

Resettlement Planning Document

Resettlement Framework
Document Stage: Draft for Consultation
Project Number: TA 7096-IND
April 2009

India: Preparing the Energy Efficiency Enhancement Project in the Assam Power Sector

**Assam State Electricity Board
Government of Assam**

The 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.

List of Acronyms

ADB	Asian Development Bank
APs	Affected Persons
DC	District Collector
DDP	Desert Development Program
DSM	Demand Side Management
EA	Executing Agency
ESMU	Environment and Social Management Unit
FGD	Focus Group Discussions
GOA	Government of Assam
GOI	Government of India
GRC	Grievance Redress Committee
IA	Implementing Agency
INRM	India Resident Mission
LAA	Land Acquisition Act 1894, as amended in 1984
LAO	Land Acquisition Officer
M&E	Monitoring and Evaluation
MFF	Multi-Tranche Financing Facility
MRM	Management Review Meeting
NGOs	Non-Government Organizations
NRRP	National Rehabilitation and Resettlement Policy, 2007
PMU	Project Management Unit
RF	Resettlement Framework
RP	Resettlement Plan
SCs	Scheduled Castes
SIA	Social Impact Assessment
SRP	Short Resettlement Plan
SCs	Scheduled Castes
SRP	Short Resettlement Plan
STs	Scheduled Tribes

RESETTLEMENT FRAMEWORK

Preparing the Energy Efficiency Enhancement Project in the Assam Power Sector

List of Acronyms	2
1. Overview... ..	4
1.1.Impact on Land Acquisition.....	4
1.2.Resettlement Framework.....	4
2. Policy and Legal Framework.....	4
2.1 Government Policy	4
2.1.1 .. National Resettlement and Rehabilitation Policy	4
2.1.2 ... Land Acquisition Act, 1894.....	5
2.1.3 Land Acquisition Amendment Bill-2007.....	6
2.2 ADB's Policy on Involuntary Resettlement	7
2.3 Comparison of National Policy with ADB's Policy.....	8
3. Resettlement Framework Principles and Entitlements	3
4. Entitlement Matrix	9
5. Procedure for RP Preparation.....	11
6. Institutional Arrangements	13
7. Consultation, Disclosure and Grievance.....	14
7.1Consultation	14
7.2 ... Disclosure.....	15
7.3Grievance.....	15
8. Resettlement Budget and Fund Flow Mechanism	16
9. Implementation Schedule	16
10. Monitoring and Evaluation	16
10.1 Internal Monitoring.....	16
10.2 External Monitoring	17
Table 1: Entitlement Matrix.....	9
Table 2: Institutional Rules and Responsibilities for Resettlement Activities.....	13
Annexure 1: Comparison between national and ADB's Policy	18

1. Overview

1. The proposed Program will be provided under a Multi-Tranche Financing Facility (MFF) lending approach. The Program, Energy Efficiency Enhancement Project in Assam, is an endeavor to conduct low carbon power sector development, among others, through (i) reducing technical loss and enhancing physical capacity of transmission and distribution network, and (ii) promoting Demand Side Management (DSM) in tandem with increase of power generation capacities mainly by other agencies. Assam State Electricity Board (ASEB) will be the Executing Agency (EA) for the MFF.

2. Government of Assam (GoA) through Government of India (GOI) has requested the Asian Development Bank (ADB) for an MFF to partly fund the power sector investment program in the state of Assam. The investment program will cover physical investments in transmission, distribution, energy efficiency, and non-physical investments in management information system. The program will initially finance expansion and upgrade of transmission and distribution systems in the first and second loans (tranches) executed under the MFF. Energy efficiency will be included in the investment program scope, with specific projects/subprojects to be included in subsequent loans. The investments to be supported by ADB will (i) improve quality and reliability of power; (ii) remove transmission bottlenecks; (iii) facilitate in-state and interregional power transfers; (iv) facilitate a reduction in overall system losses; (v) improve energy efficiency, capitalize related carbon market opportunities; and (vi) improve utility operational and financial performance. The proposed program will sustain the reform agenda established with earlier ADB support, and is expected to help to attract other long-term financiers to the sector.

1.1 Resettlement Framework

3. This Resettlement Framework (RF) has been prepared for the entire MFF which will be applicable to the program. The RF has been prepared for the future sub projects. The RF has been formulated to guide the preparation of Resettlement Plans (RPs), if necessary, for subprojects under the future tranches. It outlines the objectives, policy principles and procedures for any land acquisition, compensation, and other assistance measures for any affected persons (APs). It reflects the GOI's laws on land acquisition, and policies on resettlement and rehabilitation; and ADB's Policy on Involuntary Resettlement.

2. Policy and Legal Framework

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

2.1 Government Policy

2.1.1 The National Resettlement and Rehabilitation Policy (Ministry of Rural Development, Department of Land Resources), 2007

5. The, NRRP, 2007 was adopted by the Government of India in 31st October, 2007 to address development-induced resettlement issues. The NRRP stipulates the minimum facilities to be ensured for persons displaced due to the acquisition of land for public purposes and to

provide for the basic minimum requirements. All projects leading to involuntary displacement of people must address the rehabilitation and resettlement issues comprehensively. The State Governments, Public Sector Undertakings or agencies, and other requiring bodies shall be at liberty to put in place greater benefit levels than those prescribed in the NRRP. The principles of this policy may also apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any other reason. The objectives of the Policy are:

- (i) to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives;
- (ii) to ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- (iii) to ensure that special care is taken for protecting the rights of the weaker sections of society, especially members of the Scheduled Castes and Scheduled Tribes, and to create obligations on the State for their treatment with concern and sensitivity;
- (iv) to provide a better standard of living, making concerted efforts for providing sustainable income to the affected families;
- (v) to integrate rehabilitation concerns into the development planning and implementation process; and
- (vi) where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.

6. The NRRP is applicable for projects where over 400 families in the plains or 200 families in hilly or tribal or Desert Development Program (DDP) areas are displaced. However, the basic principles can be applied to resettling and rehabilitating regardless of the number affected. NRRP's provisions are intended to mitigate adverse impacts on Project Affected Families (PAFs). The NRRP comprehensively deals with all the issues and provides wide range of eligibility to the affected persons and meets most of the requirement of ADB's Policy on Involuntary Resettlement (1995). The non title holders, under NRRP, are recognized as the people living in the affected area not less than three years after the declaration of the area as affected area. The NRRP addresses the vulnerable families with adequate entitlements and provides special provisions for Scheduled Castes (SC) and Scheduled Tribes (ST) Families. The NRRP takes in to account all the transparency as far as consultation, dissemination of information, disclosure and grievance is concerned. However, the law relating to the acquisition of privately owned immovable property is the Land Acquisition Act of 1894 (LAA, amended 1984) which is discussed in the following section.

2.1.2 Land Acquisition Act, 1894 amended 1984

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

- (i) Land identified for the purpose of a project is placed under Section 4 of the LAA. This constitutes notification. Objections must be made within 50 days to the District Collector (DC, the highest administrative officer of the concerned District).
- (ii) The land is then placed under Section 6 of the LAA. This is a declaration that the Government intends to acquire the land. The DC is directed to take steps for the acquisition, and the land is placed under Section 9. Interested parties are then invited to state their interest in the land and the price. Under Section 11, the DC

will make an award within one year of the date of publication of the declarations. Otherwise, the acquisition proceedings shall lapse.

- (iii) In case of disagreement on the price awarded, within 6 weeks of the award, the parties (under Section 18) can request the District Collector (DC) to refer the matter to the Courts to make a final ruling on the amount of compensation.
- (iv) Once the land has been placed under Section 4, no further sale or transfer is allowed.
- (v) Compensation for land and improvements (such as houses, wells, trees, etc.) is paid in cash by the project authorities to the State Government, which in turn compensates landowners.
- (vi) The price to be paid for the acquisition of agricultural land is based on sale prices recorded in the District Registrar's office averaged over the three years preceding notification under Section 4. The compensation is paid after the area is acquired, with actual payment by the State taking about two or three years. An additional 30 percent is added to the award as well as an escalation of 12 percent per year from the date of notification to the final placement under Section 9. For delayed payments, after placement under Section 9, an additional 9 percent per annum is paid for the first year and 15 percent for subsequent years.

2.1.3: Land Acquisition (Amendment) Bill 2007¹

8. Land acquired can be transferred only for a public purpose and with prior approval from the appropriate government. The principal Act permits land acquisition if the land is to be used for a 'public purpose' project. The Bill changes 'public purpose' to allow land acquisition only for (i) strategic naval, military, or air force purposes, (ii) public infrastructure projects, or (iii) for any purpose useful to the general public where 70% of the land has already been purchased from willing sellers through the free market. Currently, private land may be acquired on behalf of a company for a 'public purpose' project. The Bill prohibits land acquisition for companies unless they have already purchased 70% of the land needed.

9. If land acquisition results in the displacement of 400 families in the plains or 200 families in the hills or tribal areas, the government must conduct a social impact assessment. The study will include the effects of displacement, a Tribal Development Plan, and provisions for infrastructure development in resettlement areas.

10. The Bill states acquisition costs will include suffering or loss, payment for damages to the land during acquisition, cost of land needed for displaced residents, cost of infrastructure development at resettlement sites, and administrative costs of acquisition and resettlement. These costs must be borne by the entity acquiring the land.

11. The Collector must make details of the land acquisition process, including compensation amounts, publicly available.

12. In the principal Act, the Collector only needs to determine the current price value of the land for compensation amounts. The Bill requires the Collector to take the highest value of: (i) the minimum land value for the area as specified in the Indian Stamp Act, 1899; (ii) the average sale price of at least 50% of the higher priced sales of similar land in the village or vicinity; or (iii) the average sale price of at least 50% of the higher priced land purchased for the project. The

¹ This is the reference to the LA Bill which is yet to be approved by the government.

value of trees, plants, or standing crops damaged must also be included. In the event that a price is not available or the land is in an area where land sales have been previously restricted, the state government shall set the floor price per unit of land. This price will be determined by average prices of at least 50% of the higher priced land in the vicinity. While determining compensation, the Collector must also factor in the intended use of the land and the value of such land in the current market.

13. In the principal Act, the term 'person interested' includes those who are claiming land compensation and those interested in an easement (limited right of use of the land) on the land. The Bill proposes to expand the definition to include tribal and other traditional forest dwellers who have lost any traditional rights as well as individuals with tenancy rights under state law.

14. Payment for acquired land must be made within one year from the date of the declaration. The Collector can extend this time limit by six months with a penalty of 5% per month. If payment has not been made within one year nor has the Collector granted an extension, the land acquisition proceedings shall lapse. After the compensation amount is determined, the Collector must ensure that payment occurs within 60 days. Possession of land shall not be taken unless full compensation is paid or tendered to the land owner.

15. Currently, all land acquisition cases are referred to civil courts for a decision. The Bill establishes the Land Acquisition Compensation Disputes Settlement Authority at both the state and national levels to adjudicate all land acquisition disputes within six months. The Bill gives these Authorities the same powers as a civil court and deems all proceedings of the Authorities as judicial proceedings. The government may form more Authorities or benches.

2.2 ADB'S Policy on Involuntary Resettlement, 1995

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

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

- (i) Involuntary resettlement will be avoided whenever feasible.
- (ii) Where population displacement is unavoidable, it should be minimized.
- (iii) All lost assets acquired or affected will be compensated. Compensation is based on the principle of replacement cost.
- (iv) Each involuntary resettlement is conceived and executed as part of a development project or program. APs need to be provided with sufficient resources to re-establish their livelihoods and homes with time-bound action in coordination with civil works.
- (v) APs are to be fully informed and closely consulted.
- (vi) APs are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.

- (vii) The absence of a formal title to land is not a bar to ADB policy entitlements.
- (viii) APs are to be identified and recorded as early as possible to establish their eligibility, through a census which serves as a cut-off date, and prevents subsequent influx of encroachers.
- (ix) Particular attention will be paid to vulnerable groups including those without legal title to land or other assets; households headed by women; the elderly or disabled; and indigenous groups. Assistance must be provided to help them improve their socio-economic status.
- (x) The full resettlement costs will be included in the presentation of project costs and benefits.

2.3 Comparison of National Policy with ADB

18. The NRRP represents a significant milestone in the development of a systematic approach to address resettlement issues in India. LAA, 1894 however gives directives for acquisition of land in public interest and provides benefits only to titleholders. A comparison of Government polices (LAA and NRRP) with ADB's involuntary resettlement policy is presented in **Annexure 1**.

3. Resettlement Framework Principles And Entitlements

19. Based on the Government's laws on land acquisition laws, and policies on resettlement and rehabilitation; and ADB's *Policy on Involuntary Resettlement*, 1995, core involuntary resettlement principles for the Program to be followed for each sub-project, including tranche 1 sub-projects are: (i) land acquisition, and other involuntary resettlement impacts will be avoided or minimized exploring all viable alternative sub-project designs; (ii) where unavoidable, time-bound resettlement plans (RPs) will be prepared and APs will be assisted in improving or at least regaining their pre-program standard of living; (iii) consultation with APs on compensation, disclosure of resettlement information to APs, and participation of APs in planning and implementing sub-projects will be ensured; (iv) vulnerable groups will be provided special assistance²; (v) payment of compensation to APs including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets at replacement rates; (vi) payment of compensation and resettlement assistance prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vii) provision of income restoration and rehabilitation; and (viii) establishment of appropriate grievance redress mechanisms.

20. The Program's sub-projects will broadly have three types of potential impacts that will require mitigation measures. The types of impacts are (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. Unforeseen impacts will also be compensated in accordance with the principles of this RF.

21. Additionally, the issues related to the Right of Way (RoW) for the transmission lines will be dealt with proper care especially for the temporary loss. The loss of crop and agriculture

² Vulnerable groups include poor households, households headed by women, the elderly, the physically handicapped, destitute, orphans, widows, abandoned women, scheduled tribes and scheduled caste.

during the construction of the transmission lines will be paid as instant cash compensation for the damaged period. Although, the Right of Way is reserved for future activities, i.e., repair etc by the EA, but in practice, people will be allowed to use the land below the lines after the construction. The EA will provide cash compensation to the APs for the temporary loss of crop, if occurred, during the time of maintenance and repair.

4. Entitlement Matrix

22. A detailed description of each compensation measure and assistance is provided in the entitlement matrix (**Table 1**). APs 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 APs.

Table 1: Entitlement Matrix

	Type of Loss	Application	Definition of Entitled Person	Entitlement
1	Loss of private land	Agricultural land, homestead land or vacant plot	Legal titleholders/APs with customary land right/APs with Permit from local authority	<ul style="list-style-type: none"> • Compensation at replacement value or land-for-land where feasible. • Transitional allowance based on three months minimum wage rates. • Shifting assistance for households (@Rs.10,000/- per affected household). • Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided. • Additional compensation for vulnerable households.
			Tenants and leaseholders (whether having written tenancy/lease documents or not)	<ul style="list-style-type: none"> • Compensation for rental deposit or unexpired lease. • Transitional allowance based on three months minimum wage rates. • Shifting assistance for households. • Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided. • Additional compensation for vulnerable households.
			Sharecroppers for agricultural land	<ul style="list-style-type: none"> • Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided. • Additional compensation for vulnerable households.
2	Loss of Government land	Vacant plot, Agricultural land and homestead land	Leaseholders	<ul style="list-style-type: none"> • Reimbursement of unexpired lease. • Transitional allowance based on three months minimum wage rates. • Shifting assistance @ no less than Rs. 10,000/- per household. • Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided. • Additional compensation for vulnerable households.
			Encroachers	<ul style="list-style-type: none"> • Advance notice to shift from encroached land. • Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided. • Additional compensation for vulnerable households.
			Squatters	<ul style="list-style-type: none"> • Advance notice to shift from occupied land. • Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.

	Type of Loss	Application	Definition of Entitled Person	Entitlement
3	Loss of residential structure	Residential structure and other assets ³	Legal titleholders	<ul style="list-style-type: none"> • Additional compensation for vulnerable households. • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable). • Fees, taxes, and other charges related to replacement structure. • Shifting assistance @ no less than Rs. 10,000/- per household. • Right to salvage materials from structure and other assets with no deductions from replacement value. • Additional compensation for vulnerable households.
			Tenants and leaseholders	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP. • Compensation for rental deposit or unexpired lease. • Shifting assistance @ no less than Rs. 10,000/- per household. • . • Right to salvage materials from structure and other assets with no deductions from replacement value. • Additional compensation for vulnerable households.
			Encroachers and squatters	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP. • Shifting assistance @ no less than Rs. 10,000/- per household. • Right to salvage materials from structure and other assets • Additional compensation for vulnerable households.
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable). • Fees, taxes, and other charges related to replacement structure. • One time financial assistance @ Rs. 25,000/- per structure. • Shifting assistance @ no less than Rs. 10,000/- per household. • . • Right to salvage materials from structure and other assets with no deductions from replacement value. • Additional compensation for vulnerable households.
			Tenants and leaseholders	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP. • Compensation for rental deposit or unexpired lease. • One time financial assistance @ Rs. 25,000/- per structure. . • Shifting assistance @ no less than Rs. 10,000/- per household. • Right to salvage materials from structure and other assets with no deductions from replacement value. • Additional compensation for vulnerable households.
			Encroachers and squatters	<ul style="list-style-type: none"> • Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP.

³ Other assets include, but is not limited to walls, fences, sheds, wells, etc.

	Type of Loss	Application	Definition of Entitled Person	Entitlement
				<ul style="list-style-type: none"> • One time financial assistance @ Rs. 25,000/- per structure. • Shifting assistance @ no less than Rs. 10,000/- per household. • Right to salvage materials from structure and other assets. • Additional compensation for vulnerable households.
5	Loss of livelihood	Livelihood	Legal titleholder/ tenant/leaseholder /non-titled/employee of commercial structure, farmer/agricultural worker	<ul style="list-style-type: none"> • Assistance for lost income based on three months minimum wage rates. • Additional compensation for vulnerable households. • Consideration for project employment.
6	Loss of trees and crops	Standing trees and crops	Legal titleholder/ tenant/leaseholder /sharecropper/non-titled AP	<ul style="list-style-type: none"> • Notice to harvest standing seasonal crops • If notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value • Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops.
7	Impacts on vulnerable APs	All impacts	Vulnerable APs	<ul style="list-style-type: none"> • Additional one time financial assistance: Assistance in the form of grant will be paid to those below the poverty line and the vulnerable including households headed by women, SC, ST, disabled and the elderly at the rate of Rs.10,000 per eligible households • Vulnerable households will be given priority in project construction employment.
8	Temporary loss of land	Land temporarily required for sub-project construction	Legal titleholders, non-titled APs	<ul style="list-style-type: none"> • Provision of rent for period of occupation for legal titleholders. • Compensation for assets lost at replacement value,. • Restoration of land to previous or better quality • Additionally, Cash Compensation will be paid for the temporary damage of crop under the RoW during the maintenance and repair after the construction. Also, the AP may be allowed to cultivate their land under the transmission lines (RoW)
9	Loss of common resources	Common resources	Communities	<ul style="list-style-type: none"> • Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, etc.
10	Any other loss not identified	-	-	<ul style="list-style-type: none"> • Unanticipated involuntary impacts will be documented and mitigated based on the principles of the Resettlement Framework.

5. Procedure for RP Preparation

The EA (ASEB), through its Project Management Unit (PMU) and its respective Implementing Agencies (IA) will be responsible for preparing the Resettlement Plans for the identified sub projects in the future tranches. The RPs will be based on the engineering design. Social Impact Assessment (SIA) will be carried out in each sub project. The SIA will determine the magnitude

of resettlement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a rehabilitation program for implementation.

23. A census survey will be carried out to register and document the status of potentially affected persons⁴ within the sub-project area. The census will cover 100 percent of APs. The census will provide a detailed inventory of losses and demographic overview of the population, and will cover people's assets and main sources of livelihood.

24. An ample baseline socioeconomic survey will be carried out to know about the socio-economic profile of the APs. It will be used as a benchmark for monitoring the socio-economic status of APs. The survey will cover 10 percent of APs and 20 percent of significantly affected persons. The survey will also collect gender-disaggregated data to address gender issues in resettlement. The survey will carry out the following: (i) preparation of accurate maps of the sub-project area; and (ii) analysis of social structures and income resources of the population.

25. The RP will be prepared based on the results of the census and from information drawn from the baseline socio-economic sample survey; the database on APs should be completed before RP preparation. RP preparation will be governed by the involuntary resettlement impacts identified during the census.

26. If involuntary resettlement impacts are found to be significant⁵, a full RP will be prepared for the sub-project in consultation with APs. The RP will include the census of APs, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and participatory results monitoring mechanisms. The RP should be broadly structured in the following manner:

- (i) Scope of Land Acquisition and Resettlement
- (ii) Socio-economic Information
- (iii) Objectives, Policy Framework, and Entitlements
- (iv) Gender Impact and Mitigative Measures
- (v) Information Dissemination, Consultation, Participatory Approaches, and Disclosure Requirements
- (vi) Grievance Redress Mechanisms
- (vii) Relocation of Housing and Settlements
- (viii) Compensation, Relocation, and Income Restoration
- (ix) Institutional Framework
- (x) Resettlement Budget and Financing
- (xi) Implementation Schedule
- (xii) Monitoring and Evaluation Procedures

27. If involuntary resettlement impacts are not significant, a short RP will be prepared for the sub-project in consultation with APs. A short resettlement plan covers the same issues as that of a full resettlement plan, as relevant, but in less detail. However, the short resettlement plan

⁴ 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.

⁵ Resettlement is significant when 200 or more people experience major "impacts" defined as involving AP being physically displaced from housing and/or having 10% or more of their productive, income generating assets lost.

must ensure that adequate compensation, rehabilitation, and relocation arrangements are planned and budgeted.

28. The PMU for project preparation and implementation will include social development cum resettlement specialists familiar with ADB policy and procedures for the preparation of subproject RPs. The RPs will be prepared in consultation with APs, local representatives, civil societies and NGOs. Resettlement issues will be coordinated by the EA through its PMU/IA who will ensure that all subprojects comply with involuntary resettlement safeguards. RPs will comply with national resettlement policy, NRRP (2007) and the principles outlined in this agreed RF, ADB's policy on *Involuntary Resettlement* (1995) and other social safeguard guidelines. The RPs for first tranche's subproject will be used as a model for the preparation and implementation for the subprojects of future tranches. The EA through its PMU will set the cut-off-date on the day of notice (LAA Section 4) to the title holders and the date of Census Survey will be considered as cut-off date for the non title holders. The EA through PMU/IA will ensure that this RF is closely followed when a RP is formulated for a future subproject. The EA will further ensure that adequate resettlement budgets are delivered on time to PMU, for timely implementation of RP. All RPs will be reviewed and approved by ADB prior to the award of any contracts related to the sub-project and compensation be paid to all APs prior to displacement, in any case not later than commencement of civil works.

6. Institutional Arrangements

29. ASEB will function as the EA of the proposed MFF. The respective transmission and distribution companies will be the IAs for the proposed investment program. There is already an existing PMU which is functional and is responsible for implementing the ADB Phase-1 loan and is also responsible for the preparatory work for the proposed program.

30. Keeping in view the capacity of ASEB and its existing PMU, it is proposed that an Environment and Social Management Unit (ESMU) will be set up within the PMU along with other engineering units to address environmental and social issues of the program, and will be headed by Environmental Specialist and Resettlement Specialist. The ESMU will be assisted by one Environment and one Social Development cum Resettlement Specialist who will be responsible for the field activities. For subproject RPs, PMU will do the overall coordination, preparation, planning, implementation, and financing. The EA will ensure that key institutions including local governments are involved in RP preparation, updating and implementation. Further details on agencies responsible for RP activities are in **Table 2**.

Table 2: Institutional Roles and Responsibilities for Resettlement activities

Activity	Responsible Agency
Sub-project Initiation Stage	
Setting up of ESMU and staff	ASEB
Finalization of sites for sub-projects	ASEB/PMU/IA
Disclosure of proposed land acquisition and sub-project details by issuing Public Notice	PMU/ESMU/IA
Meetings at community/household level with APs	ESMU/ESMU/PMU/IA
RP Preparation and Updating Stage	
Conducting Census of all APs	PMU/ESMU/ Land Acquisition Officer (LAO)/IA
Conducting FGDs/meetings/	PMU/ESMU
Computation of replacement values of land/properties proposed	PMU/IA/ESMU

Activity	Responsible Agency
for acquisition and for associated assets	
Categorization of APs for finalizing entitlements	PMU/ESMU/LAO/IA
Formulating compensation and rehabilitation measures	PMU/ESMU/LAO/IA
Conducting discussions/meetings/consultation with APs and other stakeholders	PMU/ESMU/IA
Fixing compensation for land/property with titleholders	PMU//ESMU/LAO/IA
Finalizing entitlements and rehabilitation packages	PMU/ESMU/LAO/IA
Disclosure of final entitlements and rehabilitation packages	PMU/ESMU/IA
Approval of RP	EA/PMU/ESMU/ADB
Sale deed execution and payment	EA/PMU/IA/ESMU/LAO/Appropriate Government/
Taking possession of land	EA/PMU
RP Implementation Stage	
Implementation of proposed rehabilitation measures	PMU/ESMU/IA/LAO
Consultations with APs during rehabilitation activities	PMU/ESMU/IA
Grievances redressal	PMU/ESMU/GRC/IA
Internal monitoring	PMU/ ESMU/IA
External monitoring	External Agency

ADB-Asian Development Bank, ASEB= Assam State Electricity Board, AP-affected person, EA-Executing Agency, ESMU-Environment and Social Management Unit, FGD-focus group discussion, GRC-Grievance Redress Committee, IA- Implementing Agency, LAO-Land Acquisition Officer, Project Management Unit, RP-Resettlement Plan,

7. Consultation, Disclosure and Grievance

7.1 Consultation

31. Stakeholders' consultations have been in progress from the inception stage of the project and the same will be continued during the entire project cycle, i.e., preparation, implementation and post implementation. During the preparatory stages, consultations have been carried out with various concerned government officials and local communities as part of the social and resettlement study in order to gather their views on the proposed program. All the affected persons were also consulted on a one to one basis through questionnaire surveys for the first tranche subproject activities. Additionally, focused group discussions are also in progress at the project influence areas.

32. Formal and informal consultative process will be carried out for future 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 censuses and socio-economic surveys. Consultations will be held with special emphasis on vulnerable groups. Encouraging public participation in consultations informs the public of the Program and serves as a venue for the public to express their opinion on priorities which the Program should address. The EA will ensure that APs and other stakeholders are informed and consulted about the sub-project, its impact, their entitlements and options, and allowed to participate actively in the development of the sub-project.

33. The key stakeholders to be consulted during sub-project preparation, RP implementation, and program implementation includes:

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

7.2 Disclosure

34. The RF and the sub project RP for first tranche will be made available at relevant government offices and sub project areas. The RP of the Tranche-1 subproject will be disclosed before the first Management Review Meeting (MRM). For future sub-projects, information will be disseminated to APs at various stages. In the initial stage, the EA will be responsible for issuing public notices to acquire land required for sub-projects and providing Program information. The notice will be published in two local newspapers. The EA through its IAs and PMU/ESMU will conduct consultations and disseminate information to all APs. RPs will be translated into the local language and made available at offices of the: (i) Project Site office; (ii) relevant local government line agencies; and (iii) PMU/IA.

35. Each RP will be made available in local language(s) during focus group discussions and stakeholder meetings at the village/community level to ensure inputs from stakeholders particularly at the village/community level. Female-headed households will be consulted. The EA through its PMU/IA/ESMU will conduct consultations in affected villages to explain the resettlement plan in coordination with village/community leaders. Each AP will be provided information regarding specific entitlements. Disputes on entitlements can be forwarded to the PMU for appropriate action. The RP will be disclosed on the ADB website, and information dissemination and consultation will continue throughout the project implementation period.

7.3 Grievance

36. Efficient Grievance redress mechanism will be developed to assist the APs resolve their queries and complaints. Each RP will detail specific grievance redress mechanisms. Grievances of APs will first be brought to the attention to the site office level of the IAs. Grievances not redressed by the IA staff (field level) will be brought to the Grievance Redress Committee (GRC). The GRC will have representatives from APs, PMU, IA, ESMU, field level staff, district magistrate/commissioner, local administration, revenue authority and local community. The main responsibilities of the GRC are to: (i) provide support to APs on problems arising from land/property acquisition; (ii) record AP grievances, categorize, and prioritize grievances and resolve them; (iii) immediately inform the PMU of serious cases; and (iv) report to APs on developments regarding their grievances and decisions of the GRC and the PMU. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, compensation, relocation, replacement cost and other assistance. The GRC will meet every month (if grievances are brought to the Committee), determine the merit of each grievance, and resolve grievances within a month of receiving the complaint—failing which the grievance will be referred to appropriate court of Law for redressal.

Records will be kept 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. The GRCs will continue to function during the life of the Project including the defects liability period.

8. Resettlement Budget and Fund Flow Mechanism

37. Detailed budget estimates for involuntary resettlement will be prepared for each RP, by the PMU. 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) source of funding, iii) arrangements for approval, and iv) the flow of funds and contingency arrangements. Funds for land acquisition (including land acquisition for non-titled APs) if any, compensation for all assets lost, related resettlement assistance, and relocation and transfer will be provided by the EA. Administrative and implementation costs, including engagement of the implementing NGO (if required), cost of census and survey of APs and inventory of assets, cost of information and consultations, training and monitoring (including evaluation by independent agency), and rental of office space and required physical facilities and materials will be borne by the EA or can be funded under the Investment Program. Land acquisition and resettlement costs will be considered as an integral component of sub-project costs. The EA will deposit the money to the concerned department for the disbursement of compensation to the affected people for land acquisition and resettlement. The EA will keep provisional money out of its annual plan for the resettlement cost and this provisional amount will be planned at the early stage of their annual plan so that the resettlement process won't get delayed.

9. Implementation Schedule

38. All land acquisition, resettlement, and compensation for a sub-project will be completed before award of civil works contracts. All land required will be provided free of encumbrances to the contractor prior to handing over of sub-project sites and the start of civil works. The implementation of the RP will include: (i) identification of cut-off-date and notification, (ii) verification of losses and extent of impacts, (iii) finalization of entitlements and distribution of identity cards, (iv) consultations with APs on their needs and priorities, and (v) resettlement, provision of compensation and assistance, and income restoration for APs.

10. Monitoring and Evaluation

10.1 Internal Monitoring

39. Internal monitoring will be the responsibility of the PMU/IA/ESMU. The PMU internal monitoring will include: (i) administrative monitoring: daily planning, implementation, feedback and trouble shooting, individual AP file maintenance, and progress reports; (ii) socio-economic monitoring: baseline information for comparing AP's socio-economic conditions, evacuation, demolition, salvaging materials, , community relationships, dates for consultations, and number of appeals placed; and (iii) impact evaluation monitoring: Income standards restored/improved, and socioeconomic conditions of the affected persons. Monitoring and evaluation reports documenting progress on resettlement implementation and RP completion reports will be provided by the PMU to ADB for review.

10.2 External Monitoring

40. The EA will engage the services of an independent agency or civil society not associated with project implementation to undertake external Monitoring and Evaluation (M&E). The external agency, with previous experience in resettlement activities and familiarity with Government and ADB resettlement policy, will be engaged with ADB concurrence within three months of the loan effectiveness. The external monitor will monitor and verify RP implementation to determine whether resettlement goals have been achieved, livelihood and living standards have been restored, and provide recommendations for improvement. The external monitoring will undertake monthly monitoring and impact evaluation on a sample basis during mid-term and project completion. Monitoring will also ensure recording AP views on resettlement issues; AP understanding of entitlement policies, options, and alternatives; site conditions; compensation valuation and disbursement; grievance redress procedures; and staff competencies. The external monitor will also evaluate the performance of the PMU/ESMU related to resettlement issues. The external agency will report its findings simultaneously to the EA and to ADB twice a year. Provisions have been made in the resettlement budget component for engaging an external monitor. The internal monitoring report will be submitted quarterly to the ADB India Resident Mission (INRM) for review where as the external monitoring report will be submitted half yearly to the INRM for review.

Annexure 1: Comparison between National and ADB's Policy

Policy Principle	NRRP	LAA	ADB	Remarks
Resettlement must be avoided wherever possible; and if unavoidable it should be minimized	√	X	√	LAA is applicable wherever private land is to be acquired by Government for public purpose NRRP 2007 meets ADB IR Policy requirements
Where population displacement is unavoidable, it should be minimized by exploring all viable project options	√	X	√	According to Chapter- II of NRRP 2007, it aims to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives NRRP 2007 meets ADB IR Policy requirements
Affected persons must be compensated to replace their lost assets and to restore/improve their living standards	√	X	√	Replacement value is not clearly identified in LAA. Loss of asset to be compensated to the extent of actual loss (refer Para 7.2 and Para 7.4.1) NRRP 2007 meets ADB IR Policy requirements
Affected persons should be fully involved and consulted in the planning and implementation of resettlement	√	X	√	NRRP 2007 ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the consultation and active participation of the affected families (refer Para 2.1b) NRRP 2007 meets ADB IR Policy requirements
Compensation for lost assets must be on the basis of replacement	√	X	√	NRRP 2007 assures that the compensation award shall take into account the market value of the property being acquired

Policy Principle	NRRP	LAA	ADB	Remarks
cost				(refer Para 6.22b) NRRP 2007 meets ADB IR Policy requirements
Transaction and transition costs is to be paid by the project authority	√	X	√	NRRP 2007 ensures that the stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne .by the requiring body (Refer Para 7.6) NRRP 2007 meets ADB IR Policy requirements
Wherever feasible land should be an option for compensating loss of land	√	X	√	Chapter VII of NRRP 2007 comprehensively deals with the land for land option (refer Para- 7.4.1 and 7.4.2) NRRP 2007 meets ADB IR Policy requirements
An RP should be prepared in every instance where involuntary resettlement occurs	√	X	√	NRRP 2007 emphasized the need to prepare R&R Plan (refer Para 3.1.t and Para 5.1) NRRP 2007 meets ADB IR Policy requirements
The RP must be revealed to the affected people before finalization	√	X	√	Chapter VI of NRRP deals with the disclosure of all the information at various stages of project in the local language to all the stakeholders (refer Para- 6.2,, 6.6., 6.14.3,, and 6.15.1)

Policy Principle	NRRP	LAA	ADB	Remarks
				NRRP 2007 meets ADB IR Policy requirements
Application of policy	<p>The Indian NRRP only applies to projects displacing 400 families or more in plain areas and 200 families or more in hilly areas.</p> <p>However, the basic principles of the NRRP can also be applicable to all the projects involving involuntary displacement.</p>	X	In all cases where involuntarily resettlement occurs	NRRP 2007 meets ADB IR Policy requirements
Entitlements under the policy	<p>NRRP 2007, comprehensively deals with all categories of impacts and provides adequate eligibility and entitlements</p> <p>(Refer Chapter-VII)</p>	X	Each impact must be defined and appropriate entitlements assigned on the basis of the basic principles of replacing lost assets and restoring livelihoods	NRRP 2007 meets ADB IR Policy requirements
Recognition of untitled persons such as squatters and encroachers	√	X	√	NRRP 2007 fully recognizes the non-titleholder families and ensure R&R benefits (refer Para 3.1.b.iii). However, the non title holders are supposed to be living in the affected area not less than three years from the date of declaration of the area as project affected

Policy Principle	NRRP	LAA	ADB	Remarks
				<p>area.</p> <p>According to ADB's Policy, the date of the census survey can be considered as the proof for their eligibility as non titleholders.</p>
Surveys and census required	√	X	√	<p>Chapter- IV and VI of NRRP 2007 address the need for surveys and census of the affected families.</p> <p>NRRP 2007 meets ADB IR Policy requirements</p>
Social networks and cultural links should be preserved	√	X	√	<p>This is emphasized in the policy (refer Para 6.10, Para 7.21.6) of NRRP, 2007.</p> <p>NRRP 2007 meets ADB IR Policy requirements</p>
Recognition of vulnerable groups including indigenous people and the poor	√	X	√	<p>According to NRRP, the vulnerable groups include, disabled, destitute, orphans, widows, unmarried girls, abandoned women or persons above fifty years of old (refer Para- 6.4)</p> <p>In case of a project involving land acquisition on behalf of a requiring</p> <p>body which involves involuntary displacement of two hundred or more</p> <p>Scheduled Tribes families, a Tribal Development Plan shall be prepared (Refer Para 7.21.1 of NRRP 2007)</p>

Policy Principle	NRRP	LAA	ADB	Remarks
				<p>NRRP, 2007 gives preference to STs in land allotment. Additional financial assistance is also defined for them. Their traditional rights to natural resources in the area will be recognized.</p> <p>NRRP 2007 meets ADB IR Policy requirements</p>
Grievance Redress Procedure	√	X	√	<p>Project involving involuntary resettlement needs to have Grievance redress mechanisms for affected people (refer Para 8.1.1 and Para 8.3.4)</p> <p>NPRR requires a Grievance Redress Cell to be set up under a Commissioner for R & R.</p> <p>NRRP 2007 meets ADB IR Policy requirements</p>
Organization and Management of Resettlement	√	X	√	<p>NRRP will set up a National Monitoring Committee chaired by the Secretary Department of Land Resources, under the Ministry of Rural Development and comprising seven other Secretaries.</p> <p>NRRP 2007 meets ADB IR Policy requirements</p>
Common property resources should be replaced	√	X	√	<p>NRRP 2007 meets ADB IR Policy requirements</p>

Policy Principle	NRRP	LAA	ADB	Remarks
All costs relating to resettlement and rehabilitation must be borne by the requiring agency and included in project costs	√	X	√	<p>NRRP 2007 ensure that the entire estimated cost of rehabilitation and resettlement benefits and other expenditure for rehabilitation and resettlement of the affected families is communicated to the requiring body for incorporation in the project cost (refer Para 6.16)</p> <p>NRRP 2007 meets ADB IR Policy requirements</p>
Compensation and all the resettlement activities including the assistance and shifting should be made prior to displacement and start of work.	√	X		<p>Full payment of compensation as well as adequate progress in resettlement shall be ensured in advance of the actual displacement of the affected families (refer Para 6.22.a)</p> <p>NRRP 2007 meets ADB IR Policy requirements</p>