framework.
14. Copies of communication relating to land acquisition/alienation.
15. Format for certification of availability/readiness of sites.

### SAMPLE SUBPROJECT INFORMATION DISCLOSURE LEAFLET

Up to 2-4 pages maximum.

<b>Sub-project Information</b>	<b>Description</b>
Name of the subproject, executing agency/implementing agency and town	
Proposed subproject technical details and project benefits	
Summary of subproject impacts	
Compensation and entitlements	
Resettlement plan budget	
resettlement plan implementation schedule	
Consultation and disclosure requirements	
Implementation structure and grievance redress mechanism (GRM) information	
Contact numbers of CMSC, PIU, PMU, GIAC	

Attach list of affected persons and Entitlement Matrix to this leaflet.



Photographs:


**List of Participants: (insert scanned image of the attendance sheet)**

<b>Tamil Nadu Urban Flagship Investment Program</b>				
<b>Stakeholder Consultation Workshop</b>				
Subproject: _____ Date: _____ Venue: _____				
Organized by _____ (PIU)				
S. No	Name	Designation / Agency	Contact No.	Signature
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				

Use additional sheets if required

## SAMPLE GRIEVANCE REGISTRATION FORM

(To be available in Tamil and English)

The \_\_\_\_\_ Project welcomes complaints, suggestions, queries, and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback.

Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing \*(CONFIDENTIAL)\* above your name. Thank you.

<b>Date</b>	<b>Place of registration</b>	<b>Project Town</b>			
		<b>Project:</b>			
<b>Contact information/personal details</b>					
<b>Name</b>		<b>Gender</b>	* Male * Female	<b>Age</b>	
<b>Home address</b>					
<b>Place</b>					
<b>Phone no.</b>					
<b>E-mail</b>					
<b>Complaint/suggestion/comment/question</b> Please provide the details (who, what, where, and how) of your grievance below:					
If included as attachment/note/letter, please tick here:					
<b>How do you want us to reach you for feedback or update on your comment/grievance?</b>					

### FOR OFFICIAL USE ONLY

<b>Registered by:</b> (Name of official registering grievance)	
<b>Mode of communication:</b> Note/letter E-mail Verbal/telephonic	
<b>Reviewed by:</b> (Names/positions of officials reviewing grievance)	
<b>Action taken:</b>	
<b>Whether action taken disclosed:</b>	Yes No
<b>Means of disclosure:</b>	

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

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

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

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

**Eligibility:** The third party shall be a representative of the community (for example, a senior government officer, a leader of the community, a representative of a local NGO/CBO, principal of a local college/university professor), without any direct interest in the negotiation process, who is acceptable to each of the concerned parties (ULB and concerned land owner/donor).

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

- (i) witness and keep a record of meetings held with the concerned parties,
- (ii) ensure there is no coercion involved in the process of negotiated purchase / land donation,
- (iii) ensure that the preferences and concerns of the land owner / donor related to access, selection of site within lands held, etc. are recorded and any stipulated conditions met,
- (iv) ensure that the negotiated purchase / land donation agreement is drafted in a fair and transparent manner,
- (v) identify and recommend mitigation measures to land owner / donor, if required,
- (vi) ensure that taxes, stamp duties and registration fees for purchased / donated land are borne by government, and
- (vii) submit a certificate as witness to the purchase / donation and transfer process.

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

### Sample Certification Format

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

Date

Officers of ULB and land donor

\_\_\_\_\_

\_\_\_\_\_ 2.

\_\_\_\_\_

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

I certify that:

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

Signed/

Name

XXXXXXXXXXXXXXXXXXXXX

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

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



## OUTLINE OF SOCIAL SAFEGUARDS MONITORING REPORT

### During Project Implementation Period

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

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

#### A. Executive Summary

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

#### B. Background of the Report and Project Description

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

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

#### C. Scope of Impacts

5. This section outlines the detail of:

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

#### D. Compensation and Rehabilitation<sup>36</sup>

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

- Payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons;

---

<sup>36</sup> Depending on the status of the final detail design during the submission of the report this activity might not yet started. Provide the information on the expected date the activity to be conducted instead.

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

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

## **E. Public Participation and Consultation**

7. This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with Affected persons during resettlement plan finalization after the completion of detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing NGOs, project supervision consultants, contractors, etc.

## **F. Grievance Redress Mechanism (GRM)**

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

## **G. Institutional Arrangement**

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

## **H. Monitoring Results – Findings**

10. This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of involuntary resettlement compensation rates and timeliness of payments, adequacy and timeliness of involuntary resettlement rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing EMP, resettlement plan, or IPP, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g. involuntary resettlement impacts avoided or minimized; livelihood restored or enhanced; IP's identity, human right, livelihood systems and cultural uniqueness fully respected; IP not suffer adverse impacts, environmental impacts avoided or minimized, etc.). For FI projects this includes the effectiveness of the Environmental and Social Management System (ESMS) managed by the FI and its participating institutions<sup>37</sup>. If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

## **I. Compliance Status**

---

<sup>37</sup> Specific for the FI projects, external agency may be required to conduct an audit of the project ESMS.

11. This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on Safeguard Requirement 2 and the approved final resettlement plans.

#### **J. Follow up Actions, Recommendation and Disclosure**

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

#### **Appendix 1**

- i. List of Affected Persons and Entitlements;
- ii. Summary of Resettlement Plan/IPP with entitlement matrix.

#### **Appendix 2**

- i. Copies of affected person's certification of payment (signed by the affected persons);
- ii. Summary of minutes of meetings during public consultations;
- iii. Summary of complaints received and solution status.