

# Resettlement Plan

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October 2013

**IND: Jammu and Kashmir Urban Sector Development Investment Program (JKUSDIP) - Construction of Mechanized Automated Multi Level Parking Facility at Super Bazaar, Jammu (Tranche 3)**

## CURRENCY EQUIVALENTS

(as of 25 November 2013)

Currency unit	–	rupee (INR)
INR1.00	=	\$.015997
\$1.00	=	INR 62.5115

## ABBREVIATIONS

ADB	Asian Development Bank
BPL	Below Poverty Line
CPR	Common Property Resource
CEO	Chief Executive Officer
DLC	Divisional Level Committee
DP	Displaced Person
DSC	Design and Supervision Consultants
EA	Executing Agency
EFC	Empowered Facilitation Committee
EM	External Monitor
ERA	Economic Reconstruction Agency
FGD	Focus Group Discussions
Gol	Government of India
GoJK	Government of Jammu and Kashmir
GRC	Grievance Redressal Committee
HH	Household
JDA	Jammu Development Authority.
J&K	Jammu and Kashmir
LA	Land Acquisition
NRRP	National Policy on Rehabilitation and Resettlement
NTH	Non Title Holders
PIU	Project Implementation Unit
PMU	Project Management Unit
PMC	Project Management Consultants
PWD	Public Works Department
RP	Resettlement Plan
RF	Resettlement Framework
R&R	Resettlement and Rehabilitation
S&RE	Social and Resettlement Expert
SPS	Safeguard Policy Statement
TH	Title Holder
TORs	Terms of Reference

## WEIGHTS AND MEASURES

K	–	Kanal;
km	–	kilometer
ft <sup>2</sup>	–	square feet
m <sup>2</sup>	–	square meter

## **GLOSSARY**

Affected Household	– is defined as those who stand to lose, as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, and productive lands, resources such as forests, range lands, fishing areas, or important cultural sites, commercial properties, tenancy, income-earning opportunities, social and cultural networks and activities. Such impacts may be permanent or temporary.
BPL Family	– for the project means, those families who possess below poverty line (BPL) Card.
Compensation	– means payment in cash or in kind of the replacement value of the acquired property.
Cut-off date	– The cut-off date for the non titleholder will be the date of completion of the census survey and for titleholders; issuance of land acquisition notification.
Corridor of Impact	– refers to the minimum width of land required for the construction of the parking facility and other subsidiary works.
Displaced Persons	– are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas
Economic Displacement	– means 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.
Entitlement	– means range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation which are due to the Displaced Persons, depending on the nature of their losses, to restore their economic and social base to pre-project situation.
Encroacher	– is used to denote illegal extension into public property by a person who is a legal titleholder of his property. The person is an encroacher on the portion of the property occupied to which the person does not hold legal title.
Family	– means project affected family consisting of such persons, his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sister, father, mother and other members residing with him/her and dependent on him/her for their livelihood.
Grievances Committee	Redressal – means the committee established under the subproject to resolve the local grievances.

- Involuntary Resettlement – addresses social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or restrictions imposed on land as a result of a project
  
- Kanal – is a traditional unit of land area in northern states of India - Haryana, Punjab, Himachal Pradesh and Jammu & Kashmir; and also in Pakistan; equal to 20 marlas. Under British rule the marla and kanal were standardized, the kanal equals exactly to 5440 square feet or 505.392 square meters
  
- Khasra – A Khasra or index register to the map. It is the list showing, by number, all the fields and their area, measurement, who owns what cultivators he employs, what crops, what sort of soil, what trees, are on the land.
  
- Land Acquisition – means acquiring of land for some public purpose by government/government agency, as authorised by the law, from the individual landowner(s) after paying government fixed compensation in lieu of losses incurred by land owner(s) due to surrendering of his/their land to the concerned government agency.
  
- Replacement Cost – means the method of valuing assets to replace the loss at market value before the project or dispossession, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration, and titling costs. Replacement cost is based on market value before the project or dispossession, whichever is higher
  
- Resettlement – means all the measures taken to mitigate all or any adverse impacts of the project on the DPs property and/or livelihoods including compensation, relocation (where relevant), and rehabilitation.
  
- Resettlement effects – Loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity and mutual help mechanisms.
  
- Relocation – Rebuilding housing, assets, including productive land, and public infrastructure in another location.
  
- Resettlement Plan: – A time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
  
- Rehabilitation – means the measures provided under the resettlement plan other than payment of the compensation of acquired property.
  
- Stakeholders – mean any individuals, groups, organisations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

- Squatters – are those that are landless or without title to land and occupy public land for shelter and/or for carrying out their livelihoods.
- Shajra – A shajra or Village Map is a detailed map of the village that is used for legal (land ownership) and administrative purposes in India and Pakistan. A shajra maps out the village lands into land parcels and gives each parcel a unique number.
- Vulnerable groups – The groups of population are considered socially ‘vulnerable’ comprise of - (a) those who are below the poverty line (BPL); (b) those who belong to scheduled castes (SC), scheduled tribes (ST); (c) female-headed households (FHH); (d) elderly and (e) disabled persons.

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## **EXECUTIVE SUMMARY**

### **A. Introduction**

1. Economic Reconstruction Agency has undertaken Jammu and Kashmir Urban Sector Development Investment Program (JKUSDIP), financed by the ADB through a Multi-Tranche Financing Facility (MFF). The total estimated cost of the investment program is about US \$485 millions, out of which \$300 million will be financed by ADB. The investment program is to be implemented in 3 tranches over a period of 9 years. Each tranche constitutes a separate loan. The Project-1 (Loan 2331-IND) and Project -2 (Loan 2925) of JKUSDIP are under implementation. This subproject is proposed to be included in Tranche 3 financing.

2. The primary objective of JKUSDIP is to promote economic development in Jammu and Kashmir State through expansion of basic services such as water supply, sewerage, sanitation, drainage, solid waste management, urban transport and other municipal functions in Jammu, Srinagar and other important urban centres of the State. The investment program also aims to strengthen the service delivery capacity of the responsible State urban agencies and urban local bodies through management reform, capacity building and training.

3. One of the subprojects identified under Tranche 3 of JKUSDIP is “Construction of Mechanized Automated Multi Level Parking Facility at Super Bazaar, in Jammu” This Resettlement Plan (RP) is based on Resettlement Framework (RF)<sup>1</sup> which is consistent with ADB Safeguard Policy Statement-2009 (ADB SPS), National Resettlement and Rehabilitation Policy (NRRP) 2007 and State Land Acquisition Act 1990.

4. The RP has been prepared based on the concept of proposed works and will be updated in case there is any change in the scope of work after the finalization of the detailed project report (DPR). This subproject has been categorized as “category B” for Involuntary Resettlement impact as per the ADB’s Safeguard Policy Statement, 2009 (SPS)

### **B. Description of the sub-project.**

5. Super Bazar and Old Police station (City Chowk) area parking lots are situated in heart of old Jammu city which is the commercial hub of the Jammu and generally known as city chowk, the various important landmarks like Raghunath Mandir, Civil Secretariat & SMGS Hospital are also situated in this are. The current parking space is not adequate to cater to the growing number of vehicles, which usually result in the on- street parking in the area thereby resulting in frequent traffic congestion. In order to cater to the parking demand and decongest the major commercial area of the Jammu city, mechanized multi-level fully automatic parking facility is proposed with a total capacity of 720 car spaces through 10 levels of multi level parking – 6 levels above the ground and 4 levels below the ground. In addition to four wheeler parking facilities, two wheeler parking is also proposed to be included in the ground floor. The total parking area will 16700 m<sup>2</sup> spread over ten floors with 1670 m<sup>2</sup> in each floor. The proposed facilities will accommodate 100 cars in the old police station area and 620 cars in the super bazaar. Besides a provision of parking 100 two

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<sup>1</sup>The original RF prepared for the MFF was updated at the time of processing for Tranche 2 to be aligned with ADB’s Safeguards Policy Statement (2009). The updated RF will apply to Tranche 2 and subsequent tranches. Tranche 1 will continue to be implemented under the original RF of the MFF.

wheelers have been made on the ground floor on super bazaar side.

### **C. Scope of Land Acquisition and Resettlement.**

6. The construction of the proposed subproject as per the SAR will require 4256m<sup>2</sup> (0.42 ha) of vacant land. The proposed site is currently being used as the parking and belongs to the State Government as per the revenue records and is in possession of JDA.. Private land acquisition is not envisaged. However there is one squatter running his business (Tea Stall), who is operating below the stair case leading to the Old Police Station Parking from the Super Bazar Parking plot. No structure has been erected by the DP, however the only few tables and utensils are being used for carrying on business.

### **D. Socio-economic Information and Profile.**

7. The resettlement impacts in this subproject are "insignificant". The census survey of the affected household (1no) comprising of 9 persons was undertaken in October 2013. The profile of the affected HH confirms that they does not belong to any vulnerable group. The monthly income of the DP from his business at the parking site is INR 5,000 per month.

### **E. Information Disclosure, Consultation, and Participation.**

8. Consultations were carried out with various stakeholders who included the shop operators and parking users from 03 to 10 September 2013. The idea of construction of the parking in the city centre was welcomed by everyone and considered as milestone in solving long pending demand of the civil society. They opined that an improved parking facility is critical for smooth functioning of their business and will also provide customer visiting area with smooth and hassle free shopping experience

9. To provide for more transparency in planning and for further active involvement of stakeholders the project information will be disseminated through Project Information Brochure (PIB). The PIB will be distributed among Displaced Persons (DPs) which will include the following information: (i) a brief background of the Project, specifically the resettlement impacts; (ii) basis used for valuation, (iii) the entitlements due to the DPs; (iv) timing and schedule of payments; (if required) (v) grievance redress mechanism; and (vi) contact persons at ERA and the local authorities. In case of illiterate DPs, the information will be provided verbally during meetings with them. The consultation with the DPs will continue throughout the project cycle

### **F. Entitlements, Assistance and Benefits.**

10. Taking into account the various losses, the Entitlement Matrix provides for compensation and resettlement assistance to all Displaced Persons in the subproject area. Compensation eligibility is limited by a cut-off date as set for this subproject on the day of the completion of the survey which is 10 September 2013 for non-title holders.

11. DPs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however, will be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to project implementation. Their dismantled structure materials will not be confiscated and they will not pay any fine or suffer any



sanction.

#### **G. Resettlement Budget.**

12. Detailed budget estimate has been prepared and already included in the overall subproject estimate. The budget of INR 30,800 (USD 513.33) includes: (i) detailed costs of livelihood and income restoration and improvement; (ii) source of funding; (iii) contingency arrangements (10% of total cost). All compensation, relocation and rehabilitation, income and livelihood restoration cost will be considered as an integral component of subproject costs. All resettlement costs will be borne by the EA and ensure timely disbursement of funds for RP implementation.

#### **H. Institutional Arrangement.**

13. ERA is the Executing Agency (EA) for the project which has a Project Management Unit (PMU) for overall management and coordination and Project Implementation Unit (PIU) for implementation. The PMU have the primary responsibility of preparation of RPs and their implementation. The Project Management Consultants (PMC) and Design and Supervision Consultants (DSC) are assisting ERA in meeting safeguard requirements. The PMU ensures that RPs are prepared and approved prior to award of contracts for each subproject, and for monitoring any changes to subproject design which may require re-evaluation of the RP.

#### **I. Monitoring & Reporting**

14. In line with the requirements for Category B projects with insignificant resettlement impacts, an internal monitoring arrangement of RP is proposed. This will be a regular activity for PMU carried out through DSC and PMC. The DSC will prepare the internal monitoring report and submit to PMC for review and finalisation in consultation with ERA for onward submission to ADB semi-annually.

## I. PROJECT DESCRIPTION

### A. Background

1. Economic Reconstruction Agency has undertaken Jammu and Kashmir Urban Sector Development Investment Program (JKUSDIP), financed by the ADB through a Multi-Tranche Financing Facility (MFF). The total estimated cost of the investment program is about US \$485 millions, out of which \$300 million will be financed by ADB. The investment program is to be implemented in 3 tranches over a period of 8 years. Each tranche constitutes a separate loan. The Project 1 (Loan 2331–IND) and Project 2 (Loan 2925) of JKUSDIP are under implementation. This subproject is proposed to be included in Tranche 3 financing.

2. The primary objective of JKUSDIP is to promote economic development in Jammu and Kashmir State through expansion of basic services such as water supply, sewerage, sanitation, drainage, solid waste management, urban transport and other municipal functions in Jammu, Srinagar and other important urban centers of the state. The investment program also aims to strengthen the service delivery capacity of the responsible State urban agencies and urban local bodies through management reform, capacity building and training.

3. One of the sub-projects identified under Tranche 3 financing of JKUSDIP is **“Construction of Mechanized Automated Multi Level Parking Facility at Super Bazaar, in Jammu”**. This Resettlement Plan (RP) is based on Resettlement Framework (RF)<sup>2</sup> which is consistent with ADB Safeguard Policy Statement-2009 (ADB SPS), National Resettlement and Rehabilitation Policy (NRRP) 2007 and State Land Acquisition Act 1990.

4. The RP has been prepared based on the concept of proposed works and will be updated for any change in the scope after the finalization of the detailed project report (DPR). This subproject has been categorized as **“category B”** for Involuntary Resettlement impact as per the ADB’s Safeguard Policy Statement, 2009 (SPS).

### B. Description of the Subproject

5. Super Bazar and Old Police station (City chowk area) parking lots are situated in heart of old Jammu city which is the commercial hub of the Jammu and generally known as city chowk, the various important landmarks like Raghunath Mandir, Civil Secretariat & SMGS Hospital are also situated in this area. These two parking lots are used as dedicated parking place on ground level with approximate area is around 4256 m<sup>2</sup> and they are adjacent to each other and maintain the level difference of 3 meters. The present parking space available is not adequate to cater to the growing number of vehicles, which usually result in the on-street parking in the area thereby resulting in frequent traffic congestion.

6. In order to cater to the parking demand and decongest the major commercial area of the Jammu city, mechanized multi-level fully automatic parking facility is proposed with a total capacity of 720 car spaces through 10 levels of multi level parking – 6 levels above the

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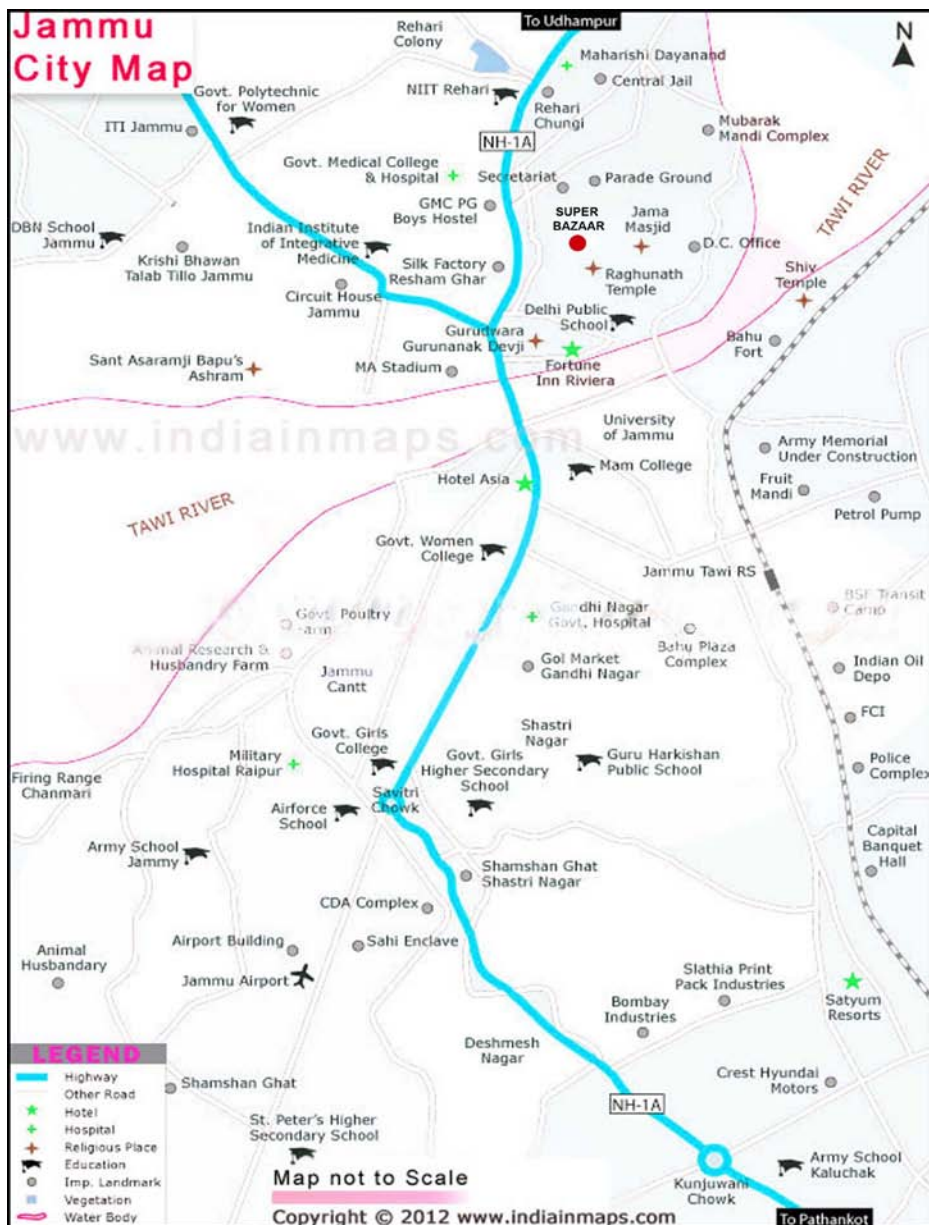
<sup>2</sup>The original RF prepared for the MFF was updated at the time of processing for Tranche 2 to be aligned with ADB’s Safeguards Policy Statement (2009). The updated RF will apply to Tranche 2 and subsequent tranches. Tranche 1 will continue to be implemented under the original RF of the MFF.

ground and 4 levels below the ground. In addition to four wheeler parking facilities, two wheeler parking is also proposed to be included in the ground floor. The total parking area will 16700 m<sup>2</sup> spread over ten floors with 1670 m<sup>2</sup> in each floor. The proposed facilities will accommodate 100 cars in the old police station area and 620 cars in the super bazaar. Besides a provision of parking 100 two wheelers has been made on the ground floor on super bazaar side. The specific objectives of the project are

- (i) Decongestion of traffic in city centre,
- (ii) Reduction of on street parking,
- (iii) Providing safe, secure and efficient vehicular circulation / passage inside as well outside parking and thereby enhancing in public safety & security,
- (iv) Provision of good public amenities for residents, tourists and shoppers in the area; and,
- (v) Improved long term traffic management in the city.

The location of the proposed parking facility under the subproject is shown in Figure 1

**Figure 1: Map of Jammu City showing location of Super Bazaar**



### **C. Minimizing Land Acquisition and Resettlement Impacts**

7. Efforts have been made by the engineering team to minimize the resettlement impacts, as part of the subproject preparation and designs. The key efforts undertaken to minimize impacts are enumerated below:

- i. Avoidance of resettlement through selection of the government which was already used as parking facility. Prior to selection of the site, a detailed survey of the adjoining areas was conducted to identify government and open land for the construction of parking facilities and whereby minimising the number of DPs could be made.
- ii. Design of the parking facility will be adopted to avoid impacts on nearby commercial establishments and also Road closure will not be required as during the construction activity will be restricted within the boundary of the space for parking

## **II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT**

### **A. Resettlement Screening.**

8. A social screening exercise was performed to gather first-hand information on impacts of land acquisition and resettlement with specific attention on land use, presence of title and/or non-title holders, impact on business establishments and other assets. The screening exercise identified the key issues pertaining to resettlement impacts and provided basis for the scoping of the RP for the subproject.

### **B. Survey and Inventory of Assets.**

9. During the screening exercise 01 DP was identified, running a small business under the stair case leading to the old police station parking area from the super bazaar parking plot. A census and socio-economic survey was conducted on 10 September 2013 for preparation of inventory of loss and assess other impacts. No other impacts either permanent or temporary in nature on any other individual, business establishment or structure are envisaged. Details of the identified DP are appended as Appendix 1.

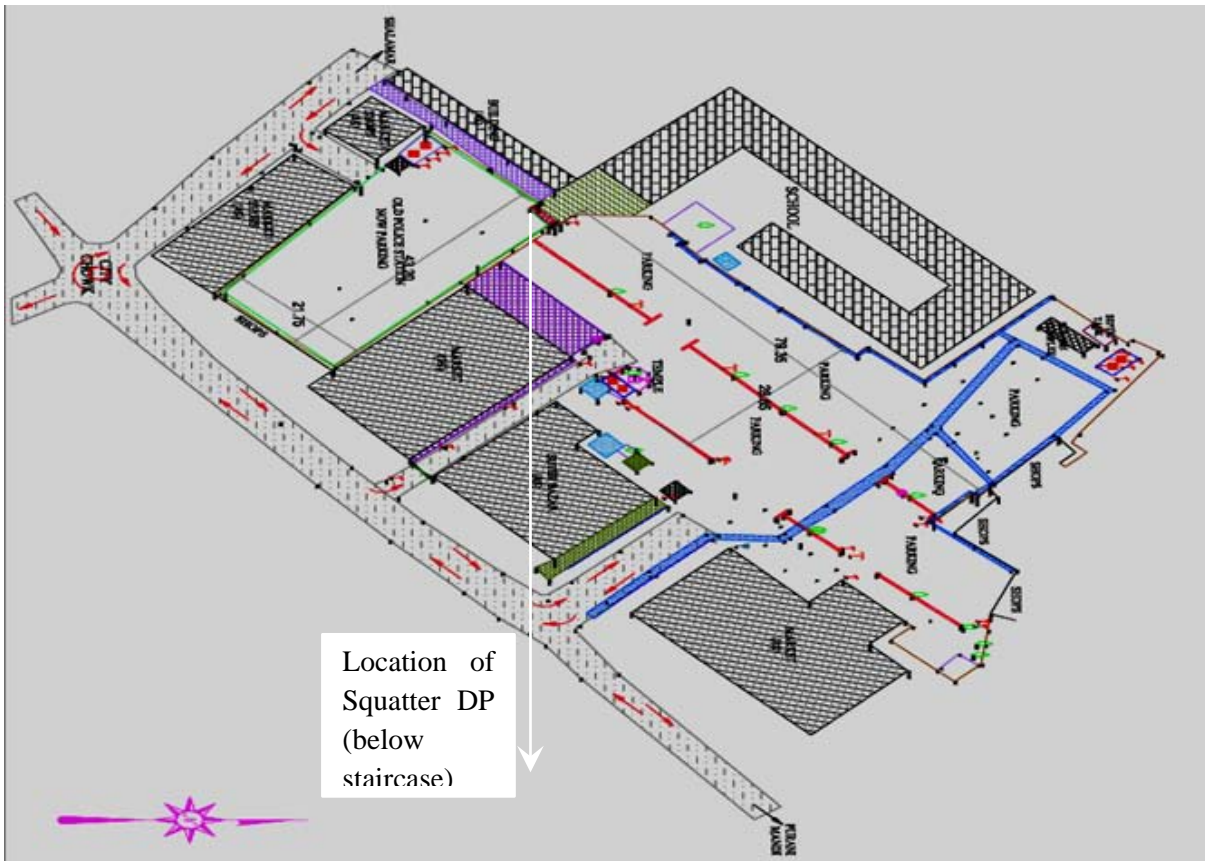
### **C. Subproject Impacts.**

10. The construction of the proposed subproject as per the SAR will require 4256 m<sup>2</sup> (0.42 ha) of vacant land. The proposed site is currently being used as the parking and belongs to the State Government as per the revenue records and is in possession of JDA.. Private land acquisition is not envisaged. However there is one squatter running his business (Tea Stall), who is operating below the stair case leading to the Old Police Station Parking from the Super Bazar Parking plot. No structure has been erected by the DP, however the only few tables and utensils are being used for carrying on business. The RP will be updated and submitted to ADB in case there are changes in the requirement of land and any further impacts after finalisation of the detailed project report design. **Table 1** presents a summary of the resettlement impacts under the proposed parking subproject and **Figure 2** shows the site plan along with location of the squatter.

**Table 1: Summary of Resettlement Impacts**

Particulars	Quantity
1. Loss of Land	Not applicable (no loss of land)
2. Loss of Structure	Not applicable (no loss of structure)
3. Loss of Crops and Trees	Not applicable (no loss of crops and trees)
4. Loss of Livelihood Source (loss of primary source of income)	
- Titleholders losing income through business	Nil
- Titleholders losing income from loss of agricultural land	Not applicable (new parking facility is proposed within the existing parking space at the heart of the city.)
- Non-titleholders, namely squatters and encroachers, losing primary source of income	01 household
- Wage-earning employees affected in terms of loss of employment	Nil
5. Losses of Non-Titleholders	
- Encroachers	Nil
- Squatters and informal settlers	01 households
6. Temporary Impacts on land and other assets during construction	None
7. Loss of Common Property Resources	None.
8. Vulnerable <sup>3</sup> groups/households	Nil

**Figure 2: Site Plan of the along with location of the DP**



<sup>3</sup> The groups of people considered socially vulnerable comprise (i) those who are below the poverty line (BPL); (ii) those who belong to scheduled castes (SC) and and scheduled tribes (ST); (iii) female-headed households (FHH); (iv) elderly; and (v) disabled persons.

### III. SOCIOECONOMIC INFORMATION AND PROFILE OF DISPLACED PERSONS

#### A. General.

11. The subproject area is purely urban in its composition. The population is educated and exposed to urban type of living with easy access to services and other delivery systems of the state and private sector providers. Most of them are employed and enjoy a pretty reasonable standard of living as evidenced from the income they derive from their businesses, professions and vocations.

#### B. Socio Economic Profile of DP.

12. Socio-economic details of 01 DP are determined based on survey. The DP is a squatter earning his livelihood from the tea and food items from a stall located below the stair case inside the parking. The affected DP belongs to the Hindu community and family size of DP is 9. The literacy rate among the DPs is 55%. Monthly income of the DP from his business at the parking site is INR 5,000 per month. The identified DP does not belong to any vulnerable groups<sup>4</sup>. Summary of socio-economic profile of DPs is presented in **Table 2**.

**Table 2: Summary of Socioeconomic Profile of the Potentially Displaced Person (Due to Impacts on business during Construction)**

Nature of ownership/ Title	Squatter
Impact on Structure	Nil- The DP is operating his tea and other food selling business without erecting any structure
Total male in family	3
Total female in family	6
Household size	9
Number of literate persons	5
Percentage (%) of literacy	55%
Vulnerability status	None. DP belongs to general category
Average income /month	INR 5000.00

### IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

13. Information dissemination, public consultations through focus group discussions (FGDs) with subproject beneficiaries and DP have been carried out within 3 to 10 September 2013. The discussion included sharing information on the proposed subproject, their needs and perception for a better urban service. The summary of the public consultation is appended as appendix 2. Following are the summarized outcomes of the consultations:

- (i) The work should be completed within the shortest possible time as space is inadequate for parking of vehicles especially in winter when capital shifts to Jammu the problem aggravates
- (ii) There should be no disruption in the business activity of people during construction phase;
- (iii) The parking charges should be optimal and affordable so that people park their vehicles otherwise people do not refrain from parking their vehicle on road. The people suggested that it should be equal to parking charges anywhere in the city so the people are promoted to use the new facility.
- (iv) There should be special concession provisions for the business persons and other who would be using the parking facility daily after completion;

<sup>4</sup> The General Category means those persons who do not belong to any reserved category like SC or ST

- (v) The people were apprehensive about the power back facility and had apprehensions that their vehicle may get stuck in case power back fails down.
- (vi) People are willing to cooperate by all means to implement the project successfully;
- (vii) Inconvenience and traffic disturbances during construction work should be minimized as far as possible. Proper access should be provided.
- (viii) Local youths can be employed depending on their individual capacities during the construction of the parking facility;
- (ix) Provision of alternate parking facility during the construction phase.

14. Some of the issues raised were addressed during the discussion itself and some issues will be addressed by keeping adequate provisions in the EMP. The issues addressed during the discussion are (i) ERA can facilitate that the operator and the business persons can decide on some sort of mutual understanding benefitting each other after the parking facility gets operational; (ii) employment of local youths in various capacities depending on their skill set will be promoted by ERA. (iii) Alternative parking sites have already been identified and contractors will be required to coordinate with JDA and traffic enforcers to ensure existing traffic situation will not be aggravated because of the project. The attendance slip of the persons in public consultation has been attached as Annexure 3.

15. Similar to on-going subprojects, a Public Information Brochure (PIB) will be prepared and distributed among DPs as well as other beneficiaries living in the subproject area. The PIB will also be uploaded on ERA website as part of RP. The PIB will be prepared in English and Hindi languages and will include the following information: (i) a brief background of the Project, specifically the resettlement impacts; (ii) basis used for valuation, (iii) the entitlements due to the DPs; (iv) timing and schedule of payments (if required); (v) grievance redress mechanism; and (vi) contact persons at ERA and the local authorities. In case of the illiterate DPs the information will be provided verbally during meetings with them.

16. Although the present impact does not imply any land or structure acquisition, however if any further changes in alignments of infrastructure or subproject facilities that would necessitate land acquisition or have any other involuntary resettlement impact, accordingly Involuntary Resettlement Screening will be conducted and the resettlement plan will be revised. In case need arises the Collector Office at PMU, ERA will organize public meetings to inform the community about the payment and assistance. In addition, regular update of the program and resettlement component of the project will be placed for public display at the subproject offices. The ERA through PMU will maintain an ongoing interaction with DPs to identify problems and undertake appropriate remedial measures.

## **V. GRIEVANCE REDRESS MECHANISMS**

17. The RP will have a mechanism to ensure that the benefits are effectively transferred to the beneficiaries and will also ensure proper disclosure and public consultation with the affected population. However, need also exists for an efficient grievance redress mechanism that will assist the DPs in resolving queries and complaints. The Grievance redress mechanism would follow the following approach and procedure as depicted in Figure 2.

- (i) In case the displaced person has any complaint or grievance, he/she is free to lodge his/her complaint with the Project Manager JKUSDIP, ERA who will make efforts to resolve the complaint on ground level itself. The Project Manager will make efforts to redress the grievance within 2 weeks from the receipt of grievance.
- (ii) In case the DPs are not satisfied or his grievance are not redressed he can take the matter to Director Safeguards who will ensure that grievance is redressed with time

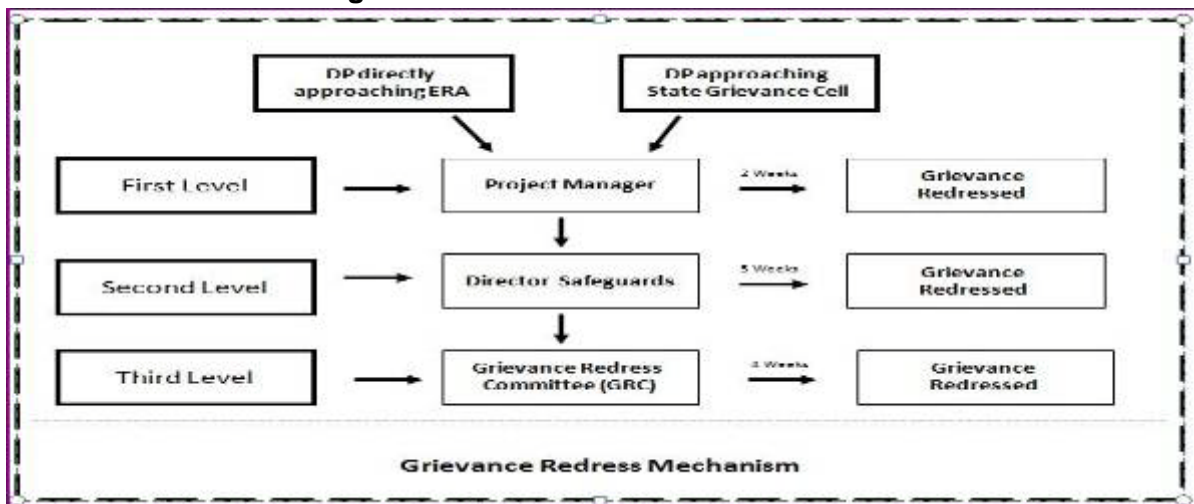


frame of 3 weeks

- (iii) If the complaint is not resolved at the level of Director Safeguards or DP is not satisfied with resolution/ decision, they can take the matter to Grievance Redress Committee (GRC), which will address the grievance within 4 weeks.
- (iv) DPs are free to approach the court of law at anytime on their own will and expenses.

18. Besides the grievance redress mechanism of the project, state has online grievance monitoring system known as Awaz-e-Awam (People's Voice). The DPs can also lodge their complaints online at <http://www.jkgrievance.nic.in>.

**Figure 3: Grievance Redress Mechanism**



### 1. Information to the DPs about the GRM.

19 The DPs will be informed about the Grievance Redress Mechanism under the project and of the state through public consultations, disclosures and distribution of PIB. The DPs will also be informed that in case they are not satisfied with the decision of the GRC, or failing the Redressal of grievance; they can take their case/grievances to judiciary.

### 2. Grievance Redressal Committee (GRC).

20. The GRC has already been established (Order No. JKERA 25 of 2008 dated 29-01-2008) with the primary objective of providing a mechanism to mediate conflict and disputes concerning compensation payments and cut down on lengthy litigation. The GRC will provide people, who might have objections or concerns about their compensation/assistance, a public forum to raise their objections and through conflict resolution, address these issues adequately. The committee is headed by the Deputy Commissioner (or his representative). Following is the composition of GRC.

- (i) Deputy Commissioner, Jammu
- (ii) Land Collector Acquisition Jammu ERA
- (iii) Social and Resettlement Expert J&K ERA
- (iv) Deputy Project Manager ERA (I/C sub-project)
- (v) PRO J&K ERA
- (vi) Local Beopar Mandal /Welfare committee as representatives of DPs



21. The GRC will resolve the grievances within 4 weeks' time. It is expected that the GRC will play a very crucial role in redressing grievances of the DPs, and will help the implementation of the project as scheduled. The order for formation of GRC has been placed as **Appendix 3**

### **3 Operational Mechanisms of GRC.**

22. In case, grievance are not addressed at project level by EA the same shall be forwarded to GRC. The committee established will look into the grievances of the people and will assign the responsibilities to implement the decisions of the committee. The claims will be reviewed and resolved within four weeks from the date of submission to the committee. The various queries, complaints and problems that are likely to be generated among the DPs and that might require mitigation, include the following:

- (i) DPs not enlisted;
- (ii) Losses not identified correctly;
- (iii) Compensation/assistance inadequate or not as per entitlement matrix;
- (iv) Dispute about ownership;
- (v) Delay in disbursement of compensation/assistance;
- (vi) Improper distribution of compensation/ assistance in case of joint ownership etc.

23. Through public consultations, disclosures and distribution of PIB, the DPs will be informed that they have a right to grievance redresses. The DPs, who are not satisfied with the decision of the GRC, or failing the Redressal of grievance; the DPs may take the case/grievances to judiciary.

## **VI. LEGAL AND POLICY FRAMEWORK**

### **A. Introduction**

24. The principles adopted for addressing resettlement issues in the project have been guided by the RF which is consistent with the existing legislations and policies of the Government of India applicable to state of J&K, the Government of Jammu and Kashmir and the Asian Development Bank. The relevant laws and policies which have been analyzed are State Land Acquisition Act 1990 (1934 AD), National Resettlement and Rehabilitation Policy 2007 (NRRP) and ADB's Safeguard Policy Statement, (2009). An overview of these applicable acts and the ADB policies on resettlement apart from a comparison of the Government policies with the SPS of ADB is given in **Appendix 4**

### **B. Resettlement Framework.**

25. The RF will govern all adverse social impacts and is consistent with the provisions of ADB's SPS 2009. The basic principles of Resettlement framework include the following elements:

- (i) As a matter of policy, 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) Screen the project early on to identify past, present and future resettlement impacts and risks;
- (iv) Carry out meaningful consultations with affected people, host communities and concerned key stakeholders on compensation options and prepare Resettlement Plan (RP) in accordance with this Framework;
- (v) Payment of compensation for acquired assets at market/replacement rates;
- (vi) Ensure that DPs without title to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets;
- (vii) 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;
- (viii) All compensation and other assistances will be paid to all DPs prior to commencement of civil works<sup>5</sup>;
- (ix) Income restoration and rehabilitation;
- (x) An Entitlement Matrix for different categories of people affected by the project has been prepared and provisions will be kept in the budget for those who were not present at the time of survey. However, people moving in the project area after the cut-off date will not be entitled to any assistance. In case of land acquisition the date of notification for acquisition will be treated as cut-off date. For non-titleholders such as squatters and encroachers, the date of project survey or a similar designated date declared by the executing agency will be considered as cut-off date;
- (xi) Special attention to vulnerable groups; and,
- (xii) Establish a grievance redress mechanism to receive and facilitate resolution of DPs' concerns.

## **VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS**

26. The households identified in the subproject areas on the cut-off date will be entitled to compensation for their affected asset or other entitlements as per RF entitlement matrix. For this particular subproject the cut-off date will be 10 September 2013 i.e. the date of census survey. DPs settling in the area after the cut-off date will not be eligible for payment of compensation. However, advance information/notice will be given regarding the potential disruption due to the construction activities.

27. A detailed Entitlement Matrix (as per the RF for the project) which lists various types of subproject losses, identification/eligibility and entitlements and provides for basic parameters for preparation of compensation and resettlement benefits is provided in Table 3 below.

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<sup>5</sup> While compensation is required prior to dispossession or displacement of affected people from their assets, the full resettlement plan implementation, which may require income rehabilitation measures, might be completed only over a longer period of time after civil works have begun. Affected people will be provided with certain resettlement entitlements, such as land and asset compensation and transfer allowances, prior to their displacement, dispossession, or restricted access.

**Table 3: Entitlement Matrix (As per Resettlement Framework for JKUSDIP)**

Type of Loss	Identification of Affected Households	Entitlement	Entitlement Details
1. Loss of Agricultural Land	DPs with legal titles / rights, recognizable legal rights, usufruct and traditional titles / rights for affected land	Land-for-land or compensation in cash at Replacement value.	<p>a. In case of partial impact on land with the remaining land is economically viable for continued use, compensation in cash at replacement cost<sup>6</sup>.</p> <p>b. In case of loss of entire land holding, the DPs will be entitled to:</p> <p>i) Replacement land of equivalent productive potential if available to EA and acceptable to the DPs;</p> <p>OR</p> <p>ii) Where the location is not acceptable to the DPs, compensation in cash for the entire land-holding.</p> <p>c. In case of entire loss of productive land DPs will be entitled to Transition Allowance equivalent to the total income derived from the affected land in the last 2 years.</p> <p>d. In case of replacement land, the cost of registration, stamps etc. will be borne by the project.</p>
	Sharecroppers and leaseholders	Compensation in cash	<p>a. Sharecroppers will receive compensation for their share of the loss of crops.</p> <p>b. Leaseholders will receive compensation equivalent to the remaining part of the lease amount;</p> <p>c. Additionally, affected sharecroppers and leaseholders will receive cash assistance equivalent to 6 months of incomes derived from the affected land<sup>7</sup>.</p>
2. Loss of residential or commercial land	DPs with legal rights/ titles, recognizable rights or traditional rights to the affected land	Land-for-Land or Compensation at replacement cost	<p>For entire loss of residential, commercial, industrial or institutional land, or where only a part of the land affected but the remaining land is rendered too small according to the local zoning laws:</p> <p>a. where available and feasible DPs will be provided replacement land of similar attributes to that is lost or compensation in cash at replacement cost.</p> <p>b. In case of replacement land, the cost of registration, stamps etc. will be borne by the project.</p> <p>For loss of residential, commercial, industrial or institutional land with remaining land sufficient in accordance with the zoning law and for remaining affected structure, DPs will be entitled to compensation in cash at replacement cost.</p>
	Tenants and leaseholders	Compensation at replacement cost	<p>a. For entire loss of land the Leaseholders will get an equivalent area of leased land or reimbursement for un-expired lease period.</p> <p>b. In case of partial loss of land Leaseholders will get reimbursement for un-expired lease period for the portion of land lost.</p> <p>-In case of replacement land, the cost of registration, stamps etc. will be borne by the project.</p> <p>c. Tenants will receive rental allowance equivalent to three months rental value.</p> <p>-Compensation for any improvements done by tenants and leaseholders</p>

<sup>6</sup> A Divisional Level Committee has been established under the Project. This committee is responsible to make independent valuation of land based on existing market value. The Committee is also empowered to undertake direct negotiation settlement with the DPs, wherever require.

<sup>7</sup> The assessment of the income from the land would be assessed by the concerned Agriculture Department.

Type of Loss	Identification of Affected Households	Entitlement	Entitlement Details
<b>B: LOSS OF STRUCTURES</b>			
3. Loss of structures	Owners of affected structures	Compensation in cash at replacement cost	<p>For partial loss of structure and the remaining structure viable for continued use, DPs will be entitled to compensation for the affected part of the structures calculated as per the latest prevailing Basic Schedule of Rates (BSR) without depreciation or deductions for salvaged material; and</p> <p>Repair allowance for improvement of the remaining structure where applicable @ 10% of compensation calculated for the affected part of structure.</p> <p>For entire loss of structures or where only partial impact, but the remaining structure is rendered unviable for continued use:</p> <ul style="list-style-type: none"> <li>-DPs will be entitled to compensation for the entire structure calculated as per the latest prevailing Basic Schedule of Rates (BSR) without depreciation or deductions for salvaged material;</li> <li>-Right to salvage material from demolished structure; and</li> <li>-A lump sum transfer grant at the rate of INR 3,000 for temporary, INR 4,000 for semi-permanent, and INR 10,000 for permanent structure for shifting household assets and other belongings to the new area.</li> </ul>
	Tenants and leaseholders of affected structures	Rental Assistance	<ul style="list-style-type: none"> <li>a) Tenants would only be given rental assistance on a case-by-case basis in the form of grant for a period of three months.</li> <li>b) Additional structures erected by tenants will also be compensated and deducted from owner's compensation amount.</li> <li>c) Any advance deposited by the tenants or leaseholders will be deducted from owners total compensation package.</li> </ul>
4. Impact on market place / shops/businesses / commercial enterprises	Titleholder (Owner Operator ) and non-titleholder (tenants Operator,) losing/shops/ commercial enterprise.	Relocation Assistance	<p>Affected enterprise whose commercial structure can no longer be used for commercial purpose as a result of the Project impact will be provided with the following options:</p> <ul style="list-style-type: none"> <li>a) All operators will be provided cash compensation as decided by the DLC on case to case basis depending upon their income, size and location of the shop</li> </ul> <p>or</p> <p>Project assisted relocation option where available will be based on</p> <ul style="list-style-type: none"> <li>i) Owner Operator: Will be given a shop in lieu of compensation. with same ownership status. No additional compensation will be paid to him/her.</li> <li>ii) Tenant Operator: Will be provided shop on rent. For first 3 months, no rent will be charged and after three months tenants will have to pay the agreed rent. Or If a tenant wishes to own the same, he/she has to pay the cost of the shop. Those opting for this option will not be paid cash compensation for their structure loss.</li> <li>b) A lump sum transfer grant at the rate of INR 3000 for temporary, INR 4,000 for Semi-temporary and INR 10,000 for permanent structures for shifting of assets and other belonging to new area; and</li> <li>c) Right to salvage material from demolished structure.</li> </ul>

Type of Loss	Identification of Affected Households	Entitlement	Entitlement Details
<b>C: LOSS OF CROPS and TREES</b>			
5. Loss of crops and trees	Owner / operators /Tenants affected	Compensation at 'market value'	a) Advance notice to DPs to harvest their crops. b) In case of standing crops, cash compensation for loss of agricultural crops at current market value of mature crops based on average production. c) Compensation for loss of timber trees at current market value of wood/timber or firewood depending on the kind of tree to be computed by concerned department. d) In case of fruit trees, compensation at average fruit production to be computed by concerned department.
<b>D: LOSS OF LIVELIHOOD SOURCE</b>			
6. Loss of primary source of income	Titleholders losing income through business	Transitional assistance	DPs losing their business establishment due to displacement will be assisted in the form of a grant for the days of closure up to a maximum of three months of their income from affected business.
	Titleholders losing income from loss of agricultural land	Assistance for income restoration	DPs will be entitled to income restoration assistance / vocational training/ skill up gradation options as per DPs choice equivalent to a maximum of INR 10,000 per affected household. Specific income restoration measure will be decided in consultation with the people based on their needs and priorities.
	Non-titleholders namely squatters and encroachers losing primary source of income	Assistance for income restoration	DPs losing their business establishment due to displacement will be assisted in the form of a grant equivalent to three months of their income from affected business. DPs will be entitled to income restoration assistance / vocational training/ skill up gradation options as per DPs choice equivalent to a maximum of INR 10,000 per affected household. Specific income restoration measure will be decided in consultation with the people based on their needs and priorities.
	Wage earning employees affected in terms of loss of employment	Transitional Assistance	Employees affected in terms of loss of employment due to displacement of commercial structure will be given lump sum transitional assistance equivalent to INR 3,000/month for three months.
<b>E: LOSSES OF NON-TITLEHOLDERS</b>			
7. Encroachers	Households	No compensation for land	a) Encroachers will be given a one month notice to remove their assets that will be affected. b) Right to salvage material from demolished structure. c) Compensation for affected structures at replacement
8. Squatters and informal settlers	Households	No compensation for land but compensation for structure at replacement cost and other assistance	a) Squatters will be notified with one month notice in which to remove their assets that will be affected. b) Compensation for loss of structure at replacement value. c) A lump sum shifting allowance of INR 3000 for temporary, INR 4000 for semi-permanent and INR 10,000 for permanent structures. d) Right to salvage material from demolished structure.

Type of Loss	Identification of Affected Households	Entitlement	Entitlement Details
<b>F: TEMPORARY IMPACTS</b>			
9. Temporary impacts on land and other assets during construction	Owner / Operator of affected assets	Cash compensation for affected assets and for loss of income potential	<p>1. Compensation for affected standing crops and trees as per the market rates.</p> <p>2. In case of impacts on land:            -Restoration of land to its previous or better quality.            -Contractor to negotiate a rental rate with the owner for temporary possession of land.            -Compensation for crop losses for the duration of temporary occupation plus one more year necessary for the soil to be adequately prepared to its original productive potential.-            Project and contractor to ensure that persons other than the owner affected as a result of the temporary acquisition are compensated for the temporary period.</p> <p>3. Compensation in cash for the loss of income due to temporary loss of access for the duration of the impact.</p> <p>4. In case of any impact on the properties (structure) during construction.            -The contractor will restore the impacted structure to its previous condition before handing over to the owners.</p> <p>5. Any temporary acquisition of land for the project will be done in accordance with the prevalent local laws.</p>
<b>G: LOSS OF COMMON PROPERTY RESOURCES</b>			
10. Loss of Common Property Resources	Affected community/Institution responsible	Cash compensation /Reconstruction	Cash compensation at replacement value or reconstruction of the community structure in consultation with the community/institution.
<b>H: REHABILITATION MEASURES</b>			
11. Additional assistance to vulnerable groups	Households categorized as vulnerable <sup>8</sup>	Lump sum assistance	Additional lump sum assistance of INR 5,000 per household to vulnerable groups
<b>I: UNIDENTIFIED IMPACTS</b>			
12. Any unanticipated adverse impacts due to project intervention	Any unanticipated consequence of the project will be documented and mitigated based on the spirit of the principles agreed upon in this policy framework.		

<sup>8</sup> The groups of population considered socially 'vulnerable' comprise of - (a) those who are below the poverty line (BPL); (b) those who belong to scheduled castes (SC), scheduled tribes (ST); (c) female-headed households (FHH); (d) elderly and (e) disabled persons.

## VIII. INCOME RESTORATION AND REHABILITATION

28. According to the impacts identified during the survey the construction of the subproject affected one Squatter running tea stall in the parking. The DP will suffer income loss due to loss of primary source of income. Entitlement of affected household include (i) DPs losing their business establishment due to displacement will be assisted in the form of a grant equivalent to three months of their income from affected business; (ii) squatter will be notified with one month notice in which to remove their assets that will be affected; (iii) A lump sum shifting allowance of INR 3000 for temporary<sup>1</sup>; (iv) Assistance for income restoration as the RF has also been budgeted (v) Right to salvage material.

## XI. RESETTLEMENT BUDGET AND FINANCING PLAN

### A. General

29. The resettlement cost estimate for this subproject includes eligible compensation for loss of livelihood land, assistance for income restoration and support cost for RP implementation. Contingency has also been made a part of the resettlement budget.

### B. Resettlement Assistance

30. **Income loss and restoration:** The loss of the livelihood has been calculated for the period of maximum of three months as per the RF and is based on the information provided by the DP during the survey. In addition to the DP will be also eligible for assistance for income restoration

### C. RP Implementation and Support Cost

31. A 10% contingency amount has been added in order to adjust any escalation and other impacts not envisaged at the time of RP preparation.

### D. Source of Funding and Fund Flow Management

32. The cost related to land acquisition and resettlement cost will be borne by the EA and has been included in the project cost. The EA will ensure allocation of funds and availability of resources for smooth implementation of the sub-project R&R activities. The EA will, in advance, initiate the process and will try to keep the approval for the R&R budget in the fiscal budget.

### E. R&R Budget

33. The total R&R budget (given in **Table 4**) for the sub-project works out to **INR 30000.00 (USD 513.33)** (*rounded off*).

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<sup>1</sup> As mentioned in the main text the DP has not erected any structure for conducting his business and is operating below the stair case; still shifting assistance for temporary structure has been considered and accordingly reflected in the budgetary provisions.

**Table 4: Indicative Resettlement Budget and Cost Estimates**

<b>S. No</b>	<b>Item</b>	<b>Quantity</b>	<b>Number of months</b>	<b>Unit rate (INR)</b>	<b>Total Amount</b>
1.	<b>Loss of Livelihood</b>				
	DPs losing their business establishment due to displacement	01	3	5000.00*	15000.00
	Income restoration assistance / vocational training/ skill up gradation <sup>#</sup>	01	NA	10000.00	10000.00
2.	<b>Relocation</b>				
	Shifting allowance	01	NA	3000.00	3000.00
	<b>Sub-Total</b>				<b>28000.00</b>
	Contingency	10%			2800.00
	<b>Grand total (INR)</b>				<b>30800.00</b>

\* It is revealed during census survey that the DP is earning INR 5000.00 per month from his business activity.

<sup>#</sup> During consultation and survey the DP did not reveal any particular form of training or assistance. Further consultation will be carried out with the DP before deciding on the mode of assistance.

## **X. INSTITUTIONAL ARRANGEMENT**

34. ERA is the Executing Agency (EA) for the project which has a Project Management Unit (PMU) for overall management and coordination. The PMU have the primary responsibility of preparation of RPs and their implementation. The Project Support Consultants (PSC) and Design and Supervision Consultants (DSC) are assisting ERA in meeting safeguard requirements. The PMU ensures that RPs are prepared and approved prior to award of contracts for each subproject, and for monitoring any changes to subproject design which may require re-evaluation of the need for and adequacy of the RP.

35. Project Implementation Unit (PIU) has been established in both the divisions of the state for the implementation of sub-projects. The PIU is headed by the Project Manager (PM) who is of the rank of Superintendent Engineer. Some of the specific tasks to be performed by PIU include: 1) Placing of indent for acquisition of land and authentication of the revenue documents prepared by the CLA; 2) Coordinating with district administration for land acquisition; 3) Supervision of the construction work; 4) Organize the disbursement of assistance to DPs; 5) Participating in regular meetings in GRC .6) Informing the Social and Resettlement Expert about the anticipated changes or changes that have taken place during the execution of the civil works resulting in the need for updating the resettlement plan. 7) PIU will be responsible that no work in executed or any person is displaced by them or contractor prior to the payment of the compensation.

36. The Social Safeguards Unit at the PMU headed by Director Safeguards will monitor the R&R activities. The Social and Resettlement Experts of DSC's and PSC's will help unit in preparation, implementation and monitoring of resettlement Plans in accordance with the ADB's SPS 2009. The major responsibilities includes 1) Ensuring project compliance with loan covenants. 2) Oversee internal monitoring of resettlement implementation; and 3) Monitor physical and financial progress on land acquisition and R&R activities.



37. The Collector ate Office is headed by Collector Land Acquisition (CLA) who is of the rank of Assistant Commissioner (Revenue) or above, supported by Revenue Officials. The major roles and responsibilities include: 1) Preparation of the Revenue Documents (Shajra/Khasra) and Issuance of Land Acquisition notification, 2) Preparation of the award of compensation, and 3) Verifying and distributing the compensation among the rightful owners. 4) Informing the safeguards unit about the schedule of payment of compensation.

38. High powered Committee known as Divisional Level Committee (DLC) has been constituted with a view to fast track the implementation of RP for sub-projects being executed/ proposed to be executed by J&K Economic Reconstruction Agency (ERA) under Loan-II viz J&K Urban Sector Development Investment Programme (JKUSDIP). The committee has been constituted by General Administration Department (GAD) of Government of Jammu & Kashmir vide no. 605 of 2011 dated 25-05-2011(**Appendix 5**) with the following composition:-

Divisional Commissioner, Jammu	Chairman
Chief Conservator of Forests Jammu	Member
IG Traffic J&K	Member
Deputy Commissioner, Jammu	Member
Vice Chairman SDA	Member
Commissioner, Jammu Municipal Corporation,	Member
Chief Engineer PHE Jammu	Member
Chief Engineer EM&RC Jammu	Member
Chief Engineer UEED Jammu	Member
Chief Engineer PW(R&B) Jammu	Member
Director Central J&K ERA	Member Secretary

39. The roles and responsibilities of various agencies to be involved in resettlement planning process and implementation of resettlement activities are summarized in Table 5.

**Table 5: Agencies Responsible for Resettlement Implementation**

<b>Activity</b>	<b>Agency Responsible</b>
Establishment of Resettlement Units in PMU and appointment of Resettlement officer (RO)	PMU
Organizing resettlement training workshop	Safeguard Unit PMU
Social assessment and preparation of land acquisition plan, Resettlement Plan (RP)	Design Supervision Consultants and Project Management Consultants.
Public consultation and disclosure of RP	Safeguard Unit PMU /PIU/ DSC, PSC
Co-ordination with district administration for land acquisition	PIU/ Design Consultant/ Collector Land Acquisition.
Declaration of cut-off date	PMU/PIU/ Collector Land Acquisition.
Review and obtaining of approval of resettlement plan from ADB	PMU
Submission of land acquisition proposals (Indent) to Collector Land Acquisition	PIU
Conducting of Private Negotiation with Displaced Persons	Director Central /DLC /Collector Land Acquisition/PIU
Compensation award and payment of compensation	Collector Land Acquisition

Payment of replacement cost and allowance	Collector Land Acquisition
Taking possession of acquired land and structures	PIU/Collector Land Acquisition
Handing over the acquired land to contractors for Construction	PIU
Notify the date of commencement of construction to DPs	PIU
Assistance in relocation, particularly for vulnerable groups	PMU/PIU
Internal monitoring of overall RP Implementation	PMU through DSC and PSC

## XI. IMPLEMENTATION SCHEDULE

40. A composite implementation schedule for R&R activities in the sub-project including various sub tasks and time line matching with civil work schedule is prepared and presented in Table 6. However, the sequence may change or delays may occur due to circumstances beyond the control of the project and accordingly the timeline can be adjusted for the implementation of the plan.

**Table 6: Rehabilitation and Restoration Implementation Schedule**

Project Component/Activities	Schedule
<b>A. RP Implementation Stage</b>	
Obtaining approval of RP from ADB	November 2013
Disclosure of draft RP (ERA website, PIU and DPs)	November 2013
Obtaining approval of DPR	November 2013
Submission of final RP based on DPR	December 2013 (RP will be revised subject to change of scope and components in DPR)
Disclosure of final RP (ERA website, PIU and DPs)	January 2014
Public consultation	Continued activity
Issuance of ID cards to affected persons	February 2014
Issuance of notice to APs, as required	March 2014
Compensation prior to start of construction and assistance as required	March 2014
Start of civil works	April 2014
Internal monitoring, including surveys of APs on entitlements, satisfaction surveys	May-June 2014
Repair/reconstruction of affected facilities, structures, connections, utilities if any	Continued activity

## XII. MONITORING AND REPORTING

### A. Internal Monitoring

41. As this subproject falls under the IR category B with insignificant Resettlement impacts it will not require any external monitoring. Internal Monitoring will be a regular activity for the PMU, which will oversee the timely implementation of R&R activities. Internal Monitoring will be carried out by the PMU through DSC and PMC. The primary responsibility of the preparation of the monitoring reports for submission to the ADB will be of DSC and which will be reviewed by the PMC before submission to ADB through ERA. DSC will collect all the required information and assimilate it in the form of a report which will be submitted to PMC for review and finalisation in consultation with ERA for onward submission to ADB. Internal monitoring will have the following objectives:

- (i) Compensation and other entitlements are computed at replacement rates and procedures as provided in the approved RP, without any discrimination on the grounds of gender, ethnic or religious group or any other factor;

- (ii) DPs are paid their compensation and other entitlements as per approved RP, including compensation in cash, allowances;
- (iii) Income restoration activities are implemented as specified in the RP; and,
- (iv) Public information, public consultation and grievance redress procedures are followed as specified in RP;

**B. Reporting**

42. The Executing Agency will submit semi-annual monitoring reports to ADB detailing the progress of implementation of the RP.. A template for monitoring reports is in **Appendix 6** which outlines the necessary type of information to be reported in each semi-annual report.

### Appendix 1: List of Affected Person

Sl. No.	Name of DP	Type of Loss	Total Family Composition	No. Literate persons in the family	Religion	Vulnerability	Occupation of HOH
1	Ramanlal Sharma	Business	9	5	Hindu	No	Tea Shop Operator

HOH= Head of the household

## Appendix 2: Public Consultations for Multi-level Parking Facility at Super Bazar and old police station area (City Chowk) Jammu city

1. Various issues related to the proposed subproject were discussed at different locations primarily within the vicinity of the existing parking site where the new parking is proposed. Discussions were held with multiple stakeholders like the shop operators, parking users, school authority and the DP. General public of the subproject area were also consulted. The problems faced by them along with their suggestions and concerns were recorded and the same have been given due consideration while formulating different project related documents, primarily in IEE and EMP.
2. The participants, in general were in favour of the upcoming subproject. The participants unanimously are of the view that the proposed parking facility is the need of the hour and welcomed the subproject and pledged their full support. However, they were concerned about the problems which may arise during construction stage such as traffic and parking related issues, undue extension of construction period and increased dust particles. People are ready to extend all types of support during execution of the project. The queries and concerns of the participants and the response and proposed remedial measures for each of the query/concerns are presented below.

Sl. No.	Query/Concern	Response
1.	If the construction activities will be completed within 2 years as shared during the discussion about the subproject	The people were informed that the project will be time bound and funds are already available with ERA. So there will not be delay due non availability of the funds.
2.	During construction activities is there any possibility of disruption in business activity	No. All the works will be carried out inside the existing parking space. Access disruption for, shops/commercial establishments, and institutions, etc. if at all will be mitigated through good construction practices and an effective environment and contractors construction plan which should ensure providing walkways and metal sheets to maintain access across trenches, increasing the workforce in front of shops/commercial establishments, consulting business and institutions regarding operating hours and factoring this in work schedules, providing advance information on works to be undertaken.
3.	Identification of alternative parking spaces during construction is necessary	Alternative parking sites have already been identified and contractors will be required to coordinate with JDA and traffic enforcers to ensure existing traffic situation will not be aggravated because of the project.
4.	If local youths will be extended employment opportunities during construction based on their respective skill set	Employment of local youths in various capacities depending on their skill set is already being promoted in the ongoing subprojects under ERA.
5.	How the issue of increased dust particles be addressed	Improved construction practices will be employed to maintain a healthy environment around the site.
6.	If the broad ideas related to design of the parking facility can be shared	Photographs of similar parking facility were shared and it was informed that design cost and other information can be easily shared.

## Appendix 3: Grievance Redressal Committee



Jammu & Kashmir  
Economic Reconstruction Agency  
13 C/C Gandhi Nagar, Jammu

JK  
ERA

Office Order No: JKERA 25 of 2008  
Date: 29-7-08.

### Order

Sub: Constitution of Grievance Redressal Committee (GRC) for Social and Resettlement issues under ADB financed Projects.

1. Whereas it has been decided to constitute a Grievance Redressal Committee (GRC) for Multi-Sector Project for Infrastructure Rehabilitation (Loan-2151-IND) and Jammu and Kashmir Urban Sector Development and Investment Programme (Loan-2331-IND) in each district of Jammu and Kashmir for timely and satisfactory completion of the land Acquisition and other requirements of the Resettlement Plans (RP) to facilitate satisfactory implementation of the ADB funded projects.
2. Now therefore a Grievance Redressal Committee is hereby constituted as under:
  1. Deputy Commissioner : Chairman
  2. Land Collector J&K ERA : Member
  3. Social and Resettlement Expert J&K ERA : Member-Secretary
  4. Local Boopar Mandal/Welfare Committee as representative of affected persons : Member
  5. PRO J&K ERA : Member
  6. Deputy Project Manager ERA (I/C subproject) : Member
3. The main objective behind formation of the committee is to provide a mechanism to mediate conflict and cut down lengthy litigation, which often delays infrastructure projects. The committee will provide a forum where affected people can raise objections and through conflict resolution, the issues shall be adequately addressed.
4. Decision of the GRC (Grievance Redressal Committee) shall be conveyed by the Member-Secretary to Director Jammu/Kashmir ERA for suitable follow up action under rules.
5. The Terms of Reference for the GRC (Grievance Redressal Committee) will be as follows:
  - (a) Functions:-
    - (i) To provide support for the APs on problems arising out of LA/ property acquisition;
    - (ii) To record the grievances of the APs, categorize and prioritize the grievances that needs to be resolved by the Committee and solve them within a 4 weeks;
    - (iii) To inform PMU of serious cases within an appropriate time frame; and
    - (iv) To report to the aggrieved parties about the development regarding their grievance and decision of PMU.

(b) Operational Mechanisms of GRC

GRC will meet regularly (at least once a month) on a pre-fixed date. The committee will look into the grievances of the people and will assign the responsibilities to implement the decisions of the committee. The claims will be reviewed and resolved within four weeks from the date of submission of application to the committee. The Quorum for GRC meetings will be minimum of three (3).

The mechanism will be based on existing laws and the compensation will be based upon the Entitlement Matrix (as mentioned in the Report & Recommendation of President ADB to ADB Board)

The various queries, complaints and problems that may be generated among the APs and that might require mitigation, include interalia the following:-

- APs not enlisted;
  - Losses not identified correctly;
  - Compensation/assistance inadequate or not as per entitlement matrix;
  - Dispute about ownership;
  - Delay in disbursement of compensation/ assistance in case of joint ownership.
- (This is only illustrative and not exhaustive)

Through public consultations and disclosures, the APs will be informed that they have a right to grievance redressal.

6. The Director Jammu/Kashmir J&K ERA, who shall be responsible for preparing monthly reports on the progress and implementation of RP(Resettlements Plans) shall be kept informed about the Grievances and decisions of the committee.

Sd/-  
(Pankaj Jain) IAS  
Chief Executive Officer, ERA

## Appendix 4: Applicable legal / policy framework and comparison of Borrower's policy and ADB' SPS

A summary of applicable acts and policies is presented in the following sections.

### 1. State Land Acquisition Act 1990 (1934 AD)

1. The Land Acquisition Act (LAA) 1894, as amended in 1984 which is in force in rest of India is not applicable to the State of Jammu and Kashmir. The State Land Acquisition Act 1990 (1934 AD) is in force in state of Jammu and Kashmir. The Act provides the legal framework for land acquisition for a public purpose in J&K. It enables the State Government to acquire private lands for a public purpose, and seeks to ensure that no person is deprived of land except under the Act. The general process for land acquisition under L.A Act is:

(i) As per the rules of the State Land Acquisition Act 1990( 1934 AD) land for the public purpose could be acquired through two processes:

- a. Private Negotiation
- b. Compulsory Land Acquisition under the provisions of the Land Acquisition Act.

(ii) Steps that are to be followed under Jammu and Kashmir State Land Acquisition Act. 1990 (1934AD) are as follows:

2. **Placing of Indent by Indenting Department.** The department entrusted with execution and supervision of the work shall prepare information as to the situation and general character of the land acquired, after the information has been compiled same is send to Collector concerned with the request to acquire the land.

3. **Preparation of the Revenue Documents (Shajra and Khasra<sup>10</sup>)** – Once the collector receives the indent from the concerned department; the Revenue Documents (Shajra and Khasra) are prepared to know the ownership status and quantum of land to be acquired.

4. **Issuance of Land Acquisition Notification:** Once the revenue documents are prepared, the collector issues notification under section 4 (i) that land is required for the public purposes and inviting of objection from the land owners within fifteen days of issuance of notification.

5. **Conducting of the Private Negotiation:** After the lapse of the fifteen days concerned Deputy Commissioner is requested by the Collector to call the meeting of the Private Negotiation Committee of which concerned DC is the Chairman. Other members are i) Collector Land Acquisition to whom intend is placed ii) Engineer from Intending Department iii) Collector Land Acquisition of the concerned district. iv) District Superintending Engineer v) Concerned Tehsildar vi) Concerned Naib Tehsildar vii) Land owners.

6. Before initiating the negotiations, the committee ascertains the maximum price which

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<sup>10</sup> A **shajra** or **Village Map** is a detailed map of the village that is used for legal (land ownership) and administrative purposes in India and Pakistan. A *shajra* maps out the village lands into land parcels and gives each parcel a unique number.

**A Khasra or index register to the map.** It is the list showing, by number, all the fields and their area, measurement, who owns what cultivators he employs, what crops, what sort of soil, what trees, are on the land.



is offered for land owners if acquired by private negotiation. The District Collector takes following things into consideration

- (i) Directs Tehsildar to communicate the rates.
- (ii) Refers to the Master rates approved by the Divisional Commissioner concerned.
- (iii) Refers to the rate at which the land has been earlier acquired in the nearby area.
- (iv) Utility, Location of the Land.

7. After taking into consideration all the above listed facts the appreciated rates are offered and negotiated with the land owners.

8. The valuation of structures is done by PW (R&B) Dept, for Fruit Trees from horticulture and non fruit trees from Forest or Social Forestry Department.

9. **Compulsory Acquisition:** Wherein the private negotiations with the title holders fail, the Deputy Commissioner shall communicate the result of the negotiation to Intending Department who may initiate proceeding for compulsory acquisition of land under the provisions of the Act.

## 2. Asian Development Bank's (ADB) Safeguard Policy Statement (SPS) 2009

10. The ADB's Board of Directors has approved the new Safeguard Policy Statement (SPS) governing the environmental and social safeguards of ADB's operations in July 2009 and has become effective from 20 January 2010. The SPS aims to avoid, minimize, or mitigate harmful environmental impacts, social costs, and to help borrowers/clients strengthen their safeguard systems. The SPS builds upon ADB's previous safeguard policies on the environment, involuntary resettlement, and Indigenous Peoples, and brings them into one consolidated policy framework with enhanced consistency and coherence, and that more comprehensively addresses environmental and social impacts and risks. The SPS also provides a platform for participation by affected people and other stakeholders in project design and implementation. The Objectives of the SPS 2009 are as follows:

- (i) To avoid involuntary resettlement wherever possible;
- (ii) To minimize involuntary resettlement by exploring project and design alternatives;
- (iii) To enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and
- (iv) To improve the standards of living of the displaced poor and other vulnerable groups.

11. The involuntary resettlement safeguards covers 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 Displaced 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 reporting 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 to receive and facilitate resolution of the displaced 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 displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.

(x) Conceive and execute involuntary resettlement as part of a development project for 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 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. National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007)**

12. The National Rehabilitation and Resettlement Policy, 2007 (NRRP-2007) was adopted by the Government of India on 31 October 2007 to address development-induced resettlement issues. The policy provides for the basic minimum requirements, and all projects leading to involuntary displacement of people must address the rehabilitation and resettlement issues comprehensively. The State Governments, Public Sector Undertakings or agencies, and other requiring bodies shall be at liberty to put in place greater benefit levels than those prescribed in the NRRP-2007. The principles of this policy may also apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any other reason. The objectives of the NRRP-2007 are as follows:

- (i) To minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives;
- (ii) To ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- (iii) To ensure that special care is taken for protecting the rights of the weaker sections of society, especially members of the Scheduled Castes and Scheduled Tribes, and to create obligations on the State for their treatment with concern and sensitivity;
- (iv) To provide a better standard of living, making concerted efforts for providing sustainable income to the affected families;
- (v) To integrate rehabilitation concerns into the development planning and implementation process; and
- (vi) Where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.

13. Key features of the National Rehabilitation and Resettlement Policy, 2007 are the following:

- (i) Policy covers all cases of involuntary displacement
- (ii) Social Impact Assessment (SIA) introduced for displacement of 400/200 or more families in plain/tribal, hilly, Scheduled Areas, etc;
- (iii) Tribal Development Plan in case of displacement of 200+ ST families;
- (iv) Consultations with Gram Sabha or public hearings made compulsory;
- (v) Principle- of rehabilitation before displacement;
- (vi) If possible, land for land as compensation;
- (vii) Skill development support and preference in project jobs (one person per nuclear family);
- (viii) Rehabilitation Grant in lieu of land/job;
- (ix) Option for shares in companies implementing projects to affected families;
- (x) Housing benefits to all affected families including the landless;
- (xi) Monthly pension to the vulnerable, such as disabled, destitute, orphans, widows, unmarried girls, etc;
- (xii) Monetary benefits linked to the Consumer Price Index; also to be revised suitably at periodic intervals;
- (xiii) Necessary infrastructural facilities and amenities at resettlement areas;
- (xiv) Periphery development by project authorities;
- (xv) R&R Committee for each Project, to be headed by Administrator for R&R;
- (xvi) Ombudsman for grievance Redressal; and a
- (xvii) National Rehabilitation Commission.

#### 4. Comparison of Borrower's Policy with ADB's SPS

14. The NRRP represents a significant milestone in the development of a systematic approach to address resettlement issues in India; J&K LAA (1990) however gives directives for acquisition of land in public interest and provides benefits only to titleholders. Table below presents a comparison of Government policies (J&K LAA and NRRP) in comparison with the Resettlement Framework which is consistent with ADB's involuntary resettlement policy.

##### Comparison between the Borrower's and ADB's SPS

S. No.	Resettlement Issues	J&K LAA	NRRP	SPS	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
1.	Resettlement must be avoided wherever possible; and if unavoidable it should be minimized	x	√	√	LAA is applicable wherever private land is to be acquired by Government for public purpose NRRP 2007 meets ADB IR Policy requirements	This is addressed in the Resettlement Framework. The location for project components have been identified in such a manner that involuntary resettlement is avoided to the extent possible. These involuntary resettlement impacts shall be further minimized during detailed designs.
2.	Where population displacement is unavoidable, it should be minimized by exploring all viable project options	x	√	√	According to Chapter-II of NRRP 2007, it aims to minimize displacement and to promote, as far as possible, non-displacing or least-displacing alternatives NRRP 2007 meets ADB IR Policy requirements	This is addressed in the Resettlement Framework. The location for project components have been identified in such a manner that involuntary resettlement is avoided to the extent possible. These involuntary resettlement impacts shall be further minimized during detailed designs.
3.	Displaced persons must be compensated to replace their lost assets and to restore/improve their living standards	x	√	√	Replacement value is not clearly identified in LAA. Loss of asset to be compensated to the extent of actual loss NRRP 2007 meets ADB IR Policy requirements	This is addressed in the Entitlement Matrix.
4.	Negotiated Settlements with the DPs	√	x	√	LAA has provision for negotiations with the DPs to arrive the consensus on the rate of land under acquisition through the private negotiation committee and in case of the negotiations fail the land shall be acquired through compulsory provision of the Act. ADB'S SPS also has the provision of the negotiated settlements.	RP prepared has taken into consideration both modes of acquisition.

S. No.	Resettlement Issues	J&K LAA	NRRP	SPS	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
5.	Displaced persons should be fully involved and consulted in the planning and implementation of resettlement	x	√	√	NRRP 2007 ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the consultation and active participation of the affected families NRRP 2007 meets ADB IR Policy requirements	Consultations have been carried out with affected persons. This will be further consolidated during Resettlement Plan implementation. The plan for information disclosure in the project, including the Resettlement Framework
6.	Compensation for lost assets must be on the basis of replacement cost	x	√	√	NRRP 2007 assures that the compensation award shall take into account the market value of the property being acquired NRRP 2007 meets ADB IR Policy requirements	This is addressed in the Resettlement Framework. The DPs will be provided compensation which will be calculated on latest prevailing schedule of rates without depreciation or deductions for salvaged material.
7.	Transaction and transition costs is to be paid by the project authority	x	√	√	NRRP 2007 ensures that the stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the requiring body NRRP 2007 meets ADB IR Policy requirements	This is addressed in the Entitlement Matrix.

S. No.	Resettlement Issues	J&K LAA	NRRP	SPS	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
8.	An RP should be prepared in every instance where involuntary resettlement occurs	x	√	√	According to the ADB's SPS, Resettlement Plan is required in case of involuntary Resettlement occurs. The project with 200 or more people will fall in the Significant category (Category A) and those with less than 200 will fall in Insignificant category (Category B). According to the NRRP, Resettlement Plan should be prepared when it involves resettlement of more than 500 families (roughly about 2,000 persons) in plain areas and 200 families (roughly about 1,000 people) in hilly areas, Desert Development Program (DDP) blocks, areas mentioned in Schedule V and Schedule VI of the Constitution of India.	The Resettlement Framework addresses the involuntary resettlement impacts. The entitlements to the affected persons are outlined in the Entitlement Matrix.
9.	Recognition of untitled persons such as squatters and encroachers	x	√	√	NRRP 2007 fully recognizes the non-titleholder families and ensures R&R benefits. However, the non title holders are supposed to be living in the affected area not less than three years from the date of declaration of the area as project affected area. According to ADB's Policy, the date of the census survey can be considered as the proof for their eligibility as non titleholders.	This is addressed in the Entitlement Matrix.
10.	Surveys and census required	x	√	√	Chapter- IV and VI of NRRP2007 address the need for surveys and census of the displaced families. NRRP 2007 meets ADB IR Policy requirements	The Survey and census were carried out during the Pre - project phase for preparation of the resettlement plan.

S. No.	Resettlement Issues	J&K LAA	NRRP	SPS	Remarks	Compliance of proposed Resettlement Framework with ADB's SPS
11.	Recognition of vulnerable groups including indigenous people and the poor	x	√	√	According to NRRP, the vulnerable groups include, disabled, destitute, orphans, widows, unmarried girls, abandoned women or persons above fifty years of old. In case of a project involving land acquisition on behalf of a requiring body which involves involuntary displacement of two hundred or more Scheduled Tribes families, a Tribal Development Plan shall be prepared of NRRP 2007) NRRP, 2007 gives preference to STs in land allotment. Additional financial assistance is also defined for them. Their traditional rights to natural resources in the area will be recognized. NRRP 2007 meets ADB IR Policy requirements	The Resettlement Framework addresses the involuntary resettlement impacts.
12.	Grievance Redress Procedure	x	√	√	Project involving involuntary resettlement needs to have Grievance redress mechanisms for displaced people NRRP requires a Grievance Redress Cell to be set up under a Commissioner for R&R. NRRP 2007 meets ADB's SPS requirements	The Grievance Redress procedure has been outlined in the RF and all the RP's.
13.	Common property resources should be replaced.	x	√	√	NRRP 2007 meets ADB's SPS requirements	The Resettlement Framework addresses the involuntary resettlement impacts.

## Appendix 4: Government order for formation of Divisional Level Committee (DLC)

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**GOVERNMENT OF JAMMU AND KASHMIR**  
**GENERAL ADMINISTRATION DEPARTMENT**  
(Administration Section)  
Civil Secretariat, Srinagar

**Subject:** Constitution of Divisional Level Committee(s) for implementation of the Rehabilitation Plan (RP) for sub projects being executed by Jammu and Kashmir Economic Re-construction Agency (ERA) under loan-II viz Urban Sector Development Programme (JKUSDIP).

**Reference:** U.O. No. ERA/CEO/853/Adm dated: 18.04.2011 from Chief Executive Officer, Economic Reconstruction Agency.

**Government Order No:** 605-GAD OF 2011  
**D a t e d:** 25.05.2011

With a view to fast-track the implementation of Rehabilitation Plan (RP) for sub-projects being executed / proposed to be executed by the J&K Economic Reconstruction Agency (ERA) under Loan-II viz J&K Urban Sector Development Investment Programme (JKUSDIP), sanction is hereby accorded to the constitution of Divisional Level Committees for J&K Economic Reconstruction Agency, with the following composition:-

1.	Divisional Commissioner, Jammu/Kashmir	Chairman
2.	Chief Conservator of Forests, Jammu/Kashmir	Member
3.	IG Traffic, J&K	Member
4.	Deputy Commissioner, Jammu/Srinagar	Member
5.	Vice Chairman, JDA/SDA	Member
6.	Commissioner, Municipal Corporation, Jammu/Srinagar	Member
7.	Chief Engineer, PHE, Jammu/Kashmir	Member
8.	Chief Engineer, EM&RE Jammu/Kashmir	Member
9.	Chief Engineer, UEED, Jammu/Kashmir	Member
10.	Chief Engineer, PW(R&B), Jammu/Kashmir	Member
11.	Director Central, J&K ERA.	Member-Secretary

By Order of the Government of Jammu & Kashmir.

Sd/-  
(Mohammad Sayeed Khan) IAS  
Commissioner Secretary to Government,  
General Administration Department

No.: GAD(Ser) 215/2008

Dated: 25.05.2011

Copy to the:

1. Principal Secretary to Hon'ble Chief Minister/Chief Executive Officer, J&K Economic Reconstruction Agency. His U.O. file is also returned herewith.
2. Divisional Commissioner, Jammu/Srinagar.
3. Chief Conservator of Forests, Jammu/Srinagar.
4. IG Traffic, J&K.
5. Deputy Commissioner, Jammu/Srinagar.
6. Vice Chairman, JDA/SDA.
7. Commissioner Municipal Corporation Jammu/Srinagar.
8. Chief Engineer, PHE Jammu/Kashmir.
9. Chief Engineer, EM&RE Jammu/Kashmir.
10. Chief Engineer, UEED, Jammu/Kashmir.
11. Chief Engineer, PW(R&B), Jammu/Kashmir.
12. Director Central ERA, Jammu/Kashmir.
13. Principal Private Secretary to Chief Secretary.
14. Private Secretary to Commissioner/Secretary to Govt. General Administration Department.
15. Government Order file/Stock file/GAD Website:

(Rajesh Sharma) 25.05.11  
Deputy Secretary to Government,  
General Administration Department



## Appendix 6: Semi-Annual Monitoring Report Format for Involuntary Resettlement

**Subproject:**  
**Monitoring Period:**

**Table 1: RP Implementation Checklist**

S. No	Activity	Completed Y/N	Remarks
<b>RP Preparation</b>			
1.	Final RP approved by ADB prior to contract award		
2.	Disclosure of the final RP on the ADB and EA's website. Circulating copies of RPs to all stakeholders including DPs, translating Resettlement information booklet in local language		
<b>RP implementation</b>			
3.	Grievance Redress Mechanism established and public informed		
4.	Public Information Booklet circulated		
5.	Finalization of inventory		
6.	Finalization of current market rates for all types of assets as per method in RP		
7.	Finalization of compensation rates as per method in RP		
8.	If negotiated settlement, hiring of independent external party to document the negotiation and settlement processes		
9.	DPs informed of losses and entitlements - Summary Compensation Form prepared and distributed to each DP		
10.	<b>Payment of compensation, allowances, and other assistance (# of DPs)</b>		
11.	Completion of resettlement sites		
12.	Public information on resettlement sites and transfer schedule		
13.	<b>Relocation of shopkeepers</b>		
14.	Transfer of all land for civil works		
15.	Ongoing consultation with DPs		
16.	<b>Income rehabilitation assistance</b>		
17.	<b>Grievance Redress</b> a. No. of complaints received b. No. of Complaints addressed c. Outstanding complaints		
<b>RP Monitoring and Evaluation</b>			
18.	External monitoring agency contracted		

NOTE: Where applicable, the information provided in the table should be supported by detailed explanatory report including list of DPs, receipts of payments, and other documents as necessary

**Table 2: Summary Table of Resettlement Progress per DP**

S No.	Name of DP	Type of Loss (land, structure, livelihood, crops, etc)	ENTITLEMENTS*					Evidence **
			Cash	Land for land	Replacement Shop	Allowance	Assistance	
1.								
2.								
3.								

\* As per the Entitlement Matrix.

\*\* Lease deeds, allotment letters, photographs, copy of cheques and payment receipts, land ownership records, etc.

**ANNEXURES**

1. Entitlement Forms for each DP
2. Evidence to demonstrate compliance of RP implementation (lease agreement, allotment letters, photographs, copy of cheques and payment receipts, land ownership records, etc.)