

**GOVERNMENT OF INDIA  
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS  
(MoRT&H)**

**GREEN NATIONAL HIGHWAYS CORRIDOR PROJECT  
(GNHCP)**

**RESETTLEMENT POLICY FRAMEWORK (RPF)  
*including*  
TRIBAL DEVELOPMENT PLAN**

**NOVEMBER, 2019**

## Table of Contents

ABBREVIATIONS.....	iv
EXECUTIVE SUMMARY.....	vi
I. Background.....	1
II. Project Description .....	1
III. Key social issues and likely adverse impacts .....	5
IV. Applicable legal and regulatory framework and Bank’s Operational Policies.....	7
V. Comparative Analysis of key national, state and Bank policies .....	9
VI. Principles and Scope of RPF.....	11
VII. Definitions .....	12
VIII. Entitlement Matrix .....	15
IX. Rehabilitation and Resettlement Award .....	20
X. Methodology for Census and Socio-Economic Survey .....	20
XI. Process for preparation and approval of SIA and RAP .....	21
XII. Tribal Development Framework.....	23
XIII. Issues / Concerns of Tribal Communities .....	24
XIV. Tribal Development Strategy.....	24
XV. Gender Strategy.....	24
XVI. Institutional and Implementation Arrangements .....	26
XVII. Grievance Redressal Mechanism (GRM) .....	31
XVIII. Training and Capacity Building – at Project and Sub-project Level.....	33
XIX. Monitoring and Evaluation (M&E) at Project and Sub-project Level .....	33
XX. Resettlement Budget.....	34
XXI. Coordination with Civil Works.....	35
XXII. Disclosure of Project Safeguard documents .....	35
XXIII. Updating of Resettlement Policy Framework .....	35



## **Annexures**

**Annexure 1: An outline of the RAP**

**Annexure 2: Comparison between World Bank Policy Requirements and RFCTLARR Act 2013**

**Annexure 3: Summary of the discussions and views and suggestions incorporated in the RPF**

**Annexure 4: Sample Census and Socio-economic questionnaire**

**Annexure 5: The guidelines for filling census survey code for survey**

**Annexure 6: Sample of Individual Micro Plan**

**Annexure 7: Outline of the Tribal Development Plan**

**Annexure 8: Strategies for Tribal Development Plan**

**Annexure 9: Preparation of Gender Plan for sub projects under GNHCP**

**Annexure 10: Consultation Framework**

**Annexure 11: Suggestion and Complaint Handling Mechanism (SCHM)**

**Annexure 12: Training programme on social management**

**Annexure 13: A framework for reporting with sample indicators**

## ABBREVIATIONS

BPL	Below Poverty Line
BSR	Basic Schedule of Rates
BPP	Bharatmala Pariyojana Projects
CE	Chief Engineer
CPR	Common Property Resources
CA	Competent Authority
DP	Displaced Person
DLRCC	District Level Replacement Cost Committee
EAP	Externally Aided Projects
EM	Entitlement Matrix
FGD	Focus Group Discussion
FSI	Floor Space Index
GBV	Gender Based Violence
GO	Governmental Order
GRM	Grievance Redressal Mechanism
GRC	Grievance Redressal Committee
Ha	Hectare
HH	Households
IPPF	Indigenous Peoples Planning Framework
IPDP	Indigenous Peoples Development Plan
MORTH	Ministry of Road Transport and Highways
M & E	Monitoring and Evaluation
NTH	Non-Title Holder
OP	Operational Policy
PAH	Project Affected Household
PAF	Project Affected Family
PAP	Project Affected Persons
PCU	Project Coordination Unit
PIU	Project Implementation Unit
PMC	Project Management Consultant
PWD	Public Works Department
RPF	Resettlement Policy Framework
R & R	Resettlement and Rehabilitation
RAP	Resettlement Action Plan
RAPIC	RAP Implementation Consultant
RFCTLARR Act, 2013	Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement, 2013
ROW	Right of Way
RRO	Resettlement & Rehabilitation Officer
SC	Scheduled Caste
SCHM	Suggestions and Complaints Handling Mechanism
SE	Superintending Engineer

ST	Scheduled Tribe
SDC	Social Development Cell
SIA	Social Impact Assessment
TDP	Tribal Development Plan
VCDP	Vulnerable Communities Development Plan
WB	World Bank

## EXECUTIVE SUMMARY

1. The Ministry of Road Transport and Highway (MoRT&H), Government of India (GoI) has launched a National Green Highways Mission (NGHM) following the promulgation of 'Green Highways Policy' in September 2015, considering the importance of road network in economic growth, employment generation and poverty reduction on one hand and the need to reduce adverse effects of vehicular pollution, forest diversion and felling of trees on the other hand. The green corridors, relevant from both climate mitigation and adaptation perspective, are being seen as a solution to fulfill India's commitment for voluntary reduction of carbon emissions. The GoI plans to carry out plantation along the NHs with participation of the local communities, farmers, NGOs, private sector, government agencies and Forest Departments (state level). So far, more than 5,000 km of avenue plantation works worth INR 650 Crore (about USD 90 million) have been executed.
2. The Project Objective is to enhance the institutional capacity of MoRT&H in improving transport connectivity through adopting green and climate resilient construction methods for the National Highway network and implementing them in pilot sections of the Network. There are three proposed components of the project :
  - Component A: Green Highway Corridor Improvement and Maintenance
  - Component B: Institutional Capacity Enhancement
  - Component C: Road Safety
3. Initial Social Impact assessment are prepared for 4 (four) candidate roads i.e., 2 (two) in Andhra Pradesh, 1 (one) in Rajasthan and 1 (one) in Himachal Pradesh by the MoRTH and based on the surveys done for 4 roads of the 8 roads, and the preliminary estimates available for balance 4 roads, a total of 370 ha of private land will be acquired impacting about 2835 structures fully or partially, about 6513 households and 15547 project affected persons. It has also been identified that RoW is not fully free from encumbrances and at many places it is encroached and squatted upon by the people for various purposes mainly, near habitations and in market places. Upgrading of roads may require to be undertaken in the Tribal dominated areas in the project states of Andhra Pradesh.
4. On completion of the detailed engineering designs, a Social Impact Assessment (SIA) report and Resettlement Action Plan (RAP) are being prepared based on census and sample socio-economic survey of Project Affected People. SIA is undertaken in each road-project so as to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a resettlement and rehabilitation program for implementation.
5. This Resettlement Policy Framework(RPF) is based on: Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR); The National Highway Act 1956; Comprehensive guidelines issued by MORTH relating to LA under NH Act 1956 Dated 28th December 2017; Uttar Pradesh Direct Land Purchase Policy, 2015; The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996; World Bank Operational Policy for Indigenous People (OP-4.10), World Bank Operational Policy for Involuntary Resettlement (OP-4.12). Land will be acquired in accordance with provisions of The National Highway Act 1956, and while determining the compensation for land, the competent authority will be guided by the provisions of RFCTLARR Act, 2013.
6. An Entitlement Matrix (EM) has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements. Compensation and rehabilitation assistance to

various categories of losses based on the tenure and magnitude of impact has been provided. Additional assistance to vulnerable, reimbursement of stamp duty and registration charges to those who buy land/property with the compensation and assistance in the name of women, cash assistance for housing to physically displaced squatters are some of the provisions contained in the EM.

7. The replacement amount of structures and other properties affected shall be worked out on the BSR rates and will be approved by the District level Committee/PIU. Any grievance reported by the PAPs regarding their eligibility, replacement cost of affected assets and any other entitlements shall be addressed through the Grievance Redressal Committee.
8. A Replacement Cost Committee at district level will be constituted to fix the replacement cost of land in case of lands acquired through Direct Purchase method or Land lease, structures and other properties (trees, crops and other assets, tube well, hand pump, etc). The committee may be chaired by the District Collector/ Dy. Commissioner or his designated representative (not below the rank of SDM), Project Director-cum-Executive Engineer of the concerned PIU, District Agriculture Officer, Range Officer (Forest Department, if required), an independent certified valuer, Executive Engineer of the concerned District, elected representative (MLA) of the concerned area and Team Leader of RAP implementation agency.
9. The GRC will be constituted by the Project Authority with the aim to settle as many disputes as possible on LA and R&R through consultations and negotiations. There will be one GRC for each PIU. The GRC will comprise six members headed by a retired Revenue Officer/Social Welfare Officer not below Group I officer rank . Other members of the GRC will include the concerned Project Director-cum-Executive, a retired PWD Officer (not below the rank of Executive Engineer), RRO, representative of PAPs and Sarpanch (Elected Head of Village) of the concerned village.
10. Documents like RAP and the R&R policy shall be translated in Vernacular languages as applicable for the project states and disclosed through the MORTH and State PWDs websites. The documents available in public domain will include: Entitlement Matrix and RAP (summary in local language) and the list of eligible PAFs for various R&R benefits. All documents will be kept in MORTH HQ, State PWD and sub-project PIUs offices. As per Access to Information Policy of the WB all safeguard documents will also be available at the World Bank Portal. This RPF document shall also be disclosed both by MoRT&H and the World Bank.
11. This Resettlement Policy Framework will be updated as and when changes or amendments to the applicable laws and policies are made and based on implementation experience and lessons learnt.



## I. Background

1. India's road network of 5.90 million kilometers is the second largest in the world and the densest<sup>1</sup> and carries 65 percent of freight traffic and 85 percent of passenger traffic. It comprises of the primary network of 116,000 km of National Highways (NH), the secondary network of 160,000 km of State Highways (SH) and Major and Other District Roads (MDR & ODR), and a tertiary network of Rural Roads. The responsibility for planning, construction and maintenance of the primary network lies with the central Ministry of Road Transport and Highways (MoRTH). In 1998, the Gol launched the NHDP covering 56,000 km of NH for development, spread across 7 phases. It is the biggest program (of value about \$50 billion) so far taken up by the MoRTH primarily through the National Highways Authority of India (NHAI), an independent entity under the aegis of the MoRTH. It also consisted of four/six laning of the Golden Quadrilateral (the highways connecting the four metros of Delhi, Mumbai, Chennai and Kolkata) and the North-South and East-West Corridors. As of March 2018, development of 30,000 km of NH has been completed, another 5,000 km of NH are close to completion and 6,400 km of NH are under implementation. Recently, in 2017, Gol launched the Bharatmala Pariyojana covering a length of 26,000 km length of Economic Corridors, 8,000 km length of Inter Corridors and 7,500 length of Feeder Routers. Besides these, 28 cities have been identified for Ring Roads; 125 choke points and 66 congestion points have been identified for their improvements. Further, in order to reduce congestion on proposed Corridors, enhance logistic efficiency and reduce logistic costs of freight movements, 35 locations have been identified for development of Multimodal Logistics Parks.
2. Considering the importance of road network in economic growth, employment generation and poverty reduction on one hand and the need to reduce adverse effects of vehicular pollution, forest diversion and felling of trees on the other, the MoRTH has launched a National Green Highways Mission (NGHM) following the promulgation of 'Green Highways Policy' in September 2015. The mission's objectives include developing a systematic framework for integrated green corridor development along NHs and building resilient ecosystems in form of green corridors for combating climate change effects through GHG sequestration. The green corridors, relevant from both climate mitigation and adaptation perspective, are being seen as the solution to fulfill India's commitment for voluntary reduction of carbon emissions. The Gol plans to carry out plantation along the NHs with participation of the local communities, farmers, NGOs, private sector, government agencies and Forest Departments (state level). So far, more than 5,000 km of avenue plantation works worth INR 650 Crore (about USD 90 million) have been executed.

## II. Project Description

3. This operation is continuous to Bank supported ongoing project NHIP. The present project in specific proposed to support the Government of India's (Gol) Bharatmala Pariyojana Program and ensure MoRTH's institutional capacity is strengthened in developing transport corridors that are efficient, green and resilient. It is proposed that the pilots that will be undertaken in the construction of highway corridors will support the R&D activities in development of green and resilient technologies that can be mainstreamed. Similarly, the city freight logistics pilot will support policy interventions on traffic demand management. To enhance coordination with other modes of transport like Railways and Inland Water ways, development of a freight flow model is proposed.

---

<sup>1</sup> At 1.66 km/sq km of area, which is higher than that of USA, China, Japan and Russia

4. Project Development Objective is to develop green and safe project National Highway corridors and enhancing the institutional capacity of Ministry of Road Transport and Highways in mainstreaming green technologies. The proposed Project will systematically institutionalize the development of green and safe NHs by implementing pilots, broadening the knowledge base and creating the capability to design, implement and maintain green and safe highways. The institutionalization process will be realized by: (a) mainstreaming in NH development, the green innovation aspects, namely: (i) enhancing efficient use of scarce natural resources, (ii) reducing GHG emissions from construction and maintenance of highways, and (iii) making the highways climate resilient; (b) enhancing the road safety management of NHs; and (c) building the policy framework for green highways development. Based on the foregoing, and in line with the PDO, this operation will have the following three components:

- **Component A: Green Highway Corridor Improvement and Maintenance (Total Cost: US\$ 1,001 million, including IBRD US\$ 423.95 million):** This component includes upgradation and maintenance for 5 years of about 781.3 km of selected existing National Highways in the states of Rajasthan, Himachal Pradesh, Uttar Pradesh and Andhra Pradesh as Green Highways and include pilots demonstrating resource efficiency, climate resilience, green and safety aspects. These highways will be designed and implemented as corridors to remove choke points and support seamless movement of traffic. The design and contract documents and the Environmental Management Plans that would be prepared for these pilot corridors could serve as models for the rest of the BPP.

This component will include (a) civil works for construction and maintenance; (b) consulting services for supervision during construction and maintenance periods; (c) consultants/non-governmental organizations to assist the MoRTH in the implementation of the Resettlement Action Plans; (d) consulting services for overall project management (Project Management Consultant); (e) a Technical Audit Consultancy for independent verification of Disbursement Linked Indicators and to perform an annual integrated performance audit covering, among others, engineering designs, management of social and environmental issues, quality assurance, and compliance with loan and contract conditions; (f) a Road User Satisfaction Survey consultant to carry out baseline, midterm, and end stage user satisfaction surveys to capture users' perception of the positive/negative changes that the project brings about; and (g) land acquisition, resettlement & rehabilitation, shifting of utilities, implementation of Environmental Management Plan, tree cutting, afforestation and agency charges. The loan would provide 50% of the construction cost of civil works and 80% of cost of construction supervision during the construction period, the Project Management Consultancy and the Technical Audit Consultancy. All the remaining costs will be met through the government funds.

- **Component B: Institutional Capacity Enhancement (Total Cost: US\$ 34.5 million, including IBRD US\$ 27.6 million):** This component will support capacity enhancement of MoRTH in its pursuit to conserve natural resources and improve climate vulnerability of National Highways network and reduce greenhouse gas (GHG) emissions from the transport sector, inter alia, by developing policies, guidelines and strategies, training, and mainstreaming the resource efficiency, climate resilience, green and safety aspects in the design, construction and maintenance of highways. This

component will also support implementation of ERP solution in the MoRTH and its implementing agencies. This component will have the following six sub-components:

- (a) **Sub-component B1: Development of a Climate Adaptation Policy and guidelines and mainstreaming climate resilience in National Highways design and construction processes (Total US\$ 8 million, IBRD US\$ 6.4 million):** This sub-component will support disaster risk and impact assessment of about 5,000 km of the NH network, preparation of a Climate Adaptation Policy, updating key standards and manuals, and mainstream climate resilience in project design and implementation.
- (b) **Sub-component B2: Development of policy, regulation and systems to reduce emissions from transport services (Total US\$ 2 million, IBRD US\$ 1.6 million):** This involves undertaking a study to map the freight volume and movement pattern on the entire NH network and identify constraints for efficient use of trucks, designing physical and digital freight management platforms for freight consolidation and interoperability, and recommend complementary innovative logistics solutions as well as transport operators' and regulators' coordination mechanism.
- (c) **Sub-component B3: Research and Development and mainstreaming resource efficiency and green solutions in National Highways design and construction processes (Total US\$ 18.5 million, IBRD US\$ 14.8 million):** This sub-component will support systematic monitoring and evaluation, and documentation of results of the pilot works undertaken in the project for a period of 5 years through reputed educational/research institutions or universities and inputs provided for updating relevant standards and manuals.
- (d) **Sub-component B4: Development of guidelines and model documents for mainstreaming green and safe highways (Total US\$ 1 million, IBRD US\$ 0.8 million):** This sub-component will support identifying gaps and documenting good practices in the design, implementation and maintenance stages for mainstreaming green and safe highways and preparation of documents such as the template Terms of Reference for design and supervision of construction, bidding documents and project management process of the EPC contracts including options for involvement of private sector in innovations in the design and construction aspects.
- (e) **Sub-component B5: Mainstreaming green and safe highways initiatives in the development of highways (Total US\$ 2.5 million, IBRD US\$ 2 million):** This sub-component will support MoRTH in mainstreaming green and safe initiatives by replicating these in about 2,500 km of non-project highways in NH network.
- (f) **Sub-component B6: Implementing ERP solution in MoRTH and its implementing agencies (Total US\$ 2.5 million, IBRD US\$ 2 million):** This sub-component will support implementation of ERP in MoRTH and its implementing agencies, which are currently ongoing under the National Highways Interconnectivity Improvement Project, upon its closure.
- **Component C: Road Safety (Total Cost: US\$ 59 million, including IBRD US\$ 47.2 million):** This component will support capacity enhancement of the MoRTH in road safety management inter

alia in the areas of crash database, operationalization of the lead agency for road safety, strengthening safety enforcement and emergency medical response on the National Highways, capacity building and training. This component will have the following four sub-components:

- a. **Sub-component C1. Support to the Integrated Road Accident Database Management System and the National Highway Safety System (Total US\$ 37.5 million, IBRD US\$ 30 million):** This sub-component will support the ongoing road safety activities under the National Highways Interconnectivity Improvement Project, upon its closure, in development and implementation of (a) the Integrated Road Accident Database Management System for recording and analysis of road accidents, (b) the National Highway Safety System for road safety enforcement, and (c) updating codes and manuals.
- b. **Sub-component C2. Support to operationalization of the National Road Safety Board (Total US\$ 3 million, IBRD US\$ 2.4 million):** This sub-component will support the operationalization of the National Road Safety Board, and support its activities in the initial startup phase, through expert support as part of an interim secretariat. The activities will include (a) monitoring and evaluation, (b) drafting of rules for the MVAA, and (c) data analysis and recommendations.
- c. **Sub-component C3. Strengthening highway patrol and emergency response along the project corridors (Total US\$ 16.5 million, IBRD US\$ 13.2 million):** This sub-component will support establishment of combined enforcement and emergency response outposts at critical locations to improve enforcement and post-crash care. These outposts will be equipped with patrol vehicles, advanced life-saving ambulances, cranes, tow trucks, communication system, and surveillance and other enforcement equipment to deter speeding, drink driving and other risky user behaviors.
- d. **Sub-component C4: Capacity building & training (Total US\$ 2 million, IBRD US\$ 1.6 million).** This sub-component will support training and capacity building of the officials of MoRTH, implementing agencies of MoRTH, and the NRSB in road safety management, crash investigation, safety audit, and monitoring and evaluation.

**Table 1. The list of roads identified for the development under the Project are given below:**

State	NH No.	Stretch	Length (in KM)	Districts
Himachal Pradesh	NH-707	Poanta Sahib-Gumma-Fediz	104.70	Sirmaur, Shimla
Himachal Pradesh	NH-70	Hamirpur-Mandi	109.41	Hamirpur, Mandi
Rajasthan	NH-158	Ras-Beawar-Mandal	116.75	Pali, Ajmer, Rajsamand, Bilwara
Andhra Pradesh	NH-516E	Bowdara-Vizianagram	26.94	Vishakhapatnam, Vijaynagaram
Andhra Pradesh	NH-516E	Paderu-Araku	49.37	Vishakhapatnam
Andhra Pradesh	NH-516E	Koyyuru-Paderu	133.43	Vishakhapatnam
Uttar Pradesh	NH-730C & NH-731K	Bewar-Pilibhit	183.43	Mainpuri, Faroukhabad, Shahjahanpur, Pilibit
Uttar Pradesh	NH-92	Bewar-Etawah	57.35	Etawah
<b>Total</b>			<b>781.38</b>	

### III. Key social issues and likely adverse impacts

5. The proposed sub-project roads are located across the said **4 (four) States** with varying geo-climatic conditions and are exposed to varying degrees of environmental risks. The environmental issues, including vulnerability to climate risks such as heavy rainfall, landslides etc. and the adaptive capacities to manage them also varies. Some of the proposed upgrading works are likely to be carried out in tribal dominated areas and through settlement sections. The proposed green roads approach would consider resource efficiency and sustainability measures from a menu of options such as pavement recycling, use of local materials, use of innovative materials and techniques such as soil stabilisation etc., avenue plantations along the corridor for creating carbon sink, soil and water conservation and new/alternative technologies, as suited to local needs and challenges. Also the project intends to support capacity building initiatives and studies for further investment in four areas, viz., climate resilience, resource efficiency, efficient logistic movement and road safety.
6. Initial Social Impact assessment are prepared for **4 (four) candidate roads i.e., 2 (two) in Andhra Pradesh, 1 (one) in Rajasthan and 1 (one) in Himachal Pradesh** by the MoRTH. Right of Way (RoW) details were collected from the concerned authorities (State PWD) and were verified with revenue records. Details of the **4 (four)** candidate roads are given in Table 2:

**Table 2. Details of the 4 (four) candidate roads**

Sl. No.	Packages	Stretch	Length
Andhra Pradesh	NH-516E	Bowdara-Vizianagaram	26.94 KM

Andhra Pradesh	NH-516E	Paderu-Araku	49.37 KM
Himachal Pradesh	NH-707	Paonta Sahib-Gumma-Fediz	104.7 KM
Rajasthan	NH-158	Ras-Beawar-Asind-Mandal	116.75 KM

7. Based on the surveys done for 4 roads of the 8 roads, and the preliminary estimates available for balance 4 roads, a total of 370 ha of private land will be acquired impacting about 4334 structures fully or partially, about 9958 households and 39831 project affected persons. It has also been identified that RoW is not fully free from encumbrances and at many places it is encroached and squatted upon by the people for various purposes mainly, near habitations and in market places. Upgrading of roads may require to be undertaken in the Tribal dominated areas in the project states of Andhra Pradesh.
8. Specifically, the following adverse social impacts were observed:
- Loss of fertile agricultural land;
  - loss of structures used for residential, commercial and other purposes and associated loss of livelihood i.e., loss of livelihood due to impacts on sources of earning;
  - Loss of other properties and assets such as boundary walls, hand pumps, bore wells, dug wells, ponds etc.;
  - Disruption of livelihood due to clearing of RoW particularly, petty shop owners, squatters and encroachers;
  - Loss of common property resources such as religious places, Samadhi, graveyard, cremation places, water resources, village gates, passenger shelters, etc.;
  - Restriction of movement for pedestrians and cyclists
  - Likelihood of increased accidents due to road widening;
  - Impacts on tribal population though in small number in certain project roads;
  - Possibility of gender-based violence arising from influx of migrant labor particularly in states such as Himachal Pradesh; and
  - Possibilities of forced and child labor issues
  - Likelihood of spread of HIV/AIDS among construction workers and road side community.
9. The Initial Social Impact Assessment (SIA) of the candidate roads analysed the overall socio-economic characteristics of likely project affected persons based on sample socio-economic survey. In all the candidate roads, it has been observed that mostly the people likely to be affected by the project constitute poor and other vulnerable groups. Main sources of income include agriculture and small business enterprise. Further, majority of the potential sub-project roads pass through less developed habitations/places of the respective states where infrastructure facilities and also access to educational centres, health services, etc. are comparatively poor.

#### **MoRTH-NHIIP-RPF**

10. The World Bank supported NHIIP project with similar social issues is already under implementation by MoRTH in 5 (five) states and the Project has well developed social safeguard systems (RPF) which is under implementation. MoRTH and the PIUs thus has gained considerable experience in implementing the social safeguard systems. The RPF for GNHCP is developed based

on the implementation experiences of NHIP, socio economic surveys conducted for GNHCP in four project states and considered all the latest legal and policy developments relating to land and R&R in the country.

#### IV. Applicable legal and regulatory framework and Bank’s Operational Policies

11. Applicable acts, notifications, and policies relevant in the context of the project are discussed below at **Table 3**. The Project Authority (MoRTH) will ensure that project activities implemented are consistent with the national, state, local regulatory/legal framework.

**Table 3. Applicable acts, notifications, and policies relevant**

Sl. No.	Acts, notifications and policies	Relevance to this project	Applicability
<b>National and State Acts and Policies</b>			
1	National Highways Act, 1956	Land required for the project shall be acquired as per the provisions of this act.	Applicable to all sub-projects.
2	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR)	The act provides for a transparent process and fair compensation in land acquisition for public purpose and provides for rehabilitation and resettlement of land owners and those affected by land acquisition. It comprises four schedules that provide the minimum applicable norms for compensation based on market value, multiplier and solatium; resettlement and rehabilitation (R&R) entitlements to land owners and livelihood losers; and facilities at resettlement sites for displaced persons, besides providing flexibility to states and implementing agencies to provide higher norms for compensation and R&R.	Applicable to all sub-projects.
3	Comprehensive guidelines issued by MoRTH relating to LA under NH Act 1956 Dated 28 <sup>th</sup> December 2017	Notification provides comprehensive guidelines relating to application of provisions of RFCTLARRA for lands acquired using NH Act 1956	Applicable to all sub-projects.
4	The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.	The Act aims to protect the livelihood rights and social security of urban street vendors in the country and thereby aid poverty alleviation efforts of the Government. The Act aims at fostering a congenial environment for the urban street vendors to carry out their activities without harassment from any quarter. It also provides for regulation of urban street vending and is uniformly and mandatorily applicable to all the States and Union Territories. Act will be relevant as many of the proposed activities such as network expansion, station development may lead to potential impacts on the livelihood of these vendors.	Applicable to all sub-projects.
5	Uttar Pradesh Direct Land Purchase Policy, 2015	Government of Uttar Pradesh has issued a Direct Land Purchase Policy in March 2015 with an objective of reducing the time and effort in procuring land through formal	Applicable to all sub-projects in the

Sl. No.	Acts, notifications and policies	Relevance to this project	Applicability
		acquisition process. The land purchase policy is applicable for the state departments, autonomous bodies, development authorities, industrial authorities, different departments and PPP projects.	state of Uttar Pradesh
6	The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996	One of the important provisions of this act states “the Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas.	Applicable to “Scheduled Areas” specifically to sub-projects in Andhra Pradesh
7	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	This law provides for recognition of forest rights to Scheduled Tribes in occupation of the forest land prior to 13.12.2005 and to other traditional forest dwellers who are in occupation of the forest land for at least 3 generations i.e. 75 years, up to maximum of 4 hectares. These rights are heritable but not alienable or transferable.	Applicable specifically to sub-projects in Andhra Pradesh
8	Environmental protection Act, 1986 and subsequent amendments	The Act provides for mandatory public consultation for all listed projects and activities requiring prior Environmental Clearance (EC) and includes road and highways requiring further land acquisition. The Public Consultation shall ordinarily have two components comprising of:- (a) a public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed, for ascertaining concerns of local affected persons; (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.	Applicable to all sub projects requiring prior EC clearance
9	The Right to Information Act, 2005	The Act provides for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto.	Applicable to the project as a whole.
<b>World Bank policies and guidelines</b>			
10	World Bank OP 4.12 – Involuntary Resettlement	The project entails land acquisition though, at a low scale for widening, realignments, junction improvements, bypasses etc. It would also adversely affect structures used for various purposes, livelihood of people (mainly earning their livelihood by means of petty shops and providing various services). Many of them have been operating from the government land. Thus both title holders and non-title holders alike would be affected as a consequence of the project.	Applicable to all sub-projects.



Sl. No.	Acts, notifications and policies	Relevance to this project	Applicability
11	OP 4.10 – Indigenous Peoples	It has been found that Indigenous/ Tribal people would also be affected in some of the sub-projects whereas in some other sub-projects though tribal people would not be directly affected but are within the immediate influence zone of the sub-projects.	Applicable to all sub-projects
12	World Bank’s Guidance note on managing the risks of adverse impacts on communities from temporary project induced labor influx, 2016	The document provides guidelines to address issues and risks arising from influx of migrant labor leading to gender-based violence, forced labor etc.	Applicable to all sub projects
13	World Banks Good Practice Note – Recommendations for Addressing Gender Based Violence in Investment Project Finance involving major civil works	The document provides guidance on on prevention and mitigation of GBV and SEA due to the Project related activities	Applicable to all sub projects
14	Bank Policy – Access to Information	The policy governs the public accessibility of information in the Bank’s possession. The Bank allows access to any information in its possession that is not on a list of exceptions. Documents such as RPF, all SIA and RAPs will be disclosed both by the borrower and Bank.	Applicable to all sub projects

#### V. Comparative Analysis of key national, state and Bank policies

**12.** For the purpose of development, maintenance, and management of national highways, a special law, The National Highways Act (NH Act), 1956 has been promulgated in India. This act provides for acquiring land through a “competent authority”, which means any person or authority authorized by the Central Government by notification in the official Gazette to perform functions of the competent authority for such areas as may be specified in the notifications. For land acquisition (LA), the Act defines the various procedures as (i) section 3A—intention of Central Government to acquire land, (ii) 3B—power to enter for survey, (iii) 3C – hearing of objections, (iv) 3D – declaration of acquisition, (v) 3E- power to take possession, (vi) 3F- power to enter into the land where land has vested in the central government, (vii) 3G – determination of compensation, and (viii) 3H – deposit and payment of the amount. The Act requires that the processes must be completed within a year from 3A to 3D. The Act covers only legal titleholders and provides for compensation based on (i) market value of the land; (ii) additional payments for trees, crops, houses, or other immovable properties; and (iii) payments for damage due to severing of land, residence, or place of business. Land acquisition in this project will be carried out under the NH Act. 1956.

**13.** A comparison between RFCTLARR Act, UP Direct Purchase Policy 2015 and World Bank's Operational policies that provides gap-filling measures reflected in the entitlement matrix is presented as Annexure 2. These are summarized below:

- The Act, like provisions of OP 4.12, require SIAs for projects involving land acquisition with elaborate process of consultation at every notification stage. It also expands compensation coverage of the principal act by requiring that the value of structure, trees, plants, or standing crops damaged must also be included and the solatium being 100 percent of all amounts inclusive. The Act similar to World Bank, requires compensation to be paid, prior to project taking possession of any land and provide R&R support including transitional support and moving allowances.
- Act in its computation of compensation for structures takes depreciation into account and is not explicit about providing replacement cost of structures, though presumably the provision of 100% solatium will help arrive at replacement cost of structures or higher.
- Cut-off date for determining the compensation and entitlements and assistance to all those who are affected by the project irrespective of the ownership of titles. According to the RFCTLARR Act, the cut-off date for assistance to those depending on affected private lands is three years preceding the acquisition and for the titleholders it is the date of notification under the said Act. To bring this RPF in line with World Bank requirements, RPF mandates that while in the case of land acquisition, the date of issue of public notice of intended acquisition under Section 3(A) under the Act will be treated as the cut-off date for title holders. In case of non-titleholders such as squatters and encroachers, cut-off date will be the start date of the census survey. In case of all affected non-title holders, suitable compensation (ex-gratia payments) for loss of assets and R&R assistance is proposed in the entitlement matrix.
- Also similar to provisions laid down in RFCTLARR Act 2013, World Bank safeguards policy requires consultation with PAPs during planning and implementation of resettlement action plan, Tribal Development Plan and Vulnerable Communities Development Plan and public disclosure of drafts.
- In Uttar Pradesh Direct Purchase Policy, the Land compensation under direct land purchase policy is like RFCTLARR Act 2013, i. e, the latest circle rate is considered and multiplied with 1 or 2 times in urban or rural areas respectively and 100% solatium is added to arrive at the final compensation. However, there is a gap in asset valuation and resettlement assistance. In case of asset valuation, 100% solatium is not added and no resettlement assistance is provided incase where there is a physical displacement. There is also a gap in case of those who loose land, the lump sum payment of INR 5, 00,000 towards livelihood loss is not extended.
- Further, one of the important provisions of PESA Act is that the consent of Gram Sabha or the Panchayats at the appropriate level shall be obtained before making the acquisition of land in the Scheduled Areas for development projects. The World Bank OP 4.10 emphasizes “a process of free, prior, and informed consultation with the affected Indigenous People’s communities at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project.
- In the event of any conflict or inconsistency between the provisions of this RPF and the provisions of World Bank’s Operational policy, 4.12 on involuntary resettlement, the provisions of the World Bank policy shall prevail.

## VI. Principles and Scope of RPF

14. The Resettlement Policy Framework for the GNHCP has been prepared based on the findings of Initial Social Impact Assessment Report and review of applicable legal and policy framework discussed above. The framework bridges the above-mentioned gaps to conform to the provisions of World Bank's operational policies related to Involuntary Resettlement and Indigenous Peoples. This policy framework will help expedite the process and facilitate consistent preparation of social management plans which will include RAPs and TDPs (as required) across all project roads in different states. It lays down the principles and procedures for management of social impacts caused by the project and guide the social impact assessment and preparation of mitigation plans including Resettlement Action Plans and Tribal Development Plans for the project. It brings together and built upon the current good practices in terms of procedures to address more systematic and institutional issues; and establish institutional arrangements at project, state and central level (MoRTH) for the implementation of social management plans including RAP and TDP. This Framework shall apply to all project roads under GNHCP whether partly or fully funded by World Bank during the entire period of loan assistance. Overall objective of this Framework is to guide the preparation and implementation of GNHCP.

15. Based on the above analysis of Government statutes and the World Bank policy, the following resettlement principles will be adopted to this project:

- **Screen** the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a census and socio-economic survey of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. Take due precautions to minimize disturbance to human habitations, tribal areas and places of cultural significance. Measures to avoid and minimize involuntary resettlement impacts include the following: (i) explore alternative alignments which minimize impacts, (ii) ensure the appropriate technology is used to reduce land requirements, (iii) modify the designs, cross sections, and geometrics of components to maximize the RoW and ensure involuntary resettlement is avoided or minimized.

Where displacement is unavoidable, improve, or at least restore, the livelihoods of all displaced persons through; (i) land-based resettlement strategies, where possible, when affected livelihoods are land based, and when loss of land is significant, or cash compensation at replacement cost 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, and (iii) prompt compensation at full replacement cost for assets that cannot be restored.

- **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 at replacement value.
- **Improve** the standards of living of the displaced poor and other vulnerable groups, including women, to national minimum standards or standard before displacement whichever is higher.
- **Carry out** meaningful consultations with displaced persons, host communities, and concerned agencies/departments. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation

of resettlement programs. Pay 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.

- **Prepare** a Social Impact Assessment (SIA) and Resettlement Action Plan (RAP) elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- **Identify vulnerable families** will be identified and provided additional support in their efforts to improve their living standards.
- **Disclose** a draft resettlement action plan, including documentation of the consultation process in a timely manner, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement action plan and its updates to displaced persons and other stakeholders.
- **Pay** compensation and provide all resettlement entitlements before physical or economic displacement and before commencement of civil works in that stretch of the sub-project. Implement the resettlement plan under close supervision throughout project implementation.
- **Establish** an accessible grievance redressal mechanism to receive and facilitate resolution of the concerns of displaced persons within stipulated time-frames.
- **Monitor** and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring.

## VII. Definitions

16. In this Resettlement Policy Framework, following terms shall mean as described below, unless the context requires otherwise,
- **Affected family:** A family – (i) whose land or other immovable property has been acquired (ii) a family who does not own any land but a member of such family whose primary source of livelihood stand affected by the acquisition of land who may be a agricultural laborer, tenants, artisans or may be working in the affected area for three years prior to the acquisition of land
  - **Agricultural Land:** land used for: (i) agriculture or horticulture; (ii) dairy farming, poultry farming, pisciculture, sericulture, seed farming, breeding of livestock or nursery growing medicinal herbs; (iii) raising of crops, trees, grass or garden produce; and (iv) land used for the grazing of cattle.
  - **Agricultural labourer:** means a person primarily resident in the affected area for a period of not less than five years immediately before the declaration of the affected area, who does not hold any land in the affected area but who earns his livelihood mainly by manual labour on agricultural land therein immediately before such declaration and who has been deprived of his livelihood;
  - **Assistance:** All support mechanisms such as monetary help, services, trainings or assets given to Project Affected Persons/Project Affected Families constitute assistance in this project.
  - **Below poverty line (BPL) or BPL family:** means below poverty line families as defined by the Planning Commission of India, from time to time and those included in the BPL list for the time-being in force;

- **Commissioner** means the Commissioner for Rehabilitation and Resettlement appointed under sub-section (l) of section 44 of RFCTLARR Act 2013;
- **Compensation:** Compensation refers to: i) restitution made to property under Sec 26-30 as per provisions laid down in RFCTLARR Act 2013; ii) land taken on lease under Bihar Raiyat Land Lease Policy, 2014
- **Corridor of impact (COI):** Refers to the minimum land width required for construction including embankments, facilities and features such as approach roads, drains, utility ducts and lines, fences, green belts, safety zone, working spaces etc. Additional land width would be acquired/purchased or taken on temporary lease if the Corridor of Impact extends beyond the available Right of Way;
- **Cut-off Date:** For title holders, the date of notification under Section 3(A) of the NH Act 1956 will be treated as the cut-off date, and for non-titleholders the start date of project census survey for that sub-project will be the cut-off date. Note: In case of longer alignments with possibilities of change in route alignment, project authorities may establish two cut off dates for two different sections.
- **Displaced family** means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area;
- **Encroacher:** Any person illegally occupying public property by extending their land boundary or a portion of their building onto the existing government land or RoW is an encroacher.
- **Entitled Person (EP):** Entitled Person includes all those who qualify for, or are entitled to, compensation / assistance since being impacted by the project. The basis for identification of Entitled Persons (EP) in the project will be the cut-off date (for NTH) and first notification for land acquisition (for TH).
- **Kiosk:** A kiosk is a booth/stall/cabin/cubicle made of wood or iron or any other building material which could be shifted to another location as a single unit without much damage and is used for carrying out petty business/ commercial activities and has been in operation/existence prior to cut off date;
- **Landowner:** A person who is an allottee or a grantee of any land under any scheme of the Government under which such allotment or grant is to mature into ownership, who has mortgaged his land (or any portion thereof) or who has permanent rights and interest in land;
- **Non-agricultural labourer:** means a person who is not an agricultural labourer but is primarily residing in the affected area for a period of not less than five years immediately before the declaration of the affected area and who does not hold any land under the affected area but who earns his livelihood mainly by manual labour or as a rural artisan immediately before such declaration and who has been deprived of earning his livelihood mainly by manual labour or as such artisan in the affected area;
- **Marginal Farmer:** A cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare;
- **Market value** means the value of land determined in accordance with section 26;
- **Major Impacts:** A PAP losing (i) residence, (ii) business; (iii) livelihood; (iv) or becoming landless, small, marginal farmer after acquisition;
- **Minor Impact:** A PAP suffering minor impact is one who is affected to a lesser degree than the major impacts defined above.
- **Minimum Wages** means the minimum wage of a person for his/her services/labor by type of trade per day as established by the respective State Government considering the cost of living of the Project State

- **Non-Perennial Crop:** Any plant species, either grown naturally or through cultivation that lives for a season and perishes with harvesting of its yields has been considered as a non-perennial crop in the project. For example, paddy, sugarcane, groundnut, etc.
- **Non-titleholder:** Affected persons/families/ households with no legal title to the land, structures and other assets adversely affected by the project. Non-titleholders include encroachers, squatters, etc.;
- **Notification:** means a notification published in the Gazette of India;
- **Occupier:** means a member of a Scheduled Tribes community in possession of forest land prior to the 13<sup>th</sup> day of December, 2005;
- **Project displaced person (PDP):** Any tenure holder, tenant, Government lessee or owner of other property, or non-titleholder who on account of the project has been involuntarily displaced from such land including plot in the *abadi* or other property will be considered as PDP. A displaced will always be a PAP but all PAP may not be PDP;
- **Project affected household (PAH):** A social unit consisting of a family and/or non-family members living together, and is affected by the project negatively and/or positively;
- **Project affected area:** Refers to the area of village or locality under a project for which land will be acquired under NH Act 1956 through declaration by Notification in the Official Gazette by the appropriate Government or for which land belonging to the Government will be cleared from obstructions;
- **Project affected person (PAP):** Any tenure holder, tenant, Government lessee or owner of other property, or non-titleholder who on account of the project has been affected from such land including plot in the *abadi* or other property in the affected area will be considered as PAP;
- **Project:** Project refers to the GREEN NATIONAL HIGHWAY CORRIDOR PROJECT, funded by the World Bank and implemented by MORTH, GOI.
- **Perennial Crop:** Any plant species that live for years and yields its products after a certain age of maturity is a perennial crop. Generally, trees, either grown naturally or horticulturally and yield fruits or timber have been considered as perennial crop in the project. For example, tamarind, coconut, mango, teak, neem etc. are perennial crops.
- **Persons losing their livelihood:** Persons losing their livelihood are individual members of the DHs, who are at least 18 years of age and are impacted by loss of primary occupation or source of income.
- **Private Property Owners:** Private property owners are persons who have legal title to structures, land or other assets.
- **Permanent Buildings or Pucca Structure:** Buildings of a permanent construction type with reinforced concrete.
- **Replacement Cost:** A replacement cost/value of any land or other asset is the cost/value equivalent to or sufficient to replace/purchase the same land or other asset; and has been provided in the Entitlements;
- **Resettlement Area** means an area where the affected families who have been displaced because of land acquisition, are resettled by the project authority/appropriate Government;
- **Residual Land:** Residual land can be defined as the remaining portion of land left with the owner of the holding after acquisition of land by the project.
- **Small Farmer:** A cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.
- **Semi-Permanent Building or structure:** Buildings of a semi-permanent type with tiled roof and walls not of concrete or permanent brickwork.

- **Severance of Land:** Severance of land can be defined as division of a land holding caused due to acquisition of land mainly for laying new project alignment, such as a bypass or a re-alignment.
- **Scheduled Areas** means the Scheduled Areas as defined in section 2 of the Provisions of the panchayats (Extension to the Scheduled Areas) Act, 1996;
- **Squatter:** A person who has settled on public/government land, land belonging to institutions, trust, etc. and or someone else's land illegally for residential, business and or other purposes and/or has been occupying land and building/asset without authority;
- **Tenant:** A person who holds/occupies land-/structure of another person and (but for a special contract) would be liable to pay rent for that land/structure. This arrangement includes the predecessor and successor-in-interest of the tenant but does not include mortgage of the rights of a landowner or a person to whom holding has been transferred; or an estate/holding has been let in farm for the recovery of an arrear of land revenue; or of a sum recoverable as such an arrear or a person who takes from Government a lease of unoccupied land for the purpose of subletting it;
- **Temporary Building/Kutcha structure:** Temporary building or structure means a temporary type of structure, which includes buildings with roofs constructed of thatch, galvanized iron or asbestos.
- **Titleholder-** A PAP/PAF/PAH who has legal title to land, structures and other assets in the affected zone.
- **Women Headed Household (WHH):** A household that is headed by a woman and does not have an adult male earning member is a Woman Headed Household. This woman may be a widowed, separated or deserted person.
- **Vulnerable group:** This includes Scheduled Caste (SC), Scheduled Tribe (ST), family/household headed by women/female, disabled, handicapped, BPL, and persons above the age of 65 years irrespective of their status of title (ownership). Vulnerable groups would also include those farmers who (after acquisition of land) become small/marginal farmers and also qualify for inclusion in BPL. For such cases, total land holding of the landowner in that particular revenue village will be considered in which land has been acquired;

## VIII. Entitlement Matrix

17. Under this Resettlement and Rehabilitation Policy adopted for the project, several categories of project affected persons are recognized with varying eligibility for the compensation and assistance packages in the entitlement matrix below. This entitlement matrix has been developed in accordance with the basic principles adopted in the RPF and analysis of initial identification of project impacts. In case where a State Government through any Act or Gazette Notification or as approved by any authority of State Government (duly authorized for the purpose) as per their approved procedure has fixed a rate for compensation of land and is higher than the provisions under the project, the same may be adopted by the Competent Authority in determining the compensation for land.
18. Similarly, in case where a State Government through any Act or Gazette Notification or as approved by any authority of State Government (duly authorized for the purpose) as per their approved procedure has fixed a rate for resettlement and rehabilitation assistance and is higher than the provisions under the project, the same may be adopted by the Project Authority.

**19.** In accordance with the principles of this Resettlement Policy Framework, all displaced households and persons will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts including socio-economic vulnerability of the displaced persons and measures to support livelihood restoration if livelihood impacts are envisaged. The displaced persons will be entitled to the following five types of compensation and assistance packages:

- a) Compensation for the loss of land, crops/ trees at their replacement cost;
- b) Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- c) Alternative housing in case of physical displacement;
- d) Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- e) Assistance for shifting and provision for the relocation site (if required), and
- f) Rebuilding and/ or restoration of community resources/facilities.

**20.** An Entitlement Matrix has been developed as shown in **Table 4**, summarizing the types of losses and the corresponding nature and scope of entitlements; and follows National, State laws and World Bank OPs. Entitlement matrix presents the entitlements corresponding to the type and level of impact on the AFs in the following order.

- a) Impact to private property (title holders) consisting of: (i) loss of private land; (ii) loss of private residential structure; (iii) loss of private commercial structure; (iv) impact to tenants (residential / commercial / agricultural) of title holders; and (v) impact to trees, standing crops, etc.;
- b) Impact to Non-title holders consisting of: (i) impact to squatters; and (ii) impact to encroachers;
- c) Loss of employment to agricultural and non-agricultural workers/employees;
- d) Additional assistance to vulnerable DPs; and
- e) Unforeseen impacts.

**Table 4: Entitlement Matrix**

Sl. No.	Impact	Entitled Unit	Entitlement Details
<b>A. Loss of Private Agricultural, Home-Stead &amp; Commercial Land</b>			
1	Loss of Land (agricultural, homestead, commercial or otherwise) within the Corridor of Impact (COI)	Titleholder/owner/families with traditional land right/occupiers	For all land acquired under NH Act; Compensation/lease amount shall be calculated and payable in accordance with Sections 26 to 30 and Schedule I of RFCTLARR Act 2013  i. <b>Partial Impact on Land:</b> In case only part of any land plot is affected, and its owner desires the whole plot be acquired on grounds that the plot has become uneconomic or has been severed due to LA (under Section 94 and Note C), the competent authority can award compensation for remaining part of the plot or award 25% of actual value upto of the remaining land holding as additional compensation, allowing the owner to retain the remaining land plot, if agreeable.



Sl. No.	Impact	Entitled Unit	Entitlement Details
			<p>For all land acquired under NH Act; or direct purchase or acquisition of missing land parcels/plot (MoRT&amp;H circular date 28<sup>th</sup> Decemebr, 2017), Rehabilitation and Resettlement Assistance shall be as follows ( Schedule II of Act 2013):</p> <ul style="list-style-type: none"> <li>ii. If as a result of land acquisition, the land owner becomes landless or is reduced to the status of a “small” or “marginal” farmer, assistance amount of Rs. 6 lakhs</li> </ul> <p style="text-align: center;">OR</p> <p>annuity policies that shall pay not less than two thousand rupees per month for each affected land owner for twenty years with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p> <ul style="list-style-type: none"> <li>iii. Each land owner shall be given a one-time "Resettlement Allowance" of Rs. 60,000/- only.</li> <li>iv. Refund of stamp duty and registration charges incurred for replacement land to be paid by the project; replacement land must be bought within a year from the date of payment of compensation to project affected persons</li> </ul>
<b>B. Loss of Private Structures (Residential/Commercial)</b>			
2	Structure within the Corridor of Impact (Col)	Title Holder/ Owner	<ul style="list-style-type: none"> <li>i. Compensation in accordance with Sections 26 to 30 and Schedule I of RFCTLARR Act 2013</li> <li>ii. Right to salvage material from affected structures</li> <li>iii. Three months advance notice to vacate structure</li> <li>iv. For those losing cattle shed, a one-time assistance of Rs. 28,000/- would be payable</li> <li>v. For each affected family of an artisan or self-employed or own non-agricultural land, that is displaced and must relocate, a one-time assistance of Rs. 28,000/- would be payable; and</li> <li>vi. One-time subsistence grant of Rs. 40,000/- for each displaced family who are displaced and require to relocate;</li> <li>vii. One-time financial assistance of Rs. 60,000/- for each displaced family towards shifting/transportation cost for shifting of the family, building materials, belongings and cattle</li> <li>viii. Refund of stamp duty and registration charges for purchase of new alternative houses/shops at prevailing rates on the market value as determined. Alternative houses/shops must be bought within a year from the date of payment of compensation</li> <li>ix. For a house lost, a constructed house shall be provided as per the Indira Awas Yojana Specifications or equivalent cost of the constructed house in lieu, shall be payable.</li> </ul>

Sl. No.	Impact	Entitled Unit	Entitlement Details
			x. <u>In case of partial impact</u> , 25% additional award to be paid on compensation award for the affected part of the structure to enable damage repair where the owner/occupier of his/her own will, interested to retain the remaining part of the structure, provided the unimpaired continuous use of the such structure is possible without hazards
3	Structure within the Corridor of Impact (Col)	Tenants/ Lease Holders	i. Registered lessees will be entitled to an apportionment of the compensation payable to structure owner as per applicable local laws. ii. One-time financial assistance of Rs. 60,000/- as transportation and relocation assistance. iii. Three months notice to vacate structures.
<b>C. Loss of Trees and Crops</b>			
4	Standing Trees, Crops within the Corridor of Impact (Col)	Owners and beneficiaries (Registered/ Un-registered tenants, contract cultivators, leaseholders & sharecroppers	i. Cash compensation as estimated under Section 29(3) of Act to be paid at the rate estimated by: <ul style="list-style-type: none"> <li>• The Forest Department for timber trees</li> <li>• The State Agriculture Extension Department for crops</li> <li>• The Horticulture Department for fruit/flower bearing trees.</li> </ul> ii. Three months advance notice to project affected persons to harvest fruits, standing crops and removal of trees, or compensation in lieu as determined above.  Registered tenants, contract cultivators & leaseholders & sharecroppers will be eligible for compensation for trees and crops as per the agreement document between the owner and the beneficiaries.  Un-registered tenants, contract cultivators, leaseholders & sharecroppers will be eligible for compensation for trees and crops as per mutual understanding between the owner and the beneficiaries
<b>D. Loss of Residential/ Commercial Structures to Non-Title Holders</b>			
5	Structures within the Corridor of Impact (Col) or Govt. land	Owners of Structures or Occupants of structures (Encroachers, Squatters) identified as per Project Census Survey	<b>For loss of House</b> <ul style="list-style-type: none"> <li>i. Compensation at PWD BSR without depreciation for structure</li> <li>ii. One-time resettlement allowance of Rs. 28,000 /-</li> <li>iii. Shifting/transportation assistance of Rs. 60,000/-</li> <li>iv. Encroachers shall be given three months' notice to vacate occupied land or cash assistance at replacement cost for loss of structures.</li> <li>v. Right to salvage the affected materials</li> </ul> <b>For loss of shop</b>

Sl. No.	Impact	Entitled Unit	Entitlement Details
			<ul style="list-style-type: none"> <li>i. Compensation at PWD BSR without depreciation for structure</li> <li>ii. One-time subsistence grant of Rs. 40,000/-</li> <li>iii. One-time rehabilitation grant of Rs. 28,000/-</li> <li>iv. Shifting/transportation assistance of Rs. 60,000/-</li> <li>v. Encroachers shall be given three months' notice to vacate occupied land or cash assistance at replacement cost for loss of structures.</li> <li>vi. Right to salvage the affected materials</li> </ul>
<b>F. Additional Support to Vulnerable Group</b>			
6	Families within the Corridor of Impact (Col)	Vulnerable affected families	<ul style="list-style-type: none"> <li>i. One-time Resettlement Allowance of Rs. 60,000/-</li> <li>ii. Training for skill development. This assistance includes cost of training and financial assistance for travel/conveyance and food.</li> <li>iii. Additional Subsistence Grant of Rs. 60,000/- for displaced families belonging to <b>Scheduled Caste and Scheduled Tribe Category</b></li> <li>iv. Displaced vulnerable households will be linked to the government welfare schemes, if found eligible and not having availed the scheme benefit till date.</li> </ul>
<b>G. Loss of Community Infrastructure/Common Property Resources</b>			
7	Structures & other resources (e.g. land, water, access to structures etc.) within the Corridor of Impact (Col)	Affected communities and groups	Reconstruction of community structure and common property resources, will be done in consultation with community
<b>H. Temporary Impact During Construction</b>			
8	Land and assets temporarily impacted during construction	Owners of land and assets	<ul style="list-style-type: none"> <li>i. Compensation for temporary impact during conversion e.g. diversion of normal traffic, damage to adjacent parcel of land/assets (crops, trees, structures, etc.) due to movement of heavy machinery and plant site</li> <li>ii. Contractor shall bear the cost of compensation of any impact on structure or land due to movement of machinery during construction or establishment of construction plant.</li> <li>iii. All temporary use of land outside ROW, would be done based on written approval/ prior approval landowner and contractor</li> </ul>

*Note: All unit costs are updated and revised based on Consumer Price Index for Agricultural laborer's (CPIAL's), April, 2019*

21. There shall be no income tax deductions in line with Sec 96 of the RFCTLARR Act. In the event any deductions are made toward taxes, such amounts will have reimbursed.
22. All compensation and assistance will be paid to PAPs at least 1 month prior to displacement or dispossession of assets.

23. Compensation for Trees: Compensation for trees will be based on their market value. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops, fruit bearing trees will be decided in consultation with the Departments of Forest, Agriculture and Horticulture. In line with the provision of RFTFCTLARR Act 2013, 100% solatium will be added to the assessed value of the trees. Prior to taking possession of the land or properties, the compensation will be fully paid and affected persons will have the opportunity to harvest crops/trees within 15 days from the date of payment of compensation.
24. Even after payment of compensation, displaced PAPs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that PAPs can take away the materials so salvaged within 15 days of their demolition; otherwise, the same will be disposed by the project authority without giving any further notice. Trees standing on the land owned by the government will be disposed of through open auction by the concerned Revenue Department/ Forest Department.
25. Updating Units of Entitlement: All units of entitlement and assistances will be revised by MoRTH once in every two years based on Consumer Price Index for Agricultural Labourers (CPIAL) and communicated to all Project Implementation Units (PIUs) for making payment as per the revised rates. The values/rates contained in this RPF will be applicable until March 31, 2021. The updating will be done in the month of March and will become effective from the 1<sup>st</sup> day of April of that year.

**IX. Rehabilitation and Resettlement Award**

26. The PIU/District Administration will pass a separate Rehabilitation and Resettlement Award listing the names of displaced persons and their entitlements in accordance with this RPF. The same will be displayed in prominent places such as the office of Panchayat Offices/ Urban Local Bodies, District Collector Offices, Block development Offices, District Public Relations Offices (at the state and district levels), Project office, and any other relevant offices, etc.

**X. Methodology for Census and Socio-Economic Survey**

27. For a good resettlement planning, implementation and monitoring it is important to collect quality census and baseline socio-economic data of PAPs. For this purpose, census and socio-economic surveys shall be conducted using structured questionnaire during the project preparation. These surveys shall be commenced after finalization of alignment.
28. Broad information that would be collected through this census and socio-economic survey includes; details of family members, religion, social category, sources of income, occupation, land holdings, ownership and type of structures, property and assets owned, livestock size, details of losses of assets to the project, etc. These surveys shall be designed to ensure that only genuine persons are classified as project affected and the scope for frauds/ misrepresentations and opportunistic attempts to seek assistance is negated. The extent of impact on Common Property Resources shall be covered during these surveys. The sample census and socio-economic questionnaire is attached as **Annexure-4**
29. The guidelines for filling census survey code, conducting census and socio-economic survey, videography of project stretch etc. are provided as **Annexure-5**.

## XI. Process for preparation and approval of SIA and RAP

30. On completion of the detailed engineering designs, a SIA and RAP shall be prepared based on a census of the Affected Persons (APs) and socio-economic survey of major impacted APs. SIA of the displaced persons will be undertaken in each sub-project so as to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a resettlement and rehabilitation program for implementation. This RPF processes and provisions will be applied for preparation of any study undertaken with World Bank financing. The census and socio-economic surveys will comprise of the following tasks.
- a. **Screening of sub-Projects:** The sub-project shall be screened for social impacts based on the given designs for the proposed improvements envisaged. Built-up sections will be identified during screening requiring different treatment and accordingly suitable modifications to the design/alignment cross section/bypasses should be proposed to minimize social impacts. Further the screening exercise should identify all aspects that could lead to adverse environmental and social impacts and involuntary resettlement, regardless of the source of financing; from all activities that are necessary to achieve project objectives as set forth in the project documents; and iii) are carried out, or planned to be carried out, contemporaneously with the project. Identify presence of Indigenous Peoples that meet the four characteristics as outlined in the Operation Policy 4.10 on Indigenous Peoples. *In light of the findings, clearly indicate if there is a need to prepare Indigenous Peoples Development Plan for every location specific investment.*
  - b. **Census Survey:** The census and socio-economic surveys shall be carried out using a structured questionnaire to record the details of the present occupants within the Corridor-of-Impact (Col), the area required for the proposed improvements, and within the Right of Way (RoW), wherever RoW is greater than Col, in order to: (i) prevent further influx of persons within the Col/RoW; (ii) to assess the magnitude of impact to private assets; and (iii) to assess the extent of physical and/or economic displacement. The purpose of carrying out a census of inventory of assets beyond Col and within RoW, wherever RoW Col, is to facilitate PIU to update the SIA and RP, if design changes are made in the available RoW during civil works. In addition, focus group consultations with affected people and other stakeholders will be carried out and their feedback will be incorporated in the designs and safeguard documents.
  - c. **Establish and inform Cut-off Date:** Following completion of the census survey, project authorities will notify the cut-off dates for both Titleholder and Non-Titleholders. The cut-off date for informal settlers will be the date of census survey and in case of title holders, the first notification for land acquisition. This date shall be considered as the date for declaring affected persons eligible to receive entitlements. No persons who move into the project area after determination of the 'Cut-off-date' will be eligible for any benefit. Appropriate measures will be put in place to prevent informal settlers moving into project area after the cut-off date.
  - d. **Socio Economic Survey:** While census will be carried out for 100% of affected population, sample socio-economic surveys among severely affected people will be carried out to establish baseline socio-economic status and living standards which will become basis for measuring the changes in the living standards during the project implementation and end of the project implementation. The survey shall cover all impacted project affected people and the survey shall also collect gender-disaggregated data to address gender issues in resettlement. The socio-economic survey shall be carried out using a structured questionnaire, that would capture details of standard of living, inventory of assets, sources of income, level of indebtedness, profile of household members, health and sanitation, access to services and facilities, perceived benefits and impacts

of the project and resettlement preferences for impacted households likely to be displaced. This information along with the census survey data would facilitate the preparation of a RAP to mitigate adverse impact.

- e. **Consultations and Focus Group Discussions (FGDs):** During the socio-economic survey, consultations and FGDs will be conducted with different impacted groups as well as other stakeholders will be conducted to ascertain their views and preferences. Based on the outcome of these consultations designs changes, if any are required, and mitigation measures will be incorporated. Consultations will include women and their concerns and reactions to the project will be addressed through appropriate mitigation plan. Other stakeholders indicatively include: implementation agencies likely to be involved with RAP implementation, women SHGs, if any, NGOs operational in the area.
  - f. **Land Plan Schedule:** The right-of-way (RoW) shall be established based on revenue maps and field measurement books (FMB), which will be the basis for detailed design and wherever possible the RoW shall be restricted to available RoW to minimize land acquisition and resettlement impacts. Land Plan Schedule present details of the land parcels to be acquired for the project and will be used for issuing notifications as per land acquisition act or for Direct Purchase by District Administration from PAPs.
  - g. **Resettlement Action Plan:** The RAP will be prepared based on the findings of the Land plan schedules, census/socio-economic survey and consultations. It will include the findings of Land plan schedules, census and socio-economic survey results of affected persons. The RAP will also include entitlements for different type of impacts, socio economic characteristics of the displaced persons, institutional mechanisms, implementation schedules, budgets, assessment of feasible income restoration mechanisms, development of resettlement sites and relocation, grievance redress mechanism, coordination of implementation in conjunction with civil works procurement and construction schedules and internal and external monitoring mechanisms. An outline of the RAP has been provided in **Annexure 1** and will be detailed as needed depending upon the magnitude and nature of impacts. The impacts and mitigation measures will be presented sub-project wise to coordinate with the procurement and construction schedules of the respective sub-projects. The RAPs will comply with the principles outlined in this RPF adopted for the project. The SIA and RAP for each sub-project will be reviewed by sub-project PIU, state level PCU and PMC, MORTH and by the World Bank and approved by MoRTH and disclosed on MoRTH's portal and the World Bank's portal prior, to invitation of bids for civil works. Disbursement of compensation payments and entitlements will be made prior to displacement and prior to handing over of the land parcels to civil work contractors.
  - h. **Preparation of Micro Plan :** Micro plans shall be prepared for all the project affected individuals and common property resources based on the extent of impacts and the project entitlement Framework. The micro plan shall contain information on extent of loss under each category of loss, category of affected and due entitlements as per the eligibility criteria. A sample of Individual Micro plan for titleholder is provided as **Annexure-6**
- 31.** The micro plan will be prepared by the NGO and submitted to Project Authority for approval. The Project Authority with or without involvement of the District Collector Office as applicable will approve the micro plan for disbursement of assistance to entitled persons. The assistance will be disbursed by cheque or by direct transfer to PAPs bank account. For non-titleholders however, the replacement amount of structures and other properties affected shall be worked out by the

NGO based on the BSR rates and will be approved by the District level Committee PIU. Any grievance reported by the PAPs regarding their eligibility, replacement cost of affected assets and any other entitlements shall be addressed through the Grievance Redressal Committee. The structure and process of these committee is provided under section on Institutional arrangements.

## **XII. Tribal Development Framework**

- 32.** The objective is to design and implement projects in a way that fosters full respect for Indigenous Peoples' dignity, human rights, and cultural uniqueness and so that they: (a) receive culturally compatible, gender and inter-generationally inclusive social and economic benefits; and (b) avoid adverse effects during the development process, or if not feasible ensure that these are minimized, mitigated or compensated.
- 33.** The term "Indigenous Peoples<sup>5</sup>" is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees:
- (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
  - (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories<sup>7</sup>
  - (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
  - (d) an indigenous language, often different from the official language of the country or region.
- 34. The Constitution of India, Fifth Schedule** (Article 244) provides for the administration and control of Scheduled Areas<sup>6</sup> and Scheduled Tribes (areas and tribes needing special protection due to disadvantageous conditions).
- 35.** The provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 lays down process to be followed for acquisition of land in Scheduled V Areas. The Act under sub-section (1) of Section 4 provides for mandatory consultation with the Gram Sabha before any land acquisition proceedings can be undertaken. It further states that all Gram Sabhas in which even if one person is affected by the proposed project would have to be consulted before acquisition proceedings are initiated, by the procedure prescribed. Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution. The World Bank OP 4.10 emphasizes "a process of free, prior, and informed consultation with the affected Indigenous People's communities at each stage of the project, and particularly during project preparation, to fully identify their views and ascertain their broad community support for the project.
- 38.** GNHCP shall avoid adverse impact on such area to the extent possible. Where unavoidable, it will consult the concerned Gram Sabha/ Pachayat for obtaining their broad support and resolution for initiating land acquisition.

### **XIII. Issues / Concerns of Tribal Communities**

**39.** The early consultations during initial impact assessment and screening, in tribal inhabited areas, following issues were identified related to tribal people in the project area. In order to have a more focused tribal development strategy, these issues have been grouped into (i) issues that are directly related to the project development for which measures will have to be taken up under the project to address them and (ii) issues which are outside the scope of the project but institutional collaboration could help the tribals in their development. These have been listed below:

**40.** Issues related directly to the development of the Project

- Loss of agriculture income
- Loss of employment of daily wagers in shops and eating places along the road
- Loss of shelter
- Lack of effective consultation
- Loss of community facilities
- Poor access to project information and benefits
- Seek employment opportunities through project
- Physical displacement

**41.** Other Issues:

- Low level of agriculture productivity
- Lack of employment opportunities
- Low income levels
- Poor health
- Low level of education
- High levels of debt

### **XIV. Tribal Development Strategy**

**42.** Taking into account various provisions under government and World Bank policies to safeguard Schedule Tribes and development programs available to tribal communities, the following strategy has been developed to ensure that any adverse impacts due to the project development are addressed adequately and that measures are taken to ensure that tribal communities and the project area benefit from the project at par with other.

**43.** There will be loss of livelihood and shelter of Scheduled Tribe in selected stretches. Therefore specific strategies based on type of loss and nature and magnitude of impact on tribal have been formulated for those who are directly impacted and a general strategies associated with tribal backwardness is also prepared. Specific and general strategies related to STs, consultation strategy in tribal areas and steps for preparation and implementation of Tribal Development Plan in detail is provided at **Annexure-8**.

### **XV. Gender Strategy**

Historically, the transport sector in India has offered limited employment opportunities for women. According to the International Labor Organization, transport is one of several sectors that has



traditionally been regarded as having 'no place for women' (Turnbull, Lear and Thomas 2009). In 2005, 6.85 per cent of women were employed in the transportation sector in India compared to 19 per cent of men. Women face multiple challenges including accessing vocational/technical training specific to transport and logistics sector jobs. **Going beyond employment opportunities**, the benefits of improved roads, particularly for women in rural areas, include reduced travel time, greater mobility, and better access to basic facilities and services. With easier access, children will be motivated to go to school and girls' attendance and completion of secondary school should increase especially in difficult terrains such as Himachal Pradesh. Improved access to health centers should contribute to improved health outcomes, contributing to reduced incidence of child and maternal mortality. Improved roads are also a factor in increased household income when there are greater opportunities for business and trading, and local employment.

**The gender actions** are listed under three categories: 1) skilling, capacity building and potential employment opportunities for women-led collectives; 2) universal good design practices to improve access and 3) skilling and income diversification strategies focusing exclusively on affected women-headed households.

1. ***Skilling, capacity building and potential employment opportunities for women-led collectives:***  
To promote micro-enterprises owned by women, the project, through state PIUs, will incentivize technical training of women-owned establishments in maintenance tasks associated with resilience enhancing measures. State PIUs will be directed by MoRTH to build capacity of women-led SHG groups in at least two states (Himachal Pradesh and Andhra Pradesh) to undertake maintenance tasks. Provision of skills training will adopt a holistic approach to include intensive technical as well as life skills training in digital, financial and legal literacy. Such trainings will be offered to women-led groups through collaboration with Industrial Training Institutes (government ITIs). 30% of the contracts for day-to-day maintenance such as slope-cutting, watering plantations, landscaping, etc. will be awarded to SHG groups.
2. ***Universal good design practices to improve access:*** Across feeder roads, the project will ensure that areas near habitations are well-lit, emergency phones are available at high-risk locations and hoardings are placed to dissuade eve-teasing, sexual harassment and help-line numbers are prominently displayed to register complaints against eve-teasers/bullies. Further, to enhance perceptions of safety amongst communities, state-PIUs will work with SHG groups in improvising roads and associated infrastructure (toilets for women, bus shelters) that connect secondary schools, primary health-care centers, from a safety perspective. State PIUs will conduct a users' satisfaction survey (midline and end-line) to monitor improvement in access to secondary schools, degree colleges, hospitals and 'travel for work' by women.
3. ***Skilling and income diversification strategies focusing exclusively on affected women-headed households:*** the state PIUs will work towards creating alternate livelihood and income diversification strategies for women-headed households amongst PAPs. This will be enabled through provision of short-term skill training in coordination with government training institutes and provision of small seed funds for starting micro-enterprises.

Steps to prepare gender plan for sub projects is detailed in **Annexure-9**

## **XVI. Institutional and Implementation Arrangements**

**44.** The institutional arrangements to manage and implement Resettlement Action Plan & Tribal Development Plan/Vulnerable Communities Development Plan will be set up at three levels viz., Central, State and Sub-Project Level. These are presented below:

**45. Central Level:** At Central Level, the Chief Engineer (EAP), MoRTH, Govt. of India will be overall responsible for the implementation of RPF. CE (EAP) will have all delegated administrative and financial decisions with regard to implementation of the project as well as land acquisition, RAP including TDP/VCDP implementation. It will include further augmenting the capacity of MoRTH with regard to resettlement and rehabilitation and management of other social issues. CE (EAP) will be assisted by a team comprising EE designated as Social Officer and a suitable number of technical and secretarial staff. MoRTH also will engage a Social Development Specialist (SDS) either as individual consultant or through Project Management Consultant (PMC), to work with EAP and assist Social Officer. The EAP will be responsible for ensuring training, guidance, and recommendations for handling policy and implementation issues at the state and sub-project levels in compliance with RPF. The Social Development Specialist either individually or with PMC will provide policy and strategic assistance to EAP on social issues including land acquisition and rehabilitation and resettlement. The designated Social Officer will be specifically responsible for implementation of RAP & TDP. The Social Officer will ensure that all social safeguards issues are complied with as per the RPF. The roles and responsibilities of the SDS would broadly include the following:

- i. Ensure adequate staffing at state and sub-project level to ensure timely implementation of RAP.
- ii. Guide and supervise in matters related to resettlement and rehabilitation & TDP to state and sub-project level offices.
- iii. Ensure preparation and disclosure of SIA, RAP including TDP/VCDP and Land Acquisition Plan for sub projects as per RPF.
- iv. Ensure free, prior and informed consultation with tribal families along the project and also ensure that sufficient supporting documentation is maintained.
- v. Co-ordinate with state government departments in matters related to implementation of RAP & TDP.
- vi. Interact with implementation agencies at state and sub-project level on a regular basis.
- vii. Undertake field visits as and when required.
- viii. Facilitate necessary help needed at site with regards to LA and R&R issues.
- ix. Compile data related to resettlement and rehabilitation & TDP activities received from field offices and update Chief Engineer (CE) and suggest suitable measures to be taken.
- x. Ensure budgetary provision for resettlement and rehabilitation of PAPs and relocation, rehabilitation and reconstruction of common property resources (CPRs) and implementation of & TDP.
- xi. Ensure timely release of budget for implementation of RAP&TDP.
- xii. Monitor implementation of RAP including TDP carried out by the agency through RRO at subproject level.
- xiii. Ensure third party audit of RAP & TDP implementation; and
- xiv. Perform other roles and responsibilities related to implementation of RAP including TDP as assigned by the CE (EAP) from time to time.

**46. State Level:** At State Level, a Land Acquisition cum Social Development Officer (LA cum SDO) would be appointed in the Project Coordination Unit (PCU) headed by Nodal Officer. Additional sociologist as individual consultant will also be engaged to assist LA cum SDO in states as required, particularly in states with larger share of sub projects such as Andhra Pradesh, Himachal Pradesh, Uttar Pradesh etc. The roles and responsibilities of the LA cum SDO would broadly include the following:

- i. Facilitate preparation and implementation of land acquisition and RAP including TDP in compliance with RPF;
- ii. Ensure consultation and stakeholder participation in finalisation of RAP including TDP;
- iii. Guide and supervise RAP including TDP implementation at sub-project level;
- iv. Interact with RAP implementation support agencies and undertake field visits for first-hand information;
- v. Co-ordinate with various government departments in matters related to implementation of RAP & TDP;
- vi. Check implementation of RAP including TDP/VCDP carried out by the agency from time to time by undertaking site visits and consultations with PAPs;
- vii. Facilitate and cooperate in third party audit of RAP & TDP implementation;
- viii. Guide and supervise the RAP implementing agency to roll out HIV prevention activities;
- ix. Ensure a well -functioning GRM including “confidential” handling of complaints relating to Gender Based Violence;
- x. Compile data on LA progress and RAP implementation activities received from field offices and update EAP, MoRTH and suggest suitable measures to be taken; and
- xi. Perform other roles and responsibilities related to implementation of RAP including TDP/VCDP as assigned by the EAP, MoRTH from time to time

**47. Sub-Project Level:** A Project Implementation Unit (PIU) comprising officials of State PWD will be constituted at subproject level and headed by the Superintending Engineer/ Executive Engineer – who will be designated as Project Director. The PIU will be responsible for the project execution including RAP & TDP/VCDP implementation. There will be a designated or appointed Resettlement & Rehabilitation Officer (RRO) at respective PIUs who will be responsible only for the implementation of RAP and TDP at site. Additional sociologist as individual consultant will also be engaged to assist RRO as required. RRO will assist Project Director at PIU in all matters related to resettlement and rehabilitation. The roles and responsibilities of the Resettlement and Rehabilitation Officer are as under:

- i. Ensure RAP including TDP implementation with assistance from implementation agency as per the time line agreed upon.
- ii. Interact with RAP implementation agency on a regular basis.
- iii. Undertake field visits with implementation agency from time to time.
- iv. Co-ordinate with district administration and other departments in matters related to implementation of R&R.
- v. Facilitate necessary help needed at site with regard to LA and R&R, HIV issues to implementation agency.

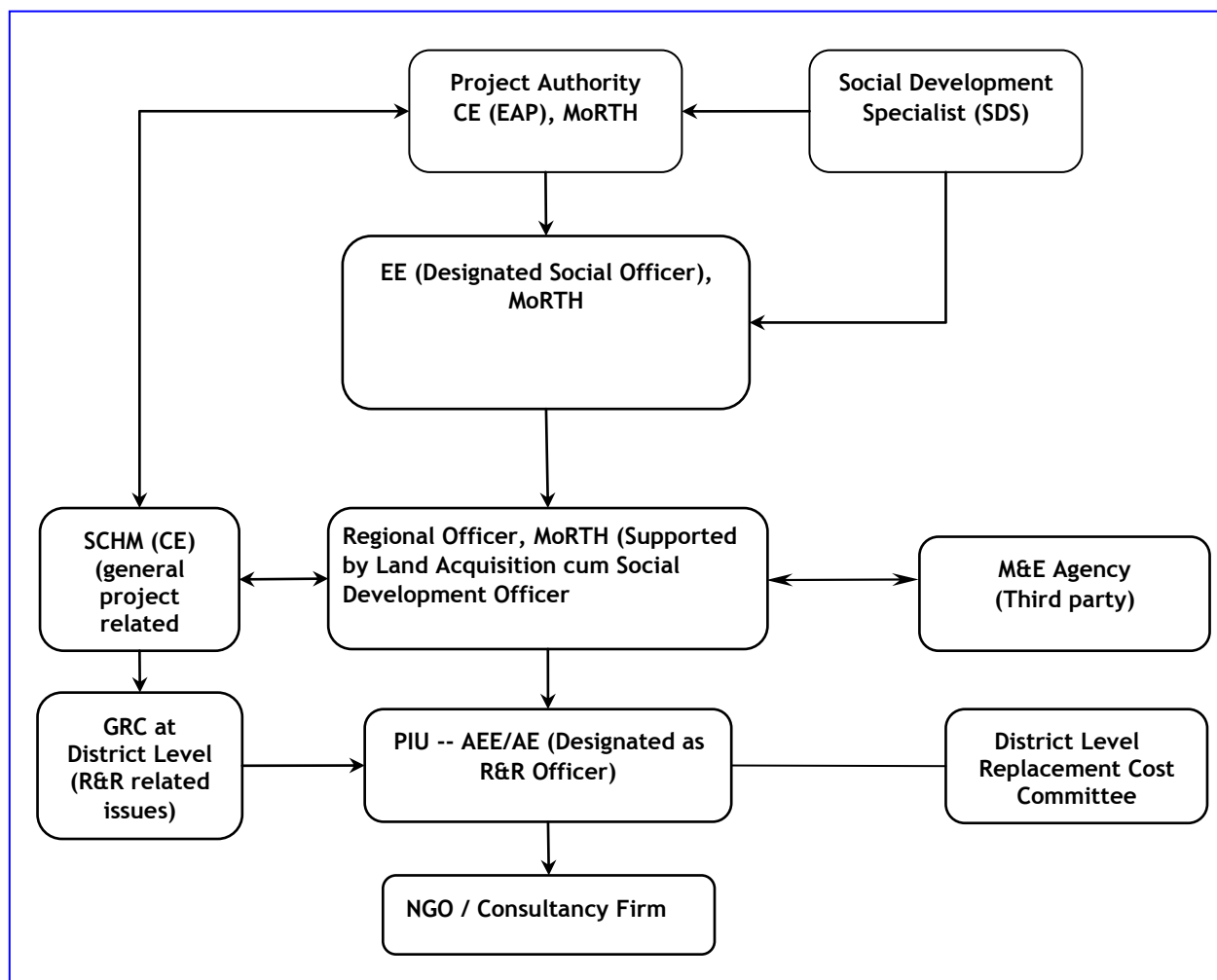
- vi. Ensure distribution of Resettlement and Rehabilitation Policy and entitlement matrix for the project to PAPs.
- vii. Ensure preparation and distribution of photo identity cards.
- viii. Ensure and attend meetings organised by implementation agency on thematic areas related to resettlement and rehabilitation policy and entitlements and awareness generation including aspects relating to GBV.
- ix. Ensure inclusion of PAPs who could not be enumerated during census but have documentary evidence to be included in the list of PAPs.
- x. Ensure preparation of identity cards, and approval from the PCU and distribution of the same to PAPs.
- xi. Ensure timely preparation of micro-plan from RAP implementation agency and approval from PCU.
- xii. Ensure disbursement of resettlement and rehabilitation assistance in a transparent manner.
- xiii. Participate in meetings related to resettlement and rehabilitation issues.
- xiv. Facilitate in opening of joint account of PAPs.
- xv. Ensure release of compensation and assistance before taking over the possession of land for start of construction work.
- xvi. Ensure relocation, rehabilitation and reconstruction of CPRs before dismantling through proper mechanism.
- xvii. Ensure development of resettlement sites, where required.
- xviii. Attend and participate in Grievance Redress Committee meetings for redressal of grievances of PAPs and other committees involving R&R matters,
- xix. Liaison with government and other agencies for inclusion of PAPs in employment and income generation programme/scheme.
- xx. Ensure that tribal families get equal opportunity to participate during implementation and become overall beneficiaries in the project.
- xxi. Prepare monthly progress report related to physical and financial progress of implementation of RAP including TDP & submit to PCU.
- xxii. Provide all necessary information and data related to R&R on monthly basis to designated Social Officer at Central Level through Project Director.
- xxiii. Carry out any other work related to resettlement and rehabilitation that may be entrusted from time to time by the PCU for compliance of R&R.

**48. RAP Implementing Support Agency at Sub-Project Level:** The Project Authority [CE(EAP), MoRTH To implement RAP for each of the sub-project, will engage the services of **NGOs/Consultancy firms** having experience in resettlement and rehabilitation issues. Broad roles and responsibilities of implementation agency would be as:

- i. The RAP implementation agency will be the main link between the Project Authority and PAPs,
- ii. Shall be responsible for verification of PAPs as prepared by the DPR consultants,
- iii. Undertake public information campaign along with RRO at the commencement of the RAP&TDP,
- iv. Develop rapport with PAPs,

- v. Distribute pamphlets of R&R Policy including Entitlement Matrix to PAPs, Panchayat Raj Institutions, and concerned Govt. Offices in the project area, etc.
- vi. Include PAPs who could not be enumerated during census cum socio-economic survey and certification from R&R Officer,
- vii. Distribute identity cards for PAPs,
- viii. Prepare and submit micro-plan to RRO for approval from PCU,
- ix. Organize consultations at regular interval with PAPs with regard to resettlement and rehabilitation,
- x. Organize training program for skill up gradation of the PAPs,
- xi. Assist PAPs in all matters related to compensation and R&R,
- xii. Assist and facilitate aggrieved PAPs (for compensation and assistance) by bringing their cases to GRC,
- xiii. Facilitate in opening of joint account of PAPs,
- xiv. Generate awareness about the alternative economic livelihood and enable PAPs to make informed choice,
- xv. Consultations with PAPs regarding the choice of resettlement (i.e. self or assisted), development of resettlement site, participation of women, etc.
- xvi. Identify training needs of PAPs for income generation and institutions for imparting training,
- xvii. Undertake outreach activities for HIV prevention for awareness and behaviour change as per RAP,
- xviii. Hold consultations with local people and Panchayat Raj Institutions with regard to relocation, rehabilitation, reconstruction of affected CPRs as well as provision of new facilities under the project,
- xix. Participate in various meetings relating to RAP and TDP/VCDP preparation and implementation,
- xx. Submit monthly progress report, and
- xxi. Undertake any other activities that may be required for the implementation of RAP & TDP, etc.

**Figure -1: Institutional Arrangement for RAP Implementation**



**49. Replacement Cost Committee at District Level:** A committee at district level will be constituted to fix the replacement cost of land in case of lands acquired through Direct Purchase method or Land lease, structures and other properties (trees, crops and other assets, tube well, hand pump, etc). The committee may be chaired by the District Collector/ Dy. Commissioner or his designated representative (not below the rank of SDM), Project Director-cum-Executive Engineer of the concerned PIU, District Agriculture Officer, Range Officer (Forest Department, if required), an independent certified valuer, Executive Engineer of the concerned District, elected representative (MLA) of the concerned area and Team Leader of RAP implementation agency.

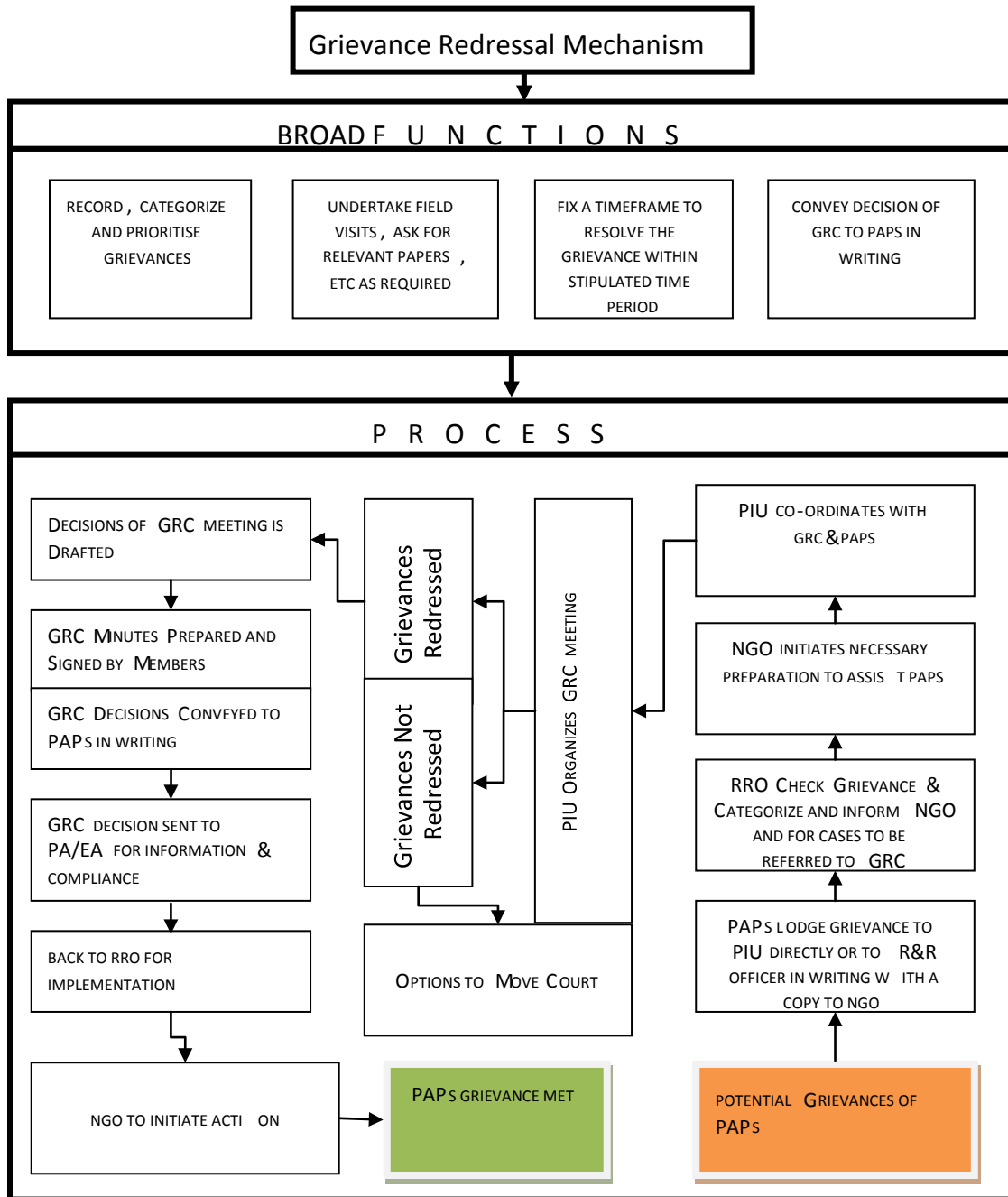
The highest value of land obtained by the three methods mentioned in Section 26 and Schedule 1 of RFCTLARR will be presented by the Project Authority and approved by the committee as the replacement cost. Similarly, latest schedule of rates of the concerned districts shall be used for obtaining replacement cost of structures. For items not available in the schedule of rates, for those items market rates shall be collected from three different sources and then replacement cost shall be fixed by the committee. For replacement costs of crops, trees and other such items similar methods

will be followed. The committee will be constituted through an executive order and or other suitable instrument within one month (30 days) from the date of mobilization of RAP implementation agency at site.

#### **XVII. Grievance Redressal Mechanism (GRM)**

- 50.** The GRC will be constituted by the Project Authority with the aim to settle as many disputes as possible on LA and R&R through consultations and negotiations. There will be one GRC for each PIU. The GRC will comprise six members headed by a retired Revenue Officer/Social Welfare Officer not below Group I officer rank . Other members of the GRC will include the concerned Project Director-cum-Executive, a retired PWD Officer (not below the rank of Executive Engineer), RRO, representative of PAPs and Sarpanch (Elected Head of Village) of the concerned village.
- 51.** Grievances of PAPs in writing will be brought to GRC for redressal by the RAP implementation agency. The RAP implementation agency will provide all necessary help to PAPs in presenting his/her case before the GRC. The GRC will respond to the grievance within 15 days. The GRC will normally meet once in a month but may meet more frequently, if the situation so demands. A time period of 45 days will be available for redressing the grievance of PAPs. The decision of the GRC will not be binding to PAPs. ***The decision of the Grievance Committees will not be binding on the DPs and they will have the option of taking recourse to court of law, if s/he so desires at his or her own expense.*** Broad functions of GRC are as under:
- i. Record the grievances of PAPs, categorize and prioritize them and provide solution to their grievances related to resettlement and rehabilitation assistance.
  - ii. The GRC may undertake site visit, ask for relevant information from Project Authority and other government and non-government agencies, etc, in order to resolve the grievances of PAPs. □ Fix a time frame within the stipulated time period of 45 days for resolving the grievance.
  - iii. Inform PAPs through implementation agency about the status of their case and their decision to PAPs and Project Authority for compliance.
  - iv. ***In case of grievances/complaints relating to GBV, ensure confidentiality and appropriate referral to mapped service providers***
- 52.** The GRC will be constituted within 3 months by an executive order from competent authority (centre/ state) from the date of mobilization of RAP implementation agency. The RRO will persuade the matter with assistance from implementation agency in identifying the suitable persons from the nearby area for the constitution of GRC. Secretarial assistance will be provided by the PIU as and when required.

Figure – 2: Grievance Redressal Mechanism



**53. Suggestion and Complaint Handling Mechanism (SCHM):** The MoRTH recognizes the importance of this and hence intends to establish a SCHM for the GNHCP. The communication channels to report project related complaints/concerns will be disclosed at all levels of institutions—MoRTH, State and Sub-project levels.



54. Though the Right to Information Act, 2005 an Act of the Parliament of India provides for setting out the practical regime of right to information for citizens. The Act applies to all States and Union Territories of India except the State of Jammu and Kashmir. Under the provisions of the Act, any citizen may request information from a "public authority" (a body of Government or "instrumentality of State") which is required to reply expeditiously or within thirty days. The Act also requires every public authority to computerize their records for wide dissemination and to proactively publish certain categories of information so that the citizens need minimum recourse to request for information formally. In other words under the act, citizens have right to seek information from concerned agencies by following the set procedures. However, it is quite likely that many people may not use the provisions of this Act, only in limited cases covering serious concerns. Being an inter-state project involving several states and large scale of civil works along with R&R and Environment issues, the project is likely to receive many suggestions, complaints, inquiries, etc through the project implementation period. Therefore, MoRTH has agreed to establish SCHM as a good practice to address public concerns pertaining to various issues. SCHM will report all project related LA and R&R of the PAPs for redressal through the concerned PIU or GRC as appropriate. Several communication channels viz., toll free phone number, dedicated email, mechanism for on line submission of suggestions/complaints/inquiries, provision of suggestion/complaint box (at site and project office), post and other suitable means shall be set up for suggestion and complaint handling. Details of SCHM are provided as Annexure-11

#### **XVIII. Training and Capacity Building – at Project and Sub-project Level**

55. Training and development of project staff is an integral part of project implementation. A training needs identification shall be carried out at Corporate, Regional and Site level, based on which focused training modules will be developed in the first six months of project implementation;
- Strengthening in house capacity to implement the provisions of RAP & TDP,
  - Creating awareness, providing the tools for implementation of RAP & TDP, strategy and accompanying set of management procedures to all departments,
  - Developing competence of key officials to provide training at respective level.
56. Based on skill requirement/improvement at all levels for proper implementation of RAP, a training programme focusing project implementing partners at Centre, State and field PIU has been developed (Annexure-12) which will be implemented by the PMU, MoRTH in the next two years. These training programs, which will be zeroed down after a quick training needs assessment, are to be conducted with the help of local and national training institutions and experts in various aspects of social management. MoRTH will also identify courses offered by the premier institutions in India and abroad on social management and inter-phase with identified programme. Provision for separate budget has been made for this activity. The budget reported under "institutional" head includes the cost estimates of training programs discussed above.

#### **XIX. Monitoring and Evaluation (M&E) at Project and Sub-project Level**

57. The Resettlement Action Plan will contain indicators and benchmarks for achievement of the objectives under the resettlement programme. These indicators and benchmarks will be of three kinds: i) Proposed indicators, indicating project inputs, expenditures, staff deployment, etc. ii) Output indicators, indicating results in terms of numbers of affected persons compensated and

resettled, training held, credit disbursed, etc, iii) Impact indicators, related to the longer-term effect of the project on people's lives.

58. The benchmarks and indicators will be limited in number and combine quantitative and qualitative types of data. Some of these indicators may include, percentage of PAPs actually paid compensation before any loss of assets; percentage of PAPs whose incomes after resettlement are better than, or at least same as before resettlement; percentage of assets valued at replacement cost compensation; percentage grievances resolved; and/or percentage of cases to court. The first two types of indicators, related to process and immediate outputs and results, will be monitored to inform project management about progress and results, and to adjust the work programme where necessary if delays or problems arise. The results of this monitoring will be summarized in reports which will be submitted to the World Bank on a regular basis. Provision will be made for participatory monitoring involving the project affected persons and beneficiaries of the resettlement programme in assessing results and impacts. The Project Authority will engage services of an external agency (third party), which will undertake independent concurrent evaluations at least twice a year during the project implementation period. At the end of the project, an impact evaluation will be carried out as part of the project completion report. Such independent evaluation will focus on assessing whether the overall objectives of the project have been met and will use the defined impact indicators as a basis for evaluation. Specifically, the evaluation will assess: (i) The level of success (including the constraints and barriers) in land acquisition programme, resettlement plan, and income recovery of the PAPs after they have been displaced from the project affected area, and, (ii) the types of complaints/ grievances and the success of the handling of grievance and public complaints towards the construction of project's infra-structures, means of redress for assets and lands and the amount of compensation, resettlement, and other forms of complaints.
59. Summarizing, M&E would be carried out for regular assessment of both process followed and progress of the RAP & TDP implementation. The internal monitoring will be carried out by the State PCU by the LA cum SDO with assistance from NGO/Consultancy firm and a quarterly report will be submitted to MoRTH. Each quarterly report would also be uploaded on the MoRTH website. The external agency (third party) however, would conduct assessment annually for each sub-project by undertaking field visits and all other necessary activities including consultations. The annual reports would cover detailed information on process and progress of RAP including TDP implementation. The report would highlight issues, if any that need attention of the Project Authority and suggest corrective measures that may be followed for better implementation of RAP & TDP. A framework for reporting with sample indicators is presented in **Annexure-13**.

## **XX. Resettlement Budget**

60. The resettlement budget will comprise itemized estimate of compensation for land, structures, trees, crops, various resettlement assistances, rehabilitation or replacement of CPRs including land, if government land is not available, institutional cost, contingency, additional studies if required, cost towards implementation, engagement of RAP implementation agency, evaluation consultants, etc.
61. The cost of social safeguards management including LA and R&R has been budgeted as part of the overall project costs. While the cost of LA and R&R shall be met with Government of India funds, the cost for capacity building, training, technical audit, HIV awareness has been budgeted under World Bank funds.

**XXI. Coordination with Civil Works**

**62.** The land acquisition and resettlement implementation will be co-coordinated with the timing of procurement and commencement of civil works. The required co-ordination has contractual implications, and will be linked to procurement and bidding schedules, award of contracts, and release of cleared COI sections to the contractors. The project will provide adequate notification, counselling and assistance to affected people so that they are able to move or give up their assets without undue hardship before commencement of civil works and after receiving the compensation. The bid documents will specify the extent of unencumbered land to be handed over at the time commencement of works and subsequent milestones and this will be strictly followed to ensure that land is provided on a timely basis to the contractors and also plan implementation of land acquisition and resettlement in line with procurement and civil work time table.

**XXII. Disclosure of Project Safeguard documents**

**63.** In order to make the RAP preparation and implementation process transparent, a series of public consultation meetings with all stakeholders will be carried out in the field for dissemination of information regarding rehabilitation process and entitlement framework. The summary of the discussions and views and suggestions incorporated in the RPF is presented in Annexure 3. The salient features of RAP and the R&R policy shall be translated in Vernacular languages as applicable for the project states and disclosed through the MORTH and State PWDs websites. The documents available in public domain will include: Entitlement Matrix and RAP (summary in local language) and the list of eligible PAFs for various R&R benefits. All documents will be kept in MORTH HQ, State PWD and sub-project PIUs offices. As per Access to Information Policy of the WB all safeguard documents will also be available at the World Bank Portal.

**XXIII. Updating of Resettlement Policy Framework**

**64. Revision/Modification of the RPF:** This RPF will be an “up-to-date” or a “live document” enabling revision, when and where necessary. Unexpected situations and/or changes in the project or subcomponent design would therefore be assessed and appropriate management measures will be incorporated by updating the Resettlement Policy Framework to meet the requirements of country’s legislations and Bank safeguards policies. Such revisions will also cover and update any changes/modifications introduced in the legal/regulatory regime of the country/ state. Also, based on the experience of application and implementation of this framework, the provisions and procedures would be updated, as appropriate in consultation with the World Bank and the implementing agencies/departments.