

Updated Resettlement Framework

Project Number: 38412-013
August 2017

India: Assam Integrated Flood and Riverbank Erosion Risk Management Investment Program

Prepared by the Flood and River Erosion Management Agency of Assam (FREMAA) for the Asian Development Bank. This is an updated version of the resettlement framework originally posted as a linked document of the report and recommendation of the President in September 2010 available on <https://www.adb.org/sites/default/files/linked-documents/38412-01-ind-rf.pdf>

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Resettlement Framework

Updated (Project 2)

Project No: IND 38412

August 2017

INDIA: ASSAM INTEGRATED FLOOD AND RIVER EROSION RISK MANAGEMENT INVESTMENT PROGRAM

Flood and River Erosion Management Agency of Assam (FREMAA)

Government of Assam

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List of Acronyms

ADB	Asian Development Bank
ADC	Additional Deputy Commissioner
AHH	Affected Household
AIFRERMIP	Assam Integrated Flood and River Erosion Risk Management Investment Program
AP	Affected Person
BPL	Below Poverty Line
CPR	Common Property Resource
DC	Deputy Commissioner
DMS	Detailed Measurement Survey
EA	Executing Agency
EMA	External Monitoring Agency
FC	Field Coordinator
FHH	Female-headed Household
FREMAA	Flood and River Erosion Management Agency of Assam
GoA	Government of Assam
GoI	Government of India
GRM	Grievance Redressal Mechanism
HH	Household
Kms	Kilometers
LA	Land Acquisition
NGO	Non-Government Organizations
RFCT in LARR	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
RP	Resettlement Plan
Rs	Rupees
R&R	Resettlement & Rehabilitation
SEIO	Social and Environmental Implementation Officer
SC	Scheduled Castes
SIO	Subproject Implementation Office
SPS	ADB's Safeguard Policy Statement, 2009
ST	Scheduled Tribes
TOR	Terms of Reference
WRD	Water Resources Department

A. INTRODUCTION

1. The Government of Assam (GOA) has committed to implement the program to manage flood and protect erosion from Brahmaputra River. The Program, Assam Integrated Flood and River bank Erosion Risk Management Investment Program, has implemented with financial assistance from the Asian Development Bank (ADB) by using MFF lending modality. The MFF was approved in 25th October 2010 amounted US \$ 120 million for overall implementation 6 (six) years into 2 tranches. The First tranche amounted US \$ 56.9 million was approved at the same time with approval for the MFF. This was subsequently revised to US \$ 48.5 Million.

2. The program aims to improve key infrastructure for flood and erosion management including improvement and rehabilitation of embankments, river bank protection and flood proofing works along the Brahmaputra River to protect vital state economic interests and to improve the socio – economic conditions of the flood plain inhabitants, including poverty reduction of the poorer and vulnerable groups in the project area. Thus, the proposed program has been expected to enhance the security against floods and riverbank erosion through provision of comprehensive interventions comprising of mitigations, institutional strengthening and capacity building of state and local level agencies of the Water Resources Department (WRD). The Program activities involve (i) construction of riverbank protection in selected high priority/subproject areas ; (ii) strengthening and improvements of existing embankments ; (iii) nonstructural measures such as forecasting and early warning systems ,and preparedness (iv) alternative measures such as community flood proofing in selected localities ;and (v) project management support.

3. The activities under tranche-2 include strengthening flood embankments and anti-erosion protection measures, including “emergency” work, in the form of bank protection as well as retired embankments in Palasbari and Dibrugarh. The work activities under Tranche 2 will cover strengthening flood embankments and anti-erosion protection measures in Kaziranga that some of the works were shifted from Tranche 1.

B. OBJECTIVES

4. One of the ADB’s requirements in using MFF lending modality is preparing resettlement framework. As part of the approval of this MFF in 2009, the Resettlement Framework (RF) was formulated in accordance to the ADB IR Policy 1995 and the Land Acquisition Act, 1894 to guide the preparation of Resettlement Plans (RPs) for subsequent tranches. With the adoption of the ADB’s Safeguards Policy Statement (SPS) 2009 consolidating the three safeguards policies and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, 2013, the RF for this MFF is revised to comply with the requirements of SPS 2009, ADB’s Operational Manual F1/OP 2013 and RFCT in LARR Act of 2013.

5. The RF identifies the broad scope of the Program and outlines the policy, procedures and institutional requirements for the preparation and implementation of RPs under the program. The Executing Agency (EA) will be responsible for conducting the social assessments and formulating RPs for subsequent sub-projects, where involuntary resettlement impacts are expected, as per the procedures outlined in this RF.

6. The RF has been prepared in accordance to the Government requirement in acquiring land for development project as well as the ADB's requirement as described in ADB SPS 2009 for involuntary resettlement. In brief, the RF will require a draft RP to be disclosed to the affected persons in local languages and submitted to ADB for review and approval. The affected people should not be removed and no property of affected people should be demolished until full payment of compensation will received by them, consequently, civil works contracts will be awarded only after the affected people in working areas receiving a full payment of compensation. There should be grievance mechanism establish to provide avenue for affected people to raise their concerns related with involuntary resettlement.

7. The RF has been developed by adopting two principles to minimize land acquisition and resettlement. Firstly, in all cases structural alternatives will be explored to reduce the area for construction, specifically related to the widening of embankments alongside densely populated areas .Secondly, land acquisition and resettlement along eroding river banks follow a parallel approach to minimize the distress to the mostly poor households and to allow acquisition of a minimal land area. During a first phase, eroding river banks will be stabilized through emergency protection, substantially reducing or stopping the progression of riverbank erosion. This work does not require preceding land acquisition due to its emergency nature and as it mainly touches the underwater slopes of the river banks and not the flood plain land used for settlements .There after the land acquisition and resettlement process will be started in parallel to the upgrading of the underwater protection to higher standards. The final protection above low water level will only be installed after substantial completion of the land acquisition and resettlement process in full compliance with ADB's resettlement procedures.

C. POLICY AND LEGAL FRAMEWORK

8. The policy framework and entitlements for the program are based on national law, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCT in LARR), 2013 and ADB's Safeguard Policy Statement (SPS), 2009. The salient features of GOI and ADB policies are summarized below.

RFCT in LARR, 2013

9. The objectives of RFCT in LARR are as below:
- (i) To minimize displacement and to promote, as far as possible, non-displacing or least displacing alternatives;
 - (ii) To ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
 - (iii) To ensure that special care is taken for protecting the rights of the members of the SC and ST and to create obligations on the State for their treatment with concern and sensitivity;
 - (iv) To provide a better standard of living, making concerted effort for providing sustainable income to the affected families;
 - (v) To integrate rehabilitation concerns into the development planning and implementation process; and
 - (vi) To facilitate harmonious relationship between the requiring authority and affected families through mutual cooperation.
10. Salient features of the RFCT in LARR, 2013 are as below.
- (i) The act provides for land acquisition as well as rehabilitation and resettlement. It replaces the Land Acquisition Act, 1894 and National Rehabilitation and Resettlement Policy, 2007.

- (ii) Multi-cropped, irrigated land cannot be acquired unless it is for defense or emergency causes caused by natural calamity.
- (iii) Act provides for the baseline for compensation and has devised a sliding scale which allows States to fix the multiplier (which will determine the final award) depending on distance from urban centers.
- (iv) Detailed SIA must be carried out to determining the social impacts. The SIA report shall be examined by an independent multi-disciplinary expert group, which will also include social science and resettlement expert.
- (v) The affected communities shall be duly informed and consulted at each stage, including public hearings in the affected areas for SIA. Consent of the affected families including women, Gram Sabhas, Panchayats, NGOs and elected representatives must be obtained for both LA as well as compensation package.
- (vi) Compensation in rural areas would be calculated by multiplying market value by up to two and adding assets attached to the land and adding a 100% solatium. In urban area it would be market value, assets attached to the land and 100% solatium.
- (vii) The collector shall take possession of the land only after ensuring that full payment of compensation as well as R&R entitlements are paid or tendered to the entitled persons within a period of three months for the compensation and six months for R&R from the date of award. In case of relocation, families will not be displaced from the land till the relocation sites are not ready occupation.
- (viii) The benefits to be offered to the affected families include land for land to the extent government land available in the resettlement areas, preference for employment in the project subject to availability and suitability of the person, training/capacity building for job/self employment, wage employment in project construction work to the willing APs, housing benefits including houses for the landless and those without legal title to land and those without legal title to land affected families in both rural and urban areas and other benefits.
- (ix) Financial support to APs for construction of cattle sheds shops and working sheds, transport costs, temporary and transitional accommodation, and comprehensive infrastructural facilities with amenities in resettlement areas.
- (x) Special provision for ST and SC.
- (xi) Provision for a strong grievance redress mechanism.
- (xii) Effective monitoring of implementation of R&R plans.
- (xiii) Ensuring transparency in the LA and R&R.
- (xiv) No income tax shall be deducted and no stamp duty shall be charged.
- (xv) The final award has to include damage to any standing crops and trees harmed due to LA process.

ADB's SPS, 2009

11. Safeguard Policy Statement was adopted ADB in 2009 combining the environment, involuntary resettlement and indigenous people. The involuntary resettlement safeguards cover both physical displacement (relocation, loss of residential land and loss of assets) and economic displacement (loss of agricultural land, access to assets, income and means of livelihood). The objectives of the SPS is to:

- (i) Avoid involuntary resettlement if possible;
- (ii) To minimize involuntary resettlement by exploring project and design alternatives;
- (iii) To enhance, or at least restore, the livelihoods of all displaced to pre-project level; and
- (iv) To improve the standard of living of the displaced poor and vulnerable groups.

12. The three important elements of SPS are:

- (i) Compensation at replacement cost for loss of assets, livelihood and income prior to displacement;

-
- (ii) Assistance for relocation, including provision of relocation sites with appropriate facilities and services;
 - (iii) Assistance for rehabilitation to achieve at least the same level of well-being with the project or without it.
13. The basis policy principle of SPS are:
- (i) Identification of past, present and future involuntary resettlement impacts as well as risks and determination of the scope of resettlement planning;
 - (ii) Carry out meaningful consultations with APs including women, host communities and NGOs;
 - (iii) Improvement of standard of living of displaced persons including poor and vulnerable;
 - (iv) Ensure that displaced persons without title to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
 - (v) Preparation of RPs elaborating on displaced person's entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time bound implementation schedule;
 - (vi) Disclosure of RPs and meaningful consultation with all stakeholders including APs;
 - (vii) Execution of involuntary resettlement as part of the development process or program;
 - (viii) Payment of compensation and other resettlement entitlements before physical or economic displacement: and
 - (ix) Monitoring and assessment of resettlement outcomes and their impacts on the standard of living of the displaced persons.

Comparison of National Policy with ADB's SPS 2009

The RFCT in LARR, 2013 effective from 1st January 2014 represents a significant milestone in the development to address LA and R&R collectively in India. The RFCT in LARR has also laid down similar principles like SPS, 2009 and focus on avoiding or minimizing involuntary impacts and restoring/enhancing the quality of life of APs irrespective of title to the land. The RFCT in LARR bridges the gap between the GOI Policy and ADB Policy. The outstanding difference between GOI and ADB policy are recognition of non-titleholders and establishment of cut-off-date. RFCT in LARR specifies that the non-titleholders residing on any land for preceding three years or more and whose primary source of livelihood for three years prior to the acquisition is affected will entitlement for compensation and assistances as per this Act. To bring the RF in accord with ADB requirements, this RF consider cut-off-date of titleholders the date of publication of preliminary notification under Section 4 (1) of the RFCT in LARR and that for the non-titleholders the date of start of census survey. A comparative matrix of the GOI and ADB policies is at Annexure 1.

D. ENTITLEMENT MATRIX

14. The resettlement principles adopted in this framework recognize the national (RFCT in LARR Act 2013), ADB's Safeguard Policy Statement (2009) and ADB's Operational Manual F1/OP 2013. If there is any gap between ADB involuntary resettlement requirements and national/state level regulatory framework, ADB involuntary resettlement Policy requirement will prevail as presented in the RF and the entitlement matrix.

15. Lack of legal documents for customary rights of occupancy/title shall not affect eligibility for compensation. The framework stipulates payment of compensation as per assessed value of the land and other assets to the affected persons. In addition to compensation payments made by the concerned Deputy Commissioner (DC), the APs will receive additional assistance in cash or

kind to match replacement costs, which is the difference between the market value and the assessed value, if any, for loss assets, transaction costs such as stamp/registration (in case of purchase of replacement land) and other grants and resettlement assistance such as shifting allowances, compensation for loss of income due to displacement, special assistance to vulnerable APs. Measures will be taken so that the resettled families can socially and economically integrated with the host communities.

16. The entitlement matrix (see Table 1) presents the basic parameters for compensation and resettlement benefits, based on potential losses. The matrix lists the various types of losses, identification/eligibility and entitlements. The mitigation measures in the entitlement matrix are standard practices and consistent with ADB Policies and practices and national laws and regulations. The entitlements may be enhanced, if required, to reflect the subproject status during project implementation.

Table 1 Entitlement Matrix

Type of Loss	Application	Entitled Person	Entitlement
Loss of Private Land	Agricultural land, homestead land or vacant plot	Legal titleholders/APs with customary land Right/Families whose livelihood is dependent on land	Compensation at replacement value ¹ or land-for-land where feasible.
			One time Resettlement allowance of Rs. 50,000 per affected family
			The option of (i) One-time payment of Rs. 500,000 per displaced family or (ii) Annuity policy that shall pay Rs.2000/- per month for 20 years with appropriate indexation to CPIAL (Consumers price index for Agricultural Labourers)
			All displaced families will receive monthly subsistence allowance of Rs. 3,000 for one year from the date of award
		Tenants and leaseholders (whether having written tenancy/lease documents or not)/share cropper	Share of the crop loss between owners and sharecroppers/tenants/ lease holders as per the agreement
			All displaced families will receive monthly subsistence allowance of Rs. 3,000 for one year from the date of award,
Loss of Government Land	Agricultural and homestead land	Encroachers	60 days advance notice to shift from encroached land.
		Squatters	60 days advance notice to shift from occupied land.
			All displaced families will receive monthly subsistence allowance of Rs. 3,000 for one year from the date of award,
	Government land without being used	N/A	Transfer of land through inter government department

¹Replacement cost for land will be, higher of (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years; or (iii) consented amount paid for PPPs or private companies. Compensation at 1 to 2 times of the market value of the land. Market value to be multiplied by factor 1 for land in urban area, 1 to 2 in rural area depending on the distance from urban area with an additional 'Solatium' equal to the amount of compensation (100%).

Type of Loss	Application	Entitled Person	Entitlement	
	by anybody			
Loss of residential structure	Residential structure	Legal titleholders	Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable). Compensation will be at replacement value excluding depreciation	
			<u>Housing benefit²</u> : If house lost in rural areas, constructed house as per Indira Awas Yojana (Pradhan Mantri Awas Yojna) specifications. If in urban area, house of minimum 50 sq. m. plinth area. In urban area if family is not willing to accept the constructed house then shall get onetime financial assistance of at least Rs. 150,000. In rural areas, the affected households shall get onetime financial assistance of Rs. 130,000 ³	
			One time Resettlement allowance of Rs. 50,000 per affected household	
			All physically displaced families will receive One time Shifting assistance of Rs. 50,000 towards transport costs etc.	
			All physically displaced families will receive monthly subsistence allowance of Rs. 3,000 for one year from the date of award	
			Right to salvage materials from structure and other assets with no deductions from replacement value	
	Tenants and leaseholders			Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable) constructed by the AP. Compensated will be at replacement value excluding depreciation
				One time Resettlement allowance of Rs. 50,000 per affected family
				All displaced families will receive one time shifting assistance of Rs. 50,000 towards transport costs etc.
				All displaced families will receive monthly subsistence allowance of Rs.3,000 for one year from the date of award
				Right to salvage materials (of the portion constructed by tenants or leaseholders) from structure and other assets
			Squatters	Replacement cost of structure constructed by the squatter. Compensation will be at replacement value excluding depreciation
				The project will provide suitable alternate site for relocation of residential squatters, in case required and subject to availability of suitable Govt. land with basic amenities in the site
One time Resettlement allowance of Rs. 50,000 per affected family				
All displaced families will receive one time shifting assistance of Rs. 50,000 towards transport costs etc				

² The housing benefit shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area

³ Rate for PMAY house in rural areas of GoA in Panchayat and Rural Development Department.

Type of Loss	Application	Entitled Person	Entitlement
			<p>All displaced families will receive monthly Subsistence allowance of Rs.3,000 for one year from the date of award..</p> <p>Right to salvage materials from structure and other assets</p>
		Encroachers	<p>Replacement cost of the affected structure constructed by the encroacher. Compensation will be at replacement value excluding depreciation</p> <p>60 days advance notice to shift from encroached structure.</p> <p>Right to salvage materials from structure and other assets</p>
Loss of commercial structure	Commercial structure	Legal titleholders	<p>Replacement cost (without depreciation) for lost frontage/structure; affected person shall be allowed to take salvaged material from the demolished structure at no costs.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected household</p> <p>All physically displaced families will receive one time shifting assistance of Rs. 50,000 towards transport costs etc.</p> <p>All physically displaced families will receive monthly Subsistence allowance of Rs.3,000 for one year from the date of award,</p> <p>Right to salvage materials from structure and other assets with no deductions from replacement value.</p>
		Tenants and leaseholders	<p>Replacement cost of part/whole of structure constructed by the tenant/leaseholder, and this will be deducted from the compensation amount of the total structure. Compensation will be at replacement value excluding depreciation.</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>All displaced families will receive one time shifting assistance of Rs. 50,000 towards transport costs etc.</p> <p>All displaced families will receive a monthly Subsistence allowance of Rs.3,000 for one year from the date of award,</p> <p>Right to salvage materials from structure and other assets with no deductions from replacement value.</p>
		Squatters	<p>Replacement cost of structure constructed by the squatter. Compensation will be at replacement value excluding depreciation</p> <p>One time Resettlement allowance of Rs. 50,000 per affected family</p> <p>All displaced families will receive one time shifting assistance of Rs. 50,000 towards transport costs etc</p> <p>All displaced families will receive a monthly subsistence allowance of Rs.3,000 for one year from the date of award.</p>

Type of Loss	Application	Entitled Person	Entitlement
			Right to salvage materials from structure and other assets.
		Encroachers	Replacement cost of the affected structure constructed by the encroacher. Compensation will be at replacement value excluding depreciation
			60 days advance notice to shift from encroached structure.
			Right to salvage materials from structure and other assets.
Loss of Cattle shed / Grain Storage	Cattle shed / Petty Shop/ Grain Storage	All affected households	Each affected family having cattle shed shall get one time financial assistance of Rs. 25,000 for construction of cattle shed
			Each affected family having petty shop shall get one time financial assistance of Rs. 25,000
			Each affected family having a grain storage shall get one time financial assistance of Rs. 50,000 for construction of grain storage
Loss of trees and crops	Standing trees and crops	Legal titleholder/ tenant/leaseholder/ sharecropper/non titled AP	60 days advance notice to harvest standing seasonal crops prior. If notice cannot be given, lump sum equal to the market value of the yield of the standing crop lost determined by the Agricultural Department
			Compensation for timber trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Agriculture/Horticulture Department for fruit bearing trees.
Loss of land/structure/assets attached to land/tress and crops	Land/structure /assets attached to land/tress and crops	All affected household	Exemption from fees and taxes ⁴ related to all compensation
Loss of livelihood	Livelihood	Legal titleholder/ tenant/leaseholder/ non titled/employee of commercial structure, farmer/agricultural worker/artisan/ small trader/self employed	One time financial assistance of minimum Rs. 25,000.
			Income restoration and training to eligible APs
			Consideration for project employment.

⁴There shall be no TDS on compensation paid for land or structure or any assets attached to land including trees and crops. This is in accordance with Sec 96 of RFCTLARR Act ('No income tax or stamp duty shall be levied on any award or agreement made under this Act, except under section 46 and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same')

Type of Loss	Application	Entitled Person	Entitlement
Impacts on vulnerable APs	All impacts	All impacted Vulnerable APs ⁵	One time lump sum assistance of Rs. 25,000 to vulnerable households. This will be paid in addition to other assistances.
			Vulnerable APs will receive preferential income restoration training program under the Project
			Consideration for project employment.
Impact to SC and ST in Scheduled area	Schedule Caste / Scheduled Tribe	All SC / ST displaced household	Additional assistance to SC/ST households from scheduled areas will receive onetime payment of Rs. 50,000 if they have to relocate due to the project
Temporary loss of land	Land temporarily required for sub-project construction activities	Legal titleholders, non-titled APs	Provision of rent either in a gross sum of money or by monthly or by other periodical payments for period of occupation
			Compensation for assets lost at replacement value.
			Restoration of land to previous or better quality
Loss of common resources	Common properties	Community	Replacement value excluding depreciation of the affected community facilities – including public water stand posts, public utility posts, temples, shrines, etc. without depreciation. All community facility and utility replacement is compensated and also re-built following SPS principles and this RF.
Emergency bankline protection and retired embankment work	Households affected by emergency work in terms of relocation and re-building	Temporary assistance for shifting	Shifting costs, cash compensation for reconstruction and assistance/support for temporary relocation, allowances for loss of workdays due to shifting and relocation as per entitlement matrix
Any other loss not identified	-	-	Unanticipated involuntary impacts will be documented and mitigated based on the principles of the RF.

E. VALUATION, COMPENSATION AND AWARD

17. Determination of market value of land, assets attached to land, building, determination of compensation and award shall be as per section 26, 27, 28, 29 and 30 of the RFCT in LARR Act, 2013.

F. INCOME RESTORATION AND RELOCATION

18. The income restoration and relocation provisions shall be guided by the Second Schedule of the RFCT in LARR 2013. Training for income restoration of the poor and vulnerable APs will be provided by converging with the existing GoA and Gol training programme on income generation.

⁵The group of population are considered 'vulnerable' comprise of – (i) those who are below poverty line, (ii) those who belong to SC or ST, (iii) women headed households, (v) elderly (female above 58 years and male above 60 years), (vi) disabled persons and (vii) landless and those without legal title to land.

The livelihood restoration proposal will be submitted by the RP implementing NGO to restore the livelihood of the AHHs at least to the pre-project level.

G. NEGOTIATED SETTLEMENT

19. The negotiated settlement or direct purchase is preferable approach, in which, acquisition of land and other assets will no longer needs compensation but through negotiation settlement based on meaningful consultation⁶ with displaced persons, including those without title to assets. In other word, the EA will directly purchase wherever possible. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, in case of negotiated settlement, an independent external party will be engaged to document the negotiation and settlement processes. The principles of this RF with regard to meaningful consultation processes, mechanisms for calculating the replacement costs of land and other assets affected and record-keeping requirements, will be followed while handling Negotiated Settlement. If negotiation fails, the EA will acquire land following the national legislation and ADB SPS as described in this RF.

H. LAND DONATION

In case the project will involve land donation for improvement of the existing damaged embankment, or for establishment of flood protection measures, or other works, the following procedure and principles will be applied. The PMU assisted its Resettlement consultant will:

20. (i) record the households who willing to donate their land, (ii) check the ownerships to ensure that the donator is the title holder of the land, (iii) ensure that land donated for the project is not more than 10% of total land owned by the donator, (iv) prepare an agreement from each donator to transfer their land ownership to the EA, and this agreement has to be signed by the donator that has title of the particular land to be donated (v) ensure that commencement of civil works in the donated land only can be done after the signed agreement is completed, and (vi) PMU must have a systematic records on land donation including the agreement with donators.

21. The PMU and its Resettlement consultant will ensure no coercion to elicit land donation. The external monitoring expert will responsible to verify and ensure that there is no force donation.

I. SCREENING AND PROCEDURE FOR PREPARATION OF RPs

22. This resettlement framework (RF) is the primary document, which provides the basis for preparing resettlement plans (RPs) for sub-projects, where necessary. It identifies the broad scope of the project and outlines the policy, procedures and institutional requirements for formulating RPs during project implementation .It sets out the policies and procedures to be adopted by the executing agency (EA) in the screening and preparation of RPs for sub-projects before submission to ADB for review and approval .The EA will be responsible for preparing social analyses and RPs for subprojects based on the principles and guidelines outlined in RF. The RF also applies in the

⁶ A process that (i) begins early in the Project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

case of “emergency work”; however, to allow for protection work necessary on an emergency basis to save local communities, the EA will provide resettlement benefits e.g. shifting cost, cash compensation for reconstruction and assistance/support for temporary relocation, compensation/allowances for loss of income due to shift and relocation to affected households, pending preparation of RP following the emergency work. Once subprojects are identified, identified, a due diligence study will be carried out by the ADB consultants in coordination with EA and WRD on outstanding payments of compensation for past acquisitions in the selected location(s). This should be carried out along with RP preparation so that actions concerning outstanding issues could be included in loan covenants, if necessary.

Screening Based on Potential Impacts Related with Involuntary Resettlement.

23. The EA with the support of the PMU and its consultants will be responsible for planning of the resettlement activities. The screening of the subproject will be done by using the screening checklist at Annexure 2.

J. SOCIO ECONOMIC SURVEY

24. The RF ensures that if resettlement impacts are identified, the EA will formulate and implement RPs for relevant subprojects in compliance with the applicable national and state level laws and regulations, and ADB’s Safeguard Policy Statement (2009) and the agreed RF for the project. The EA will prepare the RPs for additional subprojects keeping with the following; (i); (i) 100% census survey of the affected people, with an inventory of all kind of losses for each of the subprojects based on final technical designs; (ii) time bound RP will be prepared (format for RP enclosed as Annex 3) for each subprojects by the EA for approval prior to award of contracts for the subprojects. The RPs will aim at restoration of income and livelihood of the affected people to ensure that no affected people will be worse off.

25. The methods to undertake census survey of affected people will be flexible, but it should be able to provide results to show: (i) number of affected people and type of losses, (ii) the socio-economic statistic of affected people should cover: sex aggregation, age, education, income (iii) these data should be able to be used to identify vulnerable group and also group that needs livelihood improvement program

26. The RP will also include measures to ensure that socio-economic condition, needs and priorities of women are identified and that the process of land acquisition and resettlement does not disadvantage women. If there is no impact on subproject, a due diligence report will be submitted confirming the same and also stating reasons for the same. The RPs must comply with ADB Safeguard Policy Statement (2009). The EA will submit the RPs to ADB for approval, which will be a condition for award of contract for civil work, including compensation and resettlement grant payments prior to displacement.

K. DISCLOSURE AND CONSULTATION

27. Each RP will be prepared and implemented in close consultation with the stakeholders and will involve public consultations, small group meetings, focus group discussions and meetings, particularly with the affected households. In addition a public consultation and disclosure plan will be prepared for each of the subproject. This framework will be made available in local language (s) during the public meetings at the community level. Copies of draft RPs will also be made available

at the local level public offices such as Block, Circle and Deputy Commissioner's Offices and *gram panchayats* for local inputs prior to award of civil work contract. The summary of the RPs will be disclosed on ADB, WRD and FREMAA websites and consultation will continue throughout the project implementation period. In case there is no impact and no RP, the EA will make disclosure of the same informing the main villages, habitations, market places along the subproject area that no land or other asset will be affected by any activities of this project. The report of the disclosure and consultations giving detail of date, location, participants will be shared with ADB.

L. INSTITUTIONAL ARRANGEMENT

28. Considering the limited capacity of WRD a Special Purpose Vehicle in the form of Flood and River Erosion Management Agency of Assam (FREMAA) has been established to independently manage and execute the project including the safeguard issues. The Non Technical wing of FREMAA headed by Executive Officer (Non Technical) and supported by one Deputy Executive Officer (Non Technical), one Social Safeguard Specialist and one AO-cum-Environmental Specialist for addressing and managing social and environment issues. The Non Technical Wing will have the resources and authority to manage the resettlement planning and implementation. The primary role of Non Technical wing will be to ensure that projects undertaken meets all social and environment safeguard policy requirement of GoI, GoA and ADB and carry out internal monitoring during RP implementation. Non Technical Wing shall be strengthened by engaging three Resettlement Officers at three sub-projects, one Forest & Environment Officer at Kaziranga sub-project and four Field Supervisors for three sub-projects as well as FREMAA.

29. In addition to Non Technical wing at FREMAA level, there will be a Social and Environment Implementation Officer (SEIO) to be designated by SIO at each subproject level. The role of SEIO will be to handle land acquisition and RP implementation at subproject level. The SEIO will be supported by one Field Coordinator (FC) appointed by FREMAA and a local NGO recruited specially for this purpose at each subproject level.

30. The broad responsibilities of the personnel mentioned above in resettlement planning and implementation are described in the following sections.

31. The SEIO will be responsible for:

- (i) Timely ground survey in coordination with the technical, revenue and NGO team to prepare Land Acquisition Plan for all affected assets;
- (ii) Work closely with district revenue authority for timely notification of LA;
- (iii) Aware the affected households about LA and compensation disbursement procedures;
- (iv) Ensure timely and transparent disbursement of compensation to affected households; and
- (v) Provide completion report of LA and timely disbursement of compensation.

32. The Field Supervisors will be responsible for:

- (i) Ensure proper implementation of RP;
- (ii) Preparation of social safeguard requirements for the subproject as per the agreed framework and RP;
- (iii) Identify critical social issues;
- (iv) Guide, supervise and work closely with the RP implanting NGO;
- (v) Ensure issue of identity and Entitlement Card to PAPs;
- (vi) Ensure timely and transparent disbursement of resettlement assistance to affected households;
- (vii) Facilitate relocation and resettlement;

- (viii) Coordinate with subprojects for assessment, monitoring and review as required and
 - (ix) To provide completion report of resettlement activities and timely disbursement of R&R assistances.
33. The Resettlement Officers will be responsible for:
- (i) Facilitate SIOs in demarcating the Resettlement Corridor of Impact;
 - (ii) Facilitate preparation of Land Acquisition proposal;
 - (iii) Coordinate with Land Acquisition branch of office of the Deputy Commissioner/ Sub Divisional Officer (Civil) and Circle Office on all land acquisition matters;
 - (iv) Support field staff of Circle Office in verifying the land status, records and updating of land records;
 - (v) Facilitate disbursement of compensation;
 - (vi) Facilitate resolution of disputes relating to land ownership and compensation.
34. The NGO will be responsible⁷ for:
- (i) Work closely with the affected community for awareness generation, consultations, disclosure and identifying critical social issues;
 - (ii) Conduct Social Impact Assessment (SIA) and census survey;
 - (iii) Documentation and presentation of the findings of SIA and census survey;
 - (iv) Prepare inventory of loss land and other non land assets;
 - (v) Work closely with the technical, revenue and SEIU team in conducting the Detailed Measurement Survey (DMS);
 - (vi) Facilitate implementation of RP and disbursement of compensation, R&R assistance and relocation;
 - (vii) Take lead responsibility in planning and implementing livelihood activities under the project;
 - (viii) Ensure gender sensitivity and safeguard interest of the vulnerable groups; and
 - (ix) Facilitate preparation of completion report of LA and resettlement activities by LAO and RIO.

M. GRIEVANCE REDRESS MECHANISM

35. Grievance Redressal Committee (GRC) will be established at three-levels, one at the project level, another at the District level and the third at EA level, to receive, evaluate and facilitate the resolution of affected persons' concerns, complaints and grievances. The GRC will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The GRC will address affected persons concerns and complaints promptly, making it readily accessible to all segments of the affected persons and other stakeholders.

36. The three-level GRC has been proposed based on the experience of RP implementation in Tranche 1. Further, for title-holders, the GRC will provide an opportunity to have their grievances redressed prior to approaching the State level LARR Authority, constituted by Government of Assam in accordance with Section 51(1) of the RFCTLARR Act, 2013.

37. The GRC will continue to function, for the benefit of the DPs, during the entire life of the project including the defects liability period. The response time prescribed for the GRCs would be four weeks. Since the entire resettlement component of the project should be completed before

⁷TOR for NGO is at Annexure 3

the construction starts, to resolve the pending grievances, the GRC at District Level will meet at least once every month in the first year of RP implementation and once in two months thereafter. Other than disputes relating to ownership rights and apportionment issues, on which the LARR Authority has jurisdiction, GRC will review grievances involving eligibility, valuation, all resettlement and rehabilitation benefits, relocation and payment of assistances. The RP implementation support NGO will assist displaced persons in registering their grievances and being heard. The three-levels of GRC are discussed in the following paragraphs.

- (i) First Level of GRC: SIO/WRD would nominate one official to oversee the RP implementation and to provide response to the grievances raised by the community and APs. A Grievance Register will be maintained at the SIO level by this designated official to document the date and type of grievance received, the date of personal hearing provided to the complainant, the date when grievance was redressed or if not redressed date of forwarding the grievance to the GRC. This will serve as the First Level of Grievance resolution and all grievances that cannot be resolved at the SIO level and in cases where the complainant is not satisfied with the decision, will be referred to the District level GRC.

- (ii) Second Level of GRC: The Second Level Grievance Redressal Committee (GRC) would be established under the Chairmanship of the Deputy Commissioner or his representative of the concerned district; Additional Deputy Commissioner looking after LA as Member Secretary and Revenue Circle Officer, Executive Engineer and Assistant Executive Engineer of SIO, representative from local NGO, members of the Panchayat/ULB, and representatives of affected persons (APs) as members. The GRC will meet regularly, at least once a month, on a prefixed date. All the grievances of the people will be reviewed and resolved within 6 weeks of the date of submission. The complainant / petitioner will have the right to be heard by the GRC before the committee gives its decision. Communication, in writing should be sent to the aggrieved person about the date, time and venue of the GRC sitting and make it known that s/he is entitled for personal hearing and that representation through proxy will be not be entertained. Communication will also be sent through implementation support NGO so as to ensure that the petitioner is informed about the date of GRC sitting. Decision of the District Level GRC will be final unless an appeal is preferred with the CEO, FREMAA. If the committee is unable to arrive at a decision through consensus, the matter will be referred to the appellate authority with a note on opinion of the committee members. The complaint/concern will be redressed in four weeks time and written communication should be sent to the complainant about the decision taken.

- (iii) Third Level of GRC: The CEO, FREMAA will function as an appellate authority. The complainant/petitioner, if not satisfied with the decision of the GRC can appeal to the Chief Executive Officer, FREMAA.

38. The complainant can access the jurisdictional court of law or the LARR Authority, at any time and not necessarily go through the GRC.

39. People who are, or may in the future be, adversely affected by the project may submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. Before submitting a complaint to the Accountability

Mechanism, affected people should make an effort in good faith to solve their problems through the GRC and also by working with the concerned ADB operations department. Only after doing that, and if they are still dissatisfied, should they approach the Accountability Mechanism⁸.

N. RESETTLEMENT BUDGET

40. Detailed budget estimates for each RP will be prepared which will be included in the overall project estimate. The budget shall include: (i) all costs of land acquisition, R&R grants, other assistances like relocation and resettlement, livelihood and income restoration; (ii) monitoring cost, (iii) cost of hiring of NGO, external monitor and any other consultant, if required; (iv) administrative cost and contingencies; (v) arrangement for approval and flow of fund; and (vi) source of finding. All cost relating to LA and resettlement activities will be considered as an integral component of the project cost. To ensure timely availability of required resources, land acquisition and resettlement costs may be considered for inclusion in ADB financing. Resettlement expenditure shall eligible for ADB financing if incurred in compliance with ADB,s SPS 2009 and ADB approved resettlement planning documents. EA to ensure timely disbursement of fund the district authority for payment of compensation and other resettlement costs.

O. MONITORING

41. Regular internal monitoring of LA and resettlement implementation will be undertaken by FREMAA and quarterly reports of the monitoring activities shall be submitted to ADB. An independent monitoring and evaluation agency/expert will be hired by the EA in arrangement with ADB to undertake external monitoring of the entire resettlement plan implementation activities. The ToR for the external monitoring agency/individual is at Annexure 4. The external monitoring will be carried out biannually during project implementation phase. The EA will take corrective actions, if necessary, based on the findings of the external monitoring reports. The results of the monitoring will be posted in FREMAA, WRD and ADB website.

⁸<http://www.adb.org/contact?target=Hmzi1lfKqMSRDKA0C6/kg==&name=Complaint%20Receiving%20Officer&referrer=node/81970>

Annexure 1 : Comparative Matrix of ADB SPS 2009 and RFCT in LARR 2013

ADB SPS (2009)	RFCT in LA Act (2013)	Gaps	Gap Mitigations through RF and Entitlement Matrix
Avoid involuntary resettlement wherever feasible	Section 4 (4) (e) – whether land acquisition at an alternate place has been considered and found not feasible.	No gap	N/A
If unavoidable, minimize involuntary resettlement by exploring design alternatives	Section 4 (4) (d) – whether the extent of land proposed for acquisition is the absolute bare minimum extent needed for the project.	No gap	N/A
Enhance, or at least restore, the livelihoods of all displaced persons in real times relative to pre-project levels	Complied	No gap	N/A
To improve the standards of living of the displaced poor and other vulnerable groups	Complied	No gap	N/A
Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks	While the Act does not specify any requirement for screening the project at early stage for resettlement impacts and risks, as per Section 16 carrying out of social impact	Very close to ADB requirements	Screening of all sub-projects in line with ADB SPS for identification of resettlement impacts and risks

	assessment before any proposal of land acquisition		
Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specially related to resettlement impacts and risks	Section 16 (1) & (2) – Carry out census of affected people and their assets to be affected, livelihood loss and common property to be affected.	No gap	N/A
Carryout consultations with displaced persons, host communities and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options	<p>Section 4 (1) – Consultations with the concerned Panchayat, Municipality or Municipal Corporation, as the case may be, at village or ward level, in the affected area and carry out a Social Impact Assessment study in consultations with them.</p> <p>Section 5 – Public hearing at the affected area, after giving adequate publicity about the date, time and venue to ascertain the views of the affected families to be recorded and included in the SIA report.</p> <p>Section 6 (1) – SIA report is made available in local language to the Panchayat, Municipality or</p>	Very close to ADB requirements	RF (provides for consultation with displaced persons, NGOs and disclosure of the RPs

	Municipal Corporation, as the case may be, and the offices of District Collector, the Sub Divisional Magistrate and the Tehsil, and shall be published in the affected area.		
Establish grievance Redressal mechanism	Section 51 (1) and Section 64 – Establish a LA and R&R authority for disposal of disputes related to LA and R&R.	No gap	RF provides for establishment of GRC
Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase	SIA is must before taking final decision on acquisition of land followed by preparation of R&R scheme	Very close to ADB requirements	N/A
Improve or restore livelihoods of all displaced persons through (i) Land based settlement strategies (ii) Prompt replacement of assets with access to assets of equal or higher value (iii) Prompt compensation at full replacement cost of assets that could not be	Section 31 and The Second Schedule – Land for land in every project to land owners belong to SC and ST community. Provision for housing units in case of displacement. Offer for land development. Provision for employment, fishing rights, annuity policy etc. Section 26 and The First Schedule – Recognizes 3	No gap	N/A

<p>restored, and (iv) Additional revenues and services through benefit sharing schemes where possible.</p>	<p>methods for fixing market value and whatever is higher will be considered which will be multiplied by a factor given in The First Schedule. Compensation given earlier will not be considered; if rates not available floor price can be set.</p>		
<p>If there is relocation, secure tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities, provide transitional support and development assistance such as land development, credit facilities, training or employment opportunities, and civic infrastructure and community services as required.</p>	<p>Section 31- A family as a unit will receive R&R grant over and above the compensation and those who are not entitled for compensation. The Second Schedule – Homeless entitled to constructed house, land for land in irrigation projects in lieu of compensation, in case of acquisition of urbanization 20% of developed land reserved for owners at a price equal to compensation jobs or onetime payment or annuity for 20 years subsistence grant, transportation, land and house registered on joint name of husband and wife. Section 32 and The Third Schedule – Provision for infrastructural</p>	<p>No gap</p>	<p>N/A</p>

	amenities in resettlement areas.		
Improve the standard of living of the displaced poor and other vulnerable groups, including women to at least national minimum standards.	<p>Section 16 (2) - Landless and people without legal title to land are considered and eligible for R&R grants.</p> <p>Section 3 (m) – Widows, divorcees, abandoned women will be considered as separate family and entitled to R&R provisions.</p> <p>The Second Schedule – Homeless entitled to constructed house.</p> <p>Section 41 – Special provision for SC & ST. Special provision for vulnerable.</p>	No gap	N/A
Ensure that displaced persons without titles to land or any recognizable legal right to land are eligible for resettlement assistance and compensation for loss of non land assets.	<p>The Act recognizes: Section: 3. (c) a family which does not own any land but belong to the family of an agricultural labourer, tenant, share-croppers, or artisans or working in affected area for three years prior to the acquisition of the land Family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce,</p>	Close to ADB requirement	RF provides for cut-off-date as the date of start of census survey

	<p>hunters, fisher folk and boatmen A family residing or earning livelihoods on any land in the urban areas for preceding three years or more prior to the acquisition of the land</p>		
<p>Prepare a resettlement plan and indigenous peoples plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategies, institutional arrangements, monitoring and reporting framework, budget and time bound implementation schedule.</p>	<p>Section: 16. (1) and (2) - Preparation of Rehabilitation and Resettlement Scheme including time line for implementation. Section 41 - Separate development plans to be prepared.</p>	No gap	N/A
<p>Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place in a form and languages understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.</p>	<p>Section: 16. (4) - The draft Rehabilitation and Resettlement Scheme prepared shall be made known locally by wide publicity in the affected area and discussed in the concerned Gram Sabhas or Municipalities and in website. Section: 18 - The approved Rehabilitation and Resettlement Scheme to be made available</p>	No gap	RF provides for disclosure as per ADB requirement

	in the local language to the Panchayat, Municipality or Municipal Corporation and in website.		
Include the full costs of measures proposed on the resettlement plan and indigenous peoples plan as part of project costs and benefits.	Section: 19. (2) and Section 95. (1) - The requiring body shall bear the cost of acquisition covering compensation and R&R cost.	No gap	N/A
Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	Section: 38. (1) - The Collector shall take possession of land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid within three months for the compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements. Section: 38 (2) - The Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families.	Very close to ADB requirement	RF prepared as per ADB requirement
Monitor and assess resettlement outcomes, their impacts on the	Section: 45. (1) - The Rehabilitation and Resettlement Committee, to monitor and review the	No gap	N/A

<p>standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results and the results of resettlement monitoring reports.</p>	<p>progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post implementation social audits in consultation with the Gram Sabha in rural areas and municipality in urban areas. Section 48-50 - Set up National and State level Monitoring Committee to review and monitor progress.</p>		
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**Annexure 2: Involuntary Resettlement Screening
Involuntary Resettlement Impact Screening Checklist**

Will the subproject require land? What is the quantum of land required?
What will be the estimated number of person likely to be displaced?
Will the impact be permanent or temporary (during construction)?
What is the degree of the impact on the affected persons?
Who owns the land? What is current usage of the land?
If private land, how many landowners/tenants/sharecroppers will be displaced?
If state land, is it subject to traditional claim?
If state land, are there any encroachers, squatters or informal settlers?
What will be the estimated number of squatters?
Are there any houses, structures, trees and crops that will be affected (whether state or private land)?
How many households will be physically displaced?
Is there any public or community infrastructure?
Will tribal communities be displaced?
Will there be impact on livelihood \ income generating units?
What is their ownership status?
What are the skills of the people losing their livelihood.
Will there be any temporary impact on the sources of livelihood?
What percent of product assets (income generating) will people lose?

The Involuntary Resettlement Impact Categorization Checklist will be prepared for the each subproject and submitted to ADB. The subproject will be assigned to one of the following categories depending on the significance of probable involuntary resettlement impacts:

- a) **Category A**—A proposed project is classified as Category A if it is likely to have

- significant involuntary resettlement impacts. A resettlement plan, including an assessment of social impacts, is required.
- b) **Category B** –A proposed project is classified as Category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impact, is required.
 - c) **Category C** –A proposed project is classified as Category C if it has no involuntary resettlement impacts. No further action is required.

The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as; (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks.

Annexure 3: Terms of Reference - Resettlement Plan Implementing Support NGO

A. THE PROJECT

1. The Government of Assam (GOA) is committed in implementing the program to manage flood and protect riverbank erosion by Brahmaputra River. The Assam Integrated Flood and Riverbank Erosion Risk Management Investment Program, (AIFRERMP) is under implementation with financial support from the Asian Development Bank (ADB) by using Multi-tranche Financing Facility (MFF) lending modality. The MFF was approved in 25th October 2010 which amounted US \$ 120 million for overall implementation for over a period of 6 (six) years in 2 tranches. The First tranche amounting to US \$ 56.9 million was approved at the same time with approval for the MFF. This was subsequently revised to US \$ 48.5 Million. Tranche I of the project is ongoing and Tranche II is under preparation. The project financing amount of Tranche II is US \$ 89.38 Million out of which ADB will finance US \$ 71.4 Million.
2. The program aims to improve key infrastructure for flood and riverbank erosion management including improvement and rehabilitation of embankments, riverbank protection, and flood proofing works along the Brahmaputra River to protect vital state economic interests and to improve the socio- economic conditions of the flood plain inhabitants, including poverty reduction of the poorer and vulnerable groups in the project area. Thus, the proposed program has been expected to enhance the security against flood sand riverbank erosion through provision of comprehensive interventions comprising of mitigations, institutional strengthening and capacity building of state and local level agencies of the Water Resources Department (WRD).The Program activities involve (i) construction of river bank protection in selected high priority/sub project areas; (ii) strengthening and improvement of existing embankments; (iii) construction of new embankments; (iv) non structural measures such as forecasting and early warning systems, and preparedness; (v) alternative measures such as community flood proofing in selected localities; and (vi) project management support.
3. A Special Purpose Vehicle in the form of Flood and River Erosion Management Agency of Assam (FREMAA) has been established by GOA to independently manage, monitor and execute the project including the safeguard issues considering the limited capacity of WRD.
4. The activities under Project 2 (Tranche II) include strengthening/construction of flood embankments and anti-erosion protection measures that include “emergency” work, in the form of bank protection as well as retired embankments in Dibrugarh, Kaziranga and Palasbari subprojects.

B. SCOPE OF THE ASSIGNMENT

5. The general scope of the assignment is as below:
 - The NGO will support FREMAA for the implementation of the Resettlement Plans.
 - The NGO will also facilitate the land acquisition for the concerned packages but shall remain responsible for the implementation of relocation, disbursement of compensation and Rehabilitation and Resettlement assistance and shall provide comprehensive livelihood system to the Affected Households (AHHs).
 - The process of implementation of RP will entail disclosure of information and meaningful consultations with affected persons (APs).

c. DETAILED TASKS

Details of task of the assignment are given below:

Conduct Census Survey of the RCOI

6. Updating 100% census survey of the Resettlement Corridor of Impact (RCOI) to ascertain socio-economic status of the people being affected, ascertain magnitude of impact on the people including loss of livelihood etc. Updating of census survey will be carried out under the supervision of the SIO and guidance of the FREMAA and Project Management Consultant (PMC).

Conduct Detailed Measurement Survey (DMS)

7. Conducting DMS along with the team of officials from departments of Revenue, PWD, Agriculture, Forest and WRD.

Support FREMAA in RP Preparation

8. Support FREMAA in updating the RPs by revisiting the census survey data, DMS data and providing documents/information on all consultations, disclosure etc.

Dissemination of Information and Consultation

9. Disseminate information to the APs on the Resettlement Plans, land acquisition and R&R, entitlements, procedure for disbursement of compensation and other assistances, time frame for implementation, roles and responsibilities of various agency and grievance redress mechanism (GRM). Preparation of IEC materials like posters, banners, pamphlets, leaflets etc. in local language to disseminate information on the provisions of RP, GRM and roles and responsibilities of implementing partners to ensure transparency and accountability.

Land Acquisition

10. Liaison with the Revenue Department to ensure timely land acquisition and disbursement of compensation. Support AHHs in land acquisition process up to receipt of compensation in consultation with Deputy Commissioner (DC), FREMAA and Sub Project Implementation Office (SIO) of WRD. Support APs losing land to prepare the documents required to access compensation and disbursement of compensation in village meetings.

Verification

11. Undertake joint verification with the Field Officers of Revenue, FREMAA and SIO of the project affected persons to identify AHHs eligible as per the cut-off date for R&R entitlement and update the database accordingly. Verify the information already contained in the RP and the individual losses of APs and make/ suggest suitable changes if required.
12. During the identification and verification of the eligible APs and AHHs, the NGO will ensure that each one of the APs are contacted and consulted. The NGO will conduct consultation with women from the AHHs, especially women headed households.
13. Display the list of eligible AHHs in the affected villages for APs to verify. The AHHs will be provided 15 days' time period to verify the list. This process will enable eligible AHHs left out to be included in the list. The NGO will accordingly update and finalize the list, if required in consultation with FREMAA and inform the affected accordingly.

Distribution of Identity Cards

14. Distribute Identity Cards to all APs with a photograph of the head of the AHHs, the extent of loss and entitlement.

Prepare Micro Plan

15. Preparation of Micro Plans with details of the category of APs, assets lost, compensation and all types of assistance, indicating category of entitlement; alternate livelihood options; details of resettlement, replacement of structures, land details; specific training requirement for skill up-gradation and institutions responsible for training. A separate plan has to be prepared for relocation and shifting of community assets and common property resources.

Training and Support for Income Restoration

16. In addition to providing assistance given in the entitlement package, the NGO will be responsible for training and assistance of APs wherever required for income restoration of the AHHs. Train APs losing their livelihood, design and implement suitable income restoration programs, depending on the skills and interest of the APs. The NGO will prepare individual Income Restoration Plan, as a part of the Micro Plan. The NGO will assist the APs to establish linkages with Government departments, district administration, etc., and ensure that the APs are included in the development schemes, as applicable especially with reference to vulnerable groups, in pension schemes, widow pensions, schemes for women or women headed households, schemes for differently abled persons etc.

Disbursement of Assistance and Delivery of Entitlements

17. Assist FREMAA in ensuring all the APs obtain their full entitlements as per the RP including relocation and assist the APs in opening bank accounts.

Relocation

18. Assist the project authorities in ensuring smooth transition, assist in allocation of houses, guiding and helping the AHHs throughout the resettlement period. The NGO will inform the FREMAA, WRD and DC about the date of relocation as suggested by AHHs within stipulated time given in notice in writing in consultation with the AHHs.

Other Activities

19. Facilitate utilization of cash R&R benefits in creating productive assets by APs. Ensure proper utilization of the resettlement budget available for each of the project corridors. Identify means and accordingly inform the DC, SIO and FREMAA for disbursement of entitlements to the eligible APs/AHHs in a transparent manner. Linkages to any welfare programs available for the APs and facilitate accessing any available housing schemes for STs. Provide support to eligible APs/AHs in enrolling for BPL cards.

Grievance Redressal

20. Make APs aware of the GRM set out in the RP, assist them in registering complains and resolving the grievances. Assist DC, SIO and AHHs in the GRM process whenever necessary.

Coordination between APs, FREMAA, DC and SIO

21. Facilitate consultation between the APs and FREMAA, District Administration & SIO and/ or concerned FREMAA & SIO staff. This will be achieved through meetings with the DC, FREMAA and SIO representatives at the field offices and the APs as and when required which will be documented. Participate in the village meetings besides contacting APs on individual basis to regularly update the baseline information. Encourage participation of APs in such meetings by

discussing their problems regarding Land Acquisition, Rehabilitation & Resettlement and other aspects relating to livelihood restoration.

Awareness Creation on Gender and other Social issues

22. Facilitate the implementation of the project ensuring equity and inclusiveness throughout the project implementation. Assist FREMAA in ensuring that the Contractors comply with applicable labour laws (including prohibition of child labour). Assist FREMAA in ensuring facilities for labourers especially women at labour camps such as (i) temporary housing and day care facilities - during the construction the families of labourers/workers are provided with suitable accommodation and facilities for other civic requirements, particularly health and sanitation; (ii) health care - health problems of the workers are taken care of through health services and provide First Aid Box for first-aid in case of any accident/illness or minor accidental cases.

D. CONDITIONS OF SERVICES

23. Duration of Services- The time line for complete implementation of the RP from initiation to the submission of final reports will be 30 months for all four packages under Kaziranga sub-project.
24. All documents prepared, generated or collected during the period of contract, in carrying out the services under this assignment will be the property of FREMAA. No information gathered or generated during and in carrying out this assignment will be disclosed by the NGO without explicit permission of the FREMAA.

Location of NGO

25. The NGO will implement the RP and provide the services mentioned in the previous sections for the identified project intervention areas of all three sub-project areas of Dibrugarh, Palasbari-Gumi and Kaziranaga. In order to carry out the above tasks, employees of the NGO are to be stationed at a sub-project location.

Reporting

26. Reports are to be submitted to FREMAA with all supporting documents such as photographs, video graphs, minutes of the meetings/consultations with outcome, primary and secondary information collected, etc.

The following deliverables have to be submitted:

27. Inception Report: The NGO will submit to FREMAA an inception report detailing plan of action, manpower deployment, time schedule, and detailed methodology within 7 days of the commencement of the assignment.
28. Monthly and Quarterly Progress Reports: The NGO will also submit monthly progress reports on the activities carried out and proposed activities for the next month. The NGO will also submit Quarterly progress report depicting all the aforesaid details. The monthly and Quarterly progress report will include status of update of APs data, progress achieved in land acquisition, disbursement of compensation and assistances, details of training imparted/facilitated etc. The monthly progress report will have to be submitted on or before 7th working day of following month and the quarterly progress report on or before 7th of the first month in the following quarter.
29. Monthly Work Plan: The work plan for the each coming month will have to be submitted in the monthly meeting along with that of the activities of the current month clearly showing site visits, targets v/s achievements, and various other elements.

30. Status Reports: The NGO will prepare and submit the status report in consultation with FREMAA as and when required. The NGO will also prepare Power Point presentation on status report during ADB mission visit in consultation with FREMAA as and when required during the entire contract period.
31. Draft Final Report: The NGO will submit a Draft Completion Report at the end of the contract period summarizing the actions taken during the project, achievement of the tasks assigned, the methods used to carry out the assignment, and a summary of support, compensation and assistance given to the APs.
32. Final Report: The NGO will submit a final report complying all the remarks / comments of FREMAA on Draft Final Report at the end of the contract period.
33. Participation in Periodic Review Meeting of FREMAA, DC and SIO: The Team Leader/ NGO representative will participate in the periodic review meetings of FREMAA, DC and SIO to discuss about the progress of the assigned tasks, issues and constraints in carrying out any specific task, etc.
34. Submission of Meeting Records: Minutes of the meeting will be prepared for all the meetings with FREMAA, DC, SIO and APs, Grievance Redressal Committee (GRC) meetings, various consultations with the APs, consultations with respect to shifting of community assets, joint verification of affected land and structures, etc. will be recorded and submitted to FREMAA.

Support to be Provided by Client

35. Access to relevant documents like Project Preparation Technical Assistance (PPTA) reports; information, maps and data on technical designs, materials prepared by Project 1 NGOs, data on socio economic survey of the RCOI, copies of the Resettlement Plans, AHHs database, land acquisition details, and any other relevant and available reports/data related to the respective project corridors.
36. Facilitate coordination with the DC, SDO (Civil), Circle Officer and SIO by issuing necessary instruction.

Team for the Assignment

37. The NGO will depute a team of professionals to the site. The constitution of the Team with man-months, required qualification, experience and responsibility is at **Error! Reference source not found..**
38. Deployment of the personnel will be subject to progress of land acquisition and civil work as assessed by FREMAA.

Annexure 4: Draft Terms of Reference of External Monitoring Agency

Part I: Background Information and Project Description

Background

The Assam Integrated Flood & River Bank Erosion Risk Management Program is supported by the Asian Development Bank (ADB). The project aims at protecting river banks from progressive erosions in two priority reaches (subprojects) along the Brahmaputra River, and to protect the areas from flood inundation. It will protect local communities from loss of crops, assets and displacement. Project activities include (i) construction of riverbank protection works; (ii) strengthening of existing embankments and construction of new embankments to restore washed away portions of the existing embankment system; and (iii) community flood management in selected localities. The project covers two subproject areas – Palasbari and Dibrugarh in Assam. The Flood and River Erosion Management Agency of Assam (FREMAA), anchored to the Water Resources Department and Assam State Disaster Management Authority Government of Assam, is the executing agency (PMU) of the project.

Rehabilitation of existing embankments, construction of new embankments and over water bank protection works in subprojects of Dibrugarh, Kaziranga and Palasbari-Gumi are likely to entail land acquisition and resettlement and rehabilitation under Project 2. Resettlement Plans (RPs) needs to be prepared for all the subprojects as per the provisions of the National Laws and ADB's Safeguard Policy Statement for all works that entail land acquisition and resettlement and rehabilitation.

The project intends to engage one external agency/individual/NGO to monitor and evaluate the resettlement plan implementation in all subprojects where resettlement plans needs to be prepared.

Part 2: Terms of Reference (TOR)

Objectives:

The objective of this service is to verify the ongoing implementation of resettlement plans and advise FREMAA on safeguard compliance issues for the project to ensure that the implementation comply with ADB's Safeguard Policy Statement (SPS) 2009, the resettlement plan, and government's requirements. FREMAA was assisted by the implementing Nongovernment organizations (NGOs) for implementing the resettlement plans. An experienced external monitoring expert will be engaged to undertake the external monitoring of the resettlement plan implementation as independent party.

Scope of work

General:

The scope of work will require the expert to undertake the following general tasks, among others:

- To review and verify the progress in resettlement implementation;

- To monitor the effectiveness and efficiency of FREMAA, Subproject Implementation Offices (SIOs) and the implementing NGOs in the resettlement plan implementation.
- To assess whether the involuntary resettlement objectives, particularly livelihoods and living standards of displaced persons have been restored or enhanced;
- To assess resettlement efficiency, effectiveness, impact and sustainability, drawing both on policies and practices and to suggest any corrective measures, if necessary.
- To assess adverse impacts of the resettlement plan implementation on the indigenous people and the effectiveness of mitigation measures undertaken;

Specific:

- To ascertain whether the resettlement plans meet the requirements of ADB, Government of India and Government of Assam;
- To ascertain whether the compensation was adequate to restore life of the affected families.
- To ascertain whether the resettlement and rehabilitation assistances were provided as per the agreed entitlement matrix;
- Review of internal monitoring process adopted by FREMAA and adequacy of the process adopted;
- To evaluate and assess the adequacy and effectiveness of the consultation process with affected APs, particularly those vulnerable, including the adequacy and effectiveness of grievance procedures and legal redress available to the affected parties, and dissemination of information about these;
- Prepare proposal for FREMAA for improvement in land acquisition and resettlement implementation;
- Prepare reports on land acquisition and resettlement activities for submission to ADB;
- Documentation of lesson learnt and good practices in RP implementation of these sub-projects.

Duration:

24 months (extendable depending upon the project requirement)

Reporting:

The schedule of reports to be submitted to FREMAA is given below. The external monitor expert will prepare all reports in English language in MS Office format. For all reports, one soft copy and five hard copies of all report should be submitted to FREMAA. Final Report will be submitted after incorporating comments of FREMAA on the draft version of each report.

Report	Time frame
Initial monitoring report	15 days after signing of agreement
Monthly monitoring report	10 th of every succeeding
Semi-annual RP implementation progress report	Six monthly after for each RP implementation as per ADB calendar

	year
Draft Final resettlement plan implementation progress report	Upon completion of the assignment
Final resettlement plan implementation progress report	Upon comments and approval of FREMAA

For day to day activities and progress, the Expert will report to the Executive Officer (non-technical) or its officer- in-charge of FREMAA.

Support to be provided by the Client:

- Issue necessary instruction to line department, revenue office, NGO and all other relevant agencies to cooperate with the expert;
- Access to document, records, information etc. relevant to the assignment; and
- Working space in FREMAA office.
- Support staff may be engaged as per budget provision.

Supports under the contract:

The expert may engage support staff for the purpose of field data collection and data entry as per the requirement as and when required.

Payment Schedule:

Installment	Percentage	Reporting Requirement
1st Installment	10%	Upon signing agreement
2nd Installment	10%	Upon submission of inception report
3rd Installment	30%	Upon submission of monthly monitoring report
4th Installment	30%	Upon submission of draft final report
5th Installment	20%	Upon approval of final report

Required qualifications of the expert:

The expert should hold minimum graduate degree preferably post graduate degree in relevant social science and should have extensive experience of at least 10 years of work experience, out of which 5 years or longer for monitoring and evaluation, and/or implementation of resettlement plans for infrastructure projects. Experiences in land acquisition and involuntary resettlement matters under externally funded agencies like ADB, World Bank, IFAD etc. will be given advantage. Experience in Assam or North Eastern States will be advantageous. Knowledge of Assamese language will be an added advantage.