

# Resettlement Planning Document

---

Short Resettlement Plan for Tranche-1 Components  
Document Stage: Draft for Consultation  
Project Number: TA 7096-IND  
May 2009

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

**Assam State Electricity Board  
Government of Assam**

---

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

## List of Acronyms

ADB	Asian Development Bank
AEGCL	Assam State Electricity Grid Corporation Ltd
APs	Affected Persons
ASEB	Assam State Electricity Board
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
Kms	Kilometers
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

# SHORT RESETTLEMENT PLAN

## Preparing the Energy Efficiency Enhancement Project in the Assam Power Sector

List of Acronyms .....	2
Executive Summary .....	4
A. Overview and Project Description .....	7
B. Objective of the SRP .....	7
C. Impact on Land Acquisition and Resettlement .....	8
D. Socio-Economic Details of the Project Area.....	10
E. Impact on Indigenous Peoples .....	11
F. Gender Impact and Mitigation Measures.....	11
G. Policy Legal Framework and Entitlement.....	12
1. Government Policy .....	12
1.1. National Resettlement and Rehabilitation Policy .....	12
1.2. Land Acquisition Act, 1894.....	13
1.3 Land Acquisition Amendment Bill-7 .....	13
2. ADB's Policy on Involuntary Resettlement .....	14
3. Comparison of National Policy with ADB's Policy.....	15
H. Entitlement Matrix .....	20
I. Eligibility and Cut-Off-Date.....	23
J. Consultation, Disclosure and Grievance .....	24
1. Consultation .....	24
2. Disclosure.....	25
3. Grievance.....	25
K. Institutional Arrangements.....	26
L. Resettlement Budget .....	27
1. Compensation .....	27
2. Assistance.....	27
3. Implementation and Support Cost .....	27
M. Implementation Schedule .....	28
N. Monitoring and Evaluation .....	29
1. Internal Monitoring.....	29
2. External Monitoring .....	29
Table 1: Impact on Permanent Land Acquisition on Trnche-1 .....	8
Table 2: Summary Impact on Land Acquisition and Resettlement.....	9
Table 3: Comparison Between Borrower's and ADB's Policy .....	15
Table 4: Entitlement Matrix.....	21
Table 5: Summary of Public Consultation .....	25
Table 6: Institutional Rules and Responsibilities for Resettlement Activities.....	26
Table 7: Resettlement Budget.....	28
Table 8: Implementation Schedule.....	29

## EXECUTIVE SUMMARY

a) 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. This is a summary Resettlement Plan prepared for the tranche-1 components which includes construction of substations, transmission lines and augmentation/expnsion of existing substations.

b) An assessment of land acquisition and resettlement has been carried out for the tranche-1 subprojects. The subprojects under first tranche have minimized the resettlement by adopting adequate engineering solutions in the design through proper involvement of all stake holders. There is no relocation anticipated since the subprojects include transmission components which entail minimum land acquisition. The substations under the sub projects will mostly be constructed in the government land. However, there will be minimum land acquisition required for the construction of sub stations. Land acquisition will be required for the construction of the substations. Out of the 6 sub stations, 3 will be constructed on the government land which is free from any use. 2 substations are proposed to be constructed on the barren land of the tea owner/company and the remaining 1 substation will require private land acquisition. However, the amount of land required is quite smaller in scale. Approximately a total of 24.09 Hectares of land will be required for the sub stations out of which 12.04 Hectares will be private land and remaining 12.04 Hectares of land will be government land. The construction of transmission lines (262 kms) will not require any permanent land acquisition except for temporary affect on the crop during the construction. The total number of Affected Households (AH) is 9 out of which 4 ST households will be losing a strip of land which will not be more than 10% of their productive assets. Adequate measures and entitlement has been addressed in the Resettlement Plan for assisting their vulnerability. The total numbers of affected persons are 22 out of which 12 are male and 10 are female. There are of 6 vulnerable households. None of the affected households are severely affected as they are not losing more than 10% of their productive asset. The summary of the impacts are given below:

**Summary Impact on Land Acquisition and Resettlement**

Sl. No.	Impacts	Number/Amount
1	Total area of private land (hectare)	12.04
2	Total area of tea estate land (hectare)	6.69
3	Total Area of agricultural Land (hectare)	5.35
4	Total number of structures	0
5	Total number of community property resources	0
6	Total number of Trees	0
9	Total Number of Affected Households (AHs)	9
10	Total Number of Vulnerable Households	6
11	Total number of Titleholders	9
12	Total number of non-title holders	0
13	Total Number of Affected Persons (APs)	22

c) 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*. 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 assistance; (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. A detailed description of each compensation measure and assistance is provided in the entitlement matrix. 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.

**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"> <li>• Compensation at replacement value or land-for-land where feasible.</li> <li>• Transitional allowance based on three months minimum wage rates.</li> <li>• Shifting assistance for households (@Rs.10,000/- per affected household).</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
2	Loss of trees and crops	Standing trees and crops	Legal titleholder/tenant/leaseholder/sharecropper/non-titled AP	<ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops</li> <li>• If notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value</li> <li>• Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops.</li> </ul>
3	Impacts on vulnerable APs	All impacts	Vulnerable APs	<ul style="list-style-type: none"> <li>• 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</li> <li>• Vulnerable households will be given priority in project construction employment.</li> </ul>
4	Temporary loss of land	Land temporarily required for sub-project construction	Legal titleholders, non-titled APs	<ul style="list-style-type: none"> <li>• Provision of rent for period of occupation for legal titleholders.</li> <li>• Compensation for assets lost at replacement value,.</li> <li>• Restoration of land to previous or better quality</li> <li>• 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)</li> </ul>

d) 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. 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. 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.

e) Consultations have been carried out with various concerned government officials and local communities for the tranche 1 subproject 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 were carried out at all the 11 proposed substation sites and along the transmission corridors. The local people expressed their cooperation for the smooth implementation of the project. The consultation process will be continued during the entire project cycle. The RP for tranche-1 will be translated to Assamese local language and will be made available at relevant government offices, project site offices of ASEB and in the Project Management Unit (PMU). The RP of the Tranche-1 subproject will be disclosed before the first Management Review Meeting (MRM). The RP will also be disclosed on the ADB website. 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, Environment and Social Management Unit (ESMU), field level staff, district magistrate/commissioner, local administration, revenue authority and local community.

f) The resettlement cost estimate for this subproject includes eligible compensation, resettlement assistance and support cost for RP implementation. These are part of the overall project cost. The total land acquisition and resettlement cost for the Tranche 1 subproject is estimated to be Rupees 17.89 million. Land acquisition and resettlement costs will be considered as an integral component of sub-project costs. The EA (ASEB) will make the funds available in its annual budget for the disbursement of compensation and assistance.

g) All land acquisition, resettlement, and compensation will be completed before the start of civil works. 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. Internal monitoring will be the responsibility of the PMU/PIU/ESMU. External monitoring will be done by external monitoring consultant.

## SHORT RESETTLEMENT PLAN

### A. Overview and Project Description

1. “Assam Power Sector Enhancement Investment Program” (The Program) will be provided under a Multi-Tranche Financing Facility (MFF) lending approach of Asian Development Bank (ADB). The Program, , 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 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.

3. This Short Resettlement Plan<sup>1</sup> (SRP) is prepared for the Tranche-1 sub projects. The SRP contains the extent of impact caused by land acquisition due to construction of the sub project and spells out the compensation and rehabilitation of the Affected Households (AHs) and Affected Persons (APs). The SRP is based on the engineering design and has been prepared in due consultation with the stake holders especially the local people. Attempts have been made by the engineering team during the design stage to minimize land acquisition and resettlement by adopting mitigate measures, i.e., selection of adequate site having no settlement or land belonging to government which is free from any use. However, there will be some land acquisition required which is minimum.

### B. Objectives of the SRP

4. The aims and objectives of this SRP are to mitigate all unavoidable impact caused due to land acquisition and resettlement and to provide a guideline on implementation of the resettlement issues. The plan has been prepared on the basis of findings of inventory survey, socio-economic census survey and consultation with various stakeholders as well as in compliance with ADB’s policy on *Involuntary Resettlement (1995)*, *Indigenous Peoples (1999)* and other social safeguard policies designed by the Bank to protect the rights of affected persons and communities. The SRP also takes in to account the laws and policies of Government of India .The issues identified and addressed in this SRP are:

---

<sup>1</sup> Resettlement is insignificant when less than 200 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. Resettlement having insignificant impact is categorized as B which requires a short resettlement plan.

- Impact on land acquisition and resettlement
- Socio-economic details of the project area
- Policy, legal framework and entitlement matrix
- Consultation, information dissemination, disclosure, and grievance redress
- Institutional arrangements
- Resettlement budget
- Implementation schedule
- Monitoring and evaluation

### C. Impact on Land Acquisition and Resettlement

5. Private land will be required for acquisition for the construction of the substations. The total private land required for acquisition is 12.04 hectares which will be required for construction of sub stations. The total number of affected households due to the land acquisition is 9. There are no structures and non-title holders found in the subproject area. A census survey was conducted to assess various impacts of the affected households. The details of the sub projects and its impacts on land acquisition are described in **Table 1**.

**Table 1: Impact on Permanent Land Acquisition on Tranche-1 Components**

SI No	Particulars	Capacity	Unit	Quantity	Impact on Land Acquisition (Hectare)			Number of Affected Household
					Total	Private	Government	
<b>NEW SUBSTATIONS</b>								
1	Rangia	220/132kV, 2x100 MVA	Number	1	40 Bigha (5.3531 Hectare)	0	40 Bigha (5.3531 Hectare)	0
2	Kamalpur/Nij Sundari Ghope/Amin gaon	132/33 kV, 2x40	Number	1	40 Bigha (5.3531 Hectare)	40 Bigha (5.3531 Hectare)	0	07
3	Nagaon	132/33kV, 2x25MVA	Number	1	25 Bigha (3.3457 Hectare)	0	25 Bigha (3.3457 Hectare)	0
4	Bihiating Mancotta Khanikar/ (New Dibrugarh )	132/33kV, 2x25 MVA	Number	1	25 Bigha (3.3457 Hectare)	25 Bigha (3.3457 Hectare)	0	1
5	Sonarie	132/33kV, 2x40 MVA	Number	1	25 Bigha (3.3457 Hectare)	25 Bigha (3.3457 Hectare)	0	1
6	Rupai	132/33kV, 2x25 MVA	Number	1	25 Bigha (3.3457 Hectare)	0	25 Bigha (3.3457 Hectare)	0
<b>AUGMENTATIONS AND EXTENSION OF EXISTING SUBSTATIONS</b>								
1	Salakathi (BTPS): Two line bays for BTPS-Rangia 220 kV D/C Line)	220 kV	Number	2	0	0	0	0
2	Samaguri: Two 132 kV Line Bays for	132 kV	Number	2	0	0	0	0

SI No	Particulars	Capacity	Unit	Quantity	Impact on Land Acquisition (Hectare)			Number of Affected Household
					Total	Private	Government	
	Samaguri- Nagaon S/C Line and Stringing of 2nd circuit of Samaguri - Lanka Line							
<b>NEW TRANSMISSION LINES</b>								
1.	Salakathi (BTPS) – Rangia Line	220 kV D/C	KM	180	0	0	0	0
2	Samaguri - Nagaon Line (on D/C Towers)	132 kV S/C	KM	25	0	0	0	0
3	Kahilipara - Rangia/Sishugram Line at Kamalpur (LILO)	132 kV D/C	KM	15	0	0	0	0
4	Dibrugarh - Moran Line at Bhiating (LILO)	132 kV S/C	KM	5	0	0	0	0
5	Tinsukia - Rupai Line on D/C Towers	132 kV S/C	KM	30	0	0	0	0
6	Lakwa - Namrup Line at Sonari (LILO)	132 kV S/C	KM	7	0	0	0	0

6. An assessment of land acquisition and resettlement has been carried out for the tranche-1 subprojects. The subprojects under first tranche have minimized the resettlement by adopting adequate engineering solutions in the design through proper involvement of all stake holders. There is no relocation anticipated since the subprojects include transmission components which entail minimum land acquisition. The substations under the sub projects will mostly be constructed in the government land. However, there will be minimum land acquisition required for the construction of sub stations. Land acquisition will be required for the construction of the substations. Out of the 6 sub stations, 3 will be constructed on the government land which is free from any use. 2 substations are proposed to be constructed on the barren land of the tea owner/company and the remaining 1 substation will require private land acquisition. However, the amount of land required is quite smaller in scale.

7. A total of 24.09 Hectares of land will be required for the sub stations out of which 12.04 Hectares will be private land and remaining 12.04 Hectares of land will be government land. The construction of transmission lines (262 kms) will not require any permanent land acquisition except for temporary affect on the crop during the construction. The total number of Affected Households (AH) is 9 out of which 4 ST households will be losing a strip of land which will not be more than 10% of their productive assets. Adequate measures and entitlement has been addressed in the Resettlement Plan for assisting their vulnerability. The total numbers of affected persons are 22 out of which 12 are male and 10 are female. There are of 6 vulnerable households which include 4 ST households and 2 Women Headed Households (WHH). None of the affected households are severely affected as they are not losing more than 10% of their productive asset. The summary of the impacts are given in **Table 2:**

**Table 2: Summary Impact on Land Acquisition and Resettlement**

SI. No.	Impacts	Number/Amount
1	Total area of private land (hectare)	12.04
2	Total area of tea estate land (hectare)	6.69

3	Total Area of agricultural Land (hectare)	5.35
4	Total number of structures	0
5	Total number of community property resources	0
6	Total number of Trees	0
9	Total Number of Affected Households (AHs)	9
10	Total Number of Vulnerable Households	6
11	Total number of Titleholders	9
12	Total number of non-title holders	0
13	Total Number of Affected Persons (APs)	22

Source: Census and Inventory Survey

#### D. Socio-Economic Details of Project Area

8. A social analysis has been carried out in the program area under the tranche -1 component through a sample socio-economic household's survey. The findings of the Socio-Economic Survey are summarized in the following paragraphs.

9. The average family size in the sub project area is 5.91 and the sex ratio of the project affected population is 871:1000. The total literacy is reported to be 79 %. About 95 % of the households reported practicing agriculture as main economic activity. In the subproject area about 60 % of the households reported having land. The average possession of land is 3.75 bigha (0.5 Hectare) and about 57% land is reported to be cultivable. Rice is mostly cultivated by the households living in the sub project area and few households also reported cultivating vegetables.

10. The total average annual income of the household along the project area is Rs. 106,255/-. The annual household expenditure reported to be Rs 86,496/- . About 52 % of the expenditure is incurred on food, followed by 7.7% on education and 5.33% on health. Indebtness among the households in the project affected area is not so common. Nearly one fifth (19%) of the surveyed households reported that a family member suffered from major illness during the last one year. Malaria & Appendicitis. Migration is not so common and only 7.41 % reported that a member have migrated during the last one year.

11. Besides household activities the women of the sampled household also are engaged in productive activities like cultivation, labourer both agricultural and non agricultural, household industries and silk weaving. Women participation in decision making is reported from 38 % of the households.

12. The major sources of drinking water are spring which is usually distributed through the pipe (55.56 %). One fourth of the household reported of not having any latrines at their household. LPG gas is the major source of fuel being used by the households (55.56%) for cooking followed by wood 20.99 %.The average age of the structures is 18.34 years. Most of the houses i.e. about 54% are of brick made. Similarly 59% of the households are permanent in nature followed by 30.86 % semi permanent. The average number of rooms per structure, according to the survey, is 4.33 out of which the average lighted rooms are 3.74 in numbers as far as the electrification is concerned. About 60 % of the households are electrified.

13. The main source of electrification is government grid. The average hours of consumption of electricity and the supply found to be 13.14 hours. Out of the surveyed households, 90% of

the households reported having meter and it is regulated in a regular basis. On the other hand those who don't have a meter reported of paying a minimum charge to the electricity department. From the possession of electrical devices it was found that the average number of electric lamps per households is 4.14 followed by 3.18 fans, 1.06 TVs, and 0.18 each washing machines and water pumps. The average consumption among the 44 households those reported of having a meter was 55 units and the average expenditure per household on electricity is only Rs. 191/-. About one fourth (24.49 %) reported that there is incidence of power theft in their area. However majority about 68% reported that they will provide support to control power theft in their area. Among the households those reported having electricity at their household reported using kerosene /diesel, wood and gas as alternate energy along with electricity. Among the household those don't have electricity, 59.38% use Battery for lighting their house. 92.5% stated that they will pay electricity bill regularly if electricity is provided and admitted that they can afford an average increase in electricity bill up to 8.94 % to the current bill. About one fourth (24.69%) of the households opined that the usage of electricity will increase in future. About 69.14 % reported that the proposed project will help in increasing the living standard of the people in their area.

#### **E. Impact on Indigenous People**

14. The STs in the project area is considered to be IP. The impact assessment and the census survey enumerated that there will be 4 ST households who will be affected by losing a strip o their land. However, the loss of the strip of land is minimal compared to their total land holding and the loss will not be more than 10% of their productive assets. These ST people are quite integrated to the mainstream population. They have the access to the infrastructure facilities such as roads, electricity, schools and hospitals etc. looking at the culture, language, economic activities and source of livelihood, of these ST households, it is evident that they are quite mainstreamed. Consultations have been carried out with all the affected ST households and it was noted that they agree to sell their land against with due compensation. These ST households have been considered as special category under the vulnerable group and special assistance has been provided in the SRP which is in addition to the compensation and assistance in order to restore their livelihood.

15. Special care has been taken to ensure that no indigenous people, especially the tribal people are affected. The tribal groups of the project area have free social interaction with the mainstream population and they are integrated to the main stream population. The tribes share their source of water, folklore, food, infrastructure and other belongings with the outside community. Moreover, these groups are also open to new ideas like family planning and formal education. Most of these tribes have a nuclear family norm. Thus, it is clearly established that in their social behavior and interactions they are not disconnected from the mainstream population but are assimilated with them. Additionally, an Indigenous Peoples Development Framework has been prepared for the future activities.

#### **F. Gender Impact and Mitigation Measures**

16. The census survey revealed that 2 women headed households will be affected by the sub project. Women in the project area are largely involved in household work, cultivation and other agricultural activities. Women will not be affected negatively due to the program. Any negative impacts of a sub-project on female-headed households will be taken up on a case-to-case basis and assistance to these households will be treated on a priority basis. During disbursement of compensation and provision of assistance, priority will be given to female-headed households. Additionally, women headed households are considered as vulnerable and

provision for additional assistance (lump sum amount @ Rs.10,000/- per AH) has been made in the entitlement of the SRP. Provision for equal wage and health safety facilities during the construction will be ensured by the EA. Therefore, the sub project activities will not have any negative impact on women.

## **G. Policy, Legal Framework and Entitlement**

17. 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.

### **1. Government Policy**

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

18. The, NRRP, 2007 was adopted by the Government of India in 31<sup>st</sup> 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.

19. 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.

## **1.2 Land Acquisition Act, 1894 amended 1984**

20. 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.

## **1.3: Land Acquisition (Amendment) Bill 2007<sup>2</sup>**

21. 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.

---

<sup>2</sup> This is the reference to the LA Bill which is yet to be approved by the government.

22. 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.

23. 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.

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

25. 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 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.

26. 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.

27. 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.

28. 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. ADB'S Policy on Involuntary Resettlement, 1995**

29. 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.

30. 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.

### 3. Comparison of Borrower's Policy with ADB

31. 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 policies (LAA and NRRP) with ADB's involuntary resettlement policy is presented in **Table 3**.

**Table 3: Comparison between Borrower's 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

<b>Policy Principle</b>	<b>NRRP</b>	<b>LAA</b>	<b>ADB</b>	<b>Remarks</b>
				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 cost	√	X	√	NRRP 2007 assures that the compensation award shall take into account the market value of the property being acquired (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

<b>Policy Principle</b>	<b>NRRP</b>	<b>LAA</b>	<b>ADB</b>	<b>Remarks</b>
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)  NRRP 2007 meets ADB IR Policy requirements
Application of policy	The Indian NRRP only applies to projects displacing 400 families or more in plain areas and 200 families or more in hilly areas.  However, the basic principles of the NRRP can also be applicable to all the projects involving involuntary displacement.	X	In all cases where involuntary resettlement occurs	NRRP 2007 meets ADB IR Policy requirements
Entitlements under the policy	NRRP 2007, comprehensively deals with all categories of impacts and provides adequate eligibility and entitlements (Refer Chapter-VII)	X	Each impact must be defined and appropriate entitlements assigned on the basis of the basic principles of replacing lost assets and restoring	NRRP 2007 meets ADB IR Policy requirements

Policy Principle	NRRP	LAA	ADB	Remarks
			livelihoods	
Recognition of untitled persons such as squatters and encroachers	√	X	√	<p>NRRP 2007 fully recognizes the non-titleholder families and ensure R&amp;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 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 (reefer Para- 6.4)</p> <p>In case of a project involving land acquisition on behalf of a requiring body which involves involuntary displacement of two hundred or more Scheduled Tribes families,</p>

<b>Policy Principle</b>	<b>NRRP</b>	<b>LAA</b>	<b>ADB</b>	<b>Remarks</b>
				<p>a Tribal Development Plan shall be prepared (Refer Para 7.21.1 of NRRP 2007)</p> <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 &amp; 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	√	NRRP 2007 meets ADB IR Policy requirements
All costs relating to resettlement and rehabilitation must be borne by the requiring agency and included in project costs	√	X	√	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

Policy Principle	NRRP	LAA	ADB	Remarks
				the requiring body for incorporation in the project cost (refer Para 6.16)  NRRP 2007 meets ADB IR Policy requirements
Compensation and all the resettlement activities including the assistance and shifting should be made prior to displacement and start of work.	√	X		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)  NRRP 2007 meets ADB IR Policy requirements

32. The 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 assistance<sup>3</sup>; (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.

## H. Entitlement Matrix

33. Based on the above broad principles, a detailed description of each compensation measure and assistance for the tranche 1 components is provided in the entitlement matrix. 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. The loss of crop and agriculture 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. Details of the entitlement is given in **Table 4**

<sup>3</sup> Vulnerable groups include poor households, households headed by women, the elderly, the physically handicapped, destitute, orphans, widows, abandoned women, scheduled tribes and scheduled caste.

**Table 4: 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"> <li>• Compensation at replacement value or land-for-land where feasible.</li> <li>• Transitional allowance based on three months minimum wage rates.</li> <li>• Shifting assistance for households (@Rs.10,000/- per affected household).</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Tenants and leaseholders (whether having written tenancy/lease documents or not)	<ul style="list-style-type: none"> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• Transitional allowance based on three months minimum wage rates.</li> <li>• Shifting assistance for households.</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Sharecroppers for agricultural land	<ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
2	Loss of Government land	Vacant plot, Agricultural land and homestead land	Leaseholders	<ul style="list-style-type: none"> <li>• Reimbursement of unexpired lease.</li> <li>• Transitional allowance based on three months minimum wage rates.</li> <li>• Shifting assistance @ no less than Rs. 10,000/- per household.</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Encroachers	<ul style="list-style-type: none"> <li>• Advance notice to shift from encroached land.</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Squatters	<ul style="list-style-type: none"> <li>• Advance notice to shift from occupied land.</li> <li>• Notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
3	Loss of residential structure	Residential structure and other assets <sup>4</sup>	Legal titleholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable).</li> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• Shifting assistance @ no less than Rs. 10,000/- per household.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Tenants and	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets</li> </ul>

<sup>4</sup> Other assets include, but is not limited to walls, fences, sheds, wells, etc.

	Type of Loss	Application	Definition of Entitled Person	Entitlement
			leaseholders	(or part of the structure and other assets, if remainder is viable) constructed by the AP. <ul style="list-style-type: none"> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• Shifting assistance @ no less than Rs. 10,000/- per household.</li> <li>• .</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Encroachers and squatters	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP.</li> <li>• Shifting assistance @ no less than Rs. 10,000/- per household.</li> <li>• Right to salvage materials from structure and other assets</li> <li>• Additional compensation for vulnerable households.</li> </ul>
4	Loss of commercial structure	Commercial structure and other assets	Legal titleholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable).</li> <li>• Fees, taxes, and other charges related to replacement structure.</li> <li>• One time financial assistance @ Rs. 25,000/- per structure.</li> <li>• Shifting assistance @ no less than Rs. 10,000/- per household.</li> <li>• .</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Tenants and leaseholders	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP.</li> <li>• Compensation for rental deposit or unexpired lease.</li> <li>• One time financial assistance @ Rs. 25,000/- per structure. .</li> <li>• Shifting assistance @ no less than Rs. 10,000/- per household.</li> <li>• Right to salvage materials from structure and other assets with no deductions from replacement value.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
			Encroachers and squatters	<ul style="list-style-type: none"> <li>• Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP.</li> <li>• One time financial assistance @ Rs. 25,000/- per structure.</li> <li>• Shifting assistance @ no less than Rs. 10,000/- per household.</li> <li>• Right to salvage materials from structure and other assets.</li> <li>• Additional compensation for vulnerable households.</li> </ul>
5	Loss of livelihood	Livelihood	Legal titleholder/ tenant/leaseholder /non-titled/employee of commercial structure, farmer/agricultural	<ul style="list-style-type: none"> <li>• Assistance for lost income based on three months minimum wage rates.</li> <li>• Additional compensation for vulnerable households.</li> <li>• Consideration for project employment.</li> </ul>

	Type of Loss	Application	Definition of Entitled Person	Entitlement
			worker	
6	Loss of trees and crops	Standing trees and crops	Legal titleholder/tenant/leaseholder /sharecropper/non-titled AP	<ul style="list-style-type: none"> <li>• Notice to harvest standing seasonal crops</li> <li>• If notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value</li> <li>• Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops.</li> </ul>
7	Impacts on vulnerable APs	All impacts	Vulnerable APs	<ul style="list-style-type: none"> <li>• 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</li> <li>• Vulnerable households will be given priority in project construction employment.</li> </ul>
8	Temporary loss of land	Land temporarily required for sub-project construction	Legal titleholders, non-titled APs	<ul style="list-style-type: none"> <li>• Provision of rent for period of occupation for legal titleholders.</li> <li>• Compensation for assets lost at replacement value,.</li> <li>• Restoration of land to previous or better quality</li> <li>• 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)</li> </ul>
9	Loss of common resources	Common resources	Communities	<ul style="list-style-type: none"> <li>• Replacement or restoration of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, etc.</li> </ul>
10	Any other loss not identified	-	-	<ul style="list-style-type: none"> <li>• Unanticipated involuntary impacts will be documented and mitigated based on the principles of the Resettlement Framework.</li> </ul>

## I. Eligibility and Cut-off-Date

34. APs entitled for compensation or at least rehabilitation provisions under the Project are:

- All APs losing land either covered by legal title/traditional land rights, or without legal status;
- Tenants and sharecroppers whether registered or not;
- Owners of buildings, crops, plants, or other objects attached to the land; and
- APs losing business, income, and salaries.

Compensation eligibility will be limited by a cut-off date to be set for the subproject. For the legal title holder, the issuance of Section 4 notification of LA Act will serve as the cut-off-date. For the non-titleholder, the day of the beginning of the AP Census Survey will serve as the cut-off-date. APs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however will be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to project implementation.

## J. Consultation, Disclosure, and Grievance Redress

### 1. Consultation

35. Public participation and community consultation has been taken up as an integral part of social and environmental assessment process of the project. Consultation was used as a tool to inform and educate stakeholders about the proposed action both before and after the development decisions were made. It assisted in identification of the problems associated with the project as well as the needs of the population likely to be impacted. This participatory process helped in reducing the public resistance to change and enabled the participation of the local people in the decision making process. Initial Public consultation has been carried out in the subproject areas with the objectives of minimising probable adverse impacts of the project through alternate design solutions and to achieve speedy implementation of the project through bringing in awareness among the community on the benefits of the project. The broad objectives of the consultation are as follows:

- Understand the views of the people affected, with reference to acquisition of land or loss of property and its due compensation.
- Identification of appropriate design
- Understand views of people on resettlement options, if any.
- Identify and assess major economic and social characteristics of the project area to enable effective planning and implementation.
- Resolve issues related to impacts on community property and their relocation.
- Examine APs' opinions on health safety issues during the construction and selection garbage materials or the waste materials.
- Identify levels and extent of community participation in project implementation and monitoring.
- To establish an understanding for identification of overall developmental goals and benefits of the project.
- To develop a thorough coordination between all the stakeholders for the successful implementation of the project.

36. During the preparatory stages, consultations have been carried out with various concerned government officials and local communities for Tranche 1 subproject 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 were also conducted in the substation and transmission lines area. The communities generally support the proposed investment components, as electricity service is expected to improve and some employment opportunities will be created. Details of public consultations are incorporated in the IEEs. The consultations undertaken during fact-finding field visits are summarized in **Table 5**. Additional consultations are being conducted during the route survey.

**Table 5: Summary of Public Consultations**

Date	Project Component / Venue	Number of Participants	Issues Discussed / Remarks
11 February 2009	Nagaon	26	<ul style="list-style-type: none"> <li>• Awareness about the project and environmental pollution</li> <li>• Benefits of the projects</li> <li>• Likely impact on direct/indirect development</li> <li>• Social and Environmental problems in the region</li> <li>• Presence of environmental sensitive areas in the region</li> <li>• Health and safety issues</li> <li>• Compensation payment mechanism initiatives for minimal environmental/social impacts</li> </ul>
12 February 2009	Sonari	10	
13 February 2009	Dibrugarh	11	
21 February 2009	Kamalpur	5	

Source: ADB /PPTA field survey and consultations.

## 2. Disclosure

37. The EA will formally notify about the project and affected area under the Section-4 of the Land Acquisition Act and published in the gazette. The draft RP will be made available in relevant local government agencies in and in relevant ASEB PMU and site offices. The summary RP will be made available in Assamese language. Finalized RP will also be disclosed in ADB's website; and information dissemination and consultation will continue throughout Investment Program implementation.

## 3. Grievance

38. 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.

## K. Institutional Arrangements

39. ASEB will function as the EA of the proposed MFF. The transmission company, Assam Electricity Grid Corporation Limited (AEGCL) 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 Tranche-1 sub project.

40. 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 Tranche-1 RP, 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 6**.

**Table 6: Institutional Roles and Responsibilities for Resettlement activities**

Activity	Responsible Agency
<b>Sub-project Initiation Stage</b>	
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
<b>RP Preparation and Updating Stage</b>	
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 for acquisition and for associated assets	PMU/IA/ESMU
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
<b>RP Implementation Stage</b>	
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 Monitoring Consultant

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,

## **L. Resettlement Budget**

41. The resettlement cost estimate for this subproject includes eligible compensation, resettlement assistance and support cost for RP implementation. These are part of the overall project cost. The unit cost for land and other assets in this budget has been derived through rapid field appraisal, consultation with affected families and relevant government authorities. Contingency provisions have also been made to take into account variations from this estimate. The components of the resettlement cost include various features such as, compensation for land at their replacement value; compensation for crops; assistance for transitional allowance, shifting allowances and assistance for vulnerable groups for their livelihood restoration and cost for implementation of RP. ASEB will arrange in advance in its budget to meet the requirement of land acquisition and resettlement cost.

### **1. Compensation**

42. Private Agricultural Land: The unit rate for agricultural land has been assessed as Rs 300,000/- per Hectare. This has been determined keeping in view the replacement cost and as decided by the revenue department.

43. Private Tea Estate Land: This is basically the abandoned Tea Estate land and the value has been assessed as Rs. 500,000/- per hectare as replacement cost.

44. Crop: The unit cost for the crop is Rs. 13500/- per Hectare. This has been assessed as per the yielding of the land and as revealed by the APs during the consultation

### **2. Assistance**

45. Assistance for Solatium and Interest for Land Acquisition: The unit cost has been as per the provision made in the Land Acquisition Act of India. The unit cost is 30% of the compensation.

46. Shifting Assistance: This has been calculated based on a lump sum basis which is @Rs.10,000/- per AH

47. Transitional Assistance: This has been calculated based on three months of minimum daily wage rates. The usual wage rate per day is Rs. 100/- and therefore the unit rate per household is Rs. 9,000/-

48. Assistance for Vulnerable Families: The unit rate has been derived on an one time lump sum basis which is @Rs.10,000/- per AH.

### **3. RP Implementation and Support Cost**

49. Resettlement Specialist/Consultants at ESMU/PMU: One Chief Resettlement Specialist will be involved for a period of 12 person months .The unit cost of the Resettlement Specialist per person-month has been assessed as Rs 100,000/-.

50. Independent Monitoring and Evaluation Consultant: One IMA consultant will be involved intermittently for a period of 5 months @ Rs. 150,000/- per person month.

Based on the above parameters the resettlement budget has been calculated. The total land acquisition and resettlement cost for the Tranche-1 subproject is estimated to be Rs. 17.89 million equivalents to USD 0.37 million. The details are given in **Table 7**

**Table 7: Resettlement Budget**

Item		Unit	Unit Rates Rs	Quantity	Total Cost (Rs)
<b>A: Compensation for Acquisition of Private Land</b>					
A1	Agriculture Land (Private) for Permanent Acquisition	Hectare	300000	5.35	1,605,000
	Tea Estate Land	Hectare	500000	6.69	3,345,000
A2	Temporary Loss of agricultural Land for Transmission Lines	Hectare	13500	623.56	8,418,060
<b>Subtotal: A</b>					<b>13,368,060</b>
B1	Land Acquisition (Agriculture) in case of Permanent Acquisition	30% Solatium			1,485,000
	Shifting Allowance	Lump Sump	10000	9	90,000
	Transitional Allowance	3 months minimum wage	9000	9	81,000
B2	Vulnerable Household Allowance		10000	6	60,000
<b>Subtotal: B</b>					<b>1,716,000</b>
<b>C: Support Implementation of RP</b>					
C1	Resettlement Specialist in PMU/ESMU	month	100000	12	1,200,000
C2	Independent Monitoring & Evaluation Consultant	month	150000	5	750,000
<b>Sub-Total C</b>					<b>1,950,000</b>
<b>Total</b>					<b>17,034,060</b>
<b>Contingency (5% of the total cost)</b>					<b>851,703</b>
<b>Grand Total</b>					<b>17,885,763</b>
<b>Million Rupees</b>					<b>17.89</b>
<b>US Dollar</b>					<b>0.37</b>

#### M. Implementation Schedule

51. All land acquisition, resettlement, and compensation will be completed before the start of civil works 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. However, public consultation and internal monitoring will be continued in an intermittent basis for the entire duration of project. Implementation schedule for R&R activities in the subproject including various sub tasks and time line matching with civil work schedule is prepared and presented in **Table 8**.

**Table 8: Implementation Schedule**

Subproject R&R Component/Activities	Months											
	1	2	3	4	5	6	7	8	9	10	11	12
Identification of sub project and notification	★											
Community Consultation	★	★	★	★	★	★	★	★	★	★	★	★
Identification of land and Census Survey	★	★										
Submission of RP for ADB Approval				★								
Disclosure of RP					★							
Establishment of PMU and PIU	★											
Establishment of ESMU						★						
Establishment of GRC						★						
Issue compensation to APs							★	★	★			
Payment of all eligible assistance								★	★	★		
Initiation of Rehabilitation Measures										★	★	
Schedule for Civil Work												★
Internal Monitoring by PMU and PIU					★	★	★	★	★	★	★	★
External Monitoring and Evaluation									★			★

**N. Monitoring and Evaluation**

**1. Internal Monitoring**

52. 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.

**2. External Monitoring**

53. The EA will engage the services of an independent consultant with project implementation to undertake external Monitoring and Evaluation (M&E). The external monitoring consultant, 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.