

Resettlement Framework

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India: Kolkata Municipal Corporation Sustainability, Hygiene, and Resilience (Sector) Project

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CURRENCY EQUIVALENTS

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Currency unit	–	Indian rupee (₹)
₹ 1.00	=	\$ 0.01
\$ 1.00	=	₹ 83.27

ABBREVIATIONS

ADB	-	Asian Development Bank
CBO	-	Community Based Organizations
DSC	-	Design and Supervision Consultants
EIA	-	Environmental Impact Assessment
EKW	-	East Kolkata Wetlands
FGD	-	Focus Group Discussion
FHH	-	Female headed household
GoWB	-	Government of West Bengal
GRC	-	Grievance Redressal Committee
GRM	-	Grievance Redress Mechanism
GRU	-	Grievance Redress Unit
INRM	-	India Resident Mission
IPP	-	Indigenous Peoples Plan
KMC	-	Kolkata Municipal Corporation
KSHARP	-	Kolkata Municipal Corporation Sustainability, Hygiene, and Resilience (Sector) Project
LARR	-	Land Acquisition, Rehabilitation and Resettlement
LLRD	-	Land and Land Reforms Department
NGO	-	Nongovernmental Organizations
NRRP	-	National Rehabilitation and Resettlement Policy
PMU	-	Project Management Unit
PPP	-	Public Private Partnership
R&R	-	Rehabilitation & Resettlement
RCFTLARR	-	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement
SCADA	-	Supervisor Control and Data Acquisition
SIA	-	Social Impact Assessment
SIMP	-	Social Impact Management Plan
GSU	-	Gender and Safeguards Unit
SPS	-	Safeguards Policy Statement

NOTE

In this report, "\$" refers to United States dollar.

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I. INTRODUCTION

A. Background

1. Kolkata is one of the eight megacities most vulnerable to disaster-related mortality.¹ Among the world's largest coastal cities, it is at risk of flooding, drought, cyclones, and subsidence due to sea level rise. Flat deltaic terrain, insufficient natural drainage, and tidal blockage of channels amplify flooding and water logging in the city. The city is growing, with built-up areas increasing at a rate of about 0.3% per year, mainly in the peripheral ring of the city.² It is estimated that one-third of Kolkata city's population lives in low-income and slum-like conditions.

2. KMC is mandated to provide water supply, sanitation, drainage, and solid waste management (SWM) services within its official boundaries. In central boroughs (I–X), water supply coverage is 100% while sewerage coverage is 73%. In the periphery (boroughs XI–XVI), water supply coverage is 56% and only 19% for sewerage.³ Drainage presents significant challenges in informal settlements and low-income areas, where floodwaters can linger for up to 2 days. Even common downpours are known to cause heavy traffic in Kolkata for 5 to 6 hours, or days in the low-lying or waterside slums. Women are particularly vulnerable to waterborne diseases brought about by poor sanitation. Unless addressed rapidly, these disparities will widen as the population grows in the periphery.

3. Since 1998, Asian Development Bank (ADB) has been supporting KMC to make Kolkata a more livable city through phased investments and integrated urban development. The Kolkata Environmental Improvement Project (KEIP) helped KMC to prepare sectoral strategies, road maps, policy frameworks, and urban sector investment plans to address gaps in operational efficiency, institutional effectiveness, policy, and sustainability.⁴ The project developed a comprehensive sewerage and drainage masterplan and carved out phased investment needs of the city for the next 30 years, laying the foundation for future investments.⁵ It also developed the urban infrastructure investment plan for the city covering all municipal services offered by the KMC.⁶ Following on from the KEIP, the Kolkata Environmental Improvement Investment Program (KEIIP), a multitranche financing facility of \$400 million, was approved in 2013 (footnote 3). Tranche 1 of KEIIP closed in 2019 and tranches 2 and 3 in August 2023. The program is supporting KMC to (i) enhance its operational capacity and climate change resilience of urban services, (ii) improve livability and inclusiveness of public places, and (iii) provide preparatory and transaction advisory services for a comprehensive sanitation improvement in Kolkata. Phased sequencing of investments under KEIIP helps to strengthen climate resilience through the systematic.

4. The state government has requested the project, effectively a third phase following KEIP

¹ Intergovernmental Panel on Climate Change. 2022. *Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge and New York.

² European Space Agency (ESA), April 2017, based on models by Earth Observation for Sustainable Development, through ADB and ESA Partnership for Kolkata.

³ ADB. [India: Kolkata Environmental Improvement Investment Program](#); ADB. [India: Kolkata Environmental Improvement Investment Program, Tranche 1](#); ADB. [India: Kolkata Environmental Improvement Investment Program, Tranche 2](#); and ADB. [India: Kolkata Environmental Improvement Investment Program, Tranche 3](#). The sewer and drain systems are combined.

⁴ ADB. 2015. [Completion Report: Kolkata Environmental Improvement Project in India](#). Manila.

⁵ KMC. 2007. *Sewerage and Drainage Master Plan for Kolkata City*. Kolkata; and KMC 2023. *Master Plan of Sewerage and Drainage System for Project Area under Kolkata Urban Resilience Improvement Project*. Kolkata.

⁶ KMC. 2011. *Kolkata Urban Sector Investment Plan, 2012–2022*. Kolkata.

(2000–2012) and KEIP (2014–2023). The proposed Kolkata Municipal Corporation Sustainability, Hygiene, and Resilience (Sector) Project (KSHARP) will provide comprehensive sewerage and drainage services in uncovered areas of Kolkata, as well as selected interventions on Solid Waste Management (SWM). The project is aligned with the country.

5. The project is aligned with the following impact: integrated urban renewal of Kolkata city achieved (footnote 5). The project will have the following outcome: access to resilient, inclusive, and sustainable urban services increased.⁷

6. **Output 1: Climate and disaster-resilient urban infrastructure and systems developed.** The project will support the development of climate- and disaster-resilient sewerage and drainage infrastructure and systems, which will cover unserved areas of KMC. It includes the construction of 84.0 kilometers (km) of trunk and secondary sewerage and drainage networks and 176.0 km of lateral network up to customer connections, 50,000 household sewer connections, one sewage treatment plant with a capacity of 41 million liters per day, and five pumping stations. The infrastructure solution will be supplemented by ongoing waterbody rejuvenation efforts by KMC and flood early warning and forecasting systems to be enhanced under output 2 of this project. Strengthened urban infrastructure and systems will provide better services to all people, while women, children, the poor, and the disadvantaged will especially benefit from improved urban sanitation, health, and hygiene.

7. **Output 2: Enabling environment for sustainable, inclusive, and resilient urban services improved.** This output will build upon efforts delivered under KEIP to enhance KMC's operational capacity and resilience of urban services. Specific initiatives include support in (i) development of a comprehensive asset management system will be developed and institutionalized in KMC. This includes formulation of an asset management policy, development of an information technology system, and establishment of an inventory of all classes of KMC assets, following physical survey, verification, and valuation. Additionally, capacity building support and training will be provided to establish processes, practices, and clear accountabilities for institutionalizing the asset management system in KMC; (ii) expansion of the flood forecasting and early warning system established under KEIP to KSHARP areas;⁸ (iii) upgrade of comprehensive web-enabled GIS for infrastructure information in KMC.⁹ The proposed upgrade includes incorporating data on all utility networks that are laid under KEIP and proposed under KSHARP. This will complement the proposed asset management system that would be established under KSHARP; (iv) training women self-help groups (SHGs) in O&M of public toilets in project boroughs; (v) community outreach for improved knowledge on hygiene and sanitation, and (vi) awareness generation amongst school students on flood hazards, preparedness, and emergency evacuation procedures.

B. The Resettlement Framework

8. **Lessons learned from past projects.** This document draws upon the resettlement

⁷ The design and monitoring framework is in the Appendix.

⁸ The project will consider GESI-responsive early warning systems and take into consideration the most effective channels to communicate with women, persons with disability, elderly, and other vulnerable groups taking into account the levels of literacy.

⁹ KEIP supported in establishing a web-enabled GIS by integrating information from remote sensing data and on-ground surveys to create a comprehensive infrastructure information system for Kolkata. The system covers all 144 wards of the city and provides detailed information on properties, as well as the water supply, sewerage, and drainage networks. All properties within the city have been geo-tagged, creating a digital map with precise location data for each property.

framework prepared under Kolkata Environmental Improvement Project (KEIP) and Kolkata Environmental Improvement Investment Program (KEIIP) and is suitably modified in view of: (i) lessons learnt from the implementation of social safeguard policy in earlier projects, (ii) borrower's new land acquisition laws/regulations, state policies on resettlement; and (iii) ADB's Safeguard Policy Statement (SPS), 2009. To incorporate the lessons learnt and prepare an improved resettlement framework document, project management unit (PMU)/DSC/Gender and Safeguards Unit (under PMU) staff, responsible for implementation of social safeguards, under earlier project phases, were consulted and project completion report of KEIIP and Social Safeguards under KEIIP were reviewed. Based on past experience under ADB financed projects (KEIP and KEIIP), the key lessons learnt were: (i) strengthening safeguards implementation arrangement which ensures that PMU has a dedicated Social Safeguard, Environmental and Gender Officer (SSEGO- Deputy Chief Engineer rank), a focal person, who will be responsible for social safeguard implementation and monitoring as per ADB SPS, 2009 and support Administrative Officer (who is responsible for overall safeguard implementation and monitoring at PMU level); (ii) need to plan for avoiding impacts through early, continuous and meaningful consultations with stakeholders (iii) need to plan for compensation and rehabilitation activities in advance, to ensure timely implementation of resettlement plans; and (iv) careful monitoring, with an emphasis on adhering to the time schedule for implementing the resettlement plan. Good practices in resettlement plan implementation (e.g. compensation mechanism) followed by past projects will be adopted in KSHARP as well.

9. This **Resettlement Framework for KSHARP** outlines the objectives, policy principles and procedures for land acquisition, if any, compensation and other assistance measures for displaced persons¹⁰ and affected persons, if any. The preferred approach for the project will be to avoid private land acquisition altogether by identifying government land that does not involve significant impacts. In case private land cannot be avoided, direct purchase for the acquisition of private land and structures based on Section 46 of RFCTLARR Act, 2013, the Memorandum of Government of West Bengal on Negotiated Purchase (Appendix 2), and the ADB SPS (para. 25, Involuntary Resettlement Requirement 2, Appendix 2, p. 48) will be undertaken. This framework is based on the RFCTLARR Act 2013, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 state policies and regulations and ADB's SPS 2009. It also takes into account state policies on negotiated land purchase and guidelines for transfer of land from one government department to another. A detailed description of compensation measures and assistance is provided in the entitlement matrix, consistent with the existing norms and guidelines of the country and the state government, and the ADB SPS, 2009. The matrix recognizes that the lack of title/customary rights recognized under law will not be a bar to entitlement and has special provisions for non-titled persons. The eligibility for compensation will be determined through a cut-off date, beyond which individuals relocating to the sub-project area after the cut-off date will not be entitled to compensation or other forms of assistance. This resettlement framework will be the reference document for preparation of resettlement planning documents for subprojects proposed under the project.

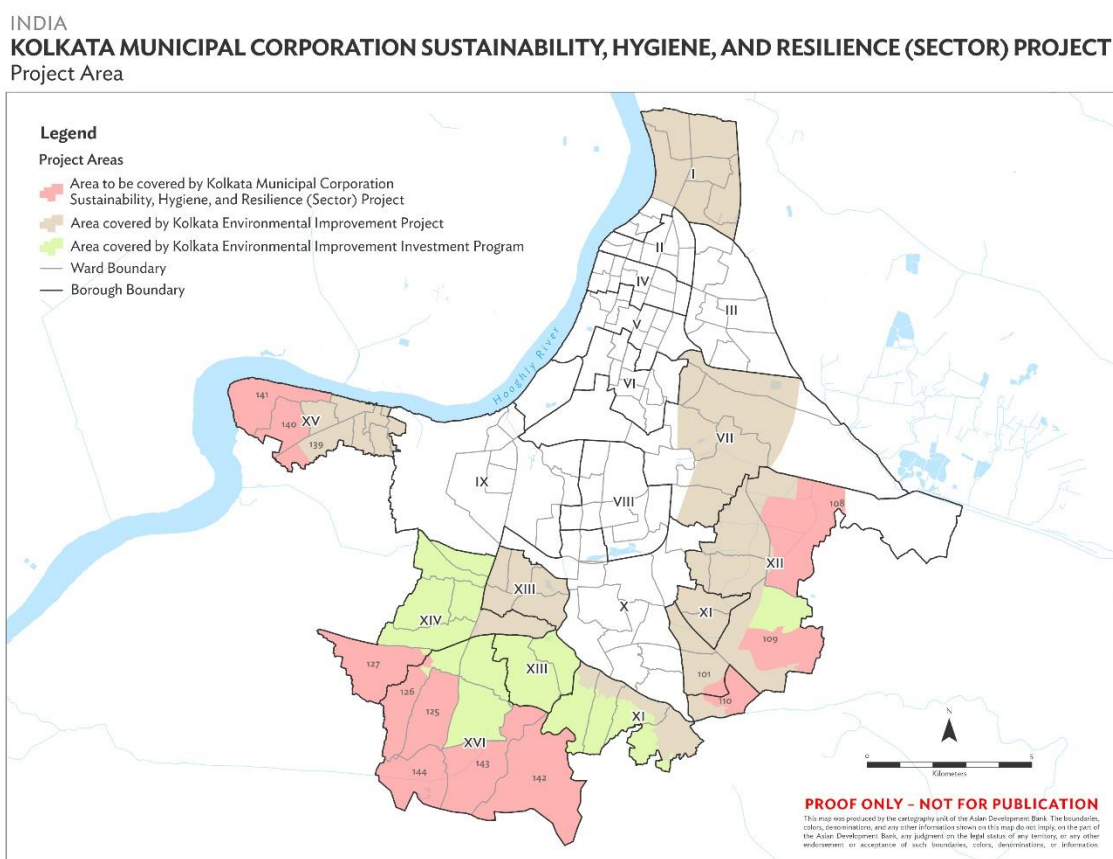
¹⁰ In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

II. PROJECT DESCRIPTION

10. The proposed project, Kolkata Municipal Corporation Sustainability, Hygiene, and Resilience (Sector) Project (KSHARP), aims to provide sewerage and drainage system in the selected part of un-sewered areas of KMC. The areas, where sewerage and drainage system is proposed to be developed under KSHARP, have acute sewerage and drainage disposal problems and a major portion of the areas are devoid of any organized drainage system and served only by surface drainage system carrying both sullage and storm runoff. In several places the drains discharge into low lands. Open surface drains carrying sullage water are a potential health threat and carry combined flow and discharge to nearby canal systems, which ultimately lead either to River Hooghly or to River Kult. In the process, not only the canals but also the river water is getting polluted.

11. The areas proposed to be covered under KSHARP are KMC Borough No XI, Part of Ward 110, Borough No XII, Part of wards – 108 and 109, Borough No XIV, Ward -127 and Borough No XVI, Part of ward – 125, 126, 142, 143 and 144 (**Figure 1**). The entire project has been segregated into 07 subprojects based on its coverage area and applicability. The main project components proposed under KSHARP are provided in Table 1. The list of subprojects is provided in **Appendix 1**.

Figure 1: Municipal Wards Covered under KSHARP



Source: Detailed Project Report, KSHARP

Table 1: Project Components Proposed under KSHARP

Component	Proposed Infrastructure
Sewerage and Drainage (S&D) Network	Sewer network will be laid covering part of ward no., 108, 109, 126, 127, 139, 140, 141, 142, 143 and 144.
Pumping Stations (PS)	Total 05 pumping stations (PS) are proposed to be constructed
Sewage Treatment Plant (STP)	One new Sewage Treatment Plants (STP) are proposed to be constructed at Hossainpur (ward 108)
House Connection	Individual houses will be connected to the S&D network

Source: Detailed Project Report, KSHARP

12. For design need, priority has been given by the project to unused and vacant government plots in selecting potential lands to avoid involuntary resettlement impacts. Based on the available information (of three sample projects), details of the identified lands have been presented in Table 2.

Table 2: Land Requirement for KSHARP

Sl. No.	Project Component	Location	Ownership	Area of land available at the location (Acre)	Area required (Acre)	Name of Mouza/JL No. Plot No	Present Use of the land / Involuntary Resettlement Impact	Status of NOC
1	Construction of Pumping Station. SD 3	Anandapur, KMC Ward No. 108	KMDA	0.66	0.66	Anandapur	A pumping station is located at the land owned by KMDA.	Letter sent to UDMA for transfer of the land
2	Construction of STP. SD 4	Hossainpur	Land and revenue Department. Government of West Bengal	77.50	5.62	Madurdaha	Department to ensure timely confirmation of Hossainpur STP land availability and its transfer to KMC.	Letter sent to UDMA for transfer of the land. The letter sent back to KMC for re-sending the same to PWD
3	Construction of Pumping Station. SD 05	Hossainpur, KMC Ward No. 108	Land and revenue Department. Government of West Bengal		0.914	Madurdaha	Department to ensure timely confirmation of Hossainpur SPS land availability and its transfer to KMC.	
	Total			78.16	7.194			

Source: Detailed Project Report, KSHARP

Table 3: Details of Package wise components for Priority Packages

Sl.	Package No.	Package Name	Scope of works
1	KSHARP/NCB/2023 2024/SD 03	- Development of Drainage and Sewerage Network Including Construction of Pumping Station in Anandapur Area in Borough XII (Part of Ward 108)	- Laying of sewer lines including house connection, Total length = 5.1 km. - Diameter below 600 mm = 1.9 km - Diameter 600 mm and above = 3.2 km - Construction of 01 pumping station - Laying of Storm Weather Flow pumping Main of 1000 dia. MS pipe = 1.9 km - Laying of Dry Weather Flow pumping main = 0.8 km - Construction of catchpits / Gullypits and House Connections where sewers to be laid. - No of estimated House Connections- 580 - Construction of 6 outfall structures
2	KSHARP/NCB/2023 2024/SD 04	- Construction of 41 Mld Sewage Treatment Plant at Hossainpur, in Ward 108 including Operation & Maintenance for 15 Years	- Site development for project area - Preparation of Process, Hydraulic, Civil, Mechanical, Piping, Electrical and Instrumentation Design and Drawings - Construction of 41 MLD STP including other allied works - Supply, Erection, Trial Run, Testing & Commissioning of Electro - mechanical & instrumentation works - Providing Standard Laboratory, staff quarter, boundary wall, internal road & drainage system and other allied works - Installation of online continuous effluent monitoring system (OCEMS) and its connectivity to CPCB /SPCB servers complete with local and field sensors. - Laying of incoming DI pumping main of 1000 mm dia. upto the battery limit as shown in the drawing --- - Laying of treated effluent main of 1000 mm dia. MS up to the location as shown in the drawing.

Sl.	Package No.	Package Name	Scope of works
			• Operation & maintenance of the STP for 15 years
3	KSHARP/ OCB/ 2023-24/ SD 05	Development of S&D Network in Hossainpur and adjoining Area including construction of Hossainpur pumping station in Borough XII (Part of Ward 108 and ward 109)	• Laying of sewer network of 10.5 km including house connection, • construction of catch pits (1010 number), Gully pits (53 number) and Manholes (597 number) structures for collection of SWF • Laying of 2 numbers of dedicated SWF pumping main (1000 dia. MS pipe of 100 m and 1500 m length respectively) for discharge of storm water at two separate locations into nearby TP canal • Laying of DWF pumping main (1000 dia DI pipe of 750 m length) to convey the entire DWF to Hossainpur STP, • Construction of 1 no. of combined pumping station, • house sewer connections (estimated number of 910) and • construction of 10 number outfall structures (3 numbers on C2-C3 Lead Channel, 2 numbers on Mundapara canal and rest 5 number on Tollygunje-Panchannagram canal (TP canal).

Source: Detailed Project Report, KSHARP

III. POLICY AND LEGAL FRAMEWORK

13. The policy framework and entitlements for KSHARP are based on the RFCTLARR Act 2013, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 state policies and regulations and ADB's SPS 2009. The salient features of RFCTLARRA 2013 and ADB's SPS (2009) have been summarized below. These policies are reviewed in the following sections.

A. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013¹¹

14. RFCTLARRA regulates land acquisition and provides rules for granting compensation, rehabilitation and resettlement to the affected persons in all projects in India. RFCTLARRA provides fair compensation to those whose lands are acquired and brings transparency to the process of land acquisition and assures rehabilitation of those affected. It empowers the government to define purposes to support infrastructure development and industrialization. RFCTLARRA increases the overall cost and time required for land acquisition, thereby compelling project owners towards more efficient utilization of land. RFCTLARRA came into force on 1 January 2014 to replace the Land Acquisition Act (1894). Some of the key features of the new Act which is different from the Land Acquisition Act 1894 are:

- (i) specific definition of acquisition for public purpose, and disallowing of change in purpose after acquisition;
- (ii) social impact assessment (SIA) by the Gram Sabha or equivalent body in urban areas is mandatory, and the Act provides detailed guidelines for conduct of SIA and its appraisal by an Expert Group;
- (iii) it provides for specific timelines for each activity in the process: SIA, appraisal by Expert Group, objections, public hearing, preliminary notification, draft declaration and rehabilitation and resettlement (R&R) scheme, compensation and R&R payment, provision of infrastructure amenities; the process lapses in case no land acquisition notification happens after twelve months of the EG report. Further, the R&R award should be made within 12 months from the public declaration of the R&R scheme. Such a timeline is however extendable by the appropriate Government by another 12 months, if deemed necessary;
- (iv) it provides for retroactive payment under Clause 24, in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where no award under section 11 of the said Land Acquisition Act has been made; it also allows for 5 years old or more land acquisition proceedings wherein award is made but physical possession of the land has not been taken to be deemed as lapsed, and to be taken up under RFCTLARRA; and has similar provisions in cases where compensation for a majority of land holdings has not been accepted; to ensure minimum delays;
- (v) mandates consent of 80% landowners for private entities acquiring land and 75% for public private projects;
- (vi) provides guidelines for calculation of market value; it also states that the date for determination of market value shall be the date on which the notification has been issued under Section 11. The market value so determined would be multiplied by a factor of, at least one to two times the market value for land acquired in rural areas and at least one times the market value for land acquired in urban areas.;

¹¹ As passed by the Lok Sabha on 29 August 2013.

- (vii) the Act stipulates a solatium equal to 100 percent of the market value of the property including value of assets;
- (viii) payment of R&R assistance under Section 100, for all those losing livelihoods; the Act specifies the minimum to be paid but governments or private companies may pay higher compensation; Restrictions on acquisition of irrigated multi- cropped land);
- (ix) the Act restricts any acquisition of irrigated multi-cropped land except for exceptional circumstances. An equivalent area of cultivable wasteland or land value has to be deposited with government in the case of such an acquisition;
- (x) the Act prescribes a formal and transparent mechanism for R&R implementation, with a structured institutional framework at the Centre, State and Project level for Land Acquisition and R&R implementation and monitoring.

15. The RCFTLARR Act provides a framework in which the interest of the land looser is protected. The Act also empowers the government to define purposes to support infrastructure development and industrialization. The new Act increases the overall cost and time required for land acquisition, thereby compelling project owners towards more efficient utilization of land.

B. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014

16. The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 came into force on 5 March 2014 and seeks to protect the livelihoods of street vendors while regulating street vending. The Act recognizes street vendors of different types including mobile (moving) vendors, stationary (vending from a particular place), natural markets (spaces where buyers and sellers traditionally congregate), vendors with temporary built-up structures, hawkers, peddlers and squatters. It provides for regulation of street vendors, defines the rights and duties of street vendors and requires definition of designated vending zones, issue of certificates of vending and identity cards to street vendors, and proposes vending fees and maintenance charges. Under the Act, each state government is required to define the public purpose for which a street vendor may be evicted and the manner of relocation, manner of giving notice, and provides for a dispute resolution mechanism. As per the Act, planning and regulation of street vending is to be undertaken at town level by the Town Vending Committee. The Act also provides for social audit of the activities of the Town Vending Committee-

17. **The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018.** In the exercise of power conferred to state under section 36 of the central act, the state government has framed rules for implementation of the Act in the state. The State rules outlines the following:

- (i) The minimum age for street vendors shall be 18 years. (*Section 3*)
- (ii) Each local authority shall constitute a Town Vending Committee (TVC); the Municipal Commissioner or the Commissioner, in case of Municipal Corporation shall be the Chairperson and other members representing the local authority, medical officer of the local authority, the planning authority, traffic police, police, association of street vendors, market associations, non-government organizations, public representatives, social workers, community-based organization, etc. (*Section 4*)
- (iii) For identification of existing vendors, a detailed list of such vendors shall be prepared by the TVC in consultation with the local authority, through conducting survey with the assistance of police and local authority and should be submitted to

- (iv) local authority for consideration and acceptance. *[Section 9, subsection (a)]*
After completion of survey, preparation of detailed list of existing vendors, the TVC, in consultation with local authority, shall fix a cut-off date after which any intending street vendor shall have to obtain license prior to starting new business. *[Section 9, subsection (b)]*
- (v) TVC shall prepare list of vending zone as well list of no vending zone in consultation with local authority. *[Section 9, subsection (d)]*
- (vi) The state rules mandates that every registered vendor shall take vending activities of specified productions or services particularly for specified time period at specified place as determined by the local authority and TVC. *[Section 14, subsection (1)]*

C. State Government Policies and Practices

18. State policies and guidelines related to land acquisition, negotiated purchase and transfer of land from one government department to another include:

- (i) **West Bengal Land Acquisition Manual (WBLAM) 1991**, which provides guidelines on determination of market price for compensation but has not been revised post passage of LARR 2013. GOWB has now taken a policy decision to adopt negotiated purchase and not land acquisition as the mode of procurement of land for public purpose;
- (ii) **Memorandum for direct (negotiated) purchase of land for public purpose (2016)**: Government of West Bengal issued a Memorandum in 2014, and an updated version of the same in 2016 allowing all state government departments to go in for direct (negotiated) purchase land for public purpose, mainly involving commissioning of infrastructure projects.¹² GOWB promulgated the memorandum for state government departments to undertake direct purchase of land required for infrastructure projects from land owners who are willing to sell land, to ensure optimal utilization of public funds and early implementation of projects.¹³ Its key features include a description of the process of direct purchase to be followed by the requiring department, provision for constitution of a Purchase Committee and its composition, and the process of determination of price of land, buildings, and structures. It provides for incentives on the price of land finally determined, if land registration is accomplished within defined time frames. GOWB has also exempted the stamp duty for such purchase of land.
- (iii) **The West Bengal Land and Land Reforms Manual, 1991** deals with management of lands owned by Government of West Bengal. Chapter XV of the Manual provides the principles and procedures for settlement of lands for non-agricultural purposes (which include urban development work). In case of long-term settlement, it provides in detail the process of determining the market value of land from the records of recent sales of similar categories of land in the vicinity, using figures from the Sub-registration offices and carefully checking the same against the valuation in land acquisition cases in the locality.¹⁴ Further, it specifies that in giving

¹² Memorandum No. 3145-LP/1A-03/14 dated 24 November 2014, and Memorandum No. WB (Part 1)/2016/SAR-114 dated March 1, 2016.

¹³ Government of West Bengal, The Kolkata Gazette Extraordinary, Memorandum No. 756-LP/1A-03/14(Pt-II) dated 25 February 2016.

¹⁴ The Directorate of Registration and Stamp Revenue, Government of West Bengal has introduced transparent, online procedures for updating of market value of any land parcel in the state. Market values of land for different locations

the long-term lease for the first time, rent shall be fixed at 4 per cent of the market value of the land proposed for settlement and *salami* charged at 10 times the rent equaling forty percent of market price.¹⁵ With reference to KSHARP, all lands for inter-departmental transfer shall be first transferred by the department which is the present owner, in favour of the Land and Land Reforms Department, GOWB for subsequent transfer to KMC.

The West Bengal Estates Acquisition Act, 1953 and the West Bengal Land Reforms Act of 1955 and Amendments are important land-related laws of the State regulating land holding (ceiling) for various purposes including change in character and ownership and use of the land and the right of the sharecroppers. There are, however, no specific provisions in the Acts that will have a direct bearing on involuntary resettlement under the Project.

D. ADB's Safeguard Policy Statement, 2009

19. The ADB Safeguard Policy Statement (SPS) (2009) to set out the requirements for environment, involuntary resettlement and indigenous people safeguards. For involuntary resettlement safeguards, the policy aims to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

20. The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. Followings are the 12 policy principles of the SPS involuntary resettlement safeguards:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations (NGOs). Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism (GRM) to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.

are updated every three to six months and published online. This helps ensure a fair price to the landowner/seller in case of purchase and affected person (in case of land acquisition); it also ensures that the State does not lose out on taxes and stamp duties due to under-reporting of land value.

¹⁵ Amount paid by lessee to lessor, as decided by the lessor.

- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.
- (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards.

21. The project will recognize three types of physically displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of physically displaced persons. It also applies to all types of economically displaced

persons — those facing permanent income loss as well as those facing temporary income losses.

E. Comparison of the National Laws and State Policies with Key Indicators of ADB's Safeguard Policy Statement 2009

22. A detailed policy comparison between ADB's Safeguard Policy Statement, 2009, and RFCTLARRA, 2013, identified gaps and gap filling measures. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA), 2013', recognizes titleholders and non-titleholders affected by land acquisition. Wherein, the squatters, encroachers and those present in government right of way (ROW) and other government lands are excluded from the purview of the Act. This resettlement framework bridges the gap and identifies both titleholders and nontitle holders (including those using government land).

23. The key difference between RFCTLARRA and ADB's involuntary resettlement safeguards policy is with regard to the cut-off date for determining the eligibility for compensation and resettlement and rehabilitation (R&R) assistance to all those who are affected by the project irrespective of the ownership title to the land. As per the provisions of RFCTLARR Act, the cut-off-date for title holders and for non-titleholders affected by the acquisition of such land is the date of social impact assessments (SIA) notification [Sec 4(2)]; they should have been living/working three years or more prior to the acquisition of the land. RFCTLARRA does not specify about any cut-off-date for the nontitle holders using or residing on the government land. To bridge the gap, this resettlement plan in line with ADB's requirements, mandates that for non-titleholders such as squatters and encroachers, whom the RFCTLARRA does not recognize, the cut-off date will be the start date of the project census survey. In case of all affected non-title holders, suitable compensation for loss of non-land assets and resettlement assistance is proposed in the entitlement matrix. Assets to be compensated at replacement cost without depreciation.

24. ADB's involuntary resettlement safeguards policy requires to improve or at least restore, the livelihoods of all displaced persons, while the RFCTLARRA does not recognize loss of livelihoods to non-titled users on government land and non-titleholders present on private land for less than three years. This Resettlement Framework and its entitlement matrix ensures compensation to non-titled holders on government land.

25. The Land Acquisition Rehabilitation and Resettlement Authority (under RFCTLARRA), established in each State by the concerned State Government, is responsible to hear disputes arising out of projects where land acquisition has been initiated. Gap in establishing a project-level grievance redress mechanism (GRM) for projects that do not have significant resettlement impacts is assessed. The Project will establish project-level GRM.

26. Memorandum for direct (negotiated) purchase of land for public purpose (2016) of Government of West Bengal promulgates to undertake direct purchase of land required for infrastructure projects from land owners who are willing to sell land, to ensure optimal utilization of public funds and early implementation of projects, however, it is not required to undertake third party monitoring of negotiated purchases to ensure a fair and transparent process as per ADB SPS requirement; a third party independent monitor will be hired to certify the process the negotiated purchase was undertaken in a transparent, consistent and equitable manner.

27. Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018, does not specify the following which are outlined in ADB SPS: (i)

assistance for physically and economically displaced persons; (ii) special assistance for vulnerable groups/persons; (iii) compensation for non-title holders; (iv) preparation and disclosure of resettlement plan document, its cost ; and (v) monitoring of resettlement process.

28. The resettlement framework addresses the following identified gaps, namely: (i) screening past, present and future involuntary resettlement impacts and risks: The Project will undertake screening of all subprojects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks; (ii) Gap in establishing a project-level GRM for projects that do not have significant resettlement impacts. The Project will establish project-level GRM. (iii) define vulnerable group as per SPS, policy principle 2. The Entitlement Matrix outlines assistance for vulnerable groups, as defined by ADB policy; (iv) third party monitor of negotiated purchases: to ensure a fair and transparent process, a third party independent monitor will be hired to certify the process the negotiated purchase was undertaken in a transparent, consistent and equitable manner.; (v) disclosure of resettlement plan and resettlement framework to affected persons; (vi) frequency of resettlement plan monitoring: frequency of monitoring will be semi-annual, as per SPS. A detailed policy comparison between ADB's Safeguard Policy Statement, 2009, RFCTLARRA, 2013, Memorandum for direct (negotiated) purchase of land for public purpose (2016) of Government of West Bengal and Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018, identified gaps and gap filling measures are given in following Table 4.

Table 4: Detailed Policy Comparison

Sl. No.	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS), 2009	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)	Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018	Memorandum for direct (negotiated) purchase of land for public purpose (2016)	Measures to Bridge Gaps
1	Screen project	Screen the project to identify past, present and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement	Section 4 (l) it is obligatory for the appropriate Government that intend to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concerned Panchayat, Municipality or Municipal Corporation, as the case maybe, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed undersection 6.	There is no specific requirement for screening mentioned in the central Act or State Rules. However, under sub-section (1) of Section 3 of the central Act and in Section 9, subsection (a) and Section 3 of the State Rules, it is mentioned that Town Vending Committee (TVC) will carry out a survey in every urban local body (ULB) area for identifying every street vendor; and those who have completed the age of eighteen years may be issued a certificate of vending by the TVC. The TVC shall maintain all necessary records of street vendors including maps, road plans showing existing site of street vending shall be a permanent record of TVC. TVC shall take final decision about vending zones along with their holding capacity as worked out by the local authority.	No specific provision	No gap in conduct of social impact analysis between RFCTLARR, Street Vendors Central Act, State rules and SPS. Gap in screening past, present and future involuntary resettlement impacts and risks. The Project will undertake screening of all subprojects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks.

Sl. No.	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS), 2009	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)	Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018	Memorandum for direct (negotiated) purchase of land for public purpose (2016)	Measures to Bridge Gaps
2	Consult stakeholders and establish grievance redress mechanism (GRM)	Carryout consultations with displaced persons, host communities and concerned NGOs, informally displaced persons of their entitlements and resettlement options	Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the Social Impact Assessment Report. The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been initiated by the State Government or its agencies.	Section 20 under the central Act 2014, outlines provision of redress of grievances or resolution of disputes of street vendors.	No specific provision	No gap between Street Vendors central Act, State rules, SPS and RFCTLARR. Gap in establishing a project-level GRM for projects that do not have significant resettlement impacts. The Project will establish project-level GRM.
3	Improve or at least restore, the livelihoods of all displaced, and payment at replacement cost	Improve or restore the livelihoods of all displaced persons through:(i) land-based resettlement strategies; (ii) prompt replacement of assets with access to assets of equal or higher	The Deputy Commissioner (DC) having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the landowner (whose land has been acquired) by including all assets attached to the land.	Under Section 18 and Section 15 of the central Act 2014 mentions that no street vendor shall be evicted by the local authority from the place specified in the certificate of vending unless he has been given thirty days' notice for the same; and shall be given at least three choices in the	No specific provision Section 2, subsection (xi) mentions that; up to 50% incentive on the base price of the land will be paid additionally if	No gap between Street Vendors central Act, State rules, SPS and RFCTLARR. Assets to be compensated at replacement cost without depreciation

Sl. No.	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS), 2009	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)	Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018	Memorandum for direct (negotiated) purchase of land for public purpose (2016)	Measures to Bridge Gaps
		value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.		same or nearby vending zone.	the land registration is done within 30 days of publication of the notice	
4	Assistance for displaced persons	Provide physically and economically displaced persons with needed assistance	Schedule I, provides market value of the land and value of the assets attached to land. Schedule II provides resettlement and rehabilitation package for land owners and for livelihood losers including landless and special provisions for Scheduled Tribes.	Not specified provision	No specific provision	No gap between Street Vendors central Act, State rules, SPS and RFCTLARR. Entitlement Matrix outlines compensation and assistance for Affected persons.
5	Improve standard of living of displaced vulnerable groups	Improve the standards of living of the displaced poor and other vulnerable groups, especially those below the poverty line, the landless, the elderly, women,	Special provisions are provided for vulnerable groups.	No specific provision for vulnerable groups mentioned.	No specific provision	No gap between Street Vendors central Act, State rules, SPS and RFCTLARR. Entitlement Matrix outlines assistance for vulnerable groups,

Sl. No.	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS), 2009	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)	Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018	Memorandum for direct (negotiated) purchase of land for public purpose (2016)	Measures to Bridge Gaps
		children, indigenous peoples, and those without title to land, to at least national minimum standards				as defined by ADB policy.
6	Negotiated settlement	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihoods status	Section 46 of RFCTLARR Act, 2013 permits direct purchase of land and undertaking direct negotiation with the land owner.	Not specified	Under Section 2, subsection (xii) it is mentioned that care would be taken to ensure that the entire process is fair and transparent and it is based on mutual consent.	As per ADB SPS, to ensure a fair and transparent process, a third-party independent monitor will be hired to certify the process the negotiated purchase was undertaken in a transparent, consistent and equitable manner.
7	Compensation for nontitle holders	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. In the rural	Schedule II provides benefits to families whose livelihood is primarily dependent on land acquired	No specific rules mentioned.	No specific rules mentioned.	No gap between SPS and RFCTLARR. Entitlement Matrix outlines compensation and assistance for nontitle holders, including squatters, encroachers and sharecroppers.

Sl. No.	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS), 2009	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)	Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018	Memorandum for direct (negotiated) purchase of land for public purpose (2016)	Measures to Bridge Gaps
		area, provide them with access to resources. In the urban area, provide them with access to housing.				
8	Prepare resettlement plan	Prepare a resettlement plan/indigenous peoples plan on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time- bound implementation schedule.	Preparation of Rehabilitation and Resettlement Scheme including timeline for implementation. Section: 16. (1) and (2). Separate development plans to be prepared. Section 41	No specific rules mentioned.	No specific rules mentioned.	No gap between SPS and RFCTLARR. resettlement plan will be prepared for subprojects with impact.
9	Disclose Resettlement Plan	Disclose a draft resettlement plan, including documentation of the consultation processing a timely manner, before	Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the local language to the Panchayat, Municipality or Municipal	No specific rules mentioned.	No specific rules mentioned.	No gap between SPS and RFCTLARR. The resettlement framework and resettlement plans/RIPP will be disclosed to affected

Sl. No.	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS), 2009	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)	Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018	Memorandum for direct (negotiated) purchase of land for public purpose (2016)	Measures to Bridge Gaps
		project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders	Corporation. As the case maybe, and the offices of the DC the Sub- Divisional Magistrate and the Taluka, and shall be published in the affected areas, in such manner as maybe prescribed and uploaded on the website of the appropriate Government.			persons.
10	Cost of resettlement	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the	Section 16. (I) Upon the publication of the preliminary Notification under sub-section(/) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include:(a) particulars of lands and immovable properties being acquired of each affected family;(b) livelihoods lost in respect of land losers and landless whose livelihoods are	No specific rules mentioned.	No specific rules mentioned.	No gap between ADB SPS and RFCTLARR. Cost of resettlement will be covered by the EA.

Sl. No.	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS), 2009	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)	Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018	Memorandum for direct (negotiated) purchase of land for public purpose (2016)	Measures to Bridge Gaps
		project as a stand-alone operation.	primarily dependent on the lands being acquired;(c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and(e) details of any common property			
11	Taking over possession before payment of compensation	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	38 (I) The Collector shall take possession of Land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.	No specific rules mentioned.	No specific rules mentioned.	No gap between ADB SPS and RFCTLARR. The compensation will be paid prior to the start of civil works.

Sl. No.	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS), 2009	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)	Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and The West Bengal Urban Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2018	Memorandum for direct (negotiated) purchase of land for public purpose (2016)	Measures to Bridge Gaps
12	Monitoring	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	48 (I) The Central Government may, whenever necessary for national or inter- State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.	No specific rules mentioned.	No specific rules mentioned.	RFCTLARR does not specify the frequency of monitoring. The Project will prepare quarterly progress reports (QPRs) and monitoring reports semi- annually as per ADB SPS.

IV. INVOLUNTARY RESETTLEMENT SAFEGUARD PRINCIPLES FOR THE PROJECT (KSHARP)

29. The project will recognize three types of physically displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all 3 types of physically displaced persons. It also applies to all types of economically displaced persons – those facing permanent income loss as well as those facing temporary income loss.

30. In accordance with the involuntary resettlement principles of this Resettlement Framework, all affected persons (irrespective of legal title to land) will be entitled to compensation/resettlement assistance. Compensation and assistance will be based on the nature of ownership rights on lost assets and the impacts, including vulnerability status of the affected persons. Based on RTFLARRA, state policies and regulations, and the ADB SPS, the following resettlement principles are adopted for this project:

- (i) Screening of the project to identify involuntary resettlement impacts and risks. Minimizing and avoiding resettlement impacts of each subproject by exploring all viable alternative designs.
- (ii) Carrying out consultations with affected persons, host communities and non-government organizations; informing all displaced persons of their entitlements and resettlement options; ensuring their participation in planning, implementation, and monitoring and evaluation of resettlement programs.
- (iii) Where the resettlement impacts are unavoidable, the DPs should be assisted in improving or at least regaining their standard of living.
- (iv) Vulnerable households will be given special assistance to improve their socioeconomic status. Vulnerable households comprise below poverty line households, female-headed households, disabled person-headed household, elderly-headed household, landless household, household with no legal title / tenure security, households with out-of-school/working children, and schedule castes and scheduled tribe households.
- (v) The absence of formal title to land is not a bar to policy entitlements.
- (vi) Compensation for all lost assets acquired or affected is based on the principle of replacement cost.
- (vii) Restoration of livelihoods and residences of the DPs will be facilitated with adequate resources and with a time-bound action plan in coordination with civil works.
- (viii) DPs are to be assisted in integrating economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted.
- (ix) All payments, including compensation for loss of land, assets, structures, trees, income, and common properties will be made prior to physical or economic displacement and commencement of civil construction work.
- (x) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders. Disclose the final resettlement plan and other documents such as the monitoring reports to affected persons and other stakeholders.

V. SCREENING AND CATEGORIZATION OF SUBPROJECTS

31. The PMU, KSHARP will be responsible for resettlement planning and implementation. For the preparation of new resettlement plans or any other safeguard reporting (due diligence, corrective action plan etc.), the following checklist can be used to identify land acquisition and resettlement impacts.

- (i) Where is the proposed subproject located? What is the ownership status of land? Is the land identified adequate to accommodate proposed facilities? If not, whether it requires additional government/private land acquisition? Whether this land acquisition is permanent/temporary?
- (ii) If it involves private land acquisition, what is the number and profile of affected people? What is the extent of losses and other socio-economic impacts? Does proposed land acquisition involves permanent displacement of people?
- (iii) What are the impacts of permanent/temporary land acquisition on public utilities, common property resources, encroachers/squatters and other non-titled users of the land?
- (iv) Are there any impacts on indigenous peoples or ethnic communities?

32. The Project aims to minimize utilization of private land for proposed project components as much as possible and mitigate involuntary resettlement impacts by prioritizing rehabilitation and optimization work within existing facilities' premises, as well as constructing on vacant and unused government land parcels. Government owned land parcels free of encumbrances will be identified for project facilities. Any adverse temporary impacts on roadside businesses during pipelaying will be mitigated or compensated. Project consultants will work with the project management unit (PMU) to determine involuntary resettlement impacts. This resettlement framework is prepared to guide planning and implementation of subprojects not appraised during project preparation. Involuntary resettlement impacts for subprojects will be assessed and reconfirmed based on the policies laid down in the resettlement framework, after project processing phase and duly approved by ADB.

33. Project Design Management and Supervision Consultant (PDMSC) social safeguards specialist will prepare ADB's involuntary resettlement checklist (**Appendix 3**) for each proposed subprojects, based on the above information/inventory. Screening will be conducted immediately after identification of project site. If the screening is done simultaneously when the project site is being identified, the magnitude of impacts can be estimated at the same time, and if required, alternative options can be examined. This will be done by the PDMSC and PMU Gender and Safeguards Unit (GSU) and submitted to PMU. ADB's Operational Manual Section F1/Operational Procedures defines the criteria for screening and categorization of subprojects, which will be adopted. PMU will submit completed checklists to the ADB for review.

34. ADB's involuntary resettlement impact screening/categorization checklist (**Appendix 3**) will be adopted for the subproject. Based on the ADB's Operational Manual Section F1/Operational Procedures¹⁶ the following criteria for screening and categorization of subprojects will be followed:

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including assessment of social impacts, is required.
- (ii) **Category B.** A proposed project is classified as category B if it includes

¹⁶ Issued on 1st October 2013.

involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.

- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.
- (iv) **Category FI.** A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary.

35. The subproject's involuntary resettlement category is determined by the magnitude of involuntary resettlement impacts. The involuntary resettlement impacts of ADB-supported projects are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks. For Category A and B subprojects, a resettlement plan is required. For category C project a due diligence report (DDR) is required.

36. Based on the initial assessment of sample subprojects, for involuntary resettlement impact, only temporary livelihood loss is anticipated for 239 road side shops, kiosks and vendors under two subprojects (84 units for SD-01,02 and 155 units for SD- 03 packages) in Ward 108 and 109 due to loss of access for 20 days.

37. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternative for subproject designs and alternative sites or locations for subproject components to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized. These measures and criteria will be applied and rehabilitation within existing facility premises will be prioritized over new construction so as not to require land acquisition and result in resettlement impacts. Based on thorough survey of all possible site alternatives, subproject components will be proposed on vacant government land, where available.

VI. NEGOTIATED SETTLEMENT AND VOLUNTARY LAND DONATION

A. Negotiated Settlement

38. ADB SPS, 2009 in principle recommends use of negotiated settlement to obtain land for project requirements. This helps avoid expropriation and eliminates the need to use force by governmental authority. This approach to obtain land through negotiated settlement is supported by the ADB SPS, 2009 provided there is no coercion or perception (held by the affected person/ land seller) of eminent domain being applied, should the negotiated settlement fail and where direct negotiations with land owners are conducted in a fair and transparent manner and land is purchased upon agreement of a negotiated price. This resettlement framework and the policy guidelines encourage acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultations with the affected people including non-title holders. In a negotiated settlement both the parties (each affected person/family including non-titled) agree on a fair price for all losses incurred. In such settlement, in line with ADB policy, government will however ensure that any negotiation with affected persons openly addresses the risks of asymmetry of information and bargaining power of the parties involved in such transactions. If an expropriation results upon the failure of negotiation, all safeguard requirements as per the ADB SPS, 2009 will be applied and resettlement plan will have to be prepared in line with this resettlement framework. In this project, the process of negotiation will ensure the following steps:

- (i) negotiation will take place when there is a willing seller;
- (ii) consultation with the affected person must be carried out and documented;
- (iii) the minimum negotiated price to start negotiations will not be below the valuation of land based on the market value of land;
- (iv) all negotiations must be carried out in a transparent manner and validated by an independent external party (eminent citizen/any party without any interest in the process, appointed by the PMU. Third party will document the negotiation and settlement process (refer Appendix 5 for terms of reference [TOR] for engaging a third party);
- (v) The government will also agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and recordkeeping requirements. PMU will document and keep record of all processes undertaken in the negotiated settlement;
- (vi) In case of failure of negotiations, compensation, the seller can withdraw from the negotiation process; the Executing Agency will search for an alternative suitable land parcel. The third party will have to submit reports during and on conclusion of negotiations; costs related to third party certification will be borne by the project proponent;
- (vii) The land transfer and updated records of the purchased lands will have to be completed prior to the start of civil works. Land transfer costs for registering new land titles should be borne by the government.
- (viii) No tax shall be levied on the negotiated price.

B. Voluntary Land Donation

39. The project may accept voluntary donation of land. Such offer would be considered only if donated land does not (i) bring any significant impact ¹⁷/impoverishment to the donor(s) and/or displace tenants/laborers/informal users; (ii) the donation does not come from the land owner categorized as poor or vulnerable; (iii) the donation will not cause any economic or physical displacement (to legal titleholders and/or formal or informal land users); (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s); and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The process and steps to be followed for assessing eligibility of voluntary donation and documentations are given below:

- (i) **Step 1:** The project will be open to the possibility of voluntary land donation from any interested person/community. The land requirement will be explained to the interested donor(s). ADB's SPS, 2009 social safeguard requirements will also be explained to the people willing to donate land. An independent third party will be engaged (refer **Appendix 5** for TOR for its engagement) in case of land donation, who shall assess if land parcel under consideration for donation meets the stipulated criteria (as described in paragraph above);
- (ii) **Step 2:** After donation of land is decided by the donor(s), the government (urban local body- Kolkata Municipal Corporation or appropriate government authority) will initiate formalization of land donation by issuing a letter to the willing donor(s) with details of public purpose for which land is required and the donor(s). Then requiring government

¹⁷ As per ADB SPS 2009, significant impact is defined as physical displacement from housing and loss of 10% or more of productive (income generating) assets.

- body (KMC/appropriate government authority) will take necessary legal steps to formalize the donation of land. PMU, KSHARP will facilitate the entire donation process and maintain its documentation; and
- (iii) **Step 3:** The Deed of Gift will be registered in the name of the land (gift) receiving department/agency (as designated by government) and all necessary fees, stamp duties will be borne by this department/agency. Henceforth, the land ownership and related land record will be revised/amended with Record of Rights showing the changed ownership.

40. A mechanism will be established ensuring transparent process is followed and coercion was not used for donation of land. The whole process will be verified and validated by an independent third party (refer **Appendix 7** for TOR for third-party engagement) for all voluntary offer of land for the project (for example, a senior government officer, a leader of the community, a representative of a local NGO/CBO), a school or college principal, etc. The above information has to be included in a report to be prepared by the external third party, preferably from reputed and qualified agencies/non-government organizations (NGO)/firms/individuals. The PMU shall submit a due diligence report to ADB for review and approval including information on impact assessment, voluntary donation process and report of independent third party.

VII. ELIGIBILITY, ENTITLEMENTS AND BENEFITS

A. Eligibility

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

- (i) persons who will lose land and assets/income in their entirety or in part, who have formal legal rights to the land;
- (ii) persons who will lose the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g. tenants and leaseholders;
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g. sharecroppers, squatters, encroachers, wage labour without formal contracts; and
- (iv) vulnerable households.¹⁸

B. Cut-off-date

42. Compensation eligibility is limited by a cut-off date. The cut-off date for non- title-holders, is the end date of the census survey based on final design and detailed measurement survey (DMS). Any persons moving into the subproject area after the cut-off date will not be entitled for

¹⁸ Vulnerable households comprise below poverty line households, female-headed households, households with out-of-school/working children, disabled person-headed household, elderly-headed household, landless household, household with no legal title / tenure security, schedule castes and scheduled tribe households.

As per the report published by the Planning Commission, Government of India, the state-specific poverty line for West Bengal in 2011-2012 was ₹981 per capita per month for urban areas (Press Note on Poverty Estimates 2011-12, Government of India, Planning Commission, July 2013). On adjusting for inflation (at an average rate of 6%), the poverty line in 2023 is estimated as ₹1862 per capita per month in urban areas.

compensation or assistance under the project. The date of land acquisition notification under Section 11 of the RFCTLARRA will be considered as the cut-off date for all titleholders losing land and structures, if the government chooses to acquire land under RFCTLARRA. The project Entitlement Matrix (Table 4) identifies and lists various types of losses resulting out of the project and specific compensation and resettlement packages for each category.

C. Entitlements, Assistance and Benefits

43. The project entitlement policy addresses potential direct and indirect impacts of project construction and operation on displaced persons, households and communities. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and loss of shelter. Other losses include loss of other assets such as cattle sheds, water sources etc. and common property resources. Mitigation is provided through compensation and assistance to project-displaced persons, households, and group on the basis of this policy framework adopted by the project. The policy provides mitigation for: (i) loss of assets, including land and house or workplace; (ii) loss of livelihood or income opportunities; (iii) Collective impacts on groups, such as loss of community assets, common property resources, and others; and (iv) Temporary impacts or disruptions due to project construction work.

44. Damages, unanticipated losses caused during construction, if any, will be eligible for compensation. Such issues will be identified and closely monitored by the Gender and Safeguards Unit and Social Safeguard and Gender Officer (SSGO), focal person of the PMU. Compensation for temporary impacts and damage on structures during construction will be borne by the contractor. Unanticipated losses, if any, will be mitigated / compensated as per the entitlement matrix of this resettlement framework. Loss of drinking water, sanitation and/or any other facility due to damage of existing infrastructure during construction will be mitigated through provision of alternate facilities (e.g. alternate means of water supply). The time gap between transfers from old system to new in certain areas will be minimized to avoid inconvenience to the public.

Table 5: Entitlement Matrix

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy¹⁹	Implementation Issues²⁰	Responsible Agency²¹
1	Loss of private land	Agricultural land, homestead land or mixed-use land or vacant plot	Legal titleholders	If private land is procured through negotiated settlement: the price to start negotiations would not be below the current market value of land (equivalent to replacement value of land). If private land is acquired under RFCTLARRA: 1. Compensation at replacement cost as specified in the RFCTLARRA or land-for-land where feasible; 2. Solatium to be paid at 100% of the replacement value for the acquired land parcel including other assets attached to the acquired land ; 3. For partial land acquisition, the following two options are to be given to the affected person, subject to acceptance: • Option 1 - The affected person remains on the plot, and the compensation and assistance are paid only for the required portion of land to be acquired. • Option 2 - Compensation to be provided for the entire plot including residual part, if the remaining portion of the land is non-viable for use and the	• If land-for-land is offered, (i) ownership will be in the name of original landowners, or (ii) joint ownership in the name of husband and wife will be offered in case of non- female-headed households. • Payment of all fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the registration/transfer will be limited to those for land purchased within a year of compensation payment and for land of equivalent size.	The Valuation Committee will determine replacement value as per the procedures outlined in the subsequent sections of this document. PMU will ensure provision of notice. Gender and Safeguards Unit (GSU) in the Project Management Unit (PMU) will verify the affected households and determine the appropriate assistance and identify vulnerable households as per the matrix.

¹⁹ Transportation costs, monthly subsistence allowance and resettlement costs are not incremental. For example, if an affected household loses land, shelter and commercial business in one lot, the family will get each of these allowances only once. All entitlements in rupees (other than statutory compensations) will be adjusted for inflation from the year of loan approval till the year of compensation payment.

²⁰ For design, build and operate (DBO) contracts, the DBO contractor undertakes design tasks.

²¹ For design, build and operate (DBO) contracts, the DBO contractor carries out design responsibilities.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				owner of such land wishes that the residual plot should also be acquired by the executing agency. 4. A monthly subsistence allowance equivalent to ₹5000.00 per month for a period of one year from the date of award will be provided. 5. 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. 6. All fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the executing agency. 7. One-time Resettlement Allowance of ₹50,000. 8. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of taking		

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				actual possession of the land; and 9. Compensation incidental to such change if the affected landowner is compelled to change his place of residence or business due to proposed land acquisition. 10. One-time financial assistance of ₹50,000 as transportation cost/shifting allowance.		
1-a	Loss of private land	Homestead or mixed use land or vacant plot	Tenants/Lease holders/ Sharecroppers (with or without written lease or tenancy agreement)	1. Reimbursement of rental/lease deposit or unexpired lease; 2. Compensation at replacement cost for any investment made to the land; 3. One-time resettlement allowance of ₹50,000. 4. A monthly subsistence allowance equivalent to ₹5000.00 per month for a period of one year from the date of award will be provided. 5. One-time financial assistance of ₹50,000 as transportation cost/shifting allowance for displaced families.	• Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease • Harvesting prior to acquisition will be accommodated to the extent possible. Advance notice will be provided to harvest standing crop and if not possible, compensation will be provided for standing crops as per rates and assessment done by an agriculture department or schedule of rates. • Work schedule will avoid harvest season.	PMDSC/GSU will confirm land rental and ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PMU. Vulnerable households will be identified during the census conducted by the GSU/PMDSC.
1-b	Loss or private land	Homestead or mixed use land or vacant plot	Non-titleholders	1. Non-titleholders will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures calculated as per the	Vulnerable households will be identified during the census survey as part of the RP.	PMU/GSU will ensure provision of advance notice. GSU will verify vulnerable

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				latest prevailing basic schedule of rates (BSR) without depreciation. 3. Monthly Subsistence allowance of ₹5,000 for one year (total ₹60,000) from the date of award. 4. One time Resettlement allowance of ₹50,000 per affected family, if dependent on the affected land for minimum three years. 5. Right to salvage material from the demolished structure with no deductions from the compensation. 6. A lumpsum transportation/shifting assistance of Rs10,000 will be provided. 7. Additional assistance for vulnerable households (refer to #7 in this matrix).	Salvaging of material from demolished structure shall be undertaken at no cost to KMC.	households.
2	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholder/ Legal User/ Sharecropper	1. Compensation for unexpired lease; 2. Compensation for any investment made to the land; 3. One time resettlement allowance of ₹50, 000. 4. Choice of annuity or employment as referred in #5 of the Matrix. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the		Vulnerable households will be identified during the census conducted by the GSU, under supervision of PMDSC.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to ₹5000 per month for a period of one year from the date of award. 5. One-time financial assistance of ₹50,000 as transportation cost/shifting allowance. 6. Additional assistance for vulnerable households (refer to #7 in this matrix).		
2-a	Loss of Government land	Vacant plot, ROW of road	Non- title holders	1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from demolished structure with no deductions from replacement value.. 4. A lump sum shifting assistance of ₹10,000 will be provided 5. Additional assistance for vulnerable households (refer to #7 in this matrix). 6. Monthly Subsistence allowance of ₹ 5,000 for one year (total ₹60,000) from the date of award.	Vulnerable households will be identified and provided assistance as required (see entitlement# 7 of this matrix). Salvaging of material from demolished structure shall be undertaken at no cost to KMC.	PMU/GSU will ensure provision of notice. GSU/PMDSO will identify and verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				7. One time Resettlement allowance of ₹50,000 per affected family, if dependent on the affected land for minimum three years.		
3	Loss of residential structure	Residential structure and other assets	Legal Titleholder	1. In urban areas, a constructed house shall be provided, which will be not less than 50sq. m. in plinth area OR any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than ₹150,000 (as per RFCTLARRA, 2013). 2. The replacement value of the structure, will be provided, calculated as per the latest prevailing Basic Schedule of Rates (BSR) without depreciation; 3. Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section. 4. One-time financial assistance of ₹50,000 as transportation/ shifting allowance; 5. A monthly subsistence allowance equivalent to ₹5000.00 per month for a period of one year from the date of award will be provided 6. Right to salvage material from the demolished structure with no deductions from replacement value.; 7. Each affected family shall be given a one- time Resettlement Allowance of ₹50, 000 only. 8. If relocation required, rental assistance at ₹5000 per month for	Vulnerable households will be identified during the census conducted by the GSU/PMDSC. Salvaging of material from demolished structure shall be undertaken at no cost to KMC.	Valuation committee will determine replacement value. PMU/GSU will verify the extent of impacts identified by PMU/PMDSC, determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				a period of twelve months; 9. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by executing agency.		
3-a	Loss of residential structure	Residential structure and other assets	Tenants and leaseholders	1. Rental assistance at ₹5000 per month for 3 months. 2. One-time financial assistance of ₹50, 000 as transportation cost/shifting allowance. 3. A monthly subsistence allowance equivalent to ₹5000.00 per month for a period of one year from the date of award will be provided. 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; and 6. Right to salvage material from demolished structure with no deductions from replacement value, erected by tenants. 7. Additional compensation for vulnerable households (item # 7)	Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. Salvaging of material from demolished structure shall be undertaken at no cost to KMC.	The GSU/PMDSC will verify the extent of impacts through 100% surveys of AHs determine assistance, verify and identify vulnerable households.
3-b	Loss of residential structure	Residential structure and other assets	Encroachers, Squatters, and informal settlers	1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from the demolished structure with no deductions from replacement	Vulnerable households will be identified during the census conducted by the GSU/PMDSC. Salvaging of material from demolished structure shall be undertaken at no cost to KMC.	The GSU/PMDSC will verify the extent of impacts through a 100% survey of AHs determine assistance, verify and identify vulnerable households

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				value.. 4. A lump sum shifting assistance of ₹10,000 will be provided. 5. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 6. Additional compensation for vulnerable households (item # 7)		
4	Loss of commercial/ other structure	Commercial structure and other assets	Legal titleholders	1. The replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable); 2. One-time Resettlement Allowance of ₹50,000 per affected family; 3. A monthly subsistence allowance equivalent to ₹5000.00 per month for a period of one year from the date of award will be provided. 4. Right to salvage material from the demolished structure with no deductions from replacement value; 5. One-time financial assistance of ₹50,000 as transportation allowance. 6. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 7. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency. 8. Additional compensation for vulnerable households (item # 7)	Vulnerable households will be identified during the census survey of affected households conducted by the GSU/PMDCS.	Replacement cost will be confirmed by the Valuation Committee. PMU/GSU will verify the extent of impacts determine assistance, verify vulnerable households.
4-a	Loss of commercial/ other structure	Commercial structure and other assets	Tenants/Lease holders	1. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 2. One-time financial assistance of ₹50,000.00 as transportation/shifting allowance. 3. A monthly subsistence allowance	Structure owners will reimburse tenants and leaseholders rental depositor unexpired lease.	PMU/GSU will verify the extent of impacts through a 100% socioeconomic survey of affected households to determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				equivalent to ₹5000.00 per month for a period of one year from the date of award will be provided. 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; 6. Right to salvage material from demolished structure with no deductions from replacement value, erected by tenants 7. Additional compensation for vulnerable households (item 7)		
4-b	Loss of commercial/ other structure	Commercial structure and other assets	Non-titleholders	1. Non-titleholders will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value without depreciation. 3. Right to salvage material from the demolished structure with no deductions.. 4. One-time financial assistance of minimum ₹25,000 or as decided by the appropriate government, whichever is higher for reestablishment of business. 5. A lump sum shifting and transitional assistance of ₹10,000 will be provided. 6. Additional compensation for vulnerable non-titleholder households (item # 7).	Vulnerable households will be identified during the census survey of affected households conducted by the PMU/PMDSC.	PMU/GSU will verify the extent of impacts through 100% surveys of affected households to determine assistance, verify vulnerable households.
5	Loss of livelihood	Permanent loss of livelihood	Permanent loss of livelihood to	1. Choice of annuity or employment — the following	Vulnerable households will be identified during the	PMU/GSU will verify the extent of impacts determine

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
			Business Owner (legal titleholder) /tenants/ baseholders / (with or without written tenancy or lease agreement)/ non-titleholders/ sharecropper	options are to be provided: (a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) onetime payment of ₹5,00,000 per affected family; or (c) annuity policies that shall pay not less than ₹2000.00 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers. 2. Preference for employment opportunity for Affected Persons in the project construction work, if so desired by them. 3. Training would be provided for income generating vocational training and skill improvement options based on the choice of the affected person at ₹20,000²² per family. This cost would be directly paid by the project to the training institute OR purchase of income generating assets up to ₹40,000.²³ 4. Additional compensation to	census survey of affected households conducted by the PMU/PMDSC.	assistance, verify vulnerable households.

²² The Vocational Training Programme by the Industrial Training Institutes provides training on a number of trades, under the Directorate General of Employment and Trade, Ministry of Labour and Employment, Government of India or additional cash assistance. The cost for training/additional cash assistance is will be calculated based on prevailing minimum wage rates for semi-skilled labor for 26 working days a month for three months.

²³ This is an estimate. The income generating asset will be skill related. However, the assets will be decided on a case-to-case basis.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				vulnerable households (item #7)		
5-a	Loss of livelihood	Permanent loss of livelihood	Wage earning employees affected due to displacement of commercial structure, /agricultural laborers	1. One-time financial assistance for lost income based on 6 months subsistence allowance at ₹18,000²⁴ per affected person. 2. Preference for employment opportunity for Affected Persons in the project construction work, if so desired by them. Additional compensation for vulnerable encroacher households (item # 7).		PMU/GSU will verify the extent of impacts determine assistance, and identify vulnerable households
6	Loss of Trees and crops	Standing Trees and crops	Legal titleholder, Leaseholder, tenants/ sharecropper/ non-titleholders	1. Affected person will be notified and given 60 days advance notice cut and clear the affected trees. For fruit bearing trees 6 months' notice will be given. 2. Notice to harvest standing/seasonal crops and compensation for crops (or share of crop for sharecroppers) based on an annual crop cycle at market value. For seasonal crops notice should be given at least 6 months in advance. 3. If timely notice cannot be provided, compensation for standing crop (or share of crop for sharecroppers) at market value 4. Compensation for trees including fruit bearing trees at prevalent market rates,²⁵ to be calculated as annual net	• Harvesting prior to acquisition will be accommodated to the extent possible • Work schedules will avoid harvest season. • Replacement cost of trees has to be determined.	PMU/GSU will ensure provision of notice. The valuation of trees and compensation rates will be finalized on the basis of market survey or on the basis of valuation by the Horticulture/ Forest Department and in consultation with affected persons

²⁴ Based on 6 months of subsistence allowance. In the RFCTLARRA the subsistence allowance for titleholders is ₹36, 000 for a year. In this case 50% of given amount is provided for non-titleholders.

²⁵ Valued by an experienced person in the field of horticulture/forestry etc.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				product value multiplied by number of productive years remaining. 5. Compensation for one-year net harvest for seasonal fruit trees at prevalent market rates. 6. Compensation at market value of timber in case of timber-bearing trees.		
7a	Impacts on vulnerable APs ²⁶	All permanent impacts	Vulnerable affected persons ²⁷	1. An additional one-time lump sum assistance of ₹36, 000 (calculated for 12 months subsistence allowance) per vulnerable family will be paid. This will be over and above the other assistance given in this framework. 2. Vulnerable households will be given priority in employment in the project construction activities. Provision for skill training for displaced vulnerable persons including assistance for purchase of income generating assets and initial capital of ₹40,000/-	- Vulnerable households will be identified during the census survey / business survey conducted by the GSU/PMDSC. - The list of vulnerable persons will be given to Project Director and contractor by the GSU.	Vulnerable households will be identified during the census survey of affected households conducted by the /PMDSC and GSU; PMU will verify the extent of impacts determine assistance, verify vulnerable households.
7b	Impacts on vulnerable affected persons ²⁸	Temporary Impacts	All vulnerable affected persons both titleholders and non-title	Vulnerable affected persons will be given priority in employment in project construction work, in	Vulnerable households will be identified during the census survey / business survey	PMU, with the support of PMDSC, will identify vulnerable affected

²⁶ Vulnerability benefits are incremental, i.e., in addition to other entitlements and benefits.

²⁷ Vulnerable households comprise below poverty line households, female-headed households, households with out-of-school/working children, disabled person- headed household, elderly-headed household, landless household, household with no legal title / tenure security, and schedule castes and scheduled tribe households. As per the report published by the Planning Commission, Government of India, the state-specific poverty line for West Bengal in 2011-2012 was ₹981 per capita per month for urban areas (Press Note on Poverty Estimates 2011-12, Government of India, Planning Commission, July 2013). On adjusting for inflation (at an average rate of 6%), the poverty line in 2023 is estimated as ₹1862 per capita per month in urban areas.

²⁸ Vulnerable households/groups in the context of project comprise (i) those below the poverty line, (ii) the elderly, (iii) women and children, (iv) scheduled caste, (v) scheduled

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
			holders	addition to compensation for income loss. The affected vulnerable persons will be given one-time vulnerability assistance of ₹10,000.	conducted by the GSU/PMDSC. The list of vulnerable persons will be given to Project Director and contractor by the Social Safeguard Officer, PMU for employment opportunity in project construction work.	persons and also verify the extent of impacts on vulnerable households. The Contractor will maintain gender-disaggregated data on vulnerable persons employed in project construction work.
8	Temporary loss of land	Land temporarily required for project activities	Legal title holders / non- titleholders	1. Compensation for loss of trees and crops at current replacement cost (if any affected). 2. Restoration of land to its previous or better quality. 3. Affected households will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest fruit trees. 4. Provision of rent for the period of occupation 5. Compensation for damaged assets at replacement value Restoration of land to its previous or better quality.	- PMU/PMDSC will identify and include details in the resettlement plan - Arrangement by the contractor on the activities to be taken up. - Impacts if any on the structures, assets and plantation due to the temporary occupation. Extent of rehabilitation, restoration of the site.	The rental value and duration of lost income will be determined through survey and consultation with Affected persons. A photograph of the status prior to occupation to be made by the GSU. PMU/PMSC will ensure that the compensation is paid prior to handing over of site to the owner. The site will be taken up by the contractor after consent of PMU/PMDSC.
8-a	Structures temporarily required for project		Legal titleholders/non-titled holders building owners	1. Advance notice of at least 4 weeks 2. Assistance to shift to nearby alternate sites for continued daily activities e.g.	PMU and contractor will identify alternative site and help in shifting to the	PMU/GSU will verify assistance and monitoring.

tribe, (vi) the landless, (vii) those without legal title to land, (viii) woman-headed households, (ix) disabled-headed household, (x) elderly-headed households, and (xi) transgender people. As per the report published by the Planning Commission, Government of India, the state-specific poverty line for West Bengal in 2011-2012 was ₹981 per capita per month for urban areas (Press Note on Poverty Estimates 2011-12, Government of India, Planning Commission, July 2013). On adjusting for inflation (at an average rate of 6%), the poverty line in 2023 is estimated as ₹1862 per capita per month in urban areas.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
	activities			economic activity, children's schooling, etc. 3. Assistance to shift back once construction completed 4. Compensation for damaged assets at replacement value without depreciation. 5. Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities 6. Subsistence/relocation allowance at ₹5000 per month for 3 months, if temporarily displaced for more than 1month.	alternative site and back to the original place. Replacement cost for damaged assets as determined by the PMU, with the assistance of PMDSC will be provided by the contractor.	
9	Temporary disruption of livelihood	Commercial and agricultural activities	Legal titleholders, leaseholders, non-titleholders, employees, hawkers or vendors	1. 60 days advance notice regarding construction activities, including duration and type of disruption. 2. Cash assistance based on the net income from the affected business or minimum wage²⁹ for the loss of income/livelihood for the period of disruption, whichever is more. 3. For construction activities involving disruption for a period of more than a month, alternative sites for hawkers and vendors for continued economic activities. If not possible, allowance based on the net income of the affected	- A business/income survey prior to construction will serve as the cut-off date. - During construction, the PMU/PMDSC will identify alternative temporary sites to the extent possible, for vendors and hawkers to continue economic activity. - PMU/PMDSC will ensure civil works will be phased to minimize disruption	PMU/PMDSC in coordination with Contractors will identify alternative locations

²⁹ As per the notification of Government of West Bengal on July 2023, the minimum wage is INR 10763/- (per month) which is subsequently calculated to INR 414/- (per day) for semi – skilled workers employed in shops and establishments in West Bengal. Government of West Bengal Minimum Wages Notification 12th December 2023. Official website of Labour Commissionerate, Labour Department Government of West Bengal (https://wbcl.gov.in/sites/default/files/upload/min_wages/january-2024/6%20Circular%2031%20emp%202%20zones_9.pdf)

Sl. No. 30. "Revised Minimum Wages (VDA) of the workers engaged in the employment of "Shops and Establishments, Act, 1963.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
				business or minimum wage rate for the affected households up to 3 month or the actual period of disruption whichever is more. 4. Additional assistance for vulnerable households incurring temporary loss (refer to #7b).	through construction scheduling in co-ordination with the contractors	
10	Loss and temporary impacts on common resources	Common resources	Communities, Government Agencies ³⁰	1. The contractor shall follow the provisions in this entitlement matrix for any impact on structure or land due to movement of machinery during construction or establishment of construction plant. 2. 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. 3. Time bound restoration of land to its previous or better quality. 4. The contractor will maintain access to businesses (e.g., planks, keeping traffic flow, pedestrian access, no full street closures, etc.). 5. Replacement or restoration of the affected community facilities – including public water stand posts, temples, shrines, bus shelters etc. Enhancement of community	PMU/PMDSC will ensure compensation and other entitlements are implemented in co-ordination with the contractors	PMU/PMDSC and Contractor.

³⁰ For example, schools, health centers and integrated child development scheme centers.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ¹⁹	Implementation Issues ²⁰	Responsible Agency ²¹
11	Any other loss not identified	-	-	resources ³¹ Any unanticipated impacts will be documented and mitigated based on the principles, entitlements outlined in the entitlement matrix provided in the Resettlement Framework aligned with the ADB's SPS, 2009 and the RFCTLARR Act, 2013.		The PMU/PMDSC will ascertain the nature and extent of such loss. PMDSC in discussion with PMU will finalize the entitlements in line with ADB's SPS, 2009 and obtain the concurrence of ADB.

Note: All entitlements in rupees will be adjusted for inflation till the year of compensation payment.

³¹ For example, provision of water connections, toilets and/or play areas with appropriate facilities.

VIII. SOCIO-ECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION

A. Surveys

45. For proper rehabilitation of affected persons, Social Impact Assessment (SIA) surveys will be undertaken in each sub-project. The Environmental Social Managers (of the PMU, with the assistance of the PMDSC will undertake surveys for each identified sub-project, based on preliminary technical design. The SIA surveys will be based on technical designs of the sub-project identified. The SIA will help in determining the magnitude of displacement, prospective losses, better targeting of vulnerable groups, ascertaining actual costs of resettlement, preparing and implementing a rehabilitation program. As part of the social impact assessment, the project will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, targeted measures will be proposed and implemented so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development. The purpose of the census is to register and document the status of the potentially affected population³² within the sub-project impact area/impact zone. The census will cover 100 percent of affected persons. The census will provide a demographic overview of the population and will cover people's assets and main sources of livelihood.

46. Socio-economic surveys of persons facing negotiated land purchase or those donating land will be undertaken as part of due diligence, to establish their socio-economic profile and willingness. Such surveys will be undertaken by the PMU with the support of PMDSC. The socio-economic information on the affected person type of business, type of structure, number of persons employed, income and profits per day, vulnerability, if any of the owner or employees, and will record the type of distress likely.

47. Detailed measurement of road width, marking of proposed pipe alignment or pit location, as applicable, and extent of excavation will be undertaken to ascertain impact/loss and identify affected persons to be surveyed.

B. Formulation of Resettlement Plans

48. The PMU with the assistance of PMDSC will prepare a resettlement plan(s), if the proposed project will have involuntary resettlement impacts. The resettlement plan will be based on the social impact assessment and through meaningful consultation with the affected persons. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the executing agency will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and GRM, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. The

³² The potentially affected population will include both the titleholders and the non-titleholders within the project impact zone. The identification of non-titleholders would be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, the information by the community, village councils or dorbars will be considered.

resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a resettlement plan is presented in Appendix 8.

49. Resettlement plans will be prepared based on the results of the census and socio-economic survey; the database on affected persons should be completed before resettlement plan preparation. Resettlement plans will be prepared by the PMU through project consultants (PMDSC), and in consultation with affected persons, local representatives, and community-based organizations. The PMDSC team should include a resettlement specialist familiar with ADB policy and procedures for preparing resettlement plans and with experience in preparing a resettlement plan document in a similar ADB project. In case of DBO contract packages, the contractor is envisaged to have a Social Supervisor, who will be responsible for joint inspections with design engineers and PMU detailed measurement survey (DMS), finalization of inventory of losses, updating and implementation of resettlement plan.

50. The resettlement plan will be disclosed to affected persons and host communities, with the help of the staff in the GSU of the PMU, for their suggestions. The resettlement plan will be summarized and translated in local language (Bengali) and notified to the public, by posters and/or resettlement booklets.

C. Gender Impacts and Mitigation Measures

51. Any negative impacts of a sub-project on female headed households will be taken up on case-to-case basis and rehabilitation of these households will be treated on a priority basis under the sub-projects. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. The resettlement plan will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. Any direct negative impacts of the sub-project on female headed households, who are considered vulnerable under the project, will be taken up on a case-to-case basis and rehabilitation of these households will be treated as a priority under the sub-project. During disbursement of assistance and compensation, priority will be given to female headed households. Joint ownership in the name of husband and wife will be offered in case of non-female headed households.

52. A participation framework during the subsequent stages of project design and implementation has been worked out towards ensuring the participation of women. Female headed households wherever impacted due to the proposed improvements, are covered by adequate compensation based on the entitlement matrix.

IX. CONSULTATION, PARTICIPATION AND DISCLOSURE

53. Comprehensive planning is required to assure that local government, communities, host population and project staff interacts regularly and purposefully in all stages of the Program. Aiming at promotion of public understanding and fruitful solutions to address the local needs of the communities and issues pertaining to resettlement, various sections of affected persons and other stakeholders were consulted through focus group discussions (FGD), meetings and individual interviews. The opinions of the stakeholders and their perceptions were obtained during these consultations. This approach adopted towards the formulation of the framework would be continued during the program implementation. The following will be the key stakeholders who will

be consulted with at various stages of the program implementation:

- (i) All affected persons, program beneficiaries, including representatives of vulnerable households;
- (ii) decision makers, policy makers, elected representatives of people, community members, eminent citizens etc.;
- (iii) staffs of KMC, PMU etc.;
- (iv) officials of the revenue department, land and land reforms department, social welfare department etc.; and
- (v) representatives of the various state government departments, as required.

54. Towards enhancing public awareness on the improvement of infrastructure services and the potential benefits in the quality of life, awareness campaigns are proposed. These will be campaigns at the community level, door-to-door dissemination of information and promotion of neighborhood groups to take up public health and environmental improvement initiatives in their localities.

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

A. Consultation

56. The consultation process established for the Project will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project preparation: in-depth interviews, public meetings, group discussions etc. To understand the socioeconomic profile of city residents, questionnaires were designed and information collected from individuals on a one-to-one basis. The consultations will be held with special emphasis on vulnerable groups. The key informants during the project preparation phase and during resettlement plan implementation will include stakeholders such as:

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

57. Public participation has been generated through the use of various methods, such as, stakeholder consultation meetings, FGDs with different groups (including women), key informant interviews etc. This also helped people in different areas within the cities to (i) know about the Program, and (ii) express their opinion regarding project priorities.

58. Each resettlement plan will be prepared and implemented in close consultation with stakeholders and will involve FGD and meetings, particularly with affected households. Census of households and individuals located within the Program will be undertaken to register and document the status of the potentially affected population within the impact area. It will provide a

demographic overview of the population served by the resettlement plan and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the project impact area. Consultations with affected persons during resettlement plan preparation will ensure that views of affected persons on compensation and rehabilitation measures are fully incorporated while consultations conducted during resettlement plan implementation will identify help required by affected persons during rehabilitation.

59. The effectiveness of the resettlement and rehabilitation process is directly related to the degree of continuing involvement of those affected by the subproject. The GSU PMU will ensure that affected persons 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 process. This will be done particularly in the case of vulnerable individuals and groups, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the sub-project life—during preparation, implementation, and monitoring of sub-project results and impacts.

60. The GSU PMU will meticulously document the consultation process and ensure that any views of affected persons, particularly vulnerable affected persons, related to the resettlement process are addressed. The GSU/PMU will ensure that groups and individuals consulted are informed about the outcome of the decision-making process and confirm how their views were incorporated. Since resettlement and rehabilitation is a continuous process and baseline data/information is available, the PMU in consultation with PMDSC/DBO contractor will update the baseline information as and when required.

B. Disclosure

61. Information will be disseminated to affected persons at various stages. In the sub-project initiation phase, the GSU PMU supported by PMDSC will be responsible for issuing the public notice to acquire a particular land/property for the sub-project along with program information/details. The notice will be published in local newspapers, twice with a one-week interval. The SGC PMU through PMDSC along with local revenue officials/officials responsible for negotiated purchase/land donation will also conduct meetings with affected persons in addition to public notification to ensure that information is given to all affected persons.

62. For the benefit of the community in general and affected persons in particular, the resettlement plan will be translated into local language (Bengali) and made available at: (i) Main Office of KMC and concerned Borough offices; (ii) District Magistrate Office/First land acquisition Collector Office; and (iii) KSHARP PMU. Hard copies of the resettlement plan will be kept in each of these offices, accessible to citizens as a means to disclose the document and at the same time creating wider public awareness.

63. An electronic version of the resettlement framework/resettlement plans will be placed in the official website of the PMU/State Government and the official website of ADB after approval of the resettlement plan by the Government and ADB. The PMU will issue notification on the locality-wise start date of sub-project implementation. The notice will be issued by the PMU in local newspapers one month ahead of implementation works. This will create public awareness on program implementation. The PMU offices will provide information on resettlement principles and features of the resettlement plan. The basic information in the resettlement plan including sub-project locations, impact estimations, entitlements, implementation schedule etc. will be presented in the form of a brochure that will be circulated among affected persons. Posters designed to disseminate basic tenets of the resettlement plan will be distributed in different

localities to generate mass awareness. Copies of the summary of the resettlement plan will be kept in the PMU offices and will be distributed to any affected persons wanting to understand the resettlement plan.

64. The resettlement framework will be made available in local language during public meetings. This will enable stakeholders to provide inputs on the resettlement process, prior to award of civil work contract.

65. An intensive information dissemination campaign for affected persons will be conducted by the PMU/KSHARP with assistance of the GSU and PMDSC/DBO contractor, at the outset of resettlement plan implementation. All the comments made by affected persons will be documented in the sub-project records and summarized in sub-project monitoring reports. Copies of the ADB's Safeguard Policy Statement, 2009 and the resettlement plan will be made available, in both English and local languages, at the ULB offices for reference and study by the public.

Table 6: Summary of Consultation and Disclosure Activities

Subproject Phase	Activities	Details	Responsible Agency
Subproject Initiation Phase	Mapping of the sub-project area	Sub-project area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	PMU in co-ordination with local land revenue office, under the overall supervision of the PMU.
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the sub-project.	PMU, under the overall supervision of the PMU.
	Sub-project information dissemination; Disclosure of proposed land acquisition and sub-project details	Leaflets containing information on sub-project to be prepared. Public notice will mention the names and survey no's of titleholders of land/property proposed for acquisition along with sub-project details. Notice will be issued in local newspapers. Web disclosure on website also proposed.	PMU in coordination with local land revenue office will be involved in information dissemination, under the overall supervision of the PMU. PMU will be assisted by consultants for leaflet preparation. Notice will be issued from the Deputy Commissioner's office. Executing agency to post notice on its website.
	Stakeholder Meetings	Meetings at community/household level with titleholders of affected land/property and their family members during project scoping.	PMU with officials from Deputy Commissioner's /First Land Acquisition Collector's office/local revenue officials will facilitate meetings to disclose the information to each affected person.

Subproject Phase	Activities	Details	Responsible Agency
Resettlement Plan Preparation Phase	social impact assessment surveys	Resettlement framework will be made available in DC/First Land Acquisition Collector office and PMU office, to be translated in local language	PMU will ensure the availability of resettlement framework.
	Formulating compensation measures and rehabilitation measures	Conducting discussions/meetings/workshops with all affected persons and other stakeholders	PMU under overall supervision of PMU will conduct all required discussions/ meetings/ workshops and will invite all secondary stakeholders.
	Disclosure of final entitlements and rehabilitation packages	Web disclosure of the resettlement plan. Circulating Copies of resettlement plans to All Stakeholders Including Affected Persons, Translating Summary Resettlement Plan in Local Language Before Conducting Final Disclosure Meeting. Conducting Public Meetings For Resettlement Plan approval by affected persons.	PMU will undertake all activities related to circulation of Resettlement Plan. PMU will arrange public meeting of all Stakeholders With affected Persons for resettlement plan Approval. PMDSC/DBO contractor will document all the comments and suggestions made by affected persons and will send it to the PMU along with the resettlement plan.
Resettlement Plan Implementation Stage	Disclosing final resettlement plan Approved by ADB to all important stakeholders	Final resettlement plan reviewed and approved by ADB, to be updated/disclosed on the IA/EA's website. The final plan will be disclosed to affected persons and other stakeholders. Ensuring the availability of copy of the approved resettlement plan and ADB Involuntary resettlement policy at PMU and Deputy Com office.	Executing agency/PMU
	Consultation with Affected persons during rehabilitation activities	Meetings/discussions will be arranged with Affected persons. Households to identify help required by Affected persons during rehabilitation.	PMU will arrange required meetings/ discussions. Designated staff from the GSU. PMU will participate while the Safeguard Expert of PMDSC will monitor consultation activities.

X. GRIEVANCE REDRESS MECHANISM

A. Common Grievance Redress Mechanism

66. A project-specific grievance redress mechanism (GRM) was established under ongoing project (Loan number 3413 and 3689, Kolkata Environmental Improvement Investment Program (KEIIP)). The GRM for KEIIP, will be applicable and will be further strengthened for the proposed KSHARP.³³ The grievance redress mechanism (GRM) will receive, evaluate, and facilitate the resolution of social, environmental or any other project-related grievances for KSHARP (along with the existing project). The GRM aims to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns of the project stakeholders.³⁴ The multichannel, project-specific GRM functional for KEIIP and the positive features and learning from it will be adopted for the KSHARP.

67. A common grievance redress mechanism (GRM) will be in place to redress social, environmental or any other grievances related to project and/or respective subprojects. Implementation of the resettlement plan/resettlement and indigenous peoples plan (RIPP)/due diligence reports (DDRs)/ initial environment examination (IEEs) will follow the GRM described below. A public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per project entitlement matrix, and PMU will ensure that their grievances are addressed.

68. Affected persons will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes that have already been installed by PMU or through toll-free telephone number “Didi Ke Bolo”,³⁵ or talk to Mayor³⁶ or by e-mail, by post, or by writing in complaints register kept in PMU office or Kolkata Municipal Corporation (KMC) Borough offices or Contractor’s site offices. **Appendix 10** has the sample grievance registration format. Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. PMU Safeguard Officers will have the overall responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party. The complainants/aggrieved persons will also be encouraged to seek a complaint registration number from the PMU.

³³ The office order regarding GRC is placed in Appendix 1.

³⁴ The project components under the KEIIP are water supply, sewerage and drainage, construction of STP and Pumping Stations. Similar project components have also been proposed in KSHARP, except for water supply components, so it is expected that the nature of grievances which may arise during the implementation phase under KSHARP will be similar in the nature of grievances that were received in KEIIP. During implementation of KEIIP, the grievances were mostly related to disruption in water supply services due to damages caused to existing pipelines during excavation work, minor damages caused to the property line during construction phase, damages to boundary walls, concrete ramps, water logging, delays in road restoration work, etc. The GRC in KEIIP has long standing experience for dealing and resolving the same kind of grievances within stipulated time. The GRM established in KEIIP is functioning effectively, hence adopting the same GRM structure of KEIIP is proposed in case of KSHARP. Under KEIIP, the grievances are resolved on average between seven and fifteen days. The same grievance redress committee (GRC) will continue to function for KSHARP.

³⁵ This is an initiative started by GoWB from 2019, that provides a platform for the people of West Bengal to directly lodge concerns or complaints to the state authority (Hon’ble Chief Minister GoWB). Official website: <https://www.didikebolo.com/>

³⁶ KMC initiated this unique public communication system through which citizens of the city can call on a designated number to register complaints in 2019. Talk to Mayor dial in at 18003451213.

69. The GRM provides an accessible, inclusive, gender-sensitive and culturally appropriate platform for receiving and facilitating resolution of affected persons' grievances related to the project. A three-tier GRM is conceived for the proposed project, the first tier is being at field/ward/Borough level, the second tier at PMU level and the grievance redress committee is being the apex level. For the project level GRM, a Grievance Redress Committee (GRC) will be established at PMU; the safeguards officers of the PMU, supported by the social safeguards specialist of PMDSC will be responsible for conducting periodic community meetings with affected communities to understand their concerns and help them through the process of grievance redressal including translating the complaints into Bengali or English, recording and registering grievances of non-literate affected persons and explaining the process of GRM. All expedient and minor grievances will be resolved at field/ward/Borough level; should any grievance fail to be resolved within the stipulated time period at the field level, the PMU will be consulted within specified time. PMU will also be responsible for follow-through for each grievance, periodic information dissemination to complainants on the status of their grievance and recording their feedback (satisfaction/dissatisfaction and suggestions). In the event that certain grievances cannot be resolved at project level, they will be referred to the grievance redress committee (GRC).³⁷

70. The GRM aims to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. All grievances will be registered. In case of grievances that are immediate and urgent in the perception of the complainant, the contractor, and supervision personnel from the PMU supported by PMDSC will try to successfully resolve them in consultation with the Executive Engineer of KMC Borough offices. Grievances not redressed through this process within/at the project level within stipulated time period will be referred to the GRC. The GRC for the project has been constituted, as per office order PMU/ 404 A/2023-24, dated 29 December 2023, issued by Project Director, KEIP/KMC. The GRC will meet every month (if there are pending, registered grievances), determine the merit of each grievance, and resolve grievances within specified time upon receiving the complaint-failing which may be referred by affected persons to appropriate courts of law. The multi-tier GRM for the project is outlined below (**Figure 3**), each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. The GRC will continue to function throughout the project duration. The PMU shall issue notifications to concerned Borough offices to establish field level GRCs, with details of composition, process of grievance redress to be followed, and time limit for grievance redress at each level.

71. **Grievance redress process.** In case of grievances that are immediate and urgent in the perception of the complainant, the contractor and PMDSC on-site personnel will provide the most easily accessible for quick resolution of grievances. Contact phone numbers and names of the concerned PMU safeguard officers and contractors will be posted at all construction sites at visible locations. The PMU safeguard officers will be responsible to see through the process of redressal of each grievance.

- (i) **1st Level Grievance.** The first point of contact for people filing complaints will be the staff from the contractor designated for receiving grievances and kept in safe custody under supervision of Gender and Safeguards Unit (GSU) field workers assigned to the ward (who will be available at an appointed time at the sites(s))

³⁷ The GRC comprises the Administrative Officer, KSHARP, Deputy Chief Engineer (I), KSHARP/KMC, Social Safeguard Officer, KSHARP, Environmental Officer KSHARP, Social Safeguards Specialist, PMDSC, KSHARP, Environmental Safeguards Specialist, PMDSC, KSHARP. The Administrative officer, KSHARP is the Convenor of the GRC.

and borough office) and the contractor's personnel. The phone number of the KMC Borough office should be made available at the construction site signboards. Registers for writing complaints will be available at borough offices. The contractors and GSU safeguard monitors can immediately resolve grievances on-site in consultation with each other and the area engineer and borough engineer, as required, and will be required to do so within 5 days of receipt of a complaint/grievance. Record of grievances received at field level will be conveyed once a week to the Environmental and Social Managers and Administrative Officer at PMU, to enable tracking.³⁸

- (ii) **2nd Level Grievance.** All grievances that cannot be redressed within 5 days at field/ward level will be reviewed by the Grievance Redress Committee at PMU, headed by the Administrative Officer, assisted by the Safeguard Officers and concerned Deputy Chief Engineer, who will seek the advice of the Project Director, and Director General of PMU as necessary, and attempt to resolve the grievances within 10 days from the date of registration of complaint. The GRU of the PMU is already in place. If the PMU feels that the matter is beyond its jurisdiction, it will escalate the same to the Grievance Redress Committee (GRC).
- (iii) **3rd Level Grievance.** All grievances that cannot be resolved at PMU level will be referred to the GRC with support from PMU and PMDSC. GRC will attempt to resolve grievances within 5 days, 10 days and 15 days from the date of receipt of complaint from 1st level, 2nd level, and 3rd level respectively.

72. Besides the project's GRM, the Kolkata Municipal Corporation (KMC) also has a centralized public grievance redress monitoring system where the public can file grievances through a dedicated web portal.³⁹ The complainant or aggrieved persons can also lodge their complaints through this online portal.

73. **Court of Law.** Under the project specific GRM, an aggrieved person shall have access to the country's legal system at any stage and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. In case of grievance related to land acquisition, resettlement and rehabilitation, the affected persons will have to approach a legal body/court specially proposed under the RFCTLARRA, 2013.⁴⁰

74. **ADB Accountability Mechanism.** The People who may /are in future be, adversely affected by the project may submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. Before submitting a complaint to the Accountability Mechanism, affected people should make an effort in good faith to solve their problems by working with the concerned ADB operations department. Only after doing that, and if they are still dissatisfied, should they approach ADB accountability mechanism.⁴¹

³⁸ In case of any impacts on indigenous people/scheduled tribe, in subproject areas, the grievance redress team must have representation of the affected indigenous people, the chief of the indigenous peoples group as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and/or an NGO working with indigenous peoples.

³⁹ <https://www.kmcgov.in/KMCPortal/jsp/ComplaintNew.jsp>

⁴⁰ The Authority admits grievances only with reference to the Land Acquisition and R&R issues under the RFCTLARRA, 2013.

⁴¹ Accountability Mechanism. <http://www.adb.org/Accountability-Mechanism/default.asp>

B. Areas of Jurisdiction

75. The areas of jurisdiction of the GRC, headed by the Administrative Officer, KSHARP will be (i) all locations or sites within the KMC jurisdiction where subproject facilities are proposed, or (ii) their areas of influence within the KMC areas. The GRC will have jurisdictional authority across the KMC area (i.e., areas of influence of subproject facilities, if any).

C. Record keeping

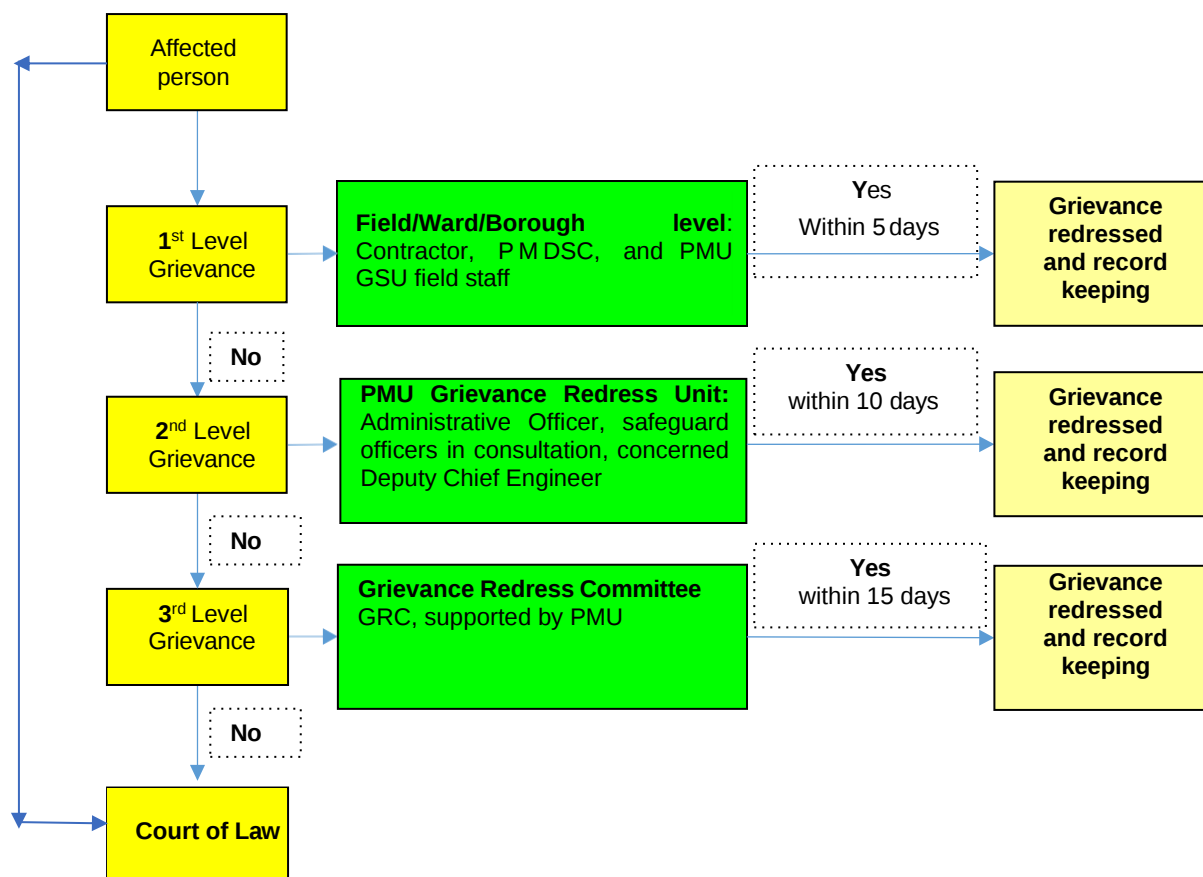
76. Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions, the date these were affected and the final outcome will be kept by PMU (with the support of PMDSC). The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMU office, the ward/borough office and on the web, as well as reported in the semi-annual environmental monitoring reports to be submitted to ADB.

D. Information Dissemination Methods of the GRM

77. The PMU, assisted by PMDSC will be responsible for information dissemination to affected persons on grievance redressal procedure. Subproject area/affected area-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the consultation and participation plan. A public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The environment and social safeguard officer will be assisted by PMDSC safeguards specialists with information/collateral/awareness material etc. and in conducting project awareness campaigns. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per agreed entitlement matrix including who to contact and when, where/ how to register grievance, various stages of grievance redress process, time likely to be taken for redressal of minor and major grievances, etc. Grievances received and responses provided will be documented and reported back to the affected persons. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMU offices, Borough level notice boards and on the web, as well as reported in the semi-annual environmental and social monitoring reports to be submitted to ADB. A Sample Grievance Registration Form has been attached in **Appendix 9**.

78. **Periodic Review and Documentation of Lessons Learned.** The Environmental and Social Managers of PMU will periodically review the functioning of the GRM and record information on the effectiveness of the mechanism, especially on the PMU's ability to prevent and address grievances.

79. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the PMU. Cost estimates for grievance redress are included in resettlement cost estimates. The grievance redress process is shown in **Figure 2**.

Figure 2: Grievance Redress Mechanism (KSHARP)

PMDSC: Project Management and Design Supervision Consultant; PMU: Project Management Unit; GRC: Grievance Redressal Committee.

XI. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation

80. Land acquisition and resettlement impacts will be compensated in accordance with the provisions of the entitlement matrix in Table 4. Compensation for loss of land will be determined on the basis of market price and/or replacement value.⁴²

81. The replacement value for the land will be determined based on discussions with the landowners and land valuation as determined by the Inspector General Revenue, GoWB by the Land Purchase Committee constituted under the Chairmanship of the Principal Secretary, LLRD. The Committee will finalize the compensation amount taking into account the findings of a

⁴² The Sub-registrar, Directorate of Registration and Stamp Revenue, Finance Department, Government of West Bengal is the responsible authority for land valuation (for government or private land). Land values across the state for different types of land are updated every three to six months and published online. In case of negotiated settlement, the Principal Secretary of Land and Land Revenue Department, GoWB chairs a committee that finalizes the negotiated price, referring to the published value, and in consultation and agreement with willing sellers.

land market survey carried out by the Sub-registrar to ascertain prevailing market values⁴³ of land.

82. The replacement values for immovable properties, including structures and assets will be arrived at by the Sub-registrar as follows:

- (i) **Houses and Buildings.** The value of the houses, buildings and other immovable properties of the affected persons will be determined for the purpose of payment of compensation at the current year of relevant Basic Schedule of Rates published by the respective state governments or at the replacement rate;
- (ii) **Trees.** Compensation for trees will also be based on their market value in case of timber bearing trees and replacement value in case of fruit bearing trees based on rates fixed by the Department of Agriculture, Forest, Horticulture, Sericulture, etc.
- (iii) **Other Assets.** Compensation for the assets attached with land such as wells, tubewells, pumps, tanks, etc.) will be based on replacement value. The Sub-registrar will estimate this through detailed market surveys.

83. Compensation will be paid, and resettlement of affected persons will be completed before taking possession of land and/or properties and prior to the start of civil works. The affected persons will hand over to the Government, land and properties acquired free from all encumbrances such as mortgage and debt. If the Competent Authority fails to pay decided compensation to affected persons within a year after the date of notification, additional amount by way of interest (12 percent) will apply on final compensation payable to each affected person, except in cases where the affected person has approached the judiciary for grievance redressal.

84. The basic objective of income restoration activities is to ensure that each affected person will at least have the same or improved income and livelihood after the sub-project. Towards this, it is proposed that one member for each of the vulnerable households losing their livelihood, and who has the capacity and willingness to acquire a new set of skills would be eligible for assistance. The GSU field staff will, identify the number of eligible families and the individual beneficiaries based on the 100% census of the affected households and a training needs assessment through consultations with the affected persons. The plan for income restoration will be included as part of the micro-plan to be prepared by the GSU. The GSU will frame a list of possible income restoration options in consultation with affected persons having examined local employment opportunities. Suitable trainers/local resources would be identified by the GSU, seeking the assistance of local/regional training institutes, if required.

B. Income Restoration

85. Income restoration schemes will be designed in consultation with affected persons. The strategy for income restoration needs to be prepared prior to land acquisition. Based on the information collected on income restoration activities from the census and the socioeconomic surveys, income restoration strategies will be framed and activities planned. The PMU through GSU will consider the available skills, existing professions, resource base of affected persons and their socio-economic characteristics and preferences to tailor individual income restoration schemes.

86. The basic objective of income restoration activities is to ensure that each affected person

⁴³ The prevailing market values, influenced by various factors such as location of land, connectivity, and classification/land use, type of soil, trees, available water supply and other facilities, etc.

will at least have the same or improved income and livelihood after the Project. For the displaced poor and vulnerable groups, the aim is to improve standards of living to at least national minimum standards. Towards this, it is proposed that one member for each of the vulnerable households losing their livelihood, and who has the capacity and willingness to acquire a new set of skills would be eligible for assistance. The PMU supported by GSU and PDMSC will, identify the number of eligible families and the individual beneficiaries based on the 100% census of the affected households and a training needs assessment through consultations with the affected persons. The plan for income restoration will be included as part of the micro-plan to be prepared by the PDMSC and GSU. The PIU will frame a list of possible income restoration options in consultation with Affected persons having examined local employment opportunities. Suitable trainers/local resources would be identified by the PIU, seeking the assistance of the PMU in identification of local/regional training institutes, if required.

87. Income restoration activities are of two types (i) short-term; and (ii) long-term. Short-term income restoration activities are intended to restore affected person's income in the period immediately before and after relocation focusing on relocation and providing short-term allowances such as (i) subsistence/transitional allowance; and (ii) shifting assistance.

88. Long-term options depend on the degree of disruption to economic activity. All vulnerable affected persons would be eligible for income restoration options. These will be derived from detailed socio-economic survey information, conducted as a part of the Resettlement Plan, and may include provision of income generating assets and/or training to operate them. The time frame will be decided based on the training to be provided, which will also be outlined in the Resettlement Plan. The GSU will be responsible for provision of these assets and required training, with the help of SHGs, CBOs, and local institutions if necessary. The Resettlement Plan budget will reflect the cost of providing income generating assets and training. Strategies for promoting economic recovery of affected persons should also include skill upgrading through training. Project officials will ensure affected persons' access to Government schemes that could help them restore income and livelihoods.

89. Key steps to be undertaken in livelihood skill training of vulnerable households and responsibilities of agencies involved would be as follows:

- (i) Identification of affected, vulnerable households through the census survey of affected persons will be undertaken by the GSU field staff supported by designated social safeguards and gender officer, PMU, and PDMSC Specialist GSU;
- (ii) Identification of potential trainees and training needs assessment for vulnerable households will require a detailed survey and assessment of literacy/educational level and/or skill sets available with one member nominated by the household for skill training. The needs assessment would also document income from various sources, assets, resources and coping strategies currently used by the household. The strategy would aim at improving/maximizing returns from the present occupation of the principal earning member or taking up a new/supplementary occupation aimed at achieving the right mix of activities in order to enable the household to improve/maintain its living standards. Training needs assessment would be undertaken by the GSU. Baseline details collected for individual households need to be carefully preserved in order to enable a post-training impact assessment;
- (iii) Identification of Local Trainers/Resource Persons or Training Institutes by the GSU will depend on the type of skill training required (as identified through the needs assessment survey);

- (iv) Livelihood Skill Training as well as training in budgeting/accounting, micro enterprise development training as well as micro-finance/revolving fund management training will be coordinated by the GSU. Training to suit the aptitude of identified trainees would be imparted. A time frame of a maximum of three months is envisaged for training;
- (v) Internal monitoring of training and submission of progress reports will be by the GSU;
- (vi) Special assistance for purchase of equipment/materials will be provided to each affected, vulnerable household. Purchase will be undertaken by the GSU, with the support of PMDSC. Under this special assistance, implements/equipment like carpentry/plumbing tools etc. as well as raw material for a trade may be purchased; and
- (vii) Post-training impact assessment is proposed to be conducted by an independent agency, a year after project implementation. The household asset base and socio-economic status would be compared with the pre-program scenario. Indicators would be developed during detailed design stage.

C. Income Restoration Plan for Temporary Impacts

90. Affected persons are assessed to face temporary income loss. The resettlement plan envisages the following steps:

Table 7: Steps to be followed in resettlement plan related to Income Restoration Plan

Step 1:	Conduct public awareness and information dissemination prior to construction works.
Step 2:	PMU field personnel, and the contractor(s) to jointly confirm exact alignments/mark, the extent of excavation on each road section, and the traffic diversion plan.
Step 3:	The PMU safeguards specialist or his representative will (a) conduct a transect walk jointly with the contractor; to determine the extent / nature of impacts, following which Detailed Measurement Surveys on each road stretch, based on final design will be undertaken; (b) conduct a detailed measurement and inventory of losses survey; to establish the number of affected persons/businesses along each proposed road stretch/sites and potential impacts and enable an inventory of losses., (c) update the resettlement plan (identifying potential losses), and (d) send the updated resettlement plan to PMU and ADB for review and approval after detailed designs and surveys are complete.
Step 4:	The Gender and Safeguards Unit (GSU) personnel of PMU will distribute identity cards to affected persons: those facing income losses and those requiring assistance, and vulnerable affected persons. The GSU assisted by contractor/supervision consultant team will collect details of bank accounts of affected persons and assist those without bank accounts to open the same.
Step 5:	Affected persons can then access the compensation / assistance / allowances provided from the project.
Step 6:	PMU to pay compensation/assistance/allowances prior to displacement in sections ready for construction (as required). The PMU to closely monitor compensation payment, which can be through cheques or direct transfer to beneficiary accounts.
Step 7:	PMU to give formal clearance to the contractor to proceed with civil works, through a certification to proceed.

D. Relocation

91. Affected persons facing loss of residential structures, including encroachers and squatters will be entitled to a minimum of 60 days advance notice to remove their assets, meant to minimize damage/loss and ensure that they incur none or minimal livelihood disruption. Affected persons will be provided compensation and other resettlement and rehabilitation benefits as per the entitlement matrix. Vulnerable families will be provided additional benefits as prescribed in the entitlement matrix. Project shall consult with affected families/persons facing relocation in selection of relocation sites and consider their preferences in site selection, as applicable.

92. PMU and PMDSC safeguards personnel will be responsible for maintaining contact with each displaced poor/vulnerable household, throughout the project implementation period, to ensure that their socio-economic and housing status is monitored, and they are enabled to attain the anticipated rehabilitation outcome of improved standard of living.

XII. BUDGETING AND FINANCING

93. Detailed budget estimates for each Resettlement Plan will be prepared by GSU, supported by social safeguard personnel, PMDSC and SSGO, PMU which will be included in the overall Project budget. The budget shall include: (i) detailed costs of land acquisition and livelihood and income restoration and improvement; (ii) source of funding; (iii) administrative and staff training; (iv) cost for GRM and consultation/disclosure; (iv) monitoring costs; and (v) costs related to strengthening of the GSU. All land acquisition and resettlement costs will be borne by the government and provided in a timely manner to ensure payment of all entitlements prior to displacement.

94. The disbursement of compensation for land and acquisition of assets will be carried out by the Municipal Affairs Department, Government of West Bengal (GoWB) and calculated as per the basis given in the Entitlement Matrix. In the case of assistance, the PMU will directly pay into the individual accounts⁴⁴ of affected persons. The GSU, designated social safeguard and gender officer, PMU and social safeguard specialist, PMDSC will be involved in facilitating the disbursement process and rehabilitation program, and will facilitate opening bank accounts for the affected persons who do not have bank accounts.

95. Based on the valuation by the Land Purchase Committee, the required funds will be deposited to the Municipal Corporation for payment , , who will make payments to the affected persons. Compensation payments against temporary income loss will be disbursed by the PMU, through the GSU. The GSU designated safeguard officer/PDMSC social safeguard specialist will be involved in facilitating the disbursement process and rehabilitation program and will facilitate opening bank accounts for the affected persons who do not have bank accounts. Compensation payments against temporary income loss will be disbursed by the PMU, through the GSU staff.

XIII. INSTITUTIONAL ARRANGEMENTS AND RESPONSIBILITIES

A. Institutional Arrangements

96. Kolkata Municipal Corporation (KMC) is the executing agency the project, KSHARP. The existing institutional arrangement for implementation of the Kolkata Municipal Corporation Sustainability, Hygiene, and Resilience (Sector) Project (KSHARP) will be strengthened for

⁴⁴ In the event that the affected person has no account the PMU will provide the necessary assistance to open an account

implementation of KSHARP. The project will be headed by the Project Director. Project Management Unit (PMU) established under Kolkata Municipal Corporation (KMC), will implement the project.

97. **Project Management Unit (PMU).** The PMU is headed by a Project Director (PD) of KSHARP, KMC. The Project Director will be supported by the Deputy Chief Engineer, PMU, KMC (who will be responsible for safeguard implementation and monitoring) and the Director General Project, KSHARP, KMC (who will be responsible for procurement and contract management). The Deputy Chief Engineer will be responsible for overall environmental and social safeguard implementation. The Deputy Chief Engineer will be supported by an Manager (Environment) and a Manager (Social), focal persons of Deputy Chief Engineer rank, who will be responsible for environmental and social safeguard implementation and monitoring as per ADB SPS, 2009.⁴⁵ The PMU will be supported by Gender and Safeguards Unit (GSU) which will function as a safeguards, safety and gender cell for KSHARP, in implementation and monitoring of resettlement plans. The PMU will be supported by Project Management and Design Supervision Consultant (PMDSC).

98. **Gender and Safeguards Unit (GSU), PMU.** The existing Social Safeguard Cell will function as the Gender and Safeguards Unit (GSU) for the project, covering environment, social, safety and gender aspects. The GSU will assist the PMU in implementing and monitoring the resettlement plans/RIPP (duly approved by KMC and reviewed/cleared by ADB prior to implementation). The GSU will in addition to social development, public awareness and social safeguard responsibilities, be responsible for monitoring environmental and social safeguard implementation, including monitoring of environment and community health and safety aspects. The GSU staff, currently implementing the ongoing KEIIP, are conversant with public awareness generation activities, consultations and field surveys and ADB safeguard policies. Any additional information/capacity building of the GSU staff will be facilitated by PMDSC.

99. **Project Management, Design and Supervision Consultant (PMDSC).** PMU will be supported by a Project Management and Design Supervision Consultant (PMDSC) to supervise, monitor and oversee project implementation, support on policy reform related issues and compliance of all the reporting requirements of KMC, other statutory regulatory bodies and Asian Development Bank in line with SPS-2009. PMU will be supported by the PMDSC on supervision monitoring and to oversee the implementation of the subprojects, including compliance of ADB's SPS 2009 and other environmental and social State and Government of India (GOI) rules. The PMDSC will have an Environmental Safeguards Specialist and a Social Safeguards Specialist.

100. **Contractors.** The package-wise resettlement plans/RIPP/DDR will be included in the respective bidding and contract documents and verified by the PMU and PMDSC. All contractors will be required to designate an Environment Health and Safety (EHS) Supervisor to ensure implementation of environmental management plan (EMP) during civil works and operation and maintenance, and social safeguard compliance, as well as be responsible for communication with the public, and facilitation of grievance registration, under the guidance of PMU. Contractors are to carry out all compliances as mentioned in their contract as per ADB SPS 2009 and government rules.

B. Social Safeguards Implementation Arrangements

101. The **GSU** will be responsible for implementation and monitoring of the resettlement plans/RIPP. The Manager Social and Manager Environment with the support of social safeguard

⁴⁵ The Manager (Social) will be a full-time person with social safeguards experience.

specialist, PMDSC, will supervise surveys undertaken by representatives of GSU and record observations throughout the construction period to ensure that safeguards and mitigation measures are provided as intended. The PMU through the GSU will arrange for delivery of entitlements to affected persons, implementation and monitoring of safeguards compliance activities, public relations activities, gender mainstreaming activities and community participation activities. It will also arrange for obtaining statutory clearances and obtaining no objection certificates from government agencies and/or other entities, as required. It will also coordinate for obtaining right of way clearances with related state and national agencies (owners of the road). The PMDSC social safeguard specialist will be responsible for capacity development of field level staff of GSU in data collection for resettlement plan and due diligence report (DDR) preparation and updating, implementation and preparing progress reports on resettlement plan implementation; PMDSC social safeguard and environmental safeguard specialists will be responsible for capacity development of PMU, GSU and contractors.

102. The PMU will finalize entitlements in consultation with affected persons, based on the agreed entitlement matrix. The entitlement matrix will be reviewed by the Kolkata Municipal Corporation (KMC) and agreed with ADB. The PMU through the GSU will arrange for payment of entitlements to affected persons. Organizational procedures/institutional roles and responsibilities for resettlement plan implementation and steps and/or activities involved in delivery of entitlements are described in **Table 8**.

Table 8: Institutional Roles and Responsibilities

Activities	Agency Responsible
Sub-project Initiation Stage	
Finalization of sites/alignments for subprojects	PMU along with PMDSC
Disclosure of subproject details by issuing public notice Meetings at community/ household level with affected persons	PMU Manager (Social) and GSU
Resettlement Plan/RIPP Preparation Stage	
Conducting Census of all affected persons	PMU, PMDSC and GSU field staff
Conducting FGDs/ meetings / workshops during SIA surveys	PMU/PMDSC and GSU
Computation of replacement values of land or properties proposed for acquisition and for associated assets	CMU/PMU
Categorization of affected persons for finalizing entitlements	PMU/PMDSC
Formulating compensation and rehabilitation measures Conducting discussions/ meetings/ workshops with all affected persons and other stakeholders	Manager (Social) PMU/Social Expert PMDSC Manager (Social) PMU/ Social Expert PMDSC
Finalizing entitlements and rehabilitation packages	Manager (Social) PMU/ Social Specialist, PMDSC
Disclosure of final entitlements and rehabilitation packages	Manager (Social) PMU/ Social Specialist, PMDSC
Approval of Resettlement Plan/RIPP	ADB
Resettlement Plan/RIPP Implementation Stage	
Implementation of proposed rehabilitation measures	Manager (Social) PMU/ Social Specialist, PMDSC

Activities	Agency Responsible
Consultations with APs during rehabilitation activities	Manager (Social) PMU/ Social Specialist, PMDSC
Grievances Redressal	GSU /PMU/GRC/contractor
Internal Monitoring	Manager (Social) PMU/ Social Specialist, PMDSC

DMS = Detailed Measurement Surveys; FGD=focus group discussions; GRC = Grievance Redress Committee; PMU = program management unit; PMDSC = Project Management and Design Supervision Consultant; RIPP = resettlement and indigenous peoples' plan; GSU = Gender and Safeguards Unit; SSS=social safeguard specialist.

103. Gender and Safeguards Unit, PMU: The role of the GSU in resettlement plan/RIPP implementation and monitoring is that of a facilitator of the resettlement process as well as indigenous peoples' inclusion process. The GSU works as a link between the Project and the affected community. They educate the affected persons on the need to implement each project and subproject under the investment program, on aspects relating to resettlement measures and ensure proper utilization of compensation paid to the affected persons under the entitlement package. After the approval of the micro plans, the GSU will issue identity cards to the affected persons. GSU field staff will report to the Environmental and Social Manager at PMU. The envisaged responsibilities of GSU field staff include:

- (i) environmental and social safeguard monitoring and gender action plan monitoring at field level;
- (ii) monitoring of environmental health and safety and community health and safety at field level;
- (iii) conduct surveys to update safeguard documents, collection of information for preparation of monitoring reports;
- (iv) rapport-building and information dissemination to the public; educating affected persons on their rights, entitlements, and obligations under the resettlement plan
- (v) database management: on safeguard monitoring, grievances.
- (vi) social safeguard issues are addressed;
- (vii) resettlement framework is followed in all resettlement issues;
- (viii) approved resettlement plans are implemented;
- (ix) implementation of resettlement plan is monitored;
- (x) periodic monitoring reports prepared in time and submitted to Project Director, Kolkata Environment Improvement Project for onward transmission to ADB upon approval;
- (xi) database on resettlement monitoring and due diligence is updated and maintained; and
- (xii) record keeping of Grievance redress;
- (xiii) Coordinate with elected representatives, district administration, line departments, PMUs, Contractor, PMDSC, and community for project activities;
- (xiv) Provide necessary field level information to PMU and PMDSC for reports preparation and other documentation;
- (xv) Coordinate with contractor's representatives to promptly address community grievances and avoid undue escalations;
- (xvi) Coordinate with the Contractor for collecting and reporting sex disaggregated data of labor engaged in construction activity at the project sites;
- (xvii) Coordinate with experts in PMDSC and ADB TA consultants for effective implementation of GESI AP and community development and public participation activities.

- (xviii) Carry out site inspections related to health and safety issues at construction locations on a regular basis and prepare site-inspection checklists/reports and submit it to the manager (Environment). Record EHS / community health and safety related incidents and undertake remedial actions on advise of manager (Environment).

104. Tasks of Manager (Social) at PMU Level. The Manager (Social) at PMU will:

- (i) ensure subprojects conform to the agreed subproject selection criteria for the project;
- (ii) review and finalize subproject involuntary resettlement and indigenous peoples' category in accordance with SPS,2009;
- (iii) oversee preparation and/or updating of resettlement framework and indigenous peoples' planning framework;
- (iv) oversee preparation of resettlement plans/RIPP/due diligence reports (DDRs) including specific action plans as required; confirm existing resettlement plans/RIPP/DDRs are updated based on detailed designs, and that new subproject resettlement plans/RIPP/ DDRs are prepared in accordance with the resettlement framework and in compliance with ADB SPS 2009 and policies, regulations of GOWB for the project;
- (v) be part of consultation activities with affected persons, and other relevant stakeholders from time to time organized by PMU to ensure free, fair and meaningful consultation are conducted and meeting minutes with signatures of all attendees, photographs of the consultations are maintained;
- (vi) responsible for issuing the public notice(s) to acquire a particular land/property (if applicable) along with project information/details as well as to declare the project cut-off-date;
- (vii) ensure that resettlement plans/RIPP/DDRs are included in bidding documents and civil works contracts;
- (viii) provide oversight on social safeguard management aspects of subprojects and ensure resettlement plans and impact avoidance measures outlined in the resettlement framework/environmental management plan/resettlement plans /RIPP/ DDR/ are implemented by contractors;
- (ix) ensure and monitor any provisions in the contracts to include the vulnerable affected persons and groups during the project construction work as semi-skilled or unskilled workers;
- (x) facilitate and ensure compliance with all government rules and regulations as well as the agreed social safeguards frameworks regarding No Objection Certificates, third party certificates for negotiated settlement or donation, land ownership and transfer details etc., sale or gift deeds etc. for each site, as relevant;
- (xi) supervise and guide the PMU to properly carry out the social safeguards implementation monitoring in accordance with the resettlement framework and indigenous peoples planning framework;
- (xii) review, monitor, and evaluate the effectiveness with which the resettlement plans /RIPP/provisions of DDRs are implemented, and recommend corrective actions to be taken as necessary;
- (xiii) consolidate monthly social safeguards monitoring reports for all packages and with the support of PMDSC submit quarterly progress reports (QPR) and semi-annual social safeguard monitoring reports (SSMR) to ADB;

- (xiv) ensure timely disclosure of final resettlement plans/RIPP/DDR/ in locations and form accessible to the public and affected persons and/or indigenous peoples, as applicable;
- (xv) address any grievances brought about through the GRM in a timely manner;
- (xvi) oversee training needs assessment of affected persons and vulnerable persons by PMU, coordinate training activities with the support of PMDSC;
- (xvii) ensure that induction course for the training of contractors is conducted regularly. Prepare contractors (with consultants' support) on resettlement plans/RIPP/DDR/ implementation, social safeguards monitoring requirements related to mitigation measures, health and safety and on taking immediate action to remedy unexpected adverse impacts or ineffective mitigation measures found during implementation;
- (xviii) identify training needs and coordinate training activities for the PMU GSU staff/ PMDSC/contractors for capacity building to implement the resettlement plans/RIPP/ DDR and GRM;
- (xix) implement specific action plan as outlined in RIPP guided by IPPF.
- (xx) coordinate database management for social safeguards implementation and monitoring;
- (xxi) coordinate public awareness campaigns by the PMU including resettlement provisions with the help of print and electronic media; and
- (xxii) Assist the Administrative Officer, PMU in grievance redress, grievances received to the PMU Complaints Cell/GRC, maintenance of records, information dissemination, and communication with the complainant.

105. Tasks of Social Safeguards Specialist of Project Management Design and Supervision Consultant (PMDSC). The PMU will be supported by Project Management Design and Supervision Consultant (PMDSC) to supervise, monitor and oversee project management and implementation. The Social Safeguard Specialist of PMDSC will assist PMU in implementing resettlement plans, ensure social safeguard compliance at all subproject locations, including review and updating of all resettlement plans, RIPP, DDRs. PMDSC Social Safeguard Specialist will oversee project implementation, support on policy reform related issues and compliance of all the reporting requirements of GOWB, other statutory regulatory bodies and ADB SPS, 2009. Ensure RPs/RIPP/DDR/ are prepared and updated promptly.

- (i) screen and categorize project components
- (ii) carry out (a) social baseline data collection, (b) assessment of social risks, and (c) meaningful consultations with affected persons;
- (iii) ensure the contractors comply with the agreed social safeguards frameworks, resettlement plans, RIPP and tasks related to specific action plans and due diligence reports on social safeguards for the project;
- (iv) prepare any additional draft resettlement plans /due diligence reports, update the existing resettlement plans/ RIPP/DDR/ (based on revalidation and DMS, before start of construction work), and prepare any new safeguard documents as and when required;
- (v) Assist the PMU in the implementation of final resettlement plans, RIPP including specific action plans;
- (vi) assisting with any capacity building activities for stakeholders including PMU, Safeguard and Safety Cell, PMU and contractors
- (vii) prepare periodic social safeguard monitoring reports as per the format acceptable to ADB;

- (viii) collect relevant data on implementation and design gender-sensitive communication strategy and IEC materials illustrating key social and behavioral messages related to hygiene, sanitation and health jointly with the gender specialist;
- (ix) Provide support to address grievances promptly brought in through the grievance redress mechanism;
- (x) Ensure monitoring of social safeguards plans and identify and address unanticipated impacts, if any
- (xi) Prepare semi-annual social safeguards monitoring reports and submit them to ADB through PMU;
- (xii) Conduct regular consultations with all the stakeholders, including the affected persons
- (xiii) Conduct regular orientation programs to train project staff, consultants and contractors, social safeguards requirements related to mitigation measures.
- (xiv) prepare a Community Awareness and Participation Plan (CAPP) and submit to ADB through PMU for approval.

106. **Contractors.** The resettlement plans/RIPP/DDR will be included in bidding and contract documents and verified by the PMU. The implementation of resettlement plan will be made binding i.e., mandatory on contractor as part of the employer's requirement in the bid and contract documents. All contractors will be required to designate an Environment Health and Safety (EHS) Supervisor to ensure implementation of resettlement plan social safeguard provisions / EMP including community health and safety provisions during civil works and operation and maintenance, who will also have the responsibility for communication with the public under the guidance of PMU and grievance registration. Contractors are to carry out all mitigation and monitoring measures outlined in their contract.

107. The Contractor shall comply with: (a) prohibition of child labor as defined in national legislation for construction and maintenance activities;(b) equal pay for equal work of equal value regardless of gender, ethnicity, or caste; and (c) elimination of forced labor; and with (ii) the requirement to disseminate information on COVID-19 safety protocols, sexually transmitted diseases, including HIV/AIDS, to employees and local communities surrounding the project sites. The key responsibilities of EHS Supervisor on social compliance are as follows:

- (i) work in close coordination with the PMU, design engineers and social safeguards personnel to finalize detailed design keeping the safeguard principles adopted for the project in view.
- (ii) ensure that all design-related measures (e.g., special considerations for the vulnerable related to facility locations or design, mitigation measures for affected persons) are integrated into project designs before approval.
- (iii) conduct joint walk-throughs with PMU, design engineers and social safeguards personnel from PMDSC at sites/sections ready for implementation; identify the need for DMS and conduct DMS to arrive at the final inventory of loss.
- (iv) ensure strict adherence to ADB and government policy on social safeguards and the agreed entitlement matrix during implementation.
- (v) review the resettlement plan/RIPP including the entitlement matrix, category and the EMP, and conduct site visits to understand the environmental and social sensitivity of the project sites.
- (vi) make sure that that induction course for the training of contractors is conducted regularly. Prepare contractors (with consultants' support) on resettlement and indigenous peoples safeguards.

- (vii) assist with grievance redress and ensure recording, reporting and follow-up for resolution of all grievances received.
- (viii) understand the regulatory compliance requirements related to labor welfare, environmental and social safeguards, and occupational health and safety.
- (ix) Support PMU in setting up GRM at field/site and ensure it is fully functional. Address any grievances brought about through the grievance redress mechanism in a timely manner
- (x) assist PMU in disclosing relevant information on construction timelines, GRM to beneficiaries and affected persons including the vulnerable groups.
- (xi) ensure COVID-19 safety protocols are regularly monitored and followed at each of the construction site.⁴⁶
- (xii) Submit monthly progress reports to PMU;
- (xiii) Conduct meaningful public consultation and awareness;
- (xiv) Implement corrective actions wherever necessary, to ensure no adverse social impacts are caused due to project implementation;
- (xv) Ensure strict adherence to agreed impact avoidance and mitigation measures in the resettlement plans/DDR/RIPP during implementation;

108. The above arrangement will ensure that:

- (i) social safeguards issues are addressed;
- (ii) resettlement framework and indigenous peoples planning framework is followed in all resettlement and indigenous peoples issues;
- (iii) mitigation measures and safeguard policies as outlined in RF and RPs, IPPF and RIPP as well as in the DDRs are adhered by the contractors;
- (iv) approved resettlement plans and RIPP are implemented;
- (v) implementation of resettlement plan/RIPP is monitored;
- (vi) periodic monitoring reports are prepared in time and submitted to Project Director, KSHARP for onward transmission to ADB upon approval; and
- (vii) database on resettlement and indigenous peoples monitoring and due diligence is updated and maintained.

C. Capacity Development

109. Capacity to handle environmental/involuntary resettlement, indigenous peoples, and vulnerability issues, etc., needs to be built in the Project. Refresher training of GSU staff on aspects such as environmental planning/resettlement planning/implementation, social protection, including the specific recording, reporting, and disclosure requirements therefore need to be planned separately.

110. For the capacity building of designated Manager (Environment) and Manager (Social) and engineers, PMU will organize training programs on safeguards, with the assistance of PMDSC. The services of consultant trainers may be procured for coordinating and imparting required trainings to the staff.

111. Owing to the spread of Projects across a large area there is a need to specially focus on capacity building on social (distinct social, economic and cultural traits and traditions of people and the importance of preserving these), legal (land tenure issues) and technical aspects in such Projects with an adequate budgetary provision. Training on provisions of environmental

⁴⁶ <https://www.adb.org/documents/series/covid-19-asia-pacific-guidance-notes>

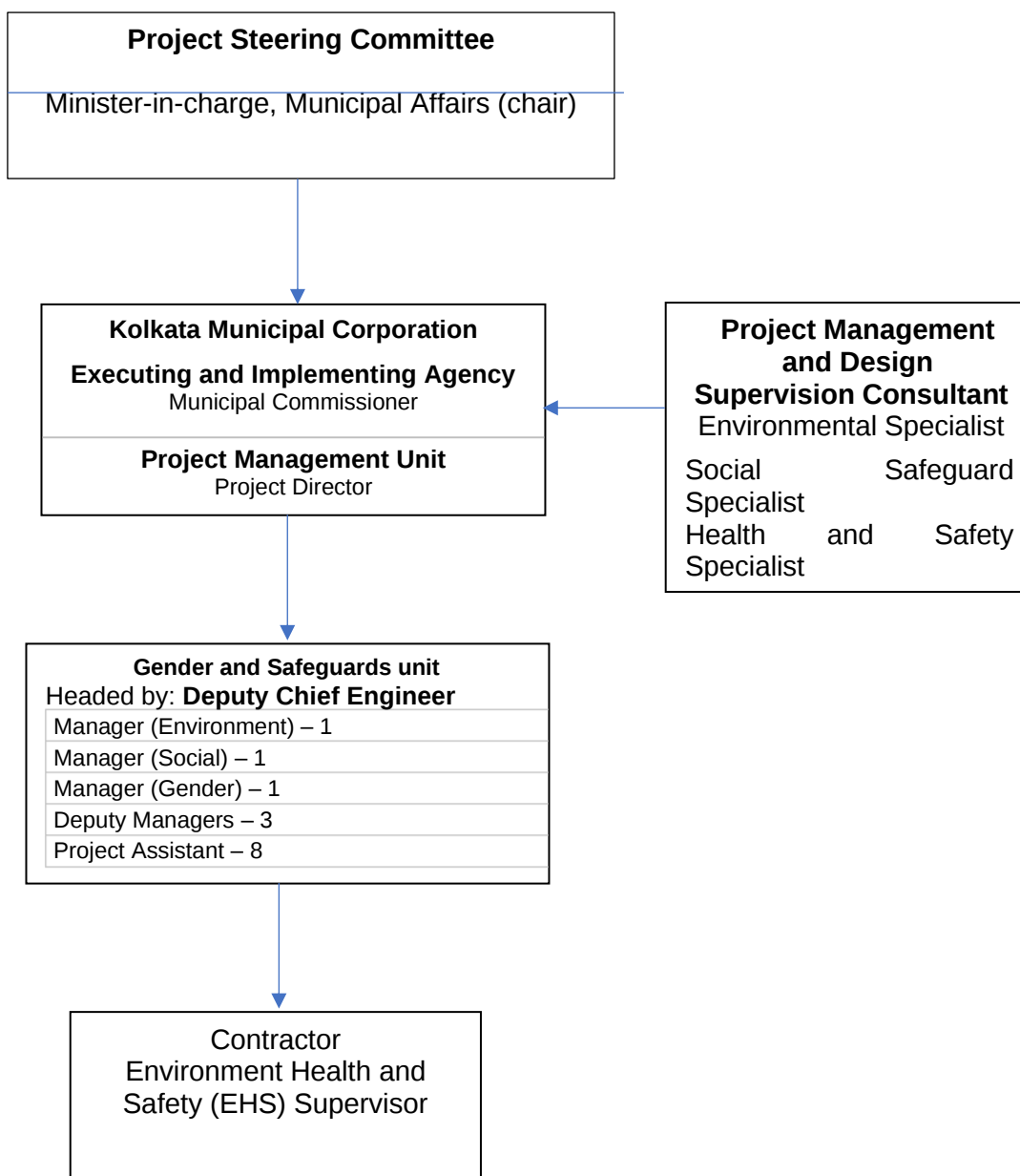
assessment and review framework and resettlement framework.

112. The specific capacity development program, which will include but will not be limited to:
- (i) sensitization on ADB's policies and guidelines on social (ADB's Safeguard Requirement 2 and 3: Involuntary Resettlement and Indigenous Peoples) including meaningful consultation, GRM and accountability mechanism;
 - (ii) introduction to the assessment of involuntary resettlement and mitigation measures, including best practices, in the design, construction, operation and maintenance of water supply, sewerage, roads, and drainage subprojects;
 - (iii) preparation and review of resettlement plans/RIPP/DDR based on preliminary design, and updating of the documents based on the final design;
 - (iv) Effective communication with stakeholders including elected representatives, media and general masses;
 - (v) improved coordination within nodal departments;
 - (vi) disbursement of compensation, consultation; and
 - (vii) monitoring and reporting requirements.

D. Communication

113. The project has prepared a community awareness and participation plan (CAPP) along with guidelines. The primary purpose of CAPP is to (i) disseminate information and open lines of communication between the implementation agencies and all stakeholders to facilitate the implementation of the project, (ii) raise awareness on key issues related to the project's intended development impact, and (iii) early resolution of any conflict issues that may arise. The CAPP includes the following key activities which will take place throughout the course of project implementation: (i) stakeholder identification (this will be done in the initial phase of project implementation); (ii) generate community awareness on the project and its benefits; (iii) involve all stakeholders in the decision-making processes and develop community ownership of the schemes; (iv) provide stakeholders with advance knowledge on the social safeguard frameworks and associated documents and the applicable mitigation measures; (v) provide stakeholders with advance knowledge on the project's GRM; (vi) educate the contractors and workers on key project issues to ensure smooth interaction with stakeholders and onsite safety; The Social and Gender Expert of PMDSC with the support of gender and safeguard unit (GSU) will be responsible to implement the CAPP.

Figure 3: Implementation Arrangement for Safeguards



XIV. IMPLEMENTATION SCHEDULE

114. The resettlement plan/RIPP/IPP (if any) implementation schedule will vary from subproject to subproject. In general, the project implementation will consist of the two major phases, (a) project preparation, and (b) resettlement plan and RIPP implementation. In line with the principles laid down in the resettlement framework and IPPF, the PMU with the support of PMDSC will ensure that project activities are synchronized between the resettlement plan/RIPP implementation activities and the subproject implementation. The PMU and PMDSC will ensure that no physical or economic displacement of affected households will occur until: (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan/RIPP are provided to the displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons improve, or at least restore, their incomes and livelihoods.

115. All land required will be provided free of encumbrances to the contractor prior to handing over of subproject sites and the start of civil works the implementation schedule for the Resettlement Plan/RIPP is given in Table 5. Affected persons will be given sufficient notice to vacate their property before civil works begins.

E. Schedules for Project Implementation

116. The proposed project resettlement and rehabilitation activities are divided in to three broad categories based on the stages of work and process of implementation. The details of activities involved in these three phases-project preparation phases, resettlement plan implementation phase, monitoring and reporting period are discussed below:

- (i) **Project Preparation Phase:** The major activities to be performed in this period include staffing of Project Management Unit, strengthening of grievance redress process and adopting it for KSHARP, submission of draft resettlement plans, RIPP, DDRs for ADB approval; and appointment of PMDSC, etc. The information campaign and community consultation will be a process initiated from this stage and will go on till the end of the project.
- (ii) **Resettlement plan Implementation Phase:** Following project preparation, the next stage is implementation of resettlement plans/RIPPs which includes updating of resettlement plans/RIPP based on final design and detail measurement survey (DMS) and census survey, compensation of award; payment of all eligible assistance, along with continuous stakeholder consultation, grievance redress, site preparation for delivering the site to contractors for construction and finally starting civil work.
- (iii) **Monitoring and Reporting Period:** As mentioned earlier the monitoring will be the responsibility of PMU supported by PMDSC and will start early during the project when implementation of resettlement plan/RIPP starts and will continue till the complete implementation of the project.

F. Implementation Schedule

117. A composite implementation schedule for resettlement and rehabilitation activities in the project including various sub tasks and timeline matching with civil work schedule is prepared and presented in Table 5. However, the sequence may change, or delays may occur due to circumstances beyond the control of the Project and accordingly the time can be adjusted for the

implementation of the plan. The implementation schedule can also be structured through package wise. The entire stretch can be divided into various contract packages and the completion of resettlement implementation for each contract package shall be the pre-condition to start of the civil work at that particular contract package.

Table 9: Implementation Schedule

[illegible]

Activity	Progress (Year /Quarter)											
	2024				2025				2026			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Handover of sites and alignments to contractors												
Start of civil works ⁴⁷												
Monitoring and Reporting Period												
Internal monitoring, including surveys of affected persons on entitlements, satisfaction surveys by PMU and PMDSC												
Monitoring of Repair/reconstruction of affected facilities, structures, utilities, if any, by PMU, GSU, PMDSC												

ADB = Asian Development Bank; PMDSC = Project Management and Design Supervision Consultant

⁴⁷ Construction can commence only in sections with no involuntary resettlement impacts. In the affected road stretches, construction will commence after compensation and other entitlements have been provided as per agreed entitlement matrix.

XV. MONITORING AND REPORTING

A. Internal Monitoring

118. GSUGSU Resettlement plan implementation will be closely monitored to provide the PMU with an effective basis for assessing resettlement progress and identifying potential difficulties and problems. The PMU/PDMSC will undertake the monitoring of the resettlement plan implementation. Monitoring will involve (i) administrative monitoring to ensure that implementation is on schedule and problems/grievances are dealt with on a timely basis; (ii) socio-economic monitoring during and after any involuntary resettlement impact, utilizing baseline information established through the socio-economic survey of affected persons undertaken during project sub-preparation; and (iii) overall monitoring to assess affected person at least have the same or improved income and livelihood after the Project. The PDMSC Social Safeguard specialist will prepare quarterly progress reports and submit to PMU. The PDMSC Social Safeguard specialist assisted by GSU and SSGO, PMU will prepare semi-annual monitoring reports and submit to ADB. The monitoring reports will be disclosed on PMU and ADB websites. These reports will describe the progress of the implementation of resettlement activities and any compliance issues and corrective actions. These reports will closely follow the involuntary resettlement monitoring indicators agreed at the time of resettlement plan approval. The outline of Social Safeguards Monitoring report is presented in **Appendix 10**.

B. Monitoring Progress of Resettlement Plan Implementation

119. Internal monitoring will involve the following:

- (i) Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis;
- (ii) Socioeconomic monitoring during and after the relocation process to ensure that people are settled and recovering. This will utilize the baseline information established by the socioeconomic survey of affected persons undertaken during subproject preparation; and
- (iii) Overall monitoring whether recovery has taken place successfully and on time.

120. Data from baseline socio-economic surveys undertaken during subproject preparation will provide the benchmark for monitoring to assess the progress and success of resettlement plan implementation. Monitoring will also include the following:

- (i) Communication with and documentation of reactions from affected persons;
- (ii) Information from affected persons on entitlements, options, alternative developments, etc.
- (iii) Valuation of properties;
- (iv) Usage of grievance redress mechanism; and
- (v) Disbursement of compensation amounts and all assistance.

121. Input and output indicators related to physical progress of the work will include items such as: (i) Training of PIU and other staff completed; (ii) Census, assets inventories, assessments and socioeconomic studies completed; (iii) Resettlement plan implementation agency recruited and trained; (iv) Grievance redress procedures in-place and functionality; (v) Compensation payments disbursed; (vi) Relocation of affected persons completed; (vii) Project employment provided to affected persons; (viii) Infrastructure rehabilitated or constructed; (ix) Income restoration activities initiated; (x) Skills training of affected persons initiated; (xi) Number of

households displaced and resettled; and (xii) Monitoring and evaluation reports submitted.

122. The implementation monitoring format is placed in **Appendix 9**.

Appendix 1: List of Detailed Project Reports & Contract Packages under KSHARP

DPR /Package No.	Name of Sub-Project/Name of Package	Tentative Cost (Rs. in crores)	ADB Share (USD Million)
A. PRIORITY PACKAGES (03)			
Package No. - SD03	Development of S&D Network including Construction of Pumping Station in Anandapur Area in Borough XII (Part of Ward 108)		92.7
DPR 3	Detailed Project Report for Construction of 41 MLD STP at Hossainpur in Ward 108 including O&M for 15 years		
Package No. - SD04	Construction of 41 MLD STP at Hossainpur in Ward 108 including O&M for 15 years		103.5
DPR 4	Detailed Project Report for Development of S&D Network in Hossainpur and Adjoining Areas including Construction of Hossainpur Pumping Station in Borough XII (Part of Wards 108 &109)		
Package No. - SD05	Development of S&D Network in Hossainpur and Adjoining areas including Construction of Hossainpur Pumping Station in Borough XII (Part of Wards 108 &109)		167.5
DPR 5	Detailed Project Report for Development of S&D Network in Kabar Danga Catchment (Part of ward - 142 & 143) including Construction of Kabar Danga Pumping Station in Borough XVI		
B. NON PRORITY PACKAGES (06)			
Package No. - SD01	Development of S&D Network in Nayabad and Adjoining Areas in Borough XII (Part of Ward 109)	61.0	7.3
DPR 1	Detailed Project Report for Development of S&D Network in Nayabad/Ajaynagar and Adjoining Areas in Borough XII (Part of Ward 109)		
Package No. - SD02	Development of S&D Network in Ajaynagar and Adjoining Areas in Borough XII (Part of ward 109)	47.0	5.7
DPR 2	Detailed Project Report for Development of S&D Network including Construction of Pumping Station in Anandapur Area in Borough XII (Part of Ward 108)		
Package No. - SD06	Development of S&D Network in Kabar Danga Catchment (Part of Ward - 142 & 143) including Construction of Kabar Danga Pumping Station in Borough XVI	151.0	18.2

DPR /Package No.	Name of Sub-Project/Name of Package	Tentative Cost (Rs. in crores)	ADB Share (USD Million)
Package No. - SD07	Development of S&D Network in Julpia Catchment (Part of - Ward 142) Area including Construction of Julpia Pumping Station in Borough XVI	178.0	21.4
DPR 6	Detailed Project Report for Development of S&D Network in Julpia Catchment (Part of - Ward 142) including Construction of Julpia Pumping Station in Borough XVI		
Package No. - SD08	Development of S&D Network in Adjoining Areas in Sonamukhi Main Road and Kasto Danga Road in Suti Basin (Ward Part of ward - 127) in Borough XIV	118.0	14.2
Package No. - SD09	Development of S&D Network in Adjoining Areas of Jadav Ghosh Road in Suti Basin including Construction of Pumping Station in Borough XIV & XVI (Part of Ward 126 & 127)	120.0	14.5
DPR 7	Detailed Project Report for Development of S&D Network in Suti Basin (Ward 127 & Part of Ward 126) including Construction of Pumping Station in Borough XIV & XVI		
Total		1038.7	125.2

Note: 1USD = Rs. 83 NB: Cost for SD 06, SD07, SD 08 and SD 09 will be confirmed on preparation of DPR.

Appendix 2: Land Requirement for KSHARP

Sl. No.	Project Component	Location	Ownership	Area of land available at the location (Acre)	Area required (Acre)	Name of Mouza/JL No. Plot No	Present Use of the land / Involuntary Resettlement Impact	Status of NOC
A. LAND REQUIREMENT FOR PRIORITY PACKAGES (03)								
1	Construction of Pumping Station. SD 3	Anandapur, KMC Ward No. 108	KMDA	0.66	0.66	Anandapur	A pumping station is located at the land owned by KMDA.	Letter sent to UDMA for transfer of the land
2	Construction of STP.SD 4	Hossainpur	Land and revenue Departmen t. Governme nt of West Bengal	77.50	5.62	Madurdaha	Department to ensure timely confirmation of Hossainpur STP land availability and its transfer to KMC.	Letter sent to UDMA for transfer of the land. The letter sent back to KMC for re-sending the same to PWD
3	Construction of Pumping Station. SD 05	Hossainpur, KMC Ward No. 108	Land and revenue Departmen t. Governme nt of West Bengal		0.914	Madurdaha	Department to ensure timely confirmation of Hossainpur SPS land availability and its transfer to KMC.	
B. LAND REQUIREMENT NON PRORITY PACKAGES (06)								
4	Construction of Pumping Station SD 06	Kabardanga, KMC Ward No. 142	Public Works Departme nt GoWB	0.44	0.44	Kabardanga	The proposed land parcel is under possession of Public Works Department GoWB	To be handed over to KMC

Sl. No.	Project Component	Location	Ownership	Area of land available at the location (Acre)	Area required (Acre)	Name of Mouza/JL No. Plot No	Present Use of the land / Involuntary Resettlement Impact	Status of NOC
5	Construction of Pumping Station Sd 07	Company Pukur, Julpia KMC Ward No. 142	KMC	1.24	1.24	Company Pukur	A pumping station is proposed on the Vacant Plot	Yet to receive record of ownership OR Self Certification letter from KMC.
6	Construction of Pumping Station Sd 09	<u>Keatala</u> , <u>Bagpota</u> <u>Sarsuna</u>	Collector on behalf of GoWB	0.33	0.31	Mouza - Sarsuna. JL No- 117	A pumping station is proposed on the Vacant Plot	Letter sent to UDMA for transfer of the land
	Total			80.17	9.184			

Appendix 3: Details of Package wise components for Priority Packages

Sl.	Package No.	Package Name	Scope of works
A. SUBPROJECT COMPONENTS FOR PRIORITY PACKAGES (03)			
1	KSHARP/NCB/2023 2024/SD 03	- Development of Drainage and Sewerage Network Including Construction of Pumping Station in Anandapur Area in Borough XII (Part of Ward 108)	- Laying of sewer lines including house connection, Total length = 5.1 km. - Diameter below 600 mm = 1.9 km - Diameter 600 mm and above = 3.2 km - Construction of 01 pumping station - Laying of Storm Weather Flow pumping Main of 1000 dia. MS pipe = 1.9 km - Laying of Dry Weather Flow pumping main = 0.8 km - Construction of catchpits / Gullypits and House Connections where sewers to be laid. - No of estimated House Connections- 580 - Construction of 6 outfall structures
2	KSHARP/NCB/2023 - 2024/SD 04	Construction of 41 Mld Sewage Treatment Plant at Hossainpur, in Ward 108 including Operation & Maintenance for 15 Years	- Site development for project area - Preparation of Process, Hydraulic, Civil, Mechanical, Piping, Electrical and Instrumentation Design and Drawings - Construction of 41 MLD STP including other allied works - Supply, Erection, Trial Run, Testing & Commissioning of Electro - mechanical & instrumentation works - Providing Standard Laboratory, staff quarter, boundary wall , internal road & drainage system and other allied works - Installation of online continuous effluent monitoring system (OCEMS) and its connectivity to CPCB /SPCB servers complete with local and field sensors. - Laying of incoming DI pumping main of 1000 mm dia. upto the battery limit as shown in the drawing --- - Laying of treated effluent main of 1000 mm dia. MS up to the location as shown in the drawing

Sl.	Package No.	Package Name	Scope of works
			Operation & maintenance of the STP for 15 years
3	KSHARP/ OCB/ 2023-24/ SD 05	Development of S&D Network in Hossainpur and adjoining Area including construction of Hossainpur pumping station in Borough XII (Part of Ward 108 and ward 109)	- Laying of sewer network of 10.5 km including house connection, - construction of catch pits (1010 number), Gully pits (53 number) and Manholes (597 number) structures for collection of SWF - Laying of 2 numbers of dedicated SWF pumping main (1000 dia. MS pipe of 100 m and 1500 m length respectively) for discharge of storm water at two separate location into nearby TP canal - Laying of DWF pumping main (1000 dia DI pipe of 750 m length) to convey the entire DWF to Hossainpur STP, - Construction of 1 no. of combined pumping station, - house sewer connections (estimated number of 910) and construction of 10 number outfall structures (3 numbers on C2-C3 Lead Channel, 2 numbers on Mundapara canal and rest 5 number on Tollygunje-Panchannagram canal (TP canal).
A. SUBPROJECT COMPONENTS FOR NON-PRIORITY PACKAGES (06)			
4	KSHARP/NCB/2023 2024/SD 01 and	- Development of Sewerage and Drainage Network in Nayabad, Ajaynagar and Adjoining Areas in Borough XII (Part of Ward 109)	SD-01 - Laying of sewer lines including house connection, Total length = 8.4 km. - Diameter below 600 mm = 0.6 km - Diameter 600 mm and above = 7.8 km - Construction of catch pits / Gully pits and House Connections where sewer lines to be laid. - No of estimated House Connections- 950 - Construction of 04 outfall structures

Sl.	Package No.	Package Name	Scope of works
5	KSHARP/NCB/2023 2024/SD 02	-	SD -02 - Laying of sewer lines including house connection, Total length = 6.7 km. - Diameter below 600 mm = 1.3 km - Diameter 600 mm and above = 5.4 km - Construction of catch pits / Gully pits and House Connections where sewer lines to be laid. - No of estimated House Connections- 760 - Construction of 06 outfall structures
6	KSHARP/OCB/2023 2024/SD 06	- Development of S&D Network in Julpia Catchment (Part of Ward 142) Including Construction of Julpia Pumping Station in Borough XVI	- Laying of sewer lines including house connection, Total length = 16.9 km. - Diameter below 600 mm = 4.8 km - Diameter 600 mm and above = 9.4 km - Out of 16.9 km, 2.7 km sewer line (diameter varying 1400 mm - 2200 mm) will be laid by Micro – tunneling method and rider sewer line of 2.5 km. ➤ 1400 mm = 983 m ➤ 1600 mm = 824 m ➤ 1800 mm = 380 m ➤ 2000 mm = 383 m ➤ 2000 mm = 95 m - Construction of pumping station - Laying of SWF pumping Main of 1422 OD dia. (14.2 mm thk.) MS pipe = 175 m - Laying of 400 mm dia. DI (K9) DWF pumping main = 1500 m - Construction of catchpits / Gully pits & House Connections where sewers to be laid. Construction of outfall structures
7	KSHARP/ OCB/ 2023-24/ SD 07	Development of Sewerage and Drainage Network in part of Municipal Wards 142 and 143 Under Borough XVI Including Construction of Sewer Pumping Station At Kabardanga In Ward 142	- Laying of sewer network of length 16.6 km including house connection, - construction of 1616 catches pits, 85 Gully pits and 903 Manholes structures for collection of SWF, - Laying of 1 number of dedicated SWF pumping main of 175 m (1400 dia. Mild Steel pipe) for

Sl.	Package No.	Package Name	Scope of works
			discharge of storm water from Kabardanga Pumping Station into Keorapukur canal, • Laying of DWF pumping main of 850 m length (500 dia Ductile Iron pipe) to convey the entire DWF to Churial extension Pumping station, • Construction of one combined pumping station, • 1580 house sewer connections, • construction of 15 outfall structures (5 numbers on Keorapukur canal, 5 numbers on connecting drains and rest 5 number on Western channel).
8	KSHARP/OCB/2024 2025/SD 08	-	SD-08 • Laying of sewer lines including house connection, Total length = 14.5 km. • Diameter below 600 mm = 0.8 km • Diameter 600 mm and above = 13.7 km • Construction of catchpits / Gullypits & House Connections where sewers to be laid. • Construction of outfall structures
9	KSHARP/OCB/2024 2025/SD 09	-	Development of S&D Network in Suti Sub - Basin in part of Ward 127 (Borough XIV) & Part of Ward -126 (Borough XVI) including construction of Keyatala pumping station in Borough XIV & XVI SD -09 • Laying of sewer lines including house connection, Total length = 5.8 km. • Diameter below 600 mm = 0.6 km • Diameter 600 mm and above = 5.2 km • Construction of pumping station • Laying of SWF pumping Main of 1400 dia. MS pipe = 4.6 km • Laying of DWF pumping main (500 mm DI) = 0.8 km • Construction of catchpits / Gullypits & House Connections where sewers to be laid.

Appendix 4: Review and Comparison of Borrowers Policy and ADB Policy

In addition to ADB policy on Involuntary Resettlement, applicable existing laws policies of Government of India and State Governments⁴⁸ are reviewed for preparation of this Resettlement Framework. The following sections deals with the details of applicable policy requirements.

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

This new RFCT in land acquisition, rehabilitation and resettlement (LARR) repeals the Land Acquisition Act, 1984 and is applicable to all states in India including West Bengal.⁴⁹ LARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement collectively. Establishing of a completely new Act, which was due from a long time, is a pioneering step taken by the Government of India in providing a humane, participative, informed and transparent process for permanent/temporary land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to LARR. The Act prohibits acquisition of multi-cropped irrigated land as a special provision to safeguard food security, unless in exceptional circumstances as a demonstrable last resort⁵⁰. The general process for land acquisition and resettlement under LARR is:

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

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

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

⁴⁸ Meghalaya, Mizoram, Nagaland, Sikkim and Tripura state governments

⁴⁹ The State Government of West Bengal, vide Memorandum No. 756-LP/1A-03/14(Pt-II) Date: 25.02.2016, follows ‘Direct Land Purchase Policy from Land Owners by Government’.

⁵⁰ Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. This condition has been included in the entitlement matrix. These provisions however do not apply in case of projects that are linear in nature such as railways, highways, other roads, canals, power lines, etc.

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

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

B. Preliminary Notification, Objections and Hearing. Followed by SIA approval, a requiring body shall publish⁵¹ a preliminary notification and inform various concerned authorities regarding this in a meeting called specially for this purpose. SIA report shall be considered lapsed if the preliminary notification is not issued within 12 months from its approval; unless otherwise specified in writing by the appropriate government for special circumstances. The preliminary notification will include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement. After the preliminary notification is issued, landowners shall not make any further transactions of the land specified and create any encumbrance on such land. If made so, landowner shall make this willful in writing and impacts associated shall not be borne by the Collector/acquiring authority. Appropriate government authority shall undertake updating of all land records etc. within two months after the issue of preliminary notification provided that all associated activities (surveys etc.) shall be carried out after adequate prior notice and in the presence of the landowner or person authorized by him in writing.

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

⁵¹ Notification will be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

Government and the decision of the appropriate Government shall remain final.

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

The Collector shall publish⁵² a summary of RSS along with Declaration under the hand and seal of Secretary to such Government or any other official duly authorized⁵³ only after the Requiring Body deposits amount towards the cost of land acquisition.⁵⁴ RSS summary and Declaration shall be compulsorily made within the twelve months after the issue of preliminary notification. If not complied, such notification shall be considered rescinded unless land acquisition was held up on account of any stay or injunction by the order of Court.

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

Land Acquisition Award shall include:

- Loss of land as per market value determined;

⁵² Declaration shall be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

⁵³ Summary RSS shall not be published unless it is published along with Declaration

⁵⁴ In full or part, as prescribed by the appropriate Government

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

The Collector shall impose Solatium equivalent to 100 percent of the total compensation amount as estimated above. In addition, 12 percent interest per annum shall be payable for the period from the date of issue of SIA notification till the date of award or date of taking possession of land, whichever is earlier. The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose. Land Acquisition payment shall be made within three months and R&R (except infrastructure entitlements-within 18 months) shall be made within six months from the date of the award. The Collector shall acquire land only after such payment; unless in urgency cases where land can be acquired within 30 days from the date of notice (notice to acquire land).⁵⁵ As per the Act, the land acquisition that involves involuntary displacement of scheduled Caste/Scheduled Tribe shall require preparation of Development Plan. In such cases, one third of the compensation shall be paid before taking possession of the land. (page 20-21-22 for IPP)

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

Administrator: If involuntary displacement of persons is involved then the State Government shall, by notification appoint an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector or equivalent official of Revenue Department to be the Administrator for Rehabilitation and Resettlement. Formulation, execution and monitoring of the Rehabilitation

⁵⁵ If there is any displacement involved, the Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families. The Collector shall also, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

and Resettlement Scheme shall vest in the Administrator.

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

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

2. ADB's Safeguard Policy Statement, 2009

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

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

The main policy principles of the Involuntary Resettlement Safeguard are:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks;

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

consider implementing the involuntary resettlement component of the project as a stand-alone operation;

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

Appendix 5: Involuntary Resettlement Impact Categorization Checklist

Probable Effects	Involuntary	Resettlement	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land						
1. Will there be land acquisition?						
2. Is the site for land acquisition known?						
3. Is the ownership status and current usage of land to be acquired known?						
4. Will easement be utilized within an existing Right of Way (ROW)?						
5. Will there be loss of shelter and residential land due to land acquisition?						
6. Will there be loss of agricultural and other productive assets due to land acquisition?						
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?						
8. Will there be loss of businesses or enterprises due to land acquisition?						
9. Will there be loss of income sources and means of livelihoods due to land acquisition?						
Involuntary restrictions on land use or on access to legally designated parks and protected areas						
10. Will people lose access to natural resources, communal facilities and services?						
11. If land use is changed, will it have an adverse impact on social and economic activities?						
12. Will access to land and resources owned communally or by the state be restricted?						
Information on Displaced Persons:						
Any estimate of the likely number of persons that will be displaced by the Project?						[]
No [] Yes						
If yes, approximately how many? _____						
Are any of them poor, female-heads of households, or vulnerable to poverty risks?						[]
No [] Yes						
Are any displaced persons from indigenous or ethnic minority groups?						[]
No [] Yes						

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

Appendix 6: Negotiated Land Purchase Policy of Government of West Bengal

Government of West Bengal
Land & Land Reforms Department
Land Policy Branch
NABANNA (6th Floor)
325, Sarat Chatterjee Road
P.S. Shibpur, Howrah - 711 102.

MEMORANDUM

No.3145-LP/1A-03/14

Date: 24/11/2014

It has been observed that often important infrastructure projects like food godowns, roads, bridges etc. are not fully commissioned for want of small parcels of land. To ensure the optimal utilisation of public funds and early implementation of such projects, direct land purchase from land owners may become necessary.

2. The state government has considered the immediate need of land for such projects.

3. Now, therefore, the Governor is hereby pleased to allow the various departments to go in for the direct purchase of land for public purpose mainly involving the early commissioning of infrastructure projects like roads, bridges, food godowns, drinking water, flood protection and other similar projects in rural and/or urban areas through Zilla Parishad/Municipality/Municipal Corporation/other Govt. bodies and parastatals, as the case may be, by adopting the following procedures:

- (i) The administrative department(s) will take concurrence of the Standing Committee on Industry, Infrastructure & Employment before going ahead with the purchase of land indicating its tentative location and quantum.
- (ii) A 15-day local notice mentioning preference and details of land intended for purchase shall be given in the public offices and local newspaper(s) informing the prospective land owners and

requesting them to submit application in plain paper indicating their intention to sell their lands.

- (iii) The department concerned will select the appropriate plot(s) of the land to be purchased as per suitability and other considerations from among the applications/offers received on the basis of the notice.
- (iv) The relevant administrative department will undertake land searching through the panel advocate(s) at the respective sub-registry office to guard against fraudulent transfer. Besides, the BL & LRO will verify the right and title of the selected lands within 14 days and shall furnish report in the enclosed format to the purchase committee.
- (v) Land would be purchased through the Zilla Parishad/Municipality/Municipal Corporation/Parastatal as may be decided by the administrative department(s).
- (vi) Funds will be allotted to the Zilla Parishad/Municipality/Municipal Corporation/Parastatal by the administrative department for payment to land owners and payment will be made to their bank accounts. An appropriate administrative cost will be given to Zilla Parishad/Corporation by the administrative department.
- (vii) A committee of the following officials will finalise the price of land for the purchasing department:
 - (a) Nominee of the government - Chairperson
 - (b) DL & LRO - Member
 - (c) Special LAO - Member
 - (d) Two members from the concerned Panchayat Samity to be nominated by the Chairperson - Members
 - (e) FC & CAO, Zilla Parishad - Member

- (f) Representative of administrative department – Member
- (g) District Registrar - Member
- (h) Secretary Zilla Parishad - Member Secretary

In case of purchase of land for Municipal areas, the Chairman of Municipality will also be a Member of the Committee in place of the members of Panchayat Samities in Sl. (d).

- (viii) For areas under Municipal Corporations the Purchase Committee will be as follows:

- (i) State Government nominee – Chairperson
- (ii) Mayor – Member
- (iii) Municipal Commissioner/CEO, Corporation – Member
- (iv) DL & LRO/1st LA Collector – Member
- (v) District Registrar - Member
- (vi) Special LAO – Member
- (vii) Two members from Ward Councillors to be nominated by the Chairperson - Members
- (viii) Chief Municipal Auditor, Corporation – Member
- (ix) Secretary, Corporation – Member Secretary

- (ix) Value of buildings/structures, would be assessed by the Executive Engineer, PWD/Municipal Engineering Directorate/ District Engineer/Executive Engineer, Zilla Parishad or by such agency as the administrative department may decide.

- (x) The base price of the land will be determined taking into account the assessed value of land or set forth value of land whichever is higher. Incentive on the price of land finally determined will be given to the land owner if land registration is done: (a) within 30 days – 50% (b) within 31 – 60 days – 10%, from the date of publication/communication of land price to the

landowners. For this purpose, individual land owner will be informed of the price of land in writing by the Member-Secretary of the Land Purchase Committee, for registration of sale deed.

- (xi) After the purchase of land from the land owners, land will be registered in the name of Zilla Parishad/Municipality/Municipal Corporation/Parastatal. Thereafter, Zilla Parishad/Municipality/Municipal Corporation/Parastatal, as the case may be, could formally transfer the land in favour of administrative department(s).
- (xii) Care would be taken by the Zilla Parishad/Municipality/Municipal Corporation/Parastatal to ensure that the entire transaction is fair and transparent and it is based on mutual consent. There shall be no element of coercion.
- (xiii) Stamp duty shall be exempted for such purchase of land by Zilla Parishad/Municipality/Municipal Corporation/Parastatal and also for subsequent transfer to administrative department(s).
- (xiv) The Panchayat and Rural Development Department will issue direction upon all the Zilla Parishads concerned to purchase land for other department(s) u/s. 212 of the West Bengal Panchayat Act, 1973.
- (xv) The Municipal Affairs Department will issue direction upon all the Urban Local Bodies to purchase land for other department(s) u/s. 429B of the West Bengal Municipal Act, 1993.
- (xvi) In case, the aforesaid Purchase Committee fails to perform its functions within a reasonable time the administrative department would be free to use any Corporation /Parastatal /

Authority under its control to purchase the land on the same terms & conditions as prescribed above.

- (xvii) This has the concurrence of the Finance Department vide U.O. No. Group T/2014-2015/0784 dated 14/11/2014.

By order of the Governor,
Sd/- A.K. Singh
OSD & EO ACS & LRC

FORMAT

District	Block		
Name of Gram Panchayat	Mouza	Plot No.	
Mention the total area of land			
Documents to be examined	Deed	ROR	If ROR is not available, Chain Deed to be examined
Distance from the nearest approach road to the plot of land			
Distance of the source of water from the proposed land (KM/Meter)			
How far is the proposed land from main road (KM/Meter)			
Whether the land gets water logged in the rainy season			Yes/No
Do the land gets flooded during rainy season ?			Yes/No
Mention the type of land according to the slope up land/medium land/low land			
Whether title is clean and land is free from encumbrance			

(Representative of Administrative
Department)

(BL & LRO)

Government of West Bengal
Land and Land Reforms Department
Land Policy Branch
Nabanna (6th Floor)
325, Sarat Chatterjee Road, P.O.-Shibpur, Howrah-711102

NOTIFICATION

No.971-LP/1A-3/14

Date: 01/04/2015

In partial modification in para 3(vii) & 3(viii) of Land and Land Reforms Department's Memorandum No.3145-LP dated 24/11/2014, the Governor is pleased hereby to nominate the following officer as the Chairperson of the Purchase Committee of land:

- i) The District Magistrate in the district concerned, and
- ii) The Secretary to the Government of West Bengal in the Land and Land Reforms Department in Kolkata.

By order of the Governor,

A.K.Singh

O.S.D. & E.O. A.C.S. & L.R.C., W.B.

Land and Land Reforms Department

No.971/1(85)-LP

Date: 01/04/2015

Copy forwarded for information and necessary action to the

1. Addl. Chief Secy. / Pr. Secy./ Secy., Department.
Government of West Bengal.
2. District Magistrate,.....
P.O., Distt.....


Secretary to the Govt. of West Bengal

Appendix 7: TOR for Independent Third Party for Negotiated Purchase or Voluntary Land Donation

For any voluntary donation or negotiated purchase of land, an external independent entity will supervise and document the consultation process and validate the negotiated purchase / land donation process as per ADB SPS.

TOR for Independent Third Party

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

Eligibility: The third party shall be a representative of the community (for example, a senior government officer who is not connected to the project, a leader of the community, a representative of a local NGO/CBO, a school or college principal etc.), without any direct interest in the negotiation process, who is acceptable to each of the concerned parties (PHED and concerned land owner/donor).

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

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

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

SAMPLE CERTIFICATION FORMAT

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

Date

Officers Concerned PMU and land donor/ land

owner (Names and Signatures)

I, _____ of _____ (address) certify that I was witness to the process of negotiated purchase / land donation (details of plot _____ from XXXXXXXXXXXX land owners names). I certify that:

1. The process of negotiated settlement / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land/assets for the welfare of the community/subproject activities.
2. No coercion was used in the negotiated settlement/donation process.
3. No (formal/informal) third party (associated with the purchase/donation) is negatively affected⁵⁶ by the purchase/donation activity
4. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
5. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
6. The following mitigation measures were identified and implemented / provided to the land owner/donor.
7. Attached are the minutes of meetings held between project proponents and the land owner/donor, and the agreed price/value of the donated land which I was witness to.
8. Attached are the pictures of the land purchased/donated and pictures of the original land owner(s) of the purchased/donated land.
9. Attached are the information of the socio economic background of the land owner(s)/ donor(s)

Signed/

Name

XXXXXXXXXXXXXXXXXXXXX

Date: _____ Place: _____

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

⁵⁶ Negatively affected defines as permanent loss of/ access to shelter or livelihood support which could cause impoverishment to the affected third party.

**Appendix 8: Guidelines for Inter-Departmental Transfer of Land Followed by Government
of West Bengal**



**The
West Bengal
Land and Land Reforms Manual**

Published by
Board of Revenue
Government of West Bengal
1991

Printed at Sree Saraswati Press (1984) Ltd.
(A Govt of West Bengal Undertaking)
11, B. T. Road, Calcutta—700 056

65 212. (i) As soon as an order for annulment of the settlement has been made the Revenue Officer will arrange for delivery of possession of the land to the Collector or his representative. (ii) If necessary, for the purposes of enforcing delivery of possession, the person in actual possession on the land in question may be evicted with the assistance of police as envisaged in section 49(3A) of the Act. 213. (i) The Deed of Settlement in Form 8A (Patta) issued should be recalled and cancelled. (ii) A copy of the order of annulment should be sent to the concerned Block Land and Land Reforms Officer. 214. (i) On receipt of the copy of the order the Block Land & Land Reforms Officer will make necessary corrections in Register VIII, the Patta Register and other ancillary records. (ii) After delivery of possession in favour of the Collector has been made and the records corrected, the land shall be taken up for fresh settlement under section 49(1).	Delivery of possession to the Collector. Cancellation of Patta. Despatch of copy of orders to L.L.R.O. Correction of records by H.L.L.R.O. Fresh settlement.
CHAPTER XV PRINCIPLES AND PROCEDURES FOR SETTLEMENT OF LANDS FOR NON-AGRICULTURAL PURPOSES 215. The settlement of land for non-agricultural purpose is provided for under Rule 20A(6) of the W.B. Land Reforms Rules, 1965. Rule 20A(6) authorises the Collector of a district, with prior approval of the Board of Revenue, to settle a land of any classification or description which is at the disposal of the State Government, with a person, a group of persons, an organisation or a statutory body on such terms and conditions as may, by a general or special order, be specified by the Board of Revenue. 216. Lands for non-agricultural purposes shall ordinarily be settled on long-term leases. Where long-term settlement is not possible either because the land has not become sufficiently developed or a suitable lessee is not forthcoming or the purpose for which settlement of land is sought does not require long-term settlement, the land may be settled on a short-term lease. Short-term settlement of land in the urban agglomerations, to which the Urban Land (Ceiling and Regulation) Act, 1976 is applicable, is, however, prohibited. Utmost care should be exercised before deciding to offer short-term settlement of land in other Municipal areas.	Legal provision.

	66
Long-term settlement	217.No long-term settlement of land shall be made without the prior sanction of the Board of Revenue. 218. (i) Settlement of lands for non-agricultural purposes should be made under registered leases. Form Nos. 1 and 2 of Appendix IV contain the standard forms of long-term and short-term lease respectively. No variation should be made in the prescribed forms without the sanction of the Board of Revenue. (ii)All proposals for settlement shall be entered in Register XII. 219.Save as otherwise decided by the State Government in a case, long-term lease shall ordinarily be for a period of thirty years and on expiration of the period the tenant shall be entitled to the option of successive renewals of the lease for the same period. 220.The Collector/D.L.L.R.O. shall identify suitable plots of land for long-term settlement keeping in view the long-term development of urban and semi-urban areas and advertise the land inviting applications for settlement. Proposals for long-term settlement may also be initiated on application from interested persons. 221.No proposal for long-term or short-term settlement of land shall be initiated if the purpose for which such settlement is sought infringes the land use plan prepared by a Development Authority, Municipality, Panchayat Body or Planning Organisation constituted by or under a law. 222.The market value of the land proposed for settlement should be carefully assessed from the records of recent sales of similar categories of land in the vicinity. The figures may be obtained from Sub-Registration Offices and the estimate carefully checked against the valuation in Land Acquisition cases made in the locality. A map of the map showing the location of the plot proposed for settlement and the plots for which sale figures have been collected should invariably accompany the long-term settlement proposal. 223.(i) In giving long-term lease for the first time rent shall be fixed at 4 per cent of the market value of the land proposed for settlement and salami charged at 10 times the rent equalling forty per cent of market price. (ii)The Board of Revenue may reduce the rent and salami payable under sub-rule (i) above for a land if it is satisfied that the land will be used to serve a public purpose or a charitable purpose.
Rent and salami.	224.(i) After determination of the rent and salami the Collector/ D.L.L.R.O. shall advertise the land, invite applications for settlement and send his recommendation to the Board through the Commissioner.

Appendix 9: Guidelines for Exemption of Stamp Duty for Transfer of Land to Government

THE CALCUTTA MUNICIPAL CORPORATION
MUNICIPAL COMMISSIONER'S OFFICE
CENTRAL MUNICIPAL OFFICE BUILDINGS

Dated: 18.12.99.

MUNICIPAL COMMISSIONER'S CIRCULAR NO. 58 OF 1999-2000

SUB: Exemption of Stamp duty on Registration.

Attention of all Controlling Officers and Heads of the Departments/Offices is drawn to the following order No. 3260 F.T. dated 25.11.99 issued by Finance (Taxation Deptt.), Govt. of West Bengal which may be produced at the time of registration of deed of gift.

(A. SARIN) 18/12/99
MUNICIPAL COMMISSIONER

To

All Controlling Officers,
All Heads of the Deptt./Offices/Directorate.

Copy to:

Hon'ble Mayor
All Members Mayor-in-Council
Borough Chairman.

- for information.

Government of West Bengal
Finance (Taxation) Department

No. 3260-F.T.

Calcutta, the 25th November, 1999.

O R D E R

WHEREAS the Governor is of the opinion that there are reasonable grounds for doing so:

NOW, THEREFORE, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 1 of the Indian Stamp Act, 1899 (2 of 1899) and sub-section (2) of Section 78 of the Registration Act, 1908 (16 of 1908), the Governor is pleased hereby to remit the stamp duty and registration fee chargeable under the respective Acts as aforesaid on the deed of gift by which a piece of land or a piece of land with building or structure thereon is donated by a person to the Government of West Bengal, or a panchayat, Raj Institution or a Municipality/Municipal Corporation or a District Primary School Council within the State of West Bengal for implementation of projects for a public cause.

LAW DEPT. Secy.
Dated 18.12.99
Borough Registrar
Dist. No. 1234
Dist. No. 5678

By Order of the Governor.

Sd/- A. Gupta
Secy. to the Govt. of West Bengal

18/12/99
18/12/99
18/12/99

Appendix 10: Outline of Resettlement Plan

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

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

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

D. Methodology for Impact Assessment

5. This section outlines the methodology and tools adopted for:
- (i) resettlement screening,
 - (ii) land acquisition planning,
 - (iii) socioeconomic survey,
 - (iv) census survey or inventory of assets and livelihood loss, and
 - (v) consultation with stakeholders.

E. Socioeconomic Information and Profile

6. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:
- (i) define, identify, and enumerate the people and communities to be affected;
 - (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;

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

F. Stakeholders Consultation and Participation

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

G. Legal Framework

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

H. Entitlements, Assistance and Benefits

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

I. Relocation of Housing and Settlements

- 10. This section:
 - (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
 - (ii) describes alternative relocation sites considered; community consultations conducted;

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

J. Income Restoration and Rehabilitation

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

K. Resettlement Budget and Financing Plan

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

L. Information Disclosure

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

M. Grievance Redress Mechanisms

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

N. Institutional Arrangements

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

O. Implementation Schedule

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

P. Monitoring and Reporting

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

Appendix 11: Sample Grievance Registration Form

(To be available in Hindi and English)

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

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

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

FOR OFFICIAL USE ONLY

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

Appendix 12: Outline of Social Safeguards Monitoring Report During Project Implementation Period

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

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

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

B. Background of the Report and Project Description. This section provides a general description of the project, including:

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

C. Scope of Impacts. This section outlines the detail of:

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

D. Compensation and Rehabilitation.⁵⁷ This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan. This includes:

- (i) Payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons;
- (ii) Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan; and
- (iii) Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

E. Public participation and consultation. This section describes public participation and

⁵⁷ Depending on the status of the final detail design during the submission of the report this activity might not yet started. Provide the information on the expected date the activity to be conducted instead.

consultations activities during the project implementation as agreed in the plan. This includes final consultations with affected persons during Resettlement Plan finalization after the completion of detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing nongovernment organizations (NGO), project supervision consultants, contractors, etc.

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

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

H. Monitoring Results – Findings. This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of involuntary resettlement compensation rates and timeliness of payments, adequacy and timeliness of involuntary resettlement rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing Environmental Management Plan, Resettlement Plan, or IPP, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g. involuntary resettlement impacts avoided or minimized; livelihood restored or enhanced; indigenous people's identity, human right, livelihood systems and cultural uniqueness fully respected; indigenous people not suffer adverse impacts, environmental impacts avoided or minimized, etc.). For FI projects this includes the effectiveness of the Environmental and Social Management System managed by the FI and its participating institutions.⁵⁸ If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

I. Compliance Status. This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR 2 and the approved final Resettlement Plan(s).

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

Appendix 1

- (i) List of Affected Persons and Entitlements
- (ii) Summary of Resettlement Plan and IPP with entitlement matrix

⁵⁸ Specific for the FI projects, external agency may be required to conduct an audit of the project ESMS.

Appendix 2

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

Appendix 13: Quarterly Progress Report Checklist for Social Safeguards⁵⁹
(TO BE ATTACHED IN THE QUARTERLY PROGRES REPORT)

Activity	Yes / No	Remarks (If Answer Is No)
A. For subproject packages under bidding		
1. RPs/DDR/RIPPs cleared by ADB?		
2. RPs/DDRs/RIPPs included in the bidding documents?		
3. RP/RIPP includes cut-off-date?		
4. Are there changes in the scope of work of the cleared RPs/DDRs/RIPPs?		
5. ID cards prepared for APs and distributed?		
6. Are specific actions identified in RP/RIPP, if any, that are required of the contractor for impact avoidance or mitigation, incorporated in bid documents?		
7. BOQ line item includes any requirements specified in RP/DDR/RIPP?		
8. RP/RIPP disclosed in form and language understood by stakeholders and affected persons (APs)?		
9. Consultations with stakeholders and affected persons/IP held?		
10. Is the GRM in place and GRC constituted?		
For subproject packages with contracts awarded (no works yet)		
1. All NOCs/land transfers obtained?		
2. Agreement of sale/transfer and third-party certificate obtained for negotiated settlement/voluntary donation?		
3. All compensation paid in full?		
4. Detailed measurement survey conducted jointly by contractor, project consultant and PMU/PIU?		
5. All community concerns and grievances related to specific sites mitigated through consultations or agreed actions?		
6. All common property resources (CPR, including small shrines, trees of worship etc.) identified and plan for continued access prepared?		
7. Each contractor designated social safeguards and grievance registration officer?		
8. For DBO packages, detailed design completed and updated RP/DDR/RIPP submitted to ADB?		
9. For DBO packages, serial no. 1-7 accomplished?		
For subproject packages with contracts awarded and works on-going		
1. Contractors have appointed social safeguards and grievance registration officer per subproject package?		
2. Site-specific signages with date of start and end of construction and contact number for grievances		

⁵⁹ This checklist should provide the Project's **general** compliance to social safeguards during the reporting period. The indicators are aligned with project loan agreement, PAM, RPs/RIPP and ADB's Sustainable Development Safeguards Division Safeguards project performance rating. The detailed social safeguards compliance status should be provided in the semi-annual social monitoring report.

Activity	Yes / No	Remarks (If Answer Is No)
and safety instructions for general public posted onsite?		
3. Grievance registration register available at each work site?		
4. Site fencing/protection works etc. undertaken before start of physical construction work?		
5. Contractors provided PMU/PIU with a notification/incident report of any grievance or unanticipated impact within 24 hours?		
6. Reports of complaints/grievances reported monthly to PMU?		
7. Records of information disclosure/consultations submitted by PIUs to PMU monthly?		
8. Records of site inspection by PIU and DSC submitted to PMU monthly?		
9. Records of site inspection by PMC submitted to PMU monthly?		

Appendix 14: Suggested Structure of Project Information Disclosure Leaflet

Up to 2-4 pages maximum.

Subproject Information	Description
Name of the subproject, EA/IA and town	
Proposed subproject technical details and project benefits	
Summary of subproject impacts	
Compensation and entitlements	
Resettlement Plan budget	
RP implementation schedule	
Consultation and disclosure requirements	
Implementation structure and GRM information	
Contact numbers of CAPC/implementing NGO, PIU, PMU	

Attach list of affected persons and entitlement matrix to this leaflet.