

Resettlement Framework

Document Stage: Draft for Consultation
Project Number: 49107-006
July 2018

IND: West Bengal Drinking Water Sector
Improvement Project

Prepared by Public Health Engineering Department, Government of West Bengal for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 11 July 2018)

Currency unit = Indian rupee (₹)

₹1.00 = \$0.014

\$1.00 = ₹68.691

ABBREVIATIONS

ADB	- Asian Development Bank
ASO	- assistant safeguards officer
CBO	- community-based organization
DBO	- design, build and operate
DMS	- detailed measurement survey
SGC	- safeguards and gender cell
ESSU	- environment and social safeguard unit
FGD	- focus group discussion
GESI	- gender equality and social inclusion
GOWB	- Government of West Bengal
GRC	- grievance redress committee
GRM	- grievance redress mechanism
IPP	- Indigenous Peoples plan
IPPF	- Indigenous Peoples planning framework
LARR	- land acquisition, rehabilitation and resettlement
NGO	- nongovernmental organization
PHED	- Public Health Engineering Department
PIU	- project implementation unit
PMU	- project management unit
RFCTLARRA	- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act
R&R	- rehabilitation and resettlement
ROW	- right-of-way
SIA	- social impact assessment
SPS	- Safeguards Policy Statement
DSISC	- design, supervision and institutional support consultant
TOR	- terms of reference
WBDWSIP	- West Bengal West Bengal Drinking Water Sector Improvement Project

NOTE

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

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I. INTRODUCTION

1. The proposed West Bengal Drinking Water Sector Improvement Project aims to provide safe and reliable drinking water—as per Government of India’s standards—to about 1.65 million people in the arsenic, fluoride, and salinity affected selected areas of Bankura, East Medinipur, North 24 Parganas, and South 24 Parganas districts of West Bengal (project districts). The project will adopt a sector approach. Only subprojects adhering to the subproject selection criteria in Appendix 1 will be selected and proposed for funding under the project. Only subprojects within the districts of Bankura, East Medinipur, North 24 Parganas and South 24 Parganas will be covered, unless otherwise agreed with the Asian Development Bank (ADB). The subprojects proposed under the project stem from a district-wide comprehensive water quality and sustainability planning, and the completion of the Drinking Water Quality Action Plan (DWQAP) for the concerned district. The executing agency, the Public Health Engineering Department (PHED) of the Government of West Bengal (GOWB), prepared the DWQAPs for the project districts with the support of project preparatory consultants from the ADB. PHED has adopted the DWQAPs to guide present and future drinking water improvement in the districts.

2. To ensure long-term asset sustainability and service delivery, the GOWB issued a government order on 9 November 2017 to the 66 *Gram Panchayats* included under the project (project *Gram Panchayats*) on the asset management and service delivery framework (AMSDF). The AMSDF, in Appendix 2, clearly defines the roles and responsibilities of PHED (the bulk supplier and regulator), and the *Gram Panchayats* (the distribution service managers), and sets guidelines for metering, tariff, and human resourcing.¹

3. The project is aligned with the following impact: drinking water security ensured in West Bengal. The project will have the following outcome: safe, sustainable, and inclusive drinking water service received in project districts. The Project outputs are as follows:

- (i) **Output 1: Climate resilient drinking water infrastructure constructed.** The project will provide a minimum of 70 lpcd of continuous potable water through metered connections to the households in selected areas of the project districts. The distribution systems will be designed on a DMA basis. Both the bulk and the distribution systems will be integrated with modern STWM and monitoring tools, including supervisory control and data acquisition and geographic information systems. Bulk water supply systems, consisting of intakes, water treatment plants, and transmission mains, will be sized to provide water supply en route to urban and rural areas. They will be connected into a grid with the existing and the new systems in the project districts, where feasible, to reduce redundancy, improve resilience, and efficiently manage the system; and.²
- (i) **Output 2: Institutional strengthening, skilling, and capacity building for inclusive operational sustainability achieved.** The project will strengthen institutions and the capacity of stakeholders, including the PHED and the project gram panchayats, for sustainable service delivery. It will support them to operate the STWM system, including water quantity and quality monitoring, electronic billing and collections, meter reading, and accounting. The project

¹ Gram Panchayats are village-level or the first tier of the local administrative body of the Government of West Bengal. Population covered under the 66 project *Gram Panchayats* range from around 16,000 – 26,000.

² The bulk systems sized to provide water supply to the urban or rural habitations to neighboring areas in future. Project will also assist PHED to connect existing schemes to the district grid, where feasible.

will build capacities and skills of the stakeholders on O&M, and support public awareness on water, sanitation, and hygiene. It will strengthen the sector through introducing and implementing an AMSDF; institutionalizing water and sanitation safety planning; and developing a regulatory framework for, and piloting, fecal sludge and septage management.

4. The PHED will be responsible for operating, maintaining, and monitoring the bulk water supply up to the boundary of the *Gram Panchayats*.³ The *Gram Panchayats* will operate and maintain the respective distribution systems. The *Panchayat Samitis*⁴ and *Zilla Panshads* the second and the third tier of local administration body of the government, respectively, will provide coordination, technical support, and monitoring at the block and district levels. PHED, through the AMSDF, will also act as the regulator of consumer services provided by the Gram Panchayats and assist them with advisory and technical support and trainings when required.

5. **Detailed description of project outputs.** In line with the agreed subproject selection criteria, the following subprojects are proposed under output 1:

- (i) **Climate-resilient drinking water infrastructure constructed in North 24 Parganas (including two blocks of South 24 Parganas).** The subproject will benefit around 550,000 people with surface-sourced potable water in the arsenic affected areas of Haroa and Barasat-II blocks in the North 24 Parganas district, and the Bhangar II block of the South 24 Parganas district. The key components of the subproject are (a) the construction of a water treatment plant with capacity of 100 million liters per day (MLD) at Rajarhat, (b) laying of around 4 kilometers (km) of transmission mains, (c) the construction of water reservoirs of around 32 million liters combined capacity, (d) the construction of three intermediate booster stations, and (e) the construction of around 39 overhead tanks and laying of distribution networks in 37 zones with around 120,000 household connections including water meters and associated STWM devices;
- (ii) **Climate-resilient drinking water infrastructure constructed in Bankura.** The subproject will benefit around 680,000 people with surface-sourced potable water in the fluoride affected blocks of Gangajalghati, Indpur, Mejhia, and Taldangra. The key components of the subproject are: (a) appropriate source augmentation, such as the construction of an infiltration gallery, of around 33 MLD for the blocks of Mejhia and Gangajalghati; (b) construction of an intake and water treatment plant of around 32 MLD at Mukutmanipur dam for the blocks of Indpur and Taldangra, (c) construction of new storage facilities of around 38 ML capacity, (d) laying of around 300 km of transmission mains and around 2,100 km of distribution network, and (e) provision of around 155,000 household connections including water meters and associated STWM devices; and
- (iii) **Climate-resilient drinking water infrastructure constructed in Purba Medinipur.** The subproject will benefit around 420,000 people with surface-sourced potable water in the salinity affected areas of Nandigram-I, Nandigram-II, Nandakumar, and Chandipur blocks of Purba Medinipur district. The key components of the subproject are (a) the construction of an intake and 100 MLD capacity water treatment plant, (b) the construction of four block-level storage reservoirs and associated booster pumping stations, (c) laying of around 64 km of primary transmission mains, (d) the construction of storage reservoirs of around

³ Village-level administrative authority, the first tier of the local administrative body of the Government of West Bengal.

⁴ Block-level administrative authority, the second tier of the local administrative body of the government.

24 million liters capacity, (e) laying of the water supply distribution network of around 1,500 km in the two priority blocks, and (f) the provision of around 116,000 household connections including water meters and associated STWM devices.

6. Output 2 will support the following components:

- (i) Adoption of the AMSDF by the project gram panchayats;
- (ii) Completion of comprehensive DWQAPs for all districts in West Bengal;
- (iii) Commissioning of the STWM system in PHED and project gram panchayats;
- (iv) Completion of guidelines for water safety and sanitation safety plans, and a model plan each for water safety and sanitation safety, for West Bengal;
- (v) Commissioning of flood forecasting and early warning system in Purba Medinipur;
- (vi) Preparation and adoption of gender strategy by PHED;
- (vii) Completion of the FSSM regulatory framework for West Bengal and commissioning of a pilot FSSM plant in one of the project districts;
- (viii) Provision of training on utility management to at least 660 locals—including at least 33% female—in project gram panchayats;
- (ix) Provision of training on utility management to a minimum of 200 PHED staff, including 100% of the female staff of the project management unit (PMU) and project implementation units (PIUs);
- (x) Provision of training on leadership and water-related livelihood to at least 300 locals—with a minimum of 33% females—in project gram panchayats; and
- (xi) Provision of public awareness on water conservation, demand management, and WASH to at least 500 locals in project gram panchayats—33% minimum female.

7. This resettlement framework for the project, has been endorsed by the government and disclosed by the executing agency in the project website, reflects the borrower's new law on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, state government policies, ADB's Safeguard Policy Statement (SPS), 2009 and other social safeguard guidelines. It also takes into account state policies on negotiated land purchase and guidelines for transfer of land from one government department to another. A detailed description of compensation measures and assistance is provided in the entitlement matrix.

8. An entitlement matrix, consistent with the existing norms and guidelines of the country and the state government, and the ADB SPS, has been prepared to cover potential losses identified in this Program. The matrix recognizes that the lack of title/customary rights recognized under law will not be a bar to entitlement and has special provisions for non-titled persons. The eligibility for compensation will be determined through a cut-off date. People moving into the sub-project area after the cut-off date will not be entitled to compensation or other assistance.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

9. The policy framework and entitlements for the Project are based on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA) (2013), state policies and regulations, and ADB involuntary safeguard policy principles and requirements of the ADB SPS. The preferred approach for the project will be direct purchase for the acquisition of private land and structures based on Section 46 of RFCTLARR Act, 2013, the Memorandum of Government of West Bengal on Negotiated Purchase (Appendix 2), and the ADB SPS (para. 25, Involuntary Resettlement Requirement 2, Appendix 2, p. 48). Private land parcels will potentially be required for construction of WTPs and overhead reservoirs

and these will be procured through negotiated settlement without recourse to expropriation. If negotiated settlement process fails for a particular site, PHED will identify another site where negotiated settlement will be tried again. The project facilities that will require land acquisition (WTPs and OHRs) can be flexibly located where there is available land for sale. Should the Government of West Bengal revoke the Memorandum on negotiated settlement, land will be acquired through the RFCTLARRA and the SPS. The salient features of RFCTLARRA, state policies and regulations, and ADB SPS have been summarized below.

A. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013⁵

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

11. The key features of the RFCTLARRA are as follows:

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

⁵ As passed by the Lok Sabha on 29 August 2013.

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

B. State Government Policies and Practices

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

- (i) **West Bengal Land Acquisition Manual (WBLAM) 1991**, which provides guidelines on determination of market price for compensation, but has not been revised post passage of LARR 2013. GOWB has now taken a policy decision to adopt negotiated purchase and not land acquisition as the mode of procurement of land for public purpose.
- (ii) **Memorandum for direct (negotiated) purchase of land for public purpose (2016)**: Government of West Bengal issued a Memorandum in 2014, and an updated version of the same in 2016 allowing all state government departments to go in for direct (negotiated) purchase land for public purpose, mainly involving commissioning of infrastructure projects.⁶ GOWB promulgated the memorandum for state government departments to undertake direct purchase of land required for infrastructure projects from land owners who are willing to sell land, to ensure optimal utilisation of public funds and early implementation of projects.⁷ Its key features include a description of the process of direct purchase to be followed by the requiring department, provision for constitution of a Purchase Committee and its composition, and the process of determination of price of land, buildings, and structures. It provides for incentives on the price of land finally determined, if land registration is accomplished within defined time frames. GOWB has also exempted the stamp duty for such purchase of land.
- (iii) **The West Bengal Land and Land Reforms Manual, 1991** deals with management of lands owned by Government of West Bengal. Chapter XV of the Manual provides the principles and procedures for settlement of lands for non-agricultural purposes (which includes urban development work). In case of long-term settlement, it provides in detail the process of determining the market value of land from the records of recent sales of similar categories of land in the vicinity, using figures from the Sub-registration offices and carefully checking the same

⁶ Memorandum No. 3145-LP/1A-03/14 dated 24 November 2014, and Memorandum No. WB (Part 1)/2016/SAR-114 dated March 1, 2016. The updated Memorandum of 2016 is in Appendix 4.

⁷ Government of West Bengal, The Kolkata Gazette Extraordinary, Memorandum No. 756-LP/1A-03/14(Pt-II) dated 25 February 2016.

against the valuation in land acquisition cases in the locality.⁸ Further, it specifies that in giving the long-term lease for the first time, rent shall be fixed at 4 per cent of the market value of the land proposed for settlement and *salami* charged at 10 times the rent equalling forty percent of market price.⁹ With reference to WBDWSIP, all lands for inter-departmental transfer shall be first transferred by the department which is the present owner, in favour of the Land and Land Reforms Department, GOWB for subsequent transfer to the PHED.

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

C. ADB's Safeguard Policy Statement, 2009

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

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

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

⁸ The Directorate of Registration and Stamp Revenue, Government of West Bengal has introduced transparent, online procedures for updating of market value of any land parcel in the state. Market values of land for different locations are updated every three to six months and published online. This helps ensure a fair price to the landowner/seller in case of purchase, and affected person (in case of land acquisition); it also ensures that the State does not lose out on taxes and stamp duties due to under-reporting of land value.

⁹ Amount paid by lessee to lessor, as decided by the lessor.

involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.

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

D. Comparison of the RFCTLARRA 2013 and State Policies with Key Indicators of ADBs Safeguard Policy Statement 2009

15. A comparison of the key requirements has been made, and how the gaps will be addressed through this resettlement framework in case of any instance of involuntary land acquisition is given in Appendix 2. The resettlement framework addresses the following identified gaps, namely: (i) screening past, present and future involuntary resettlement impacts and risks: The Project will undertake screening of all subprojects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks; (ii) Gap in establishing a project-level GRM for projects that do not have significant resettlement impacts. The Project will establish project-level GRM. (iii) define vulnerable group as per SPS, policy principle 2. The Entitlement Matrix outlines assistance for vulnerable groups, as defined by ADB policy; (iv) third party monitor of negotiated purchases: to ensure a fair and transparent process, a third party independent monitor will be hired to certify the process the negotiated purchase was undertaken in a transparent, consistent and equitable manner.; (v) disclosure of resettlement plan and resettlement framework to affected persons; (vi) frequency of resettlement plan monitoring: frequency of monitoring will be semi-annual, as per SPS.

III. INVOLUNTARY RESETTLEMENT SAFEGUARD PRINCIPLES FOR THE PROJECT

16. The project will recognize three types of physically displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of physically displaced persons. It also applies to all types of economically displaced persons – those facing permanent income loss as well as those facing temporary income loss. In accordance with the involuntary resettlement principles of this Resettlement Framework, all affected persons will be entitled to compensation/resettlement assistance. Compensation and assistance will be based on the nature of ownership rights on lost assets and the impacts, including vulnerability status of the affected persons.

17. Based on RTFLARRA, state policies and regulations, and the ADB SPS, the following resettlement principles are adopted for this project:

- (i) Screening of the project to identify involuntary resettlement impacts and risks. Minimizing and avoiding resettlement impacts of each subproject by exploring all viable alternative designs.
- (ii) Carrying out consultations with affected persons, host communities and non-government organizations; informing all displaced persons of their entitlements and resettlement options; ensuring their participation in planning, implementation, and monitoring and evaluation of resettlement programs.
- (iii) Where the resettlement impacts are unavoidable, the DPs should be assisted in improving or at least regaining their standard of living.
- (iv) Vulnerable households will be given special assistance to improve their socioeconomic status. Vulnerable households comprise below poverty line households, female-headed households, disabled person-headed household, elderly-headed household, landless household, household with no legal title / tenure security, households with out-of-school/working children, and schedule castes and scheduled tribe households.

- (v) The absence of formal title to land is not a bar to policy entitlements.
- (vi) Compensation for all lost assets acquired or affected is based on the principle of replacement cost.
- (vii) Restoration of livelihoods and residences of the DPs will be facilitated with adequate resources and with a time-bound action plan in coordination with civil works.
- (viii) DPs are to be assisted in integrating economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted.
- (ix) All payments, including compensation for loss of land, assets, structures, trees, income, and common properties will be made prior to physical or economic displacement and commencement of civil construction work.
- (x) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders. Disclose the final resettlement plan and other documents such as the monitoring reports to affected persons and other stakeholders.

18. Section 46 of RFCTLARR Act, 2013 permits direct purchase of land and undertaking direct negotiation with the land owner. In a consistent manner, GOWB Memorandum of Government of West Bengal on Negotiated Purchase also promotes direct land purchase to optimize the utilization of public funds and accelerate the implementation of important infrastructure projects. Such purchase is supported by the ADB SPS provided that eminent domain will not be applied should the negotiated purchase and where direct negotiations with land owners' results in a fair and transparent manner and land will be purchased upon agreement of a negotiated price. In the Project, in addition to the requirements in the GOWB Memorandum, the process of negotiation will involve the following steps:

- (i) negotiation will take place when there is a willing seller;
- (ii) consultation with the affected person has to be carried out and documented;
- (iii) the minimum negotiated price to start negotiations will be not below the valuation of land based on the market value of land;
- (iv) all negotiations have to be carried out in a transparent manner and validated by a Third Party (eminent citizen / any party without any interest in the process, appointed by the PMU);
- (v) in case of failure of negotiations compensation will be paid as outlined in the Entitlement Matrix of the resettlement framework and (viii) the entire process has to be documented. The third party will have to submit reports during and on conclusion of negotiations; costs related to third party certification will be borne by the project proponent.
- (vi) The land transfer and updated records of the purchased lands will have to be completed prior to the start of civil works.
- (vii) No negotiated purchase from vulnerable households shall be undertaken for the project.

IV. SCREENING AND CATEGORIZATION OF SUBPROJECTS

19. Following the RFCTLARRA 2013, state policies and regulations and incorporating ADB's Safeguard Policy Statement, 2009, the basic principles for the Project will include these elements with respect to each sub-project, namely: (i) land acquisition, and other involuntary resettlement impacts would be minimized as much as possible; (ii) any land acquisition and/or resettlement will be carried out and compensation provided in order to improve or at least restore the pre-

Project income and living standards of the affected people; (iii) consultation with affected people on compensation options; (iv) payment of compensation for acquired assets at market/replacement rates; (v) payment of compensation for lost land, housing, assets and resettlement allowances in full prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vi) resettlement assistance to Affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities; (vii) income restoration and rehabilitation; (viii) establishment of appropriate GRMs to ensure speedy resolution of disputes; (ix) special attention to vulnerable groups; and, (x) involvement of women in all activities related to resettlement planning, implementation, and monitoring.

20. The sub-projects to be taken up for implementation in the Project will have broadly two types of impacts that will require mitigation measures. The types of impacts are (i) loss of land and related assets; and (ii) loss of livelihood or income opportunities.

21. Displacement under the sub-projects will be limited to the area required for the sub-projects and their safety zones, referred to as the direct impact zone. Only structures and other encumbrances within this zone will be removed for the Program. Every effort will be made during the preparation of the detailed design to minimize acquisition of land and other assets and to reduce negative socio-economic impact. The structures and assets falling outside the direct impact zone will be left undisturbed. Impacts, unforeseen to the structures or assets outside will also be compensated in accordance to the principles of this resettlement framework.

22. A detailed description of each compensation measure and assistance is provided in the entitlement matrix. The affected households will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the Affected persons.

23. ADB's involuntary resettlement impact screening/categorisation checklist (Appendix 9) will be adopted for the subproject. Screening will be conducted immediately after identification of project site. If the screening is done simultaneously when the project site is being identified, then the magnitude of impacts can be estimated and if required alternative options can be examined. This will be done by the supervision and institutional support consultants (DSISC) and submitted to PMU. Based on the ADB's Operational Manual Section F1/Operational Procedures¹⁰ the following criteria for screening and categorization of subprojects will be followed:

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts. A resettlement plan, including assessment of social impacts, is required.
- (ii) **Category B.** A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required.
- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.
- (iv) **Category FI.** A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary.

24. The subproject's involuntary resettlement category is determined by the magnitude of involuntary resettlement impacts. The involuntary resettlement impacts of ADB-supported

¹⁰ Issued on 1 October 2013.

projects are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks. For Category A and B subprojects, a resettlement plan is required. For category C project a Due Diligence Report is required.

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

V. VOLUNTARY LAND DONATION

26. For a project that directly benefits communities such as WBDWSIP, land may be voluntarily donated to the project. In the Project, land¹¹ donation wherein the community or affected person agrees to donate a part of their land for the project an external party will be engaged to ensure and validate these requirements: (i) The donation will not cause significant impacts on the livelihood of the donor(s); (ii) the donor is fully cognizant of the value of their donated land(s) and that, had it not been donated, the land will be compensated under the project; (iii) the donation does not come from the land owner categorized as poor or vulnerable family; (iv) the donation will not cause any economic or physical displacement of the renters, tenant and other types of current land users; (v) the land donor(s) will get direct benefits from the proposed project activities; (vi) meaningful consultations are conducted with the land owner(s); and (vii) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The above information must be included in a due diligence report to be prepared by the external party, preferably from reputed and qualified NGO, for ADB review and approval. The Government of West Bengal, Finance (Taxation) Department has exempted all lands donated to the government from stamp duty on registration.¹² The land transfer and updated records of the donated lands will have to be completed/obtained by PHED prior to the start of civil works.

VI. ELIGIBILITY, ENTITLEMENTS AND BENEFITS

A. Eligibility

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

- (i) persons who will lose land/assets/income in their entirety or in part, who have formal legal rights to the land;

¹¹ Including other types of assets attached to the land.

¹² Order No. 3260 F.T dated 25 November 1994, of the Government of West Bengal, Finance (Taxation) Department.

- (ii) persons who will lose the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g. tenants and leaseholders;
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g. sharecroppers, squatters, encroachers, wage labour without formal contracts; and
- (iv) vulnerable households.¹³

B. Entitlements, Assistance and Benefits

28. The Project Entitlement policy addresses the potential direct and indirect impacts of project construction and operation on displaced persons, households and communities due to involuntary acquisition, including those that will be acquired through the RFCTLARRA should the Government of West Bengal revoke the Memorandum on negotiated settlement. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and loss of shelter. Other losses include loss of other assets such as cattle sheds, water sources etc. and common property resources. Mitigation is provided through compensation and assistance to project-displaced persons, households, and group on the basis of this policy framework adopted by the project. The policy provides mitigation for:

- (i) loss of assets, including land and house or work place;
- (ii) loss of livelihood or income opportunities;
- (iii) Collective impacts on groups, such as loss of community assets, common property resources, and others; and
- (iv) Temporary impacts or disruptions due to project construction work.

29. Compensation eligibility is limited by a cut-off date. The cut-off date for non- title-holders, is the date of the start of the census survey, during preparation of the draft resettlement plan. The date of Land Acquisition Notification under Section 11 of the RFCTLARRA will be the cut-off date for all titleholders losing land and structures. The project Entitlement Matrix (Table 1) identifies and lists various types of losses resulting out of the project and specific compensation and resettlement packages for each category.

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

¹³ Vulnerable households comprise below poverty line households, female-headed households, households with out-of-school/working children, disabled person-headed household, elderly-headed household, landless household, household with no legal title / tenure security, and schedule castes and scheduled tribe households. As per a report published by the Planning Commission, Government of India, the state-specific poverty line for West Bengal in 2012 was ₹981 per capita per month (Press Note on Poverty Estimates 2011-12, Government of India, Planning Commission, July 2013). On adjusting for inflation, the poverty line in 2017 is estimated as INR 1566 per capita per month.

Table 1: Entitlement Matrix

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
1	Loss of private land	Homestead or mixed use land or vacant plot	Titleholders	1. Compensation at replacement cost as specified in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA) or land-for-land where feasible; 2. Solatium to be paid at 100% of the replacement value; 3. For partial land acquisition, the following two options are to be given to the affected person, subject to acceptance: • Option 1 - The affected person remains on the plot, and the compensation and assistance are paid only for the required amount of land to be acquired. • Option 2 - Compensation to be provided for the entire plot including residual part, if the owner of such land wishes that the residual plot should also be acquired by the executing agency. 4. A monthly subsistence allowance equivalent to ₹3000.00 per month for a period of one year from the date of award will be provided. 5. Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the	• If land-for-land is offered, (i) ownership will be in the name of original landowners, or (ii) joint ownership in the name of husband and wife will be offered in case of non-female-headed households. • Payment of all fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the registration/transfer will be limited to those for land purchased within a year of compensation payment and for land of equivalent size.	Replacement cost will be confirmed by the concerned District Magistrate. The safeguards and gender cell (SGC) in the project management unit (PMU) will verify the affected households and determine the appropriate assistance as per this matrix

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
				Horticulture Department for other trees/crops. 5. All fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the executing agency. 6. One-time Resettlement Allowance of ₹50,000. 7. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition. 8. One-time financial assistance of ₹50,000 as transportation cost/shifting allowance.		
1-a	Loss of private land	Homestead or mixed use land or vacant plot	Tenants/Lease holders/Sharecroppers (with or without written lease or	1. Reimbursement of rental/lease deposit or unexpired lease; 2. Compensation at replacement cost for any investment made to the land; 3. One-time resettlement allowance of ₹50,000.	Land owners will reimburse tenants and leaseholders land rental deposit or unexpired lease	Project implementation unit (PIU)/design, supervision and institutional support consultant (DSISC) will confirm land rental and

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
			tenancy agreement)	4. A monthly subsistence allowance equivalent to ₹3000.00 per month for a period of one year from the date of award will be provided. 5. One-time financial assistance of ₹50,000 as transportation cost/shifting allowance for displaced families.	• Harvesting prior to acquisition will be accommodated to the extent possible. • Work schedule will avoid harvest season.	ensure tenants and leaseholders receive reimbursement for land rental deposit or unexpired lease, and report to PMU/SGC.
1-b	Loss or private land	Homestead or mixed use land or vacant plot	Encroachers and squatters	1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum transportation/shifting assistance of ₹10,000 will be provided. 5. Additional assistance for vulnerable households (item no. 7 of this matrix).		PMU/SGC will ensure provision of notice. SGC will verify vulnerable households.
2	Loss of Government land	Vacant plot, Agricultural land, homestead land	Leaseholder/Le gal User/ Sharecropper	1. Compensation for unexpired lease; 2. Compensation for any investment made to the land; 3. Onetime resettlement allowance of ₹50, 000. 4. Choice of annuity or employment as referred in itee no. 5 of the matrix. 5. All affected families will receive compensation for: (i) damage to land/quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the		PMU will ensure interdepartmental coordination. SGC will verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
				time of the publication of the Declaration for taking possession of land and the time of the Collector's taking actual possession of the land; and (iii) Compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to proposed land acquisition 6. Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to ₹3000 per month for a period of one year from the date of award. 7. One-time financial assistance of ₹50,000 as transportation cost/shifting allowance 8. Additional assistance for vulnerable households (item no. 7 of this matrix).		
2-a	Loss of Government land	Vacant plot, right-of-way (ROW) of road	Encroachers and squatters	1. Squatters will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing BSR without depreciation. 3. Right to salvage material from demolished structure at no cost. 4. A lump sum shifting assistance of ₹10,000 will be provided 5. Additional assistance for vulnerable households (refer to #7 in this matrix).		PMU/SGC will ensure provision of notice. PIU/DSISC will identify and PMU/SGC will verify vulnerable households.
3	Loss of residential structure	Residential structure and other assets ^d	Legal Titleholder of affected structure/ those	1. If a house is lost in rural area a constructed house shall be provided as per the Indira Awas Yojana specifications OR equivalent cost of		The concerned District Magistrate will confirm the replacement cost. ^e

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
			without homestead land	the house. 2. In urban areas, a constructed house shall be provided, which will be not less than 50 square meter (m²). in plinth area OR a one-time financial assistance for house construction, which shall not be less than ₹150,000. 3. The replacement value of the structure, will be provided, calculated as per the latest prevailing BSR without depreciation; 4. Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as mentioned in this section. 5. One-time financial assistance of ₹50,000 as transportation/shifting allowance; 6. A monthly subsistence allowance equivalent to ₹3000.00 per month for a period of one year from the date of award will be provided 7. Right to salvage material from the demolished structure at no cost; 8. If relocation required, rental assistance at ₹5000 per month till alternative house is ready; 9. Each affected family shall be given a one-time Resettlement Allowance of ₹50,000 only. 10. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by executing agency.		PMU/SGC will verify the extent of impacts identified by PIU/DSISC, determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
3-a	Loss of residential structure		Tenants and leaseholders	1. Rental assistance at ₹5000 per month for 3 months. 2. One-time financial assistance of ₹50,000 as transportation cost/shifting allowance. 3. A monthly subsistence allowance equivalent to ₹3000.00 per month for a period of one year from the date of award will be provided 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount; 5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; and 6. Right to salvage material from demolished structure, erected by tenants. 7. Additional compensation for vulnerable households (item # 7)	• Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.	PMU/SGC will verify the extent of impacts determine assistance, verify vulnerable households.
3-b	Loss of residential structure	Residential structure and other assets	Encroachers, Squatters, and informal settlers	1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value calculated as per the latest prevailing basic schedule of rates (BSR) without depreciation. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum shifting assistance of ₹10,000 will be provided 5. Additional compensation for vulnerable squatter households (item		PMU/SGC will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
				# 7)		
4	Loss of commercial/other structure	Commercial structure and other assets	Legal titleholders	1. The replacement value of the structure without depreciation, subject to a minimum of ₹25,000; 2. One-time Resettlement Allowance of ₹50,000 3. A monthly subsistence allowance equivalent to ₹3000.00 per month for a period of one year from the date of award will be provided. 4. Right to salvage material from the demolished structure at no cost; 5. One-time financial assistance of ₹50,000 as transportation allowance. 6. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 7. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency. 8. Additional compensation for vulnerable households (item # 7)	• Vulnerable households will be identified during the census survey of affected households conducted by the PIU/DSISC.	Replacement cost will be confirmed by the concerned District Magistrate. PMU/SGC will verify the extent of impacts determine assistance, verify vulnerable households.
4-a	Loss of commercial/other structure	Commercial structure and other assets	Tenants/Lease holders	1. Rental assistance for 3 months, equivalent to the space/location lost at prevalent market rate. 2. One-time financial assistance of ₹50,000.00 as transportation/shifting allowance. 3. A monthly subsistence allowance equivalent to ₹3000.00 per month for a period of one year from the date of award will be provided 4. Any additional structures erected by tenants will also be compensated and deducted from owner's compensation amount;	Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease.	PMU/SGC will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
				5. Any advance deposited by the tenant to the landlord will be deducted from land lord/owner's total compensation package on submission of documentary evidences; 6. Right to salvage material from demolished structure, erected by tenants 7. Additional compensation for vulnerable households (item 7)		
4-b	Loss of commercial/other structure		Encroachers and squatters	1. Encroachers will be notified and given 60 days advance notice to remove their assets. 2. Compensation for affected structures at replacement value without depreciation. 3. Right to salvage material from the demolished structure at no cost. 4. A lump sum shifting and transitional assistance of ₹10,000 will be provided 5. Additional compensation for vulnerable squatter households (item Appendix 7).	Vulnerable households will be identified during the census survey of affected households conducted by the PIU/DSISC.	PMU/SGC will verify the extent of impacts determine assistance, verify vulnerable households.
5	Loss of livelihood	Livelihood	Owner/tenants/leaseholders/sharecroppers (with or without written tenancy or lease agreement)	1. Choice of annuity or employment – the following options are to be provided: (a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) onetime payment of ₹5,00,000 per affected family; or (c)	Vulnerable households will be identified during the census survey of affected households conducted by the PIU/DSISC.	PMU/SGC will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
				annuity policies that shall pay not less than ₹2000.00 per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers. 2. Preference for employment opportunity for Affected Persons in the project construction work, if so desired by them. Training would be provided for income generating vocational training and skill improvement options based on the choice of the affected person at ₹20,000^f per family. This cost would be directly paid by the project to the training institute OR purchase of income generating assets up to ₹40,000.^g		
5-a	Loss of livelihood		Titleholders / tenants/leaseholders losing income through business	1. One time grant of a minimum of ₹25,000^h for self-employed persons, artisans, small traders etc. 2. Choice of annuity or employment – the following options are to be provided: (i) (a) where jobs are created through the project, 'after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or (b) onetime payment of ₹500,000 per affected family; or (c) annuity policies that shall pay not less than ₹2000.00 per month		PMU/SGC will verify the extent of impacts determine assistance, verify vulnerable households.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
				per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers. 3) Additional compensation for vulnerable squatter households (item # 7).		
5-b	Loss of livelihood		Wage-earning employees affected due to displacement of commercial structure (those working in businesses such as petty shops, eateries)	1. One-time financial assistance for lost income based on 6 months subsistence allowance at ₹18,000ⁱ per affected person. 2. Preference for employment opportunity for Affected Persons in the project construction work, if so desired by them. 3. Additional compensation for vulnerable squatter households (item # 7).		PMU/SGC will verify the extent of impacts determine assistance, verify vulnerable households.
6	Loss of trees	Standing trees	Legal titleholder, Leaseholder	1. Affected person will be notified and given 60 days advance notice cut/clear the affected trees. For fruit trees 6 months' notice is to be given. 2. Compensation for trees at prevalent market rates,^j to be calculated as annual net product value multiplied by number of productive years remaining. 3. Compensation for one-year net harvest for seasonal fruit trees at prevalent market rates. 4. Compensation at market value of timber in case of timber-bearing trees. 5. For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years.^k	• Harvesting prior to acquisition will be accommodated to the extent possible • Work schedules will avoid harvest season. • Replacement cost of trees has to be determined.	PMU/SGC will ensure provision of notice. The valuation of trees and compensation rates will be finalized on the basis of market survey or on the basis of valuation by the Horticulture/Forest Department and in consultation with affected persons

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
6-a	Loss of trees		Encroachers and squatters	1. Encroachers and squatters will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest seasonal crops and fruit trees. 2. Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops.	• Harvesting prior to acquisition will be accommodated to the extent possible • Work schedules will avoid harvest season.	
7	Impacts on vulnerable Affected Persons ^l	All permanent impacts	Vulnerable affected persons ^m	1. Additional one-time lump sum assistance of ₹36, 000 (calculated for 12 months subsistence allowance) per vulnerable family will be paid. This will be over and above the other assistance given in this framework. 2. Vulnerable households will be given priority in employment in the project construction activities. 3. Provision for skill training for displaced vulnerable persons 4. including assistance for purchase of income generating assets and initial capital of ₹40,000/-	• If land-for-land is offered, (i) ownership will be in the name of original landowners, or (ii) joint ownership in the name of husband and wife will be offered in case of non-female-headed households. •	Vulnerable households will be identified during the census survey of affected households conducted by the PIU/DSISC PMU/SGC will verify the extent of impacts determine assistance, verify vulnerable households.
8	Temporary loss of land	Land temporarily required for project activities	Legal titleholders Legal titleholder/ traditional land rights/ non-titleholders	1. Compensation for loss of trees and crops at current replacement cost. 2. Restoration of land to its previous or better quality. 3. Affected households will be notified and given 60 days advance notice to remove trees and 6 months' notice to harvest fruit trees.	• PIU/DSISC will identify and include details in the resettlement plan • Arrangement by the contractor on the activities to be taken up.	The rental value and duration of lost income will be determined through survey and consultation with Affected persons. A photograph of the status prior to

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
				4. Provision of rent for the period of occupation 5. Compensation for damaged assets at replacement value 6. Restoration of land to its previous or better quality.	• Impacts if any on the structures, assets and plantation due to the temporary occupation. • Extent of rehabilitation, restoration of the site.	occupation to be made by the PIU. PMU/SGC, PIU/DSISC will ensure that the compensation is paid prior to handing over of site to the owner. The site will be taken up by the contractor after consent of PIU/DSISC.
8-a	Structures temporarily required for project activities		Legal titleholders/ non-titled holders building owners	1. Advance notice of at least 4 weeks 2. Assistance to shift to nearby alternate sites for continued daily activities e.g. economic activity, children's schooling, etc. 3. Assistance to shift back once construction completed 4. Compensation for damaged assets at replacement value without depreciation. 5. Rental assistance as per the prevalent rate in the form of grant to cover the duration of project construction activities 6. Subsistence/relocation allowance at ₹3000 per month for 3 months, if temporarily displaced for more than 1 month.	• PIU/DSISC will identify and include details in the resettlement plan • Arrangement by the contractor on the activities to be taken up. • Impacts if any on the structures, assets and plantation due to the temporary occupation. • Extent of rehabilitation, restoration of the site.	PMU/SGC will verify assistance and monitoring.
9	Temporary disruption of livelihood	Commercial and agricultural activities	Legal titleholders, tenants, leaseholders, employees, hawkers or vendors.	1. 60 days advance notice regarding construction activities, including duration and type of disruption. 2. Cash assistance based on the net income from the affected business or minimum wage for the loss of income/livelihood for the period of disruption, whichever is more. 3. For construction activities involving	• During construction, the PIU/DSISC will identify alternative temporary sites to the extent possible, for vendors and hawkers to continue economic activity.	PIU/DSISC in coordination with Contractors will identify alternative locations

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
				disruption for a period of more than a month, provision of alternative sites for hawkers and vendors for continued economic activities. If not possible, allowance based on the net income of the affected business or minimum wage rate for the affected households up to 3 month or the actual period of disruption whichever is more.	PIU/DSISC will ensure civil works will be phased to minimize disruption through construction scheduling in co-ordination with the contractors	
10	Loss and temporary impacts on common resources	Common resources	Communities, Government Agencies ⁿ	- The contractor shall follow the provisions in this entitlement matrix for any impact on structure or land due to movement of machinery during construction or establishment of construction plant. - Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops. - Time bound restoration of land to its previous or better quality. - The contractor will maintain access to businesses (e.g., planks, keeping traffic flow, pedestrian access, no full street closures, etc.). - Replacement or restoration of the affected community facilities – including public water stand posts, temples, shrines, bus shelters etc. - Enhancement of community	PIU/DSISC will ensure compensation and other entitlements are implemented in co-ordination with the contractors	PMU/DSISC and Contractor.

	Type of Loss	Application	Definition of Entitled Person	Compensation Policy ^a	Implementation Issues ^b	Responsible Agency ^c
				resources. ^o		
11	Any other loss not identified			1. Any unanticipated impacts of the project will be documented and mitigated based on the spirit of the principles agreed upon in this resettlement framework and the RFCTLARRA 2. Unanticipated involuntary impacts will be documented and mitigated based on the principles provided in the ADB involuntary resettlement policy.		The PIU/DSISC will ascertain the nature and extent of such loss. The SGC will finalize the entitlements in line with the ADB Safeguard Policy Statement.

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

^a Transportation costs, monthly subsistence allowance and resettlement costs are not incremental. For example, if an affected household loses land, shelter and commercial business in one lot, the family will get each of these allowances only once. Statutory compensation rates will be adjusted by 5% per annum (based on the average inflation rate in India over the past 10 years).

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

^c For DBO contracts, the DBO contractor carries out design responsibilities.

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

^e Footnote d.

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

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

^h Based on the RFCTLARRA

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

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

^k To be valued by persons experienced in the field of horticulture forestry etc. as necessary.

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

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

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

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

VII. SOCIO-ECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION

A. Surveys

31. For proper rehabilitation of affected persons, SIA surveys will be undertaken in each sub-project. The Environment and Social Safeguard Unit (ESSU) of the PIU, with the assistance of the DSISC will undertake surveys for each identified sub-project, based on preliminary technical design. The SIA surveys will be based on technical designs of the sub-project identified. The SIA will help in determining the magnitude of displacement, prospective losses, better targeting of vulnerable groups, ascertaining actual costs of resettlement, preparing and implementing a rehabilitation program. As part of the social impact assessment, the project will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, targeted measures will be proposed and implemented so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development. The purpose of the census is to register and document the status of the potentially affected population¹⁴ within the sub-project impact area/impact zone. The census will cover 100 percent of affected persons. The census will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood.

32. Socio-economic surveys of persons facing negotiated land purchase or those donating land will be undertaken as part of due diligence, to establish their socio-economic profile and willingness. Such surveys will be undertaken by the concerned PIU with the support of DSISC.

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

B. Formulation of Resettlement Plans

34. The PIU with the assistance of DSISC and the design, build and operate (DBO) contractor will prepare a resettlement plan, if the proposed project will have involuntary resettlement impacts. The resettlement plan will be based on the social impact assessment and through meaningful consultation with the affected persons. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the executing agency will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and GRM, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a resettlement plan is presented in Appendix 7.

¹⁴ The potentially affected population will include both the titleholders and the non-titleholders within the project impact zone. The identification of non-titleholders would be based on legal documents, such as the ration card, voter's list etc. In the absence of any supporting legal documents, the information by the community, village councils or dorbars will be considered.

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

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

C. Gender Impacts and Mitigation Measures

37. Any negative impacts of a sub-project on female headed households will be taken up on case-to-case basis and rehabilitation of these households will be treated on a priority basis under the sub-projects. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. The resettlement plan will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. Any direct negative impacts of the sub-project on female headed households, who are considered vulnerable under the project, will be taken up on a case-to-case basis and rehabilitation of these households will be treated as a priority under the sub-project. During disbursement of assistance and compensation, priority will be given to female headed households. Joint ownership in the name of husband and wife will be offered in case of non-female headed households. The gender action plan is for the Program Administration Manual for Project 3.

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

VIII. CONSULTATION, PARTICIPATION AND DISCLOSURE

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

- (i) All affected persons, program beneficiaries, including representatives of vulnerable households;

- (ii) decision makers, policy makers, elected representatives of people, community members, eminent citizens etc.;
- (iii) staff of PHED PMU, PIUs etc.;
- (iv) officials of the revenue department, land and land reforms department, social welfare department etc.; and
- (v) representatives of the various state government departments, as required.

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

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

A. Consultation

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

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

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

44. Each resettlement plan will be prepared and implemented in close consultation with stakeholders and will involve FGD and meetings, particularly with affected households. Census of households and individuals located within the Program will be undertaken to register and document the status of the potentially affected population within the impact area. It will provide a demographic overview of the population served by the resettlement plan and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the project impact area. Consultations with affected persons during resettlement plan preparation will ensure that views of affected persons on compensation and rehabilitation

measures are fully incorporated while consultations conducted during resettlement plan implementation will identify help required by affected persons during rehabilitation.

45. The effectiveness of the resettlement and rehabilitation process is directly related to the degree of continuing involvement of those affected by the sub-project. The SGC PMU will ensure that affected persons and other stakeholders are informed and consulted about the sub-project, its impact, their entitlements and options, and allowed to participate actively in the development process. This will be done particularly in the case of vulnerable individuals and groups, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the sub-project life—during preparation, implementation, and monitoring of sub-project results and impacts.

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

B. Disclosure

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

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

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

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

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

Table 2: Summary of Consultation and Disclosure Activities

Sub-project Phase	Activities	Details	Responsible Agency
Subproject Initiation Phase	Mapping of the sub-project area	Subproject area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	Project implementation unit (PIU) in co-ordination with local land revenue office, under the overall supervision of the Project management unit (PMU).
	Stakeholder identification	Cross section of stakeholders to be identified in order to facilitate their participation in the sub-project.	PIUs, under the overall supervision of the PMU.
	Subproject information dissemination; Disclosure of proposed land acquisition and sub-project details	Leaflets containing information on sub-project to be prepared. Public notice will mention the names and survey nos. of titleholders of land/property proposed for acquisition along with sub-project details. Notice will be issued in local newspapers. Web disclosure on website also proposed.	PIUs in coordination with local land revenue office will be involved in information dissemination, under the overall supervision of the PMU. PIUs will be assisted by consultants for leaflet preparation. Notice will be issued from the Deputy Commissioner's office. Executing agency to post notice on its website.
	Stakeholder Meetings	Meetings at community/household level with titleholders of affected land/property and their family members during project scoping.	PIUs with officials from Deputy Commissioner's/First Land Acquisition Collector's office/ local revenue officials will facilitate meetings to disclose the information to each affected person.
Resettlement Plan Preparation Phase	social impact assessment surveys	Resettlement framework will be made available in Deputy Commissioner/First Land Acquisition Collector office and PMU office, to be translated in local language	PMU will ensure the availability of resettlement framework.
	Formulating compensation measures and rehabilitation measures	Conducting discussions/meetings/worksh ops with all affected persons and other stakeholders	PIUs under overall supervision of PMU will conduct all required discussions/ meetings/ workshops and will invite all secondary stakeholders.

Sub-project Phase	Activities	Details	Responsible Agency
	Disclosure of final entitlements and rehabilitation packages	Web disclosure of the resettlement plan. Circulating Copies of resettlement plans to All Stakeholders Including Affected Persons, Translating Summary Resettlement Plan in Local Language Before Conducting Final Disclosure Meeting. Conducting Public Meetings for resettlement plan approval by affected persons.	ESSU PIU will undertake all activities related to circulation of Resettlement Plan. PIU will arrange public meeting of all Stakeholders With affected Persons for resettlement plan Approval. DSISC/DBO contractor will document all the comments and suggestions made by affected persons and will send it to the PMU along with the resettlement plan.
Resettlement Plan Implementation Stage	Disclosing final resettlement plan Approved by ADB to all important stakeholders	Final resettlement plan reviewed and approved by ADB, to be updated/disclosed on the implementing agency/executing agency's website. The final plan will be disclosed to affected persons and other stakeholders. Ensuring the availability of copy of the approved resettlement plan and ADB Involuntary resettlement policy at PMU, PIU and Deputy Com office.	Executing agency/PMU and PIUs
	Consultation with Affected persons during rehabilitation activities	Meetings/discussions will be arranged with Affected persons. Households to identify help required by Affected persons during rehabilitation.	PIUs will arrange required meetings/discussions. Designated staff from the SGC PMU and ESSU PIU will participate while the SGC/ESSU will monitor consultation activities.

IX. GRIEVANCE REDRESS MECHANISM

A. Common Grievance Redress Mechanism

52. A common grievance redress mechanism (GRM) will be put in place to redress social, environmental or any other project and/or subproject related grievances. The GRM described below has been developed in consultation with stakeholders. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per project entitlement matrix, and PMU and concerned PIUs will ensure that their grievances are addressed.

53. Affected persons will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/suggestion boxes or through telephone hotlines at accessible locations, by e-mail, by post, or by writing in a complaints register in GP office or PMU or PIU office. Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. PIU Assistant Safeguard Officers will have the overall

responsibility for timely grievance redressal on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party. The affected persons will also be encouraged to seek a complaint registration number through the PIU.

54. The GRM provides an accessible, inclusive, gender-sensitive and culturally appropriate platform for receiving and facilitating resolution of affected persons' grievances related to the project. A two-tier GRM is conceived, one, at project level and another, beyond project level. For the project level GRM, a GRC will be established at PIU; the safeguards officers of the ESSU PIU, supported by the social safeguards specialist of DSISC will be responsible for conducting periodic community meetings with affected communities to understand their concerns and help them through the process of grievance redressal including translating the complaints into Bengali or English, recording and registering grievances of non-literate affected persons and explaining the process of GRM. All expedient and minor grievances will be resolved at field level; should the PIU fail to resolve any grievance within the stipulated time period, the PMU will be consulted and suggested actions by PMU taken by PIU with DSISC support, within specified time. PIU will also be responsible for follow-through for each grievance, periodic information dissemination to complainants on the status of their grievance and recording their feedback (satisfaction/dissatisfaction and suggestions). In the event that certain grievances cannot be resolved at project level, they will be referred to the District Steering Committee (DSC), which will also act as grievance redress committee (GRC), particularly in matters related to land purchase/acquisition, payment of compensation, environmental pollution etc. Any higher than district level inter-departmental coordination or grievance redress required will be referred to the state level Steering Committee.

55. The GRM aims to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. All grievances – major or minor, will be registered. In case of grievances that are immediate and urgent in the perception of the complainant, the contractor, and supervision personnel from the PIU supported by DSISC will try to successfully resolve them in consultation with the Member, Panchayat and the GP Pradhan. In case of larger issues, they will seek the advice and assistance of the Superintending Engineer PIU. Grievances not redressed through this process within/at the project level within stipulated time period will be referred to the DSC/GRC.

56. The DSC will be set up to monitor project implementation in each district. In its role as a GRC, the DSC will meet every month (if there are pending, registered grievances), determine the merit of each grievance, and resolve grievances within specified time upon receiving the complaint-filing which the grievance will be addressed by the state-level Steering Committee. The Steering Committee will resolve escalated/unresolved grievances received. Grievances remaining unresolved by SC may be referred by affected persons to appropriate courts of law. The multi-tier GRM for the project is outlined below (Figure 1), each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required. The GRC will continue to function throughout the project duration. The PMU shall issue notifications to concerned PHE Divisions to establish the respective PIU (and field) level GRCs, with details of composition, process of grievance redress to be followed, and time limit for grievance redress at each level.

57. An aggrieved person shall have access to the country's legal system at any stage, and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

B. Composition of Grievance Redress Committee and District Steering Committee

58. The District Steering Committee (DSC), acting as grievance redress committee (GRC) will have District Magistrate (Chairperson), Superintending Engineer, PIU as Member Secretary, Additional Executive Officer, Zilla Parishad, Assistant (Social and Environmental) Safeguard Officers of the ESSU of the PIU, Institutional Support and Capacity Building Officer, PIU, Block Development Officers from respective blocks, and representatives from the affected village panchayat and / or community, if any, eminent citizens, CBOs and NGOs. The DSC/GRC must have a minimum of two women members. In case of any indigenous people impacts in future subprojects, the DSC/GRC must have representation of the affected indigenous people community, including at least one female indigenous person, the chief of the tribe or a member of the tribal council as traditional arbitrator (to ensure that traditional grievance redress systems are integrated) and an NGO working with indigenous people groups.

59. The Steering Committee will include Chief Secretary, as chair, Principal Secretary/Additional Chief Secretary, PHED, Principal Secretary, Panchayat & Rural Development, Principal Secretary, Finance, Principal Secretary, Irrigation and Waterways Development Department, Principal Secretary, Public Works Department, Engineering in Chief, PHED, Member Secretary, and Others as invitees.

C. Areas of Jurisdiction

60. The areas of jurisdiction of the GRC, headed by the District Magistrate will be (i) all locations or sites within the district where subproject facilities are proposed, or (ii) their areas of influence within the District. The Steering Committee will have jurisdictional authority across the state (i.e., areas of influence of subproject facilities beyond district boundaries, if any).

D. Consultation Arrangements

61. This will include regular group meetings and discussions, at least twice during resettlement plan preparation, with affected persons by the social safeguards personnel of DSISC and PIU. During the first year of resettlement plan implementation, such meetings will take place on a quarterly basis, while in subsequent years; these meetings will be held at least twice a year. The consultation arrangement thus envisaged is intended to address both general and/or specific individual grievances through a participatory approach. Besides, the consultative process is meant to be flexible to provide timely mitigation of grievances of the Affected persons. The most complex cases will be dealt with through one-to-one consultation with particular Affected persons by a host of actors comprising social safeguard specialist of DSISC and Assistant Safeguards Officers (ASO) (social safeguards), ESSU PIU, with the support of SGC PMU as and when required. DSISC will be responsible for ensuring that non-literate affected persons and/or vulnerable affected persons are assisted to understand the grievance redress process as well as for encouraging them to register complaints and follow-up with relevant authorities at different stages in the process.

E. Recordkeeping

62. Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were effected and final outcome will be kept by PIU (with the support of DSISC) and submitted to PMU.

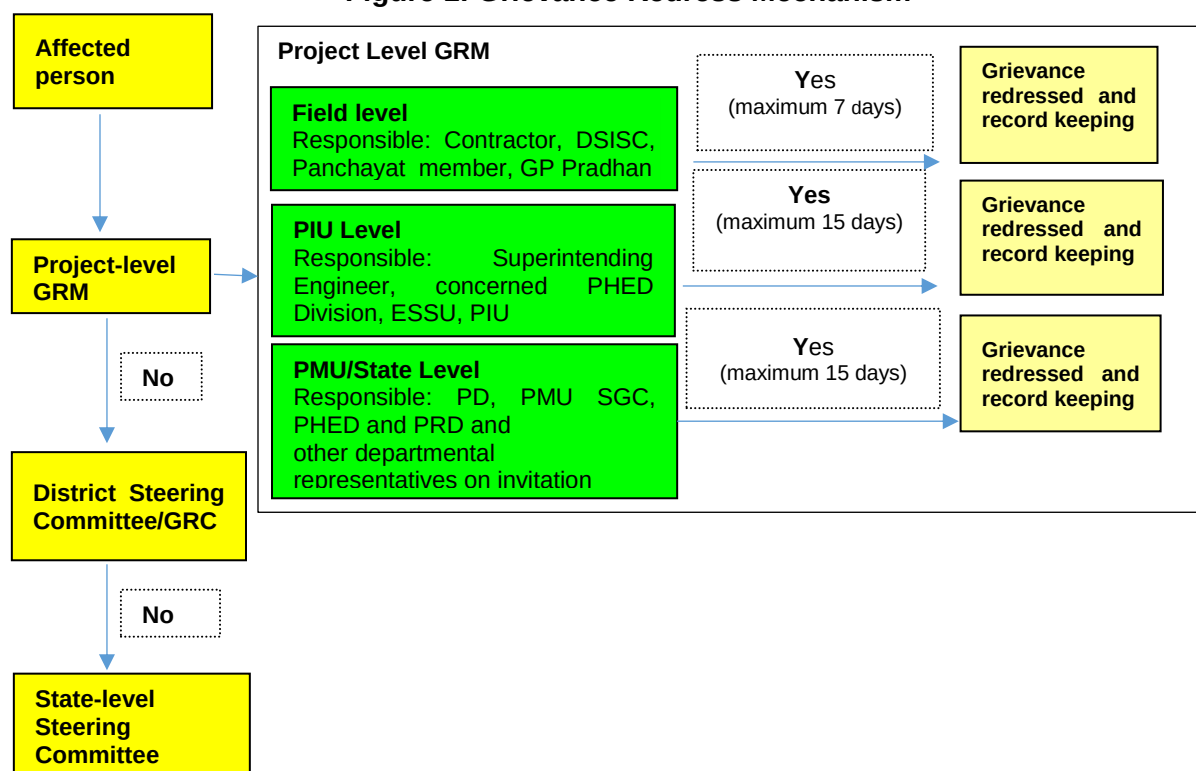
F. Information Dissemination Methods of the GRM

63. The PIU, assisted by DSISC will be responsible for information dissemination to affected persons on grievance redressal procedure. GP/coverage area/affected area-wide public awareness campaigns will ensure that awareness on grievance redress procedures is generated through the consultation and participation plan. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The PIU assistant safeguard officers (environment and social) will be assisted by DSISC safeguards specialists with information/collateral/awareness material etc. and in conducting project awareness campaigns. The campaign will ensure that the poor, vulnerable and others are made aware of grievance redress procedures and entitlements per agreed entitlement matrix including, who to contact and when, where/ how to register grievance, various stages of grievance redress process, time likely to be taken for redressal of minor and major grievances, etc. Grievances received and responses provided will be documented and reported back to the affected persons. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PMU and PIU offices, GP/concerned local panchayat notice boards and on the web, as well as reported in the semi-annual environmental and social monitoring reports to be submitted to ADB. A sample grievance registration form has been attached in Appendix 8.

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

65. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the PMU. Cost estimates for grievance redress are included in resettlement cost estimates. The grievance redress process is shown in Figure 1.

Figure 1: Grievance Redress Mechanism



DSISC=design, supervision and institutional support consultant; ESSU=environmental and social safeguards unit, GRC=grievance redress committee; GRM=grievance redress mechanism, PIU= project implementation unit, PRD=Panchayat and Rural Development; PMU =project management unit, PHED=public health engineering department, SGC=safeguards and gender cell.

66. **ADB Accountability Mechanism.** If the established GRM is not able to resolve a grievance, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer at ADB headquarters or the ADB India Resident Mission (INRM). Before submitting a complaint to the Accountability Mechanism, it is necessary that an affected person makes a good faith effort to solve the problem by working with the concerned ADB operations department and/or INRM. Only after doing that, and if they are still dissatisfied, will the Accountability Mechanism consider the complaint eligible for review. The complaint can be submitted in any of the official languages of ADB's developing member countries. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

X. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation

67. Land acquisition and resettlement impacts will be compensated in accordance with the provisions of the entitlement matrix in Table 1. Compensation for loss of land will be determined on the basis of market price/replacement value.¹⁵

68. The replacement value for the land will be determined based on discussions with the landowners by the Land Purchase Committee constituted under the Chairmanship of the Principal Secretary, Land and Land Reforms. The Committee will finalize the compensation amount taking into account the findings of a land market survey carried out by the Sub-registrar to ascertain prevailing market values¹⁶ of land.

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

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

70. Compensation will be paid and resettlement of Affected persons will be completed before taking possession of land/properties and prior to the start of civil works. The Affected persons will hand over to the Government, land and properties acquired free from all encumbrances such as mortgage and debt. If the Competent Authority fails to pay decided compensation to Affected persons within a year after the date of notification, additional amount by way of interest (12 percent)¹⁷ will apply on final compensation payable to each affected person, except in cases where the affected person has approached the judiciary for grievance redressal.

B. Income Restoration and Relocation

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

¹⁵ The Sub-registrar, Directorate of Registration and Stamp Revenue, Finance Department, Government of West Bengal is the responsible authority for land valuation (for government or private land). Land values across the state for different types of land are updated every three to six months and published online. In case of negotiated purchase, the Principal Secretary of Land and Land Revenue Department, GOWB chairs a Committee that finalizes the negotiated price, referring to the published value, and in consultation and agreement with willing sellers.

¹⁶ The prevailing market values, influenced by various factors such as location of land, connectivity, and classification/land use, type of soil, trees, available water supply and other facilities, etc.

¹⁷ Interest rate of 12 percent per annum is adopted in this RF, following the RFCTLARR Act which uses this interest rate for computation of award.

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

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

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

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

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

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

XI. BUDGETING AND FINANCING

76. Detailed budget estimates for each RP will be prepared by the PIU, assisted by the DSISC/DBO contractor which will be included in the overall Project budget. The budget shall include: (i) detailed costs of land acquisition and livelihood and income restoration and improvement; (ii) source of funding; (iii) administrative and staff training; (iv) cost for GRM and consultation/disclosure; (v) monitoring costs; and (vi) costs related to strengthening of the SGC/ESSU. All land acquisition and resettlement costs will be borne by the government and provided in a timely manner to ensure payment of all entitlements prior to displacement.

77. The disbursement of compensation for land and acquisition of assets will be carried out by the Municipal Affairs Department, Government of West Bengal and calculated as per the basis given in the Entitlement Matrix. In the case of assistance, the project will directly pay into the individual accounts¹⁸ of affected persons. The ESSU designated safeguard officer/DSISC specialist will be involved in facilitating the disbursement process and rehabilitation program, and will facilitate opening bank accounts for the affected persons who do not have bank accounts. All compensation and payments made will be reported to the SGC PMU.

78. Based on the valuation by the Land Purchase Committee, the required funds will be deposited with the Deputy Commissioner, or the First Collector Land Acquisition, as applicable, who will make payments to the Affected persons. Compensation payments against temporary income loss will be disbursed by the PMU, through the Safeguard Monitoring Unit.

XII. INSTITUTIONAL ARRANGEMENTS AND RESPONSIBILITIES

A. Institutional Arrangements

79. The Public Health Engineering Department, Government of West Bengal will be the

¹⁸ In the event that the affected person has no account the PIU will provide the necessary assistance to open an account.

executing and implementing agency for the Project, responsible for management, coordination and execution of all activities funded under the loan. A central PMU in Kolkata attached to PHED will be responsible for implementing the WBDWSIP. The PMU will be supported by Project Implementation Units (PIUs) at district level.

80. The PMU will be supported by the Project Management Consultants and PIUs will be supported by design, supervision and institutional support consultants (DSISCs) in project management and implementation respectively.

81. A state-level Steering Committee is constituted to provide policy direction and project oversight. A Tender Evaluation and Recommendation Committee is constituted to review and evaluate bids; and a District Steering Committee is constituted to monitor project implementation and undertake coordination among local agencies, set up monitoring mechanisms and undertake grievance redress activities as required.

B. Safeguard Implementation Arrangements

82. A safeguards and gender cell (SGC) in the PMU will oversee all safeguards and gender related activities.

- (i) SGC to be headed by Safeguards Officer, an Executive Engineer rank officer (preferably with bachelors or masters in environmental engineering); to be provided with training in ADB SPS 2009, social and environmental safeguards. Safeguard Officer to report to Project Director directly;
- (ii) Safeguard Officer will be supported by an Environmental Engineer (Assistant Engineer rank officer, preferably with degree/diploma in environment), and a Social and Gender Development Officer, preferably with a social science background;
- (iii) PMU will be supported by a district level PIUs in design and implementation of the project. Each program districted will be provided with a PIU;
- (iv) Each PIU will have an Environmental and Social Safeguards Unit (ESSU), which will be staffed with two ASO, one environmental and one social (Assistant Engineer rank officers will be designated as ASO) – dedicated or delegated staff;
- (v) Consultancy Support: Project Management Consultant (PMC) to assist PMU; and Design, Supervision and Institutional Support Consultants (DSISCs) to support PIUs;
- (vi) PMC team will include an Environment Management Specialist and a Social Management Specialist;
- (vii) Each DSISC team will include an Environment Specialist and a Social Safeguard Specialist.

83. **Environmental and Social Safeguards Tasks: SGC, PMU.** SGC PMU will have overall responsibility of implementation of project/program in compliance with SPS 2009, country legislations, and the program-specific Environmental Assessment and Review Framework (EARF), resettlement framework and Indigenous Peoples Planning Framework (IPPF), as agreed between PHED and ADB. SGC will undertake all safeguard activities – studies, verification, monitoring, reporting, consultation, disclosure, corrective actions, if any, and including review and approval of all documents prior to disclosure and submission to ADB. The detailed tasks include:

- (i) ensure subprojects conform to the agreed subproject selection criteria for the project;

- (ii) review and finalize subproject involuntary resettlement and indigenous people category;
- (iii) oversee preparation of resettlement plans/Due Diligence Report (DDRs)/indigenous people plans (IPPs); confirm existing resettlement plans/ DD Rs/ IPPs are updated based on detailed designs, and that new subproject resettlement plans/ DD Rs are prepared in accordance with the resettlement framework and indigenous people planning framework (IPPF) prepared for the project;
- (iv) responsible for issuing the public notice to acquire a particular land/ property for the sub-project along with project information/details as well as the project cut off date;
- (v) ensure that resettlement plans/ DD Rs/ IPPs are included in bidding documents and civil works contracts;
- (vi) ensure that water supply safety plan recommended by the World Health Organization are included in bidding documents and civil works contracts;
- (vii) provide oversight on social safeguard management aspects of subprojects and ensure resettlement plans/ IPPs and impact avoidance measures outlined in the resettlement framework/ IPPF/ environmental management plan / resettlement plans/ IPP/ DDR are implemented by PIU and contractors;
- (viii) ensure and monitor the provision in the contract to include the indigenous people households/ communities/ wards to be the beneficiaries of the facilities constructed under the Project;
- (ix) facilitate and ensure compliance with all government rules and regulations regarding No Objection Certificates, third party certificates for negotiated settlement or donation, land ownership and transfer details etc. for each site, as relevant;
- (x) supervise and guide the PIUs to properly carry out the social safeguard and gender monitoring (resettlement plan/IPP as per the resettlement framework/ IPPF);
- (xi) review, monitor, and evaluate the effectiveness with which the resettlement plans/ IPPs/ provisions of DD Rs are implemented, and recommend corrective actions to be taken as necessary;
- (xii) consolidate monthly social safeguard and gender monitoring reports from PIUs/ DSISCs and submit semi-annual social safeguard monitoring reports (SSMR) to ADB;
- (xiii) ensure timely disclosure of final resettlement plans/ DD Rs/ IPPs in locations and form accessible to the public and affected persons;
- (xiv) address any grievances brought about through the GRM in a timely manner;
- (xv) oversee training needs assessment of affected persons and vulnerable persons by PIUs/ PMC, coordinate training activities and convergence with livelihood programs of the government;
- (xvi) identify training needs and coordinate training activities for the PIUs/ contractors/ Project NGOs/DSISCs for capacity building to implement the resettlement plans/ IPP/DDR, and GRM;
- (xvii) coordinate database management for social safeguards implementation and monitoring; and
- (xviii) coordinate public awareness campaigns by the PIUs including resettlement provisions with the help of print and electronic media

84. **Social Safeguards Tasks.** PMC Assist SGC PMU to achieve compliance with the involuntary resettlement and indigenous peoples safeguards requirements in accordance with ADB Safeguard Policy Statement 2009 and government policy, and as per the agreed Entitlement

Matrix for the Program, and ensuring that the contractors and their sub-contractors design, construct and operate the project facilities in compliance with the same. Detailed tasks of the PMC SMS include, but are not limited to, the following:

- (i) Establish a system to monitor social safeguards and gender outcomes of the Project; including the functioning of the GRM, and prepare indicators for monitoring important parameters of safeguards and gender;
- (ii) Take proactive action to anticipate the gender equality and social inclusion and social safeguards aspects of the Project to avoid delays in implementation;
- (iii) Support PMU to prepare resettlement plans, Indigenous Peoples Plans, of subproject water supply schemes that will be appraised during project implementation;
- (iv) Support the PMU in ensuring that the social safeguard and gender equality and social inclusion (GESI) activities are carried out in accordance with the agreed plans and frameworks;
- (v) Support PMU in preparing gender strategy for PHED
- (vi) Ensure that the relevant measures specified in the resettlement plans, Indigenous People Plans and GESI action plan will be incorporated in bidding documents and approved by ADB prior to issuance of invitation for bidding and monitor their compliance on behalf of PMU; and (f) ensure monitoring of social safeguards plans and GESI action plan and address unanticipated impacts, if any; and (g) provide training programs to PMU/PIU staff and contractors involved in the project implementation for strengthening their capacity in managing and monitoring social safeguards and gender.

85. Safeguards and Gender Tasks: Safeguards and Gender Officer (Social), ESSU, PIU. The envisaged responsibilities include:

- (i) Coordinate public consultation and information disclosure;
- (ii) Liaise with local offices of regulatory agencies in obtaining clearances /approvals; assist PMU for clearances obtained at state level;
- (iii) Oversee day-to-day implementation of resettlement plans/PPs/GAP by contractors, including compliance with all government rules and regulations;
- (iv) Take necessary action for obtaining rights of way;
- (v) Ensure continuous public consultation and awareness;
- (vi) Coordinate grievance redress process and ensure timely actions by all parties;
- (vii) Review Monthly resettlement plan/PP/GAP Monitoring Reports of Contractor/DSISC;
- (viii) Review and forward quarterly monitoring reports prepared by DSISC to PMU.

86. Safeguards and Gender Tasks: DSISC. The tasks assigned include:

- (i) Screen and categorize subproject components;
- (ii) Carry out baseline surveys;
- (iii) Ensure the contractors comply with the agreed social safeguards frameworks, resettlement plans, and due diligence reports on social safeguards for the project;
- (iv) Prepare any additional draft resettlement plans, due diligence reports and prepare any new safeguard documents as and when required;
- (v) Assist the PIUs in the implementation of final resettlement plans and GESI action plan;

- (vi) Prepare periodic safeguard monitoring reports as per the format acceptable to ADB and quarterly GESI action plan updates in format provided in PAM;
- (vii) Collect relevant data on implementation of GESI action plan and design gender-sensitive communication strategy and IEC materials illustrating key social and behavioral messages related to hygiene, sanitation and health jointly with the communication specialist and in accordance with the GESI action plan;
- (viii) Extend assistance to PHED in carrying out awareness campaigns focused on involving women and girls in water management activities in the focus areas and monitor activities of the Project NGOs.

87. **DBO Contractor.**¹⁹ The DBO Contractor will have a dedicated Social Supervisor, who will hold a Master's degree in social science and would have at least 5 years of experience in resettlement planning and implementation, as well as gender action plan implementation, preferably in multi-lateral aided projects. The tasks of the Contractor's Social Supervisor will be to:

- (i) Work in close coordination with the PIU, design engineers and DSISC social safeguards personnel to finalize detailed design keeping the safeguard principles adopted for the project in view;
- (ii) Ensure that all design-related measures (e.g. special considerations for the vulnerable related to facility locations or design, mitigation measures for affected persons etc.) are integrated into project designs before approval;
- (iii) Conduct joint walk-throughs with PIU, design engineers and DSISC social safeguards personnel in sites/sections ready for implementation; identify the need for DMS, and conduct DMS to arrive at the final inventory of loss;
- (iv) Update the draft resettlement plan and Due Diligence Report and submit to PIU/PMU and ADB for review and approval;
- (v) Ensure strict adherence to ADB and government policy on social safeguards and the agreed entitlement matrix during implementation;
- (vi) Assist with grievance redressal and ensure recording, reporting and follow-up for resolution of all grievances received;
- (vii) Assist PIU in disclosing relevant information on safeguards (eligibility, entitlements, compensation, cut-off date, processes, timelines, GRM etc.) to beneficiaries and affected persons including the vulnerable;
- (viii) Submit monthly social safeguard and gender action plan monitoring reports to PIU, with gender-disaggregated data as required for monitoring.

88. The above arrangement will ensure that:

- (i) social safeguard issues are addressed;
- (ii) resettlement framework is followed in all resettlement issues;
- (iii) approved resettlement plans are implemented;
- (iv) implementation of resettlement plan is monitored;
- (v) periodic monitoring reports are prepared in time and submitted to PD, WBDWSIP for onward transmission to ADB upon approval; and
- (vi) database on resettlement monitoring and due diligence is updated and maintained.

¹⁹ In case of Package WW/N24P/01, the DBO contractor will be responsible for resettlement plan updating and implementation, in close coordination with the PIU and SPISC.

89. The monitoring report will focus on the progress of implementation of the resettlement plan/resettlement framework, issues encountered and measures adopted, follow-up actions required, if any, as well as the status of compliance with ADB SPS 2009, and relevant loan covenants.

C. Implementation

90. The ESSU PIU will be responsible for implementation of the resettlement plans and the SGC PMU for monitoring of the resettlement plans. The ESSU PIU will undertake surveys and record observations throughout the construction period to ensure that safeguards and mitigation measures are provided as intended. The SGC PMU through the ESSU PIU will arrange for delivery of entitlements to affected persons, implementation and monitoring of safeguards compliance activities, public relations activities, gender mainstreaming activities and community participation activities. It will also arrange for obtaining statutory clearances and obtaining no objection certificates from government agencies and/or other entities, if required. It will also coordinate for obtaining ROW clearances with related state and national agencies. The DSISC Resettlement Specialist/DBO Contractor will supervise data collection for resettlement plan / due diligence report updating, preparation and implementation and prepare progress reports with respect to resettlement plan implementation. They will record IR impacts at field level during implementation, need to update resettlement plans/DDR's and need to prepare resettlement plans where earlier no impacts were envisaged and only DDR's prepared.

91. The ESSU PIU will finalize entitlements in consultation with affected persons, which will be examined and approved by the PMU. The PIU through the DSISC/DBO contractor will arrange for delivery of entitlements to affected persons. Organizational procedures/institutional roles and responsibilities for resettlement plan implementation and steps and/or activities involved in delivery of entitlements are described in Table 3.

92. The ESSU PIU will assist the PMU in implementing and monitoring the resettlement plan (duly approved by SGC PMU and reviewed/cleared by ADB prior to implementation). SGC PMU and ESSU PIU staff capacity needs to be built to ensure that they are fully conversant with public awareness generation activities, consultations and field surveys and an understanding of data entry and quality control.

Table 3: Institutional Roles and Responsibilities

Activities	Agency Responsible
Sub-project Initiation Stage	
Finalization of sites/alignments for sub-project (on ground)	PMU/PIUs
Coordination between Purchase Committee, District level Revenue Department authorities and land sellers	PMU/PIUs
Meetings at community/ household level with affected persons and beneficiaries	PIUs/DSISC/DBO contractor
Resettlement Plan Preparation/ Updating Stage	
Conducting DMS Survey/Census of all affected persons	PIUs/DSISC/ DBO contractor
Conducting FGDs/ meetings / workshops during census surveys	PIUs/DSISC/ DBO contractor
Verification of survey results, vulnerable households	PMU/PMC
Computation of compensation	PMU/PMC assisted by

Activities	Agency Responsible
Conducting discussions/ meetings/ workshops with all affected persons and other stakeholders	PIUs/DSISC/ DBO contractor PMU/PIUs
Finalizing entitlements	PMU/PIUs
Disclosure of final entitlements and compensation packages	PIU/DSISC/DBO contractor
Approval of Final Resettlement Plan	ADB
Resettlement Plan Implementation Stage	
Payment of compensation	PIUs/PMU
Consultations with affected persons during rehabilitation activities	PIUs/DSISC/DBO contractor
Grievances Redressal	PMU/PIUs/GRC
Internal Monitoring	PMU/PIUs

DBO=design-build-operate; FGD = focus group discussion; FLAC= First Land Acquisition Collector; GRC = Grievance Redress Committee; NGO = nongovernment organization; PMU = program management unit; SSO = social safeguard officer; SIA=social impact assessment.

93. The role of the ESSU PIU in resettlement plan implementation and monitoring is that of a facilitator of the resettlement process. The ESSU PIU works as a link between the Project and the affected community. They educate the affected persons on the need to implement each project and subproject under the investment program, on aspects relating to resettlement measures and ensure proper utilization of compensation paid to the affected persons under the entitlement package. After the approval of the micro plans, the ESSU PIU will issue identity cards to the entitled persons.

D. Institutional Capacity

94. Capacity to handle environmental/involuntary resettlement/indigenous people impacts, gender and vulnerability issues, etc., needs to be built in the Project. Training of SGC PMU/ESSU PIU staff on aspects such as environmental planning/resettlement planning/implementation, social protection and gender, including the specific recording, reporting, and disclosure requirements therefore need to be planned separately.

95. For the capacity building of designated social safeguards officer and engineers, SGC PMU will organize training programs on safeguards. Services of consultant trainers may be procured for coordinating and imparting required trainings to the staff.

96. Owing to the complexity of Projects spread across a large area, there is a need to specially focus on capacity building on social (distinct social, economic and cultural traits and traditions of people and the importance of preserving these, including indigenous knowledge systems, etc.), legal (traditional rights over land and land tenure issues) and technical aspects in such Projects with an adequate budgetary provision. Training on provisions of EARF/resettlement framework. Further, capacity building of CBOs in the Project area will be considered to ensure that they are able to represent the affected groups more effectively. If required external resources, e.g., anthropologists and development practitioners with relevant experience will be employed. Additional measures to enhance institutional capacity include exposure visits of social safeguard staff of the Project to other Indian states that have successfully implemented ADB funded Projects.

E. Coordination with Other Agencies and Organizations

97. The PHED has established networking relationships with line departments and other government and NGOs. For example, the West Bengal Pollution Control Board (WBPCB) has a significant role in environmental issues while the Land and Land Reforms Department has a significant role in land matters and initiation of the resettlement process. Without effective coordination, safeguards implementation will be delayed. The PMU will (i) coordinate with the WBPCB on environmental issues and Land and Land Reforms Department to expedite the land related process, and (ii) interact with the various government agencies on issues pertaining to shifting of utility lines, etc. Restoration of community assets, if needed, will require help from relevant government departments as well. The Project will develop lateral linkages to achieve convergence/mobilize resources to benefit affected persons (e.g. establishing linkages with the government's livelihoods Projects) and to achieve the desired results expected from IEE/EIA and resettlement plan/IPP implementation.

F. Implementation Process and Implementation Schedule

98. All resettlement and compensation for each contract package will be completed before displacement. All land required will be provided free of encumbrances to the contractor prior to handing over of subprojects site and the start of civil works. The implementation of the resettlement plan will include:

- (i) Identification of cut-off date and notification;
- (ii) Verification of losses and extent of impacts;
- (iii) Finalization of entitlements and distribution of identity cards;
- (iv) Consultations with affected persons on their needs and priorities; and
- (v) Resettlement, provision of compensation and assistance, and income restoration for affected persons.

XIII. IMPLEMENTATION ARRANGEMENTS

99. All land required, for any particular sub-project/component, will be provided free of encumbrances to the contractor prior to handing over of site and the start of civil works. All land acquisition and resettlement of Affected persons is to be completed before the commencement of civil works. The implementation of resettlement plans will include: (i) identification of cut-off date and notification; (ii) verification of losses and extent of impacts; (iii) finalization of entitlements and distribution of identity cards; (iv) consultations with Affected persons on their needs and priorities; and, (v) resettlement and rehabilitation of the affected persons.

100. No civil works, for any particular component wherein land acquisition and resettlement²⁰ is involved, will begin until Affected persons receive entitled and approved compensation packages. The implementation schedule for the resettlement plan is given in Table 4. Affected persons will be given sufficient notice to vacate their property before civil works begins.

²⁰ For components that do not require land acquisition, or detailed designs, the civil works will be taken up at an early date.

Table 4: Schedule of Resettlement Implementation

[illegible]

Activities	Year 1	Year 2				Year 3				Year 4				Year 5	Year 6
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4		
Disburse livelihood restoration assistance															
Organize skill development training for vulnerable affected persons															
Capacity Building of PIU staff and contractors															
Internal monitoring															
External monitoring (TBD)															

ADB = Asian Development Bank, DSISC = design, supervision and institutional support consultant, PHED = Public Health Engineering Department, PIU = project implementation unit, PMU = project management unit.

^a For components not involving land acquisition, the handing over of project sites to the contractor will be possible from the first quarter. For the other components involving land acquisition and resettlement, the project sites will be handed over for civil works by the fourth quarter.

XIV. MONITORING AND REPORTING

A. Internal Monitoring

101. Internal monitoring will be undertaken by SGC PMU with assistance from the concerned ESSU PIU and DSISC/DBO contractor. Internal monitoring will ensure all land acquisition and resettlement activities are implemented according to the approved resettlement plans in accordance with this resettlement framework.

102. The DSISC Social Safeguard specialist will prepare quarterly progress reports and submit to ESSU PIU. The SGC PMU assisted by PMC will prepare semi-annual monitoring reports and submit to ADB. The ESSU PIUs will submit quarterly progress reports to SGC PMU and PMC to inform them of resettlement plan implementation activities. These reports will describe the progress of the implementation of resettlement activities and any compliance issues and corrective actions. These reports will closely follow the involuntary resettlement monitoring indicators agreed at the time of resettlement plan approval.

B. External Monitoring

103. External monitoring will be needed for Category A subprojects (categorisation to be confirmed post finalisation of all sites under WBDWSIP). In the event such impacts are identified during project implementation in any Projects of this investment, qualified and reputable external Monitoring agency will be engaged for monitoring. TOR for External Monitoring Agency will be prepared by PMU social safeguard officer supported by DSC safeguards specialist.

104. After the implementation of the Program, the agency will carry out an end-term evaluation to assess the effectiveness of the implementation of the R&R provisions. The external impact evaluation will emphasize on assessment of achievements of Program targets and the change in quality of life of affected persons. For carrying out the evaluation assignment, the agency/consultant will develop the necessary evaluation indicators. All evaluations are expected to be done on the basis of selective indicators.

105. The external impact evaluation will be made on the issues as:

- (i) Restoration of income levels of affected persons;
- (ii) Changes and shifts in occupational pattern;
- (iii) Changes in asset ownership;
- (iv) Changes in types of housing of affected persons; and
- (v) Assessing affected persons' access to amenities, such as water, electricity, transportation, etc.

106. The following Table 5 tentatively lists the impact indicators to be studied to evaluate impacts after the program is completed.

Table 5: Impact Indicators for Evaluation

Items	Impact Indicators	Frequency
Better Economic Conditions	• Income: Program related and Independent means but assisted by the Program • Housing: Changes in quality over a period of time	• Implementation stage through monitoring. • Implementation and post implementation stage through

Items	Impact Indicators	Frequency
	• Food Security • Changes in occupation • Skill portfolio • Migration profile	mid-term and end-term impact evaluation study
Better Social Conditions	• Representation in Community Based Institutions • Indicators of participation • Empowerment • School enrolment • Health and morbidity • Better available infrastructure: potable water, living space, sanitation, proper road and drainage facilities, etc.	• Implementation stage through monitoring. • Implementation and post implementation stage through impact evaluation study

107. Evaluation study reports, one mid-term and one end-term will be generated based on the findings of the mid-term and end-term evaluation studies. The reports will have to be generated within one month after the studies are conducted. The mid-term evaluation report should highlight program achievements as per set targets for the period and specify whether any problem exists in the implementation of the resettlement plan. If such problems are encountered, then the reports should provide rectification measures for achieving targets in the next phase.

108. The end-term evaluation will reveal the actual target achievements of resettlement plan implementation by the PMU. This report should take into account whether the Project has improved the quality of life of the people in coverage areas, especially Affected persons. Any lacunae in the process of resettlement plan implementation should also be stated with future strategies to overcome such situations so that project benefits can be utilized by the Affected persons to the furthest extent.

**PROPOSED WORKS UNDER WEST BENGAL DRINKING WATER SECTOR
IMPROVEMENT PROJECT**

Package No.	Description of Proposed Works under Package
Water Supply	
WW/N24P/01	Water treatment plant, reservoirs, transmission mains and pumping stations works in Haroa and Bhangar II
WW/N24P/02A	Construction of Overhead reservoirs and Water distribution network and metering works in Haroa
WW/N24P/02B	Construction of Overhead reservoirs and Water distribution network and metering works in Bhangar-II
WW/BKP/01	Intake, Water treatment plant, reservoirs, transmission mains for Indpur-Taldangra block in Bankura
WW/BKP/02A	Secondary Transmission Mains, Overhead Reservoirs including Water distribution network and metering works in Indpur
WW/BK/02B	Secondary Transmission Mains, Overhead Reservoirs including Water distribution network and metering works in Taldangra
WW/BK/03	Construction of Infiltration Galleries, pump house and overhead reservoirs for Mejhia-Gangajalghati
WW/BK/04	Water distribution network and metering works in Mejhia-Gangajalghati
WW/EM/01	Water treatment plant, reservoirs, transmission mains and Pumping stations works in East Medinipur
WW/EM/02	Secondary Transmission Mains, Overhead Reservoirs including Water distribution network and metering works in Nandigram-I, II block in East Medinipur
DSC/N24P	Design, supervision and institutional support consultants for 24 North Parganas
DSC/EM	Design, supervision and institutional support consultants for East Medinipur
DSC/BN	Design, supervision and institutional support consultants Bankura

REVIEW AND COMPARISON OF BORROWERS POLICY AND ADB POLICY

In addition to ADB policy on Involuntary Resettlement, applicable existing laws policies of Government of India and State Governments¹ are reviewed for preparation of this Resettlement Framework. Following sections deals with the details of applicable policy requirements.

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

This new RFCT in land acquisition, rehabilitation and resettlement (LARR) repeals the Land Acquisition Act, 1984 and is applicable to all states in India including Rajasthan (Except the state of Jammu and Kashmir). LARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement collectively. Establishing of a completely new Act, which was due from a long time, is a pioneering step taken by the Government of India in providing a humane, participative, informed and transparent process for permanent/temporary land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to LARR. The Act prohibits acquisition of multi-cropped irrigated land as a special provision to safeguard food security, unless in exceptional circumstances as a demonstrable last resort². The general process for land acquisition and resettlement under LARR is:

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

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

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

¹ Meghalaya, Mizoram, Nagaland, Sikkim and Tripura state governments

² Wherever such land is acquired, an equivalent area of culturable wasteland shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food-security. This condition has been included in the entitlement matrix. These provisions however do not apply in case of projects that are linear in nature such as railways, highways, other roads, canals, power lines, etc.

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

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

B. Preliminary Notification, Objections and Hearing. Followed by SIA approval, a requiring body shall publish³ a preliminary notification and inform various concerned authorities regarding this in a meeting called specially for this purpose. SIA report shall be considered lapsed if the preliminary notification is not issued within 12 months from its approval; unless otherwise specified in writing by the appropriate government for special circumstances. The preliminary notification will include: (i) statement on project/ public purpose; (ii) reasons necessitating the land acquisition; (iii) summary of SIA; and (iv) particulars of the Administrator appointed for the purpose of rehabilitation and resettlement. After the preliminary notification is issued, landowners shall not make any further transactions of the land specified and create any encumbrance on such land. If made so, landowner shall make this willful in writing and impacts associated shall not be borne by the Collector/acquiring authority. Appropriate government authority shall undertake updating of all land records etc. within two months after the issue of preliminary notification provided that all associated activities (surveys etc.) shall be carried out after adequate prior notice and in the presence of the landowner or person authorized by him in writing.

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

³ Notification will be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

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

The Collector shall publish⁴ a summary of RSS along with Declaration under the hand and seal of Secretary to such Government or any other official duly authorized⁵ only after the Requiring Body deposits amount towards the cost of land acquisition⁶. RSS summary and Declaration shall be compulsorily made within the twelve months after the issue of preliminary notification. If not complied, such notification shall be considered rescinded unless land acquisition was held up on account of any stay or injunction by the order of Court.

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

Land Acquisition Award shall include:

- Loss of land as per market value determined;
- Standing crops/trees/plants. The Collector can use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him;

⁴ Declaration shall be published in (i) official Gazette; (ii) two daily newspapers in project affected area of which one will in regional language; (iii) in local language in the office of appropriate government office, and offices of District Collector, Sub-Divisional Magistrate and the Tehsil; (iv) website of the appropriate government; and (v) in affected areas at various places (as may be prescribed).

⁵ Summary RSS shall not be published unless it is published along with Declaration.

⁶ In full or part, as prescribed by the appropriate Government

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

The Collector shall impose Solatium equivalent to the 100 percent of the total compensation amount as estimated above. In addition, 12 percent interest per annum shall be payable for the period from the date of issue of SIA notification till the date of award or date of taking possession of land, whichever is earlier. The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose. Land Acquisition payment shall be made within three months and R&R (except infrastructure entitlements-within 18 months) shall be made within six months from the date of the award. The Collector shall acquire land only after such payment; unless in urgency cases where land can be acquired within 30 days from the date of notice (notice to acquire land)⁷. As per the Act, the land acquisition that involves involuntary displacement of scheduled Caste/Scheduled Tribe shall require preparation of Development Plan. In such cases, one third of the compensation shall paid before taking possession of the land. (page 20-21-22 for IPP)

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

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

Establishment, by notification by appropriate Government, of Land Acquisition, Rehabilitation and Resettlement Authority. For the purpose of speedy disposal of disputes

⁷ If there is any displacement involved, the Collector shall be responsible for ensuring that the rehabilitation and resettlement process is completed in all its aspects before displacing the affected families. The Collector shall also, as far as possible, not displace any family which has already been displaced by the appropriate Government for the purpose of acquisition under the provisions of this Act, and if so displaced, shall pay an additional compensation equivalent to that of the compensation determined under this Act for the second or successive displacements.

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

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

2. ADB's Safeguard Policy Statement, 2009

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

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

The main policy principles of the Involuntary Resettlement Safeguard are:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks;
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay

particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a GRM to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase;

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

- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

3. Comparison of National Policies with ADB's SPS, 2009

A detailed policy comparison between ADB's SPS, 2009, RFCTLARRA, 2013, and state government policies, identified gaps and gap filling measures in the resettlement framework are given in following table.

Table A2: Detailed Policy Comparison

	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARRA)	West Bengal State Laws^a	Measures to Bridge Gaps
1	Screen project	Screen the project to identify past, present and future involuntary resettlement impacts and risks. Conduct survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement	Section 4 (I) it is obligatory for the appropriate Government that intend to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concerned Panchayat, Municipality or Municipal Corporation, as the case maybe, at village level or ward level in the affected area. The Social Impact Assessment study report shall Be made available to the public in the manner prescribed under section 6.	Not specified	No gap in conduct of social impact analysis between RFCTLARR and SPS Gap in screening past, present and future involuntary resettlement impacts and risks The Project will undertake screening of all subprojects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks.
2	Consult stakeholders and establish grievance redress mechanism (GRM)	Carryout consultations with displaced persons, host communities and concerned NGOs. Informally displaced persons of their entitlements and resettlement options	Whenever a Social Impact Assessment is required to be prepared under section 4, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be	Not specified	No gap between SPS and RFCTLARR. Gap in establishing a project-level GRM for projects that do not have significant resettlement impacts. The Project will establish project-level GRM.

	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARRA)	West Bengal State Laws^a	Measures to Bridge Gaps
			recorded and included in the Social Impact Assessment Report. The Land Acquisition Rehabilitation and Resettlement Authority shall be established in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been initiated by the State Government or its agencies.		
3	Improve or at least restore, the livelihoods of all displaced, and payment at replacement cost	Improve or restore the livelihoods of all displaced persons through:(i) land-based resettlement strategies; (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and(iv) additional revenues and services through benefit sharing schemes where possible.	The Deputy Commissioner (DC) having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the landowner (whose land has been acquired) by including all assets attached to the land.	WBLAM 1991 provides guidelines on determination of market price for compensation, but has not been revised post passage of RFCTLARRA 2013 to adopt the standard of compensation at replacement value.	No gap between SPS and RFCTLARR. Assets to be compensated at replacement cost without depreciation
4	Assistance for displaced persons	Provide physically and economically displaced	Schedule I, provides market value of the land	Not specified	No gap between SPS and RFCTLARR.

	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARRA)	West Bengal State Laws^a	Measures to Bridge Gaps
		persons with needed assistance	and value of the assets attached to land. Schedule II provides resettlement and rehabilitation package for land owners and for livelihood losers including landless and special provisions for Scheduled Tribes.		Entitlement Matrix outlines compensation and assistance for Affected persons.
5	Improve standard of living of displaced vulnerable groups	Improve the standards of living of the displaced poor and other vulnerable groups, especially those below the poverty line, the landless, the elderly, women, children, indigenous peoples, and those without title to land, to at least national minimum standards.	Special provisions are provided for vulnerable groups.	State laws protect scheduled tribes and scheduled castes from land alienation.	No gap between SPS and RFCTLARR. Entitlement Matrix outlines assistance for vulnerable groups, as defined by ADB policy.
6	Negotiated settlement	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihoods status	Section 46 of RFCTLARR Act, 2013 permits direct purchase of land and undertaking direct negotiation with the land owner.	In 2015, GOWB took a policy decision that the state government shall only obtain land through negotiated purchase and will not forcibly acquire land. GOWB does not recognize the sub-soil rights of raiyats/land holders, but only recognizes surface rights.	To ensure a fair and transparent process, a third party independent monitor will be hired to certify the process the negotiated purchase was undertaken in a transparent, consistent and equitable manner.

	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARRA)	West Bengal State Laws^a	Measures to Bridge Gaps
7	Compensation for nontitle holders	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets. In the rural area, provide them with access to resources. In the urban area, provide them with access to housing.	Schedule II provides benefits to families whose livelihood is primarily dependent on land acquired	State laws protect the rights of sharecroppers (bargadars) and agricultural tenants and do not allow the government to obtain land if a sharecropper is left with less than 1 hectare of land. State laws allow for removal of encroachers / unauthorized occupants on government lands by the Subdivisional Officer (SDO).	No gap between SPS and RFCTLARR. Entitlement Matrix outlines compensation and assistance for nontitle holders, including squatters, encroachers and sharecroppers.
8	Prepare resettlement plan	Prepare a resettlement plan/indigenous peoples plan on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	Preparation of Rehabilitation and Resettlement Scheme including timeline for implementation. <i>Section: 16. (1) and (2).</i> Separate development plans to be prepared. <i>Section 41</i>	Not specified	No gap between SPS and RFCTLARR. resettlement plan will be prepared for subprojects with impact.
9	Disclose Resettlement Plan	Disclose a draft resettlement plan, including documentation of the consultation processing a timely manner, before project appraisal, in an accessible place and a form	Under clause 18, the Commissioner shall cause the approved Rehabilitation and Resettlement Scheme to be made available in the	Not specified	No gap between SPS and RFCTLARR. The resettlement framework and resettlement plans will be disclosed to affected persons.

	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARRA)	West Bengal State Laws^a	Measures to Bridge Gaps
		and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders	local language to the Panchayat, Municipality or Municipal Corporation. As the case maybe, and the offices of the DC the Sub-Divisional Magistrate and the Taluka, and shall be published in the affected areas, in such manner as maybe prescribed and uploaded on the website of the appropriate Government.		
10	Cost of resettlement	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	Section 16. (I) Upon the publication of the preliminary Notification under sub-section(/) of section II by the Collector, the Administrator for Rehabilitation and Resettlement shall conduct a survey and undertake a census of the affected families, in such manner and within such time as may be Prescribed, which shall include:(a) particulars of lands and immovable properties being acquired	Not specified	No gap between SPS and CTLARR. Cost of resettlement will be covered by the EA.

	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARRA)	West Bengal State Laws^a	Measures to Bridge Gaps
			of each affected family;(b) livelihoods lost in respect of land losers and landless whose livelihoods are primarily dependent on the lands being acquired;(c) a list of public utilities and Government buildings which are affected or likely to be affected, where resettlement of affected families is involved;(d) details of the amenities and infrastructural facilities which are affected or likely to be affected, where resettlement of affected families is involved; and(e) details of any common property		
11	Taking over possession before payment of compensation	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	38 (I) The Collector shall take possession of Land after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons within a period of three months for the	Not specified	No gap between SPS and RFCTLARR.

	Involuntary Resettlement Policy Principle	ADB Safeguard Policy Statement (SPS)	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RTFCLARRA)	West Bengal State Laws^a	Measures to Bridge Gaps
			compensation and a period of six months for the monetary part of rehabilitation and resettlement entitlements listed in the Second Schedule commencing from the date of the award made under section 30.		
12	Monitoring	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	48 (I) The Central Government may, whenever necessary for national or inter-State projects, constitute a National Monitoring Committee for reviewing and monitoring the implementation of rehabilitation and resettlement schemes or plans under this Act.	Not specified	RTFCLARR does not specify the frequency of monitoring. The Project will prepare monitoring reports semi-annually as per SPS.

^a West Bengal Land Acquisition Manual (WBLAM) 1991; (ii) Memorandum for direct (negotiated) purchase of land for public purpose (2015); The West Bengal Land and Land Reforms Manual, 1991; and The West Bengal Estates Acquisition Act, 1953 and the West Bengal Land Reforms Act of 1955 and amendments.

4 Comparison of Present State Policy with ADB's SPS, 2009

The State Government's current policy of avoiding involuntary/forcible land acquisition and adopting a negotiated land purchase policy is in line with ADB policy. The process to be followed for negotiated purchase is clearly delineated in the government's guidelines. In line with ADB's transparency requirements, in addition to the Government's processes, a third party certification of negotiation and settlement is recommended in this resettlement framework. Appendix 3 provides suggested terms of reference for identification of the independent third party, and a typical template for certification. A scanned copy of the 2016 Memorandum of Government of West Bengal on negotiated purchase is presented in Appendix 4.

TERM OF REFERENCE FOR INDEPENDENT THIRD PARTY FOR NEGOTIATED PURCHASE OR VOLUNTARY LAND DONATION

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

TOR for Independent Third Party Witness

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

Eligibility: The third party shall be a representative of the community (for example, a senior government officer, a leader of the community, a representative of a local NGO/CBO), without any direct interest in the negotiation process, who is acceptable to each of the concerned parties (PHED and concerned land owner/donor).

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

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

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

SAMPLE CERTIFICATION FORMATS

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

Date

Officers PHED and land donor

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

I certify that:

1. The process of purchase / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land for the welfare of the community.
2. No coercion was used in the purchase/donation process.
3. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
4. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
5. The following mitigation measures were identified and implemented / provided to the land owner/donor.
6. Attached are the minutes of meetings held between project proponents and the land owner/donor, which I was witness to.

Signed/

Name

XXXXXXXXXXXXXXXXXXXXX

Date: _____ Place: _____

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

NEGOTIATED LAND PURCHASE POLICY OF WEST BENGAL GOVERNMENT

Registered No. WB/SC-247

No. WB(Part-I)/2016/SAR-114



Extraordinary
Published by Authority

PHALGUNA 11]

TUESDAY, MARCH 1, 2016

[SAKA 1937

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Land and Land Reforms Department

Land Policy Branch

NABANNA (6th Floor)

325, Sarat Chatterjee Road, Howrah-711 102.

MEMORANDUM

No. 756-LP/1A-03/14(Ps-II)

date : 25.02.2016.

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

2. The State Government has considered the immediate need of land for such projects.

3. Now, therefore, the Governor is hereby pleased to allow the various departments of the State Government and also the Central Government department(s) or its organization(s) based on merit of its project to go in for the direct purchase of land for public purpose mainly involving the early commissioning of infrastructure projects like roads, railways, bridges, food godowns, drinking water, flood protection works and other similar projects, as the Government may consider, in rural and/or urban areas through Zilla Parishad/Municipality/Municipal Corporation/ other Government bodies and parastatals, as the case may be, by adopting the following procedures :

- (i) (a) The administrative department(s) will take concurrence of the Standing Committee on Industry, Infrastructure & Employment before going ahead with the purchase of land indicating its tentative location, quantum and financial involvement. In terms of Finance Department Memorandum No. 862-FB Dated 14/10/2015, the administrative department shall get the proposal vetted by the Finance Department before placing it for Cabinet approval.
- (b) The Central Government department or its organization i.e. the Requiring Body will take prior approval/ concurrence of the competent authority which shall be the concerned Ministry of the Government of

India. The relevant department in the State Government looking after the affairs of the concerned Requiring Body shall seek concurrence of the Standing Committee on Industry, Infrastructure and Employment prior to moving the proposal before the Purchase Committee. A representative of the RB shall be a member of the Purchase Committee.

- (ii) A 15-day local notice mentioning preference and details of land intended for purchase shall be given in the public offices and local newspaper(s) informing the prospective land owners and requesting them to submit application in plain paper indicating their intention to sell their lands.
- (iii) The department concerned will select the appropriate plot(s) of the land to be purchased as per suitability and other considerations from among the applications/offers received on the basis of the notice.
- (iv) The relevant administrative department will undertake land searching through the panel advocate(s) at the respective sub-registry office to guard against fraudulent transfer. Besides, the BL & LRO will verify the right and title of the selected lands within 14 days and shall furnish report in the enclosed format to the Purchase Committee.
- (v) Land would be purchased through the Zilla Parishad/Municipality/Municipal Corporation/ Parastatal as may be decided by the administrative department(s).
- (vi) Funds will be allotted to the Zilla Parishad/Municipality/ Municipal Corporation/Parastatal by the administrative department for payment to land owners and payment will be made to their bank accounts. An appropriate administrative cost will be given to Zilla Parishad/Corporation by the administrative department.
- (vii) A committee of the following officials will finalize the price of land for the purchasing department :
 - a) District Magistrate of the district — Chairperson
 - b) DL & LRO — Member
 - c) Special LAO — Member
 - d) Two members from the concerned Panchayat Samity to be nominated by the Chairperson — Members
 - e) PC & CAO, Zilla Parishad — Member
 - f) Representative of administrative department/RB — Member
 - g) District Registrar — Member
 - h) Secretary Zilla Parishad — Member Secretary

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

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

- a) District Magistrate — Chairperson
- b) Mayor — Member
- c) Municipal Commissioner / CEO, Corporation — Member
- d) DL & LRO/1st LA Collector — Member
- e) District Registrar — Member
- f) Special LAO — Member
- g) Two members from Ward Councillors to be nominated by the Chairperson - Members
- h) Chief Municipal Auditor, Corporation — Member
- i) Representative of administrative department/RB - Member
- j) Secretary, Corporation — Member Secretary

However, for purchase of land situated within the jurisdiction of Kolkata Municipal Corporation, the Secretary of the L&LR Department will act as Chairperson of the Committee.

- (ix) As regards the direct purchase of land by parastatals / development authorities like WBIDC, WBSIDC, WBIIDC, WBSEDCL, WBSETCL / Asansol Durgapur Development Authority (ADDA), Burdwan Development Authority (BDA), Digha Sankarpur Development Authority (DSDA), Haldia Development Authority (HDA), Siliguri Jalpaiguri Development Authority (SJDA), Sriniketan Santiniketan Development Authority (SSDA), New Town Kolkata Development Authority (NKDA) or any other such agency that qualifies to be parastatal/ development authority as per the statute, the administrative department shall obtain concurrence of the Standing Committee on Industry, Infrastructure and Employment as in Para 3(i)(a) and thereafter the Parastatal / Development Authority shall move the proposal before the Purchase Committee as in para (vii) and para (viii), as the case may be.
- (x) Value of buildings/structures, would be assessed by the Executive Engineer, PWD/Municipal Engineering Directorate/ District Engineer/Executive Engineer, Zilla Parishad or by such agency as the administrative department may decide.
- (xi) The base price of the land will be determined taking into account the assessed value of land or set forth value of land whichever is higher. Incentive on the price of land finally determined will be given to the land owner if land registration is done: (a) within 30 days - 50% (b) within 31 to 60 days - 10%, from the date of publication/ communication of land price to the landowners. For this purpose, individual land owner will be informed of the price of land in writing by the Member-Secretary of the Land Purchase Committee, for registration of sale deed.
- (xii) After the purchase of land from the land owners, land will be registered in the name of Zilla Parishad/ Municipality/Municipal Corporation/ Parastatal. Thereafter, Zilla Parishad/Municipality/ Municipal Corporation/ Parastatal, as the case may be, could formally transfer the land in favour of administrative department(s).
- (xiii) Care would be taken by the Zilla Parishad/ Municipality/Municipal Corporation/Parastatal to ensure that the entire transaction is fair and transparent and it is based on mutual consent. There shall be no element of coercion.
- (xiv) Stamp duty shall be exempted for such purchase of land by Zilla Parishad/ Municipality/ Municipal Corporation/ Parastatal and also for subsequent transfer to administrative department(s).
- (xv) The Panchayat and Rural Development Department will issue direction upon all the Zilla Parishads concerned to purchase land for other department(s) u/s. 212 of the West Bengal Panchayat Act, 1973.
- (xvi) The Municipal Affairs Department will issue direction upon all the Urban Local Bodies to purchase land for other department(s) u/s. 420B of the West Bengal Municipal Act, 1993.
- (xvii) In case, the aforesaid Purchase Committee fails to perform its functions within a reasonable time, the administrative department would be free to use any Corporation /Parastatal / Authority under its control to purchase the land on the same terms & conditions as prescribed above.

This has the concurrence of the Finance Department vide U.O. No. Group T/2015-2016/ 0822, dated 14.01.2016.

This memorandum is issued in partial modification of the memorandum No. 3145-LP/1A- 03/1 dated 24/11/2014 & Notification No. 971-LP/1A-03/14 dated 01/07/2015 and also in cancellation of Memorandum No. 3580-LP dated 31/12/2014.

By order of the Governor,

MANOJ PANT

L.R.C. & Principal Secretary to the Govt. of West Bengal.

FORMAT

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

(Representative of Administrative Department)

(BL & LRO)

Date :

Date :

**GUIDELINES FOR INTER-DEPARTMENTAL TRANSFER OF LAND FOLLOWED BY WEST
BENGAL GOVERNMENT**



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

Published by
**Board of Revenue
Government of West Bengal
1991**

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

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

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

GUIDELINES FOR EXEMPTION OF STAMP DUTY FOR TRANSFER OF LAND TO GOVERNMENT

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

Dated: 18.12.99.

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

Sub: Exemption of Stamp duty on Registration.

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

11.0.99
(A. SARMA) 18/12/99
MUNICIPAL COMMISSIONER

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

Copy to
Hon'ble Mayor
All Members Mayor-in-Council
Borough Chairman

- for information.

Government of West Bengal
Finance (Taxation) Department

No. 3260-F.T.

Calcutta, the 25th November, 1999.

O R D E R

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

NOW, THEREFORE, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 1 of the Indian Stamp Act, 1899 (2 of 1899) and sub-section (3) of section 18 of the Registration Act, 1908 (16 of 1908), the Governor is pleased hereby to remit the stamp duty and registration fee chargeable under the respective Acts as aforesaid on the deed of gift by which a piece of land or a portion of land with building or structure thereon is donated by a person to the Government of West Bengal, or a panchayat, Raj Institution or a Municipality/Municipal Corporation or a District Primary School Council within the State of West Bengal for implementation of projects for a public cause.

6/12/99
LAW DEPT. Secy.
Date of the Order
Stamp Register No.
Case No. 53/1999
Hd No. 58/1999

By Order of the Governor

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

11/12/99
11/12/99
11/12/99

OUTLINE OF RESETTLEMENT PLAN

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

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

This section:

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

D. Methodology for Impact Assessment

This section outlines the methodology and tools adopted for:

- (i) resettlement screening
- (ii) land acquisition planning
- (iii) socioeconomic survey
- (iv) census survey or inventory of assets and livelihood loss
- (v) consultation with stakeholders

E. Socioeconomic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;

- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

F. Stakeholders Consultation and Participation

This section:

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

G. Legal Framework

This section:

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

H. Entitlements, Assistance and Benefits

This section:

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

I. Relocation of Housing and Settlements

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

This section:

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

K. Resettlement Budget and Financing Plan

This section:

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

L. Information Disclosure

This section:

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

M. Grievance Redress Mechanisms

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

N. Institutional Arrangements

This section:

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

O. Implementation Schedule

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

P. Monitoring and Reporting

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

SAMPLE GRIEVANCE REGISTRATION FORM

(To be available in Hindi and English)

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

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

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

FOR OFFICIAL USE ONLY

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

INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

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

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

OUTLINE OF SOCIAL SAFEGUARDS MONITORING REPORT DURING PROJECT IMPLEMENTATION PERIOD

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

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

A. Executive Summary

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

B. Background of the Report and Project Description

This section provides a general description of the project, including:

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

C. Scope of Impacts

This section outlines the detail of:

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

D. Compensation and Rehabilitation¹

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

- Payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons;
- Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.

Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

¹ Depending on the status of the final detail design during the submission of the report this activity might not yet started. Provide the information on the expected date the activity to be conducted instead.

E. Public Participation and Consultation**F.**

This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with Affected persons during resettlement plan finalization after the completion of detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing NGOs, project supervision consultants, contractors, etc.

G. Grievance Redress Mechanism

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

H. Institutional Arrangement

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

I. Monitoring Results - Findings

This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of IR compensation rates and timeliness of payments, adequacy and timeliness of IR rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing EMP, resettlement plan, or IPP, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g. IR impacts avoided or minimized; livelihood restored or enhanced; IP's identity, human right, livelihood systems and cultural uniqueness fully respected; IP not suffer adverse impacts, environmental impacts avoided or minimized, etc.). For FI projects this includes the effectiveness of the Environmental and Social Management System (ESMS) managed by the FI and its participating institutions². If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

J. Compliance Status

This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR 2 and the approved final resettlement plans.

K. Follow up Actions, Recommendation and Disclosure

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

² Specific for the FI projects, external agency may be required to conduct an audit of the project ESMS.

Appendix 1

- i. List of Affected Persons and Entitlements;
- ii. Summary of Resettlement Plan/IPP with entitlement matrix.

Appendix 2

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