

Neer Nirmal Pariyojana, Assam
*(Low Income States -
Rural Water Supply and Sanitation Project)*

funded by World Bank

Resettlement Policy Framework

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Abbreviations

| | |
|-----------|--|
| AE | Assistant Engineer |
| ARAP | Abbreviated Resettlement Action Plan |
| BPL | Below Poverty Line |
| CCDS | Communication and Community Development Specialist |
| CPR | Common Property Resources |
| DP | Displaced Person |
| DPMU | District Project Management Unit |
| EE | Executive Engineer |
| EM | Entitlement Matrix |
| ESR | Elevated Storage Reservoir |
| FGD | Focus Group Discussion |
| GO | Governmental Order |
| GRM | Grievance Redressal Mechanism |
| GPWSC | Gram Panchayat Water and Sanitation Committee |
| GRC | Grievance Redressal Committee |
| LIS RWSSP | Low Income States Rural Water Supply and Sanitation Project |
| LMVS | Large Multi Village Scheme |
| MVS | Multi Village Scheme |
| MVWSC | Multi Village Water and Sanitation Committee |
| NOC | No-Objection Certificate |
| NNP | Neer Nirmal Pariyojana |
| NTH | Non-Title Holder |
| OP | Operational Policy |
| OHT | Over Head Tank |
| PAH | Project Affected Household |
| PAF | Project Affected Family |
| PAP | Project Affected Persons |
| PHED | Public Health Engineering Department |
| PRI | Panchayati Raj Act |
| PWD | Public Works Department |
| RPF | Resettlement Policy Framework |
| R & R | Resettlement and Rehabilitation |
| RFCTLARR | Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement |
| SVS | Single Village Scheme |
| SHS | Single Habitation Scheme |
| SC | Scheduled Caste |
| SPMU | State Project Management Unit |
| ST | Scheduled Tribe |
| SIA | Social Impact Assessment |
| VWSC | Village Water and Sanitation Committee |
| WB | World Bank |

1.1 Introduction

1. Low Income States Rural Water Supply and Sanitation Project is the first largest project taken up in the in the low-income states aiming at improving access to sustainable water and sanitation services to the rural poor with a decentralized approach to ensure inclusion and equity. The Project will support RWSS programs in Assam, Bihar, Jharkhand, and Uttar Pradesh, and is expected to directly benefit about 7.8 million rural people, including about 3.8 million female beneficiaries. In convergence with NRDWP and SBM-G, the project will improve the 'access and usage' of the water supply and sanitation facilities created in the project area. Women and children will benefit significantly from the project interventions as they currently bear the burden of securing daily water supplies and dealing with illnesses resulting from poor water and sanitation facilities. The rural population is expected to benefit from IEC and BCC programs which will promote the adoption of improved sanitation and hygiene practices, including latrine usage. Rural women will be empowered to have voice and choice through membership in the Gaon Panchayat Water and Sanitation Committees (GPWSCs). The project beneficiaries also include tribal population.

2. The on-going project supports the preparation and implementation of a dedicated RWSS program for improving piped water and sanitation coverage in the Low Income States, through a USD 1 billion (USD 500 million IDA, and USD 500 million GoI counterpart funding first phase for Assam, Bihar, Jharkhand and Uttar Pradesh. The project will be implemented through a special window of assistance under the on-going GoI Program, National Rural Drinking Water Programme (NRDWP). The project interventions will be at all four levels: National, State, Districts, and Villages (including Blocks, as appropriate). Project proposes to build the capacity of the Ministry of Drinking Water Supply at the center, which will enable it to address the National and the State requirements. **The project is being implemented over a six-year period and is due to close in March 2020.**

1.2 Elements of the RWSS Project

3. The RWSS Project for Low Income States will promote decentralized service delivery arrangements with increased Panchayati Raj Institution (PRI) and community participation, improved financial sustainability and enhanced accountability at all levels. A major shift from the business-as-usual will be the decentralization of RWSS service delivery responsibility to the DWSM and the Zila Panchayat (ZP - district PRI) for Multi Village Schemes (MVS). The other major focus is on strengthening policy and planning activities at the state and district levels, with clear accountability to the GPs and the beneficiary communities. The existing SWSMs and the participating DWSMs, ZPs, and GPs will be strengthened and their capacity built to allow them to undertake their respective policy, planning and review functions. An integrated approach to water supply, sanitation and environmental sanitation, along with source sustainability programs, will be supported by the project. The following are the key elements of the RWSS Program:

- Placing GPs and communities in the central role supported by higher levels of PRI, by State governments, and by local NGOs and the private sector for facilitating, planning, implementing, monitoring and providing a range of O&M back-up services.
- Using sustainable, community or local government managed models for intra-GP RWSS schemes and using State-PRI partnership models for MVSSs.
- Putting water resources security as a core theme of the new model, including increased community management of scarce resources.

- Moving the RWSS sector to achieve the recovery of at least 50 percent of O&M and replacement costs, and initiating contributions to capital costs.
- Integrating water supply and sanitation, with effective sanitation promotion programs for achieving clean villages

1.3 Project Development Objective

4. The Project Development Objective is to “Increase access to improved piped water and sanitation services for selected rural communities in the target states through decentralized delivery systems.”

1.4 Project Components

5. The Project comprises the following three main components: (A) Capacity and Sector Development; (B) Infrastructure Development; and (C) Project Implementation Support.

Component A: Capacity and Sector Development (15%): This component will support the building of institutional capacity for implementing, managing and sustaining the project activities, along with sector development studies to inform policy decisions. The main sub-components include: (a) Capacity Building activities for MoDWS; (b) Capacity Building and Training activities for State level institutions, PRIs, and sector stakeholders; (c) Information, Education and Communications (IEC) Program; and (d) Sector Development Studies.

Component B: Infrastructure Development (80%): This component will support investments for improving water supply and sanitation coverage in the project habitations, including construction of new infrastructure or rehabilitation and augmentation of existing schemes, with safe disposal of wastewater. The water supply investments will be made in an integrated manner to include water source strengthening and catchment area protection activities, construction of household latrines, soak-pits, drain and lane improvements, community awareness programs for improving sanitation and hygiene practices, along with incentives for achieving ‘open defecation free’ status. The MVSs, with surface water sources, are taken up for habitations where the local source is either not sustainable or not of acceptable quality. The project will support the universal provision of household connections, with meters for bulk water supply in all schemes, and the promotion of household meters, where appropriate.

Component C: Project Management Support (5%): A National Project Management Unit (NPMU) will be set up at the MoDWS level for implementing and managing the entire Project across the four States. The State level Project Management Unit (SPMU) will be established under the SWSM, assisted by staff in the districts (DPMUs) for implementing and managing the Project in each State.

1.5 Social Assessment during Project Preparation

6. As a part of the project preparation, a Social Assessment (SA) was conducted independently for all the four states. Specifically, in the state of Assam, the assessment covered seven project districts namely, Kamrup, Sivasagar, Jorhat, Sonitpur, Morigaon, Bongaigaon, and Hailakandi. The objective of Social Assessment was to better understand and address social development issues, and ensure accomplishing the outcomes – inclusion, cohesion, equity, security and accountability. This was also

to enable assessing the likely social impacts of the proposed project interventions; develop measures to mitigate negative impacts and enhance positive impacts; examine the legal, policy and institutional aspects etc. Social Assessment comprised: (i) Beneficiary Assessment (BA), (ii) Stakeholder Analysis (SA), (iii) Institutional Analysis; (iv) Impacts Assessments; and (v) Risk Analysis. BA enabled building socioeconomic profiles at the national, district, sub-district and village level; the project beneficiaries' assessment. It identified stakeholders at different levels and mapping the key expectations, issues and concerns as related to each stakeholder and the subgroups thereof. Institutional analysis led to documenting and analyzing the existing institutional arrangements, and formulating inputs into designing of the decentralized extension delivery system in consultation/collaboration with the stakeholders. Impact assessments and risk analysis helped in designing the delivery system and addressing safeguards, thus ensuring positive and sustainable impacts.

7. Key findings of the social assessment included: The communities comprising are quite diverse: social (scheduled castes, scheduled tribes, others), economic (landless, small, marginal, and large farmers), female headed households and geographical setting (hills, plains, forests, flood prone). Additionally, the approach to planning and implementation had been traditionally top-down and hierarchical in decision making. Key social issues included: (i) participation; (ii) ensuring inclusion and enhancing equity, (ii) decentralizing service delivery underpinned by the principle of subsidiarity; (iii) customer base and demand generation and; marketing the schemes and driving home the health and hygiene benefits (iv) human and institutional development. The other important issues are enabling participation, especially of women; GP Strengthening; change management initiatives for changing the role of Government from 'provider' to a 'facilitator' to ensure; improving accountability and transparency; and information, education and communication (IEC) campaign along with capacity building activities. Given the physical as well as socio-economic and culturally diverse conditions, success of the project depends upon efforts aimed to mobilize local communities to participate in the development of water supply and sanitation facilities and enable them shoulder responsibility for the operation and maintenance and derive benefits on a sustained basis.

8. The project GPs in the project districts (Kamrup, Hailakandi and Jorhat) do not fall under the scheduled VI areas. The above findings and results helped in designing the delivery system and addressing safeguards, thus ensuring positive and sustainable impacts – all of which formed the basis for preparation of the Social Management Framework. Synthesizing the results of these assessments led to preparing the Social Management Framework.

1.6 Scope of Land Acquisition and Resettlement Impacts

9. In Assam, water supply schemes comprise 3 Large Multi Village Scheme (LMVS) under **Batch I in the districts of Hailakandi, Kamrup and Jorhat. Though there are no new WSS schemes proposed at this stage in Assam, however a few Solid Liquid Waste Management Projects (SLWM) are proposed.** Existing LMVS involves construction of various infrastructure facilities such as: Intake point/well, approach road to intake point, Raw Water Mains Transmission Lines, Water Treatment Plant (WTP), Clear Water Mains Transmission Lines, Underground Reservoir (UGR), Transmission Mains/Feeder Mains, ESR/OHR/OHT, Distribution Mains, Household connection, facilities being developed for Solid Liquid Waste Management, etc. Land is required to construction of most these facilities (water source, WTP, G/OHT& pump house, and water

transmission and distribution¹ pipelines) of new water supply scheme. Transmission and distribution lines are laid mostly in public land or along public streets and mostly cause temporary disruptions to access, damage to pavements, etc. for which road restoration works are carried out.

1.7 Need for Resettlement Policy Framework (RPF)

10. In schemes implemented thus far in Batch I efforts have been made to avoid or minimize involuntary resettlement impacts by:

- i) using either land that belongs to implementing agency or to other government departments, without encroachments; Gaon Panchayat land; or by private land taken on voluntary donation basis;
- ii) changing sites due to land related problems such as non-availability of land, encroachments, inadequate size of land plot, etc.;
- iii) using modified designs, re-routing of pipelines to address community concerns relating to impacts on assets including on culturally sensitive locations etc.

11. Specifically, land required for the project has been taken through the following modes:

- Department's own land
- Land owned by other departments
- Government land (revenue land)
- Public land (Gaon panchayat land)
- Private land that has been taken through voluntary land donation

12. Though these three schemes have largely been planned by avoiding involuntary resettlement impacts, however agricultural and structural encroachments and squatters in government/public lands cannot be fully ruled out. Also, while the acquisition of privately-owned land using formal acquisition process is very unlikely, its probability of particularly in case of LMVS (while looking for alternative sites) or in case of facilities that would be developed for solid liquid waste management (SLWM), cannot be ruled out. In light of these potential impacts, Operational Policy 4.12- Involuntary Resettlement² is being triggered as part of the overall Project Restructuring.

13. In **Table 1** below, the facilities are listed in order from source (Intake) to destination (Household/PSP connection):

¹Transmission and distribution lines are laid mostly in public land or along public streets. In case, pipelines may have to pass through private land in such cases permission from the land owner is required. If permission from land owner is not granted then either alternative pipe routing is used or land needs to be procured.

² This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

Table 1 – Nature and type of impact by project infrastructure

| Sl. no | Infrastructure component | Likely Impact | Nature of Impact |
|--------|---|---|---------------------|
| 1 | Intake (Surface like river, canal, etc.) or Underground (Tube Well/bore well) | On land for the intake structure | Permanent |
| 2 | Approach Road to intake (if not existing) | On land for approach road construction | Permanent |
| 3 | Raw Water Mains Transmission Lines | Along existing road within ROW | Temporary/Permanent |
| 4 | Water Treatment Plant (WTP) | On land for the WTP structure | Permanent |
| 5 | Clear Water Mains Transmission Lines | Along existing road within ROW | Temporary/Permanent |
| 7 | Transmission Mains/Feeder Mains | Along existing road within ROW | Temporary/Permanent |
| 8 | ESR/OHR/OHT (optional) | On land for the ESR /OHSR/OHT structure | Permanent |
| 9 | Distribution Mains | Along existing road within ROW | Temporary |
| 10 | Solid Liquid Waste Management | On land required for landfill for inert waste | Permanent |

14. Hence, such requirement of land for the project could lead to the following adverse impacts
- private land, structures (residential, commercial, residential cum commercial, structures used for other purpose e.g. cattle shed, petty shop, work-shed, etc.)
 - sources of livelihood of persons associated with land and commercial structures,
 - common property resources (religious structures, culturally sensitive sites, burial/cremation place, grazing land, other small shrines, trees, hand pumps/wells, toilets, etc.)

15. In light of the above potential impacts and also as many of the schemes are under initial stages of planning stage and for which preparation of Abbreviated Resettlement Action Plans for these interventions cannot commence at present, a Resettlement Policy Framework (RPF) has been prepared. It will guide:

- i. in carrying out Social Impact Assessment (SIA) and the preparation of Abbreviated Resettlement Action Plan (ARAP) for these sub-projects.
- ii. retrofit the provisions of the RPF to private lands if any have been already acquired
or,
if any government lands with encroachments have been used in Batch I schemes earlier

1.8 Applicable Legal and Regulatory framework

16. Brief description of the legal provisions of relevant acts, policies and their applicability to the project is discussed below in **Table 2**.

Table 2 – Legal Framework and applicability

| Sl. No. | Acts, notifications and policies | Relevance to this project | Applicability |
|---|--|---|--|
| <i>National and State Acts and Policies</i> | | | |
| 1 | Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR) & The Assam Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015 | The act provides for a transparent process and fair compensation in land acquisition for public purpose and provides for rehabilitation and resettlement of land owners and those affected by land acquisition. It comprises four schedules that provide the minimum applicable norms for compensation based on market value, multiplier and solatium; resettlement and rehabilitation (R&R) entitlements to land owners and livelihood losers; and facilities at resettlement sites for displaced persons, besides providing flexibility to states and implementing agencies to provide higher norms for compensation and R&R. | Applicable to all schemes |
| 2 | The Assam Panchayat Act, 1994 The Gaon Sabha shall consist of persons registered in electoral rolls relating to a village or group of villages of the Gaon panchayat. | It extends to the whole Assam in the rural areas except the Autonomous Districts under the Sixth Schedule of the Constitution of India and exclude any area which has been or hereinafter may be included in a municipality or a Town Committee or Cantonment constituted under the Assam Municipal Act, 1956 and the Cantonment Act, 1924 respectively or by any other Act. The meeting of the Gaon Sabha shall convened by the Secretary of the Gaon Panchayat with due approval of the President of the Gaon Panchayat and in consultation with the Block Development Officer concerned provided wide publicity is given 15 days ahead of the date for holding the Gaon Sabha meeting. Quorum requirements: The quorum for a meeting of the Gaon Sabha shall be one-tenth (1/10th) of the total members or one hundred (100) number of voters of the village/villages whichever is less. | Applicable as consultation processes required for planning and implementing schemes require adhering to provisions of the Act. |
| 3 | The Right to Information Act, 2005 | The Act provides for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto. | Applicable |
| <i>World Bank policies and guidelines</i> | | | |
| 4 | World Bank OP 4.12 – Involuntary Resettlement | The project entails land acquisition though, at a low scale for widening, realignments, junction improvements, bypasses etc. It would also adversely affect structures used for various purposes, livelihood of people (mainly earning their livelihood by means of | Applicable to all sub-projects/ schemes |

| Sl. No. | Acts, notifications and policies | Relevance to this project | Applicability |
|---------|-------------------------------------|---|---|
| | | petty shops and providing various services). Many of them have been operating from the government land. Thus both title holders and non-title holders alike would be affected as a consequence of the project. | |
| 5 | Bank Policy – Access to Information | The policy governs the public accessibility of information in the Bank’s possession. The Bank allows access to any information in its possession that is not on a list of exceptions. Documents such as RPF, all SIA and ARAPs will be disclosed both by the borrower and Bank. | Applicable to all sub-projects/ schemes |

17. Salient features of some of above-mentioned acts and policies are presented in **Annexure 1**.

1.9 Comparison between Legal Framework & OP 4.12

18. The provisions of the RFCTLARR Act, 2013 are broadly aligned with Bank OP 4.12. The following section provides comparison between legal framework and World Bank policies and gap-filling measures.

- The Act provides for market value of land by following the stipulated methods under section 26 of the Act. The compensation amount of land is worked out by taking into consideration the factor and solatium @ 100% is the replacement cost of land. In effect, the compensation amount with multiplication factor and solatium works out to be equivalent to the cost of replacing the lost land and assets.
- The compensation for structures shall be calculated without applying depreciation based on the current year schedule of rates (SoR) with 100% solatium will help arrive at replacement cost of structures. The Act does not mention application of depreciation which is in line with Bank’s policy.
- The Act mandates conducting Social Impact Assessment (SIA) and preparation of R&R Scheme which is in accordance with the Bank’s policy.
- The Act at every stage of the land acquisition process mandates consultations and disclosure of information to affected persons which is once again in accordance with the Bank’s policy.
- The Act similar to World Bank, requires compensation to be paid, prior to project taking possession of any land and provide R&R assistances including transitional support and moving allowances.
- Also similar to provisions laid down in RFCTLARR Act, 2013; World Bank safeguards policy requires consultation with PAPs during planning and implementation of resettlement action plan, Tribal Development Plan and public disclosure of draft action plans.

19. Key differences are as follows:

- The Act recognizes persons who have been dependent on the private land acquired for their livelihood for a period of at least three years preceding the date of land acquisition notification. The Act provides for resettlement and rehabilitation of those people whose livelihood is primarily dependent on the acquired land. As per the World Bank policy, the date of census survey is applicable for those persons whose livelihood is primarily dependent on the land acquired.
- The Act does not recognize people living on public land or earning livelihood from public lands (by way of establishing shops/ kiosks, etc.) is not entitled for any rehabilitation assistance. Thus, informal settlers (squatters, encroachers, and others) on public lands are excluded from the purview of the Act. The Bank policy does not differentiate between the title holders and persons without title to land except for the payment of compensation of land. The entitlement matrix covers non-titleholders for resettlement and rehabilitation assistance.
- Act in its computation of compensation for structures is not explicit about providing replacement cost of structures, however the value of structure determined based on the current schedule of rates without depreciation and with provision of 100% solatium will help arrive at a value that could be equivalent to replacement cost of structures.
- Cut-off date for determining the compensation and entitlements and assistance to all those who are affected by the project irrespective of the ownership of titles. According to the RFCTLARR Act, the cut-off date for assistance to those depending on affected private lands is three years preceding the acquisition and for the titleholders it is the date of notification under the said Act. To bring this RPF in line with World Bank requirements, RPF mandates that while in the case of land acquisition, the date of issue of public notice of intended acquisition under Section 4(1) under the Act will be treated as the cut-off date for title holders. In case of non-titleholders such as squatters and encroachers, cut-off date will be the start date of the census survey.

20. In the event of any conflict or inconsistency between the provisions of this RPF and the provisions of World Bank's Operational Policy, 4.12 on Involuntary Resettlement, the provisions of the World Bank policy shall prevail.

1.10 RPF Principles, Definitions & Entitlement Matrix

21. This RPF has been developed based on the legal provisions (national and state), government resolutions/orders and World Bank Operational Policy on Involuntary Resettlement (OP 4.12). The following sections provide an overview of the legal provisions governing land acquisition and resettlement and rehabilitation.

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

- **Screen** the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a census and socio-economic survey of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. Measures to avoid and minimize involuntary resettlement impacts include the following: (i) explore alternative alignments which minimize impacts, (ii) ensure the appropriate

technology is used to reduce land requirements, (iii) modify the designs of components to ensure involuntary resettlement is avoided or minimized.

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

- **Ensure** that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets at replacement value.
- **Improve** the standards of living of the displaced poor and other vulnerable groups, including women, to national minimum standards or standard before displacement whichever is higher.
- **Carry out meaningful consultations** with displaced persons, host communities, and concerned agencies/departments. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous peoples, and those without legal title to land, and ensure their participation in consultations.
- **Prepare** a Social Impact Assessment (SIA) and Abbreviated Resettlement Action Plan (ARAP) elaborating on the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- **Identify vulnerable families** for additional support in their efforts to improve their living standards.
- **Disclose** a draft resettlement action plan, including documentation of the consultation process in a timely manner, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement action plan and its updates to displaced persons and other stakeholders.
- **Pay** compensation and provide all resettlement entitlements before physical or economic displacement and before commencement of civil works in that stretch of the sub-project. Implement the resettlement plan under close supervision throughout project implementation.
- **Establish** an accessible grievance redressal mechanism to receive and facilitate resolution of the concerns of displaced persons within stipulated time-frames.
- **Monitor** and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports

Eligibility: Persons affected by the above could fall in any of the following three categories and will be eligible for compensation and resettlement assistance in accordance with the principles of this RPF:

- those who have formal legal rights to land (including customary and traditional rights recognized under the applicable laws of the country)

- those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets; provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and,
- those who have no recognizable legal right or claim to the land they are occupying (squatters and encroachers occupying the site or government land).

Definitions: In this Resettlement Policy Framework, following terms shall mean as described below, unless the context requires otherwise,

- **Affected area:** Means such area as may be notified by the appropriate government for the purposes of land acquisition;
- **Affected family:** Includes
 - a family whose land or other immovable property has been acquired;
 - a family which does not own any land, but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, sharecroppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;
 - the Scheduled Tribes and other traditional forest dweller who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 (2 of 2007) due to acquisition of land;
 - family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood are affected due to acquisition of land;
 - a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;
 - a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land.
- **Agricultural labourer:** means a person primarily resident in the affected area for a period of not less than three years immediately before the declaration of the affected area, who does not hold any land in the affected area but who earns his livelihood mainly by manual labour on agricultural land therein immediately before such declaration and who has been deprived of his livelihood;
- **Agricultural land:** Means land used for (i) agriculture or horticulture; (ii) dairy farming, poultry farming, pisciculture, sericulture, seed farming, breeding of livestock or nursery growing medicinal herbs; (iii) raising of crops, trees, grass or garden produce; and (iv) land used for the grazing of cattle;
- **Assistance:** All support mechanisms such as monetary help, services, trainings or assets given to Project Affected Persons/Project Affected Families constitute assistance in this project.
- **Below poverty line (BPL) or BPL family:** means below poverty line families as defined by the Planning Commission of India, from time to time and those included in the BPL list by the State Government for the time-being in force;
- **Commissioner:** means the Commissioner for Rehabilitation and Resettlement appointed under sub-section (1) of section 44 of RFCTLARR Act 2013;
- **Compensation:** Compensation for land taken under RFCTLARRA, shall be computed as per provisions laid down in the Act, 2013;

- **Corridor of impact (COI):** Refers to the minimum land width required for construction of roads to intake, laying of raw water mains transmission lines, feeder mains, distribution lines, etc;
- **Cut-off date:** For title holders, the date of notification under Section 4(1) of the the RFCTLARR Act, 2013 will be treated as the cut-off date, and for non-titleholders the start date of project census survey for that scheme /sub-project will be the cut-off date.
- **Displaced family:** means a family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area or otherwise;
- **Encroacher:** A person/family, who transgresses into the public land (i.e., extended their building, agricultural lands, business premises or work places into public land), adjacent to his/her own land or other immovable assets and derives his/her additional source of shelter, livelihood, etc;
- **Entitled Person (EP):** Entitled Person includes all those who qualify for, or are entitled to, compensation / assistance since being impacted by the project. The basis for identification of Entitled Persons (EP) in the project will be the cut-off date (for NTH) and the first notification for land acquisition (for TH).
- **Family:** includes a person, his or her spouse, minor children, minor brothers and minor sisters' dependent on him. Widows, divorcees, and women deserted by families shall be considered separate families;
- **Holding of land:** means the total land held by a person as an owner, occupant or tenant or otherwise;
- **Petty shop/Kiosk:** It could be cubicle/booth/stall/cabin made of wood or iron or any other building material which could be shifted to another location as a single unit without much damage and is used for carrying out petty business, commercial activities and has been in operation/existence prior to cut off date;
- **Land:** Includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- **Landless:** Means such persons or class of persons who may be (i) considered or specified as such under any State law for the time being in force or (ii) in a case of landless not being specified under clause (i), as may be specified by the appropriate Government;
- **Land acquisition" or "acquisition of land":** means acquisition of land as per RFCTLARR, Act 2013 for the time being in force;
- **Land owner:** Includes any person
 - whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or
 - any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) or under any other law for the time being in force; or
 - who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or
 - any person who has been declared as such by an order of the court or Authority;
- **Marginal farmer:** Means a cultivator with an un-irrigated land holding upto one hectare or irrigated land holding upto one-half hectare;
- **Market value:** Means the value of land determined in accordance with Section 26 of RFCTLARR, Act 2013;
- **Minimum Wages:** means the minimum wage of a person for his/her services/labor by type of trade per day as stipulated by Department of Labor of the project state;

- **Non-agricultural labourer:** means a person who is not an agricultural labourer but is primarily residing in the affected area for a period of not less than three years immediately before the declaration of the affected area and who does not hold any land under the affected area but who earns his livelihood mainly by manual labour or as a rural artisan immediately before such declaration and who has been deprived of earning his livelihood mainly by manual labour or as such artisan in the affected area;
- **Non-titleholder:** Affected persons/families/ households with no legal rights to the land, structures and other assets adversely affected by the project. Non-titleholders include encroachers, squatters, tenants, etc;
- **Notification:** Means a notification published in the Gazette of India or, as the case may be, Gazette of a State and the expression “notify” shall be construed accordingly;
- **Occupier:** means a member of a Scheduled Tribes community in possession of forest land prior to the 13th day of December 2005;
- **Person interested:** Means (i) all persons claiming an interest in compensation to be made on account of the acquisition of land as per the Act; (ii) the Scheduled Tribes and other traditional forest dwellers, who have lost any forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007); (iii) a person interested in an easement affecting the land; (iv) person having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and (v) any person whose primary source of livelihood is likely to be adversely affected;
- **Persons losing their livelihood:** Persons losing their livelihood are individual members of the displaced families/households, who are at least 18 years of age and are impacted by loss of primary occupation or source of income;
- **Permanent buildings or Pucca structure:** Buildings of a permanent construction type with reinforced concrete;
- **Private property owners:** Private property owners are persons who have legal title to land, structures, and other assets. These property owners are entitled to compensation under RFCTLARR Act, 2013;
- **Project:** Means a project (RWSS Project, funded by the World Bank) for which land is being acquired, irrespective of the number of persons affected;
- **Project affected area:** Refers to the area of village or locality under a project for which land will be acquired as per the provisions of the RFCTLARR Act, 2013 through declaration by Notification in the Official Gazette by the appropriate Government or for which land belonging to the Government will be cleared from obstructions;
- **Project affected family:** includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood; and includes "nuclear family" consisting of a person, his or her spouse and minor children;
- **Project affected person (PAP):** Any tenure holder, tenant, Government lessee or owner of other property, or non-titleholder who on account of the project has been affected from such land including plot in the *abadi* or other property in the affected area will be considered as PAP;
- **Project displaced person (PDP):** Any tenure holder, tenant, Government lessee or owner of other property, or non-titleholder who on account of the project has been involuntarily displaced from such land including plot in the *abadi* or other property will be considered as PDP. A displaced will always be a PAP but all PAP may not be PDP;

- **Project affected household (PAH):** A social unit consisting of a family and/or non-family members living together, and is affected by the project negatively and or positively;
- **Resettlement Area** means an area where the affected families who have been displaced because of land acquisition, are resettled by the project authority/appropriate Government;
- **Replacement cost:** A replacement cost/value of any land or other asset is the cost/value equivalent to or sufficient to replace/purchase the same land or other asset;
- **Rehabilitation and Resettlement (R&R):** As per: i) provisions laid down under Sec 31 and 32 and Second and Third Schedule, in RFCTLARR Act, 2013 and ii) other provisions laid down in the entitlement matrix for non-titleholders;
- **Semi-permanent building or structure:** Buildings of a semi-permanent type with tiled roof and walls not of concrete or permanent brickwork;
- **Small farmer:** means a cultivator with an un-irrigated land holding up to two (2) hectares or with an irrigated land holding up to one (1) hectare, but more than the holding of a marginal farmer;
- **Squatter:** A person/family who has settled on public/government land, land belonging to institutions, trust, etc and or someone else's land without permission for residential, business and or other purposes or has been occupying public building without authority prior to the cut-off date and is depending for his or her shelter or livelihood and has no other source of shelter or livelihood;
- **Tenant:** A person who holds/occupies land/structure of another person and (but for a special contract) would be liable to pay rent for that land/structure. This arrangement includes the predecessor and successor-in-interest of the tenant but does not include mortgage of the rights of a landowner or a person to whom holding has been transferred; or an estate/holding has been let in farm for the recovery of an arrear of land revenue; or of a sum recoverable as such an arrear or a person who takes from Government a lease of unoccupied land for subletting it;
- **Temporary building/Kutcha structure:** Temporary building or structure means a temporary type of structure, which includes buildings with roofs constructed of thatch, galvanized iron or corrugated cement sheet or asbestos;
- **Titleholder:** A person who has legal rights of the land acquired by the project;
- **Tribal areas:** means those areas where special provisions have been made (as per the Constitution of India) for the administration of the tribal dominated areas in four states viz. Assam, Meghalaya, Tripura and Mizoram. As per article 244 and 6th Schedule, these areas are called "Tribal Areas", which are technically different from the Scheduled Areas under fifth schedule.
- **Women Headed Household (WHH):** A household that is headed by a woman and does not have an adult male earning member is a Woman Headed Household. This woman may be a widowed, separated or deserted person;
- **Vulnerable group:** This includes Scheduled Caste, ST, family/household headed by women/female, disabled, handicapped, orphans, destitute, BPL, abandoned woman; unmarried girls; widows; and persons above the age of 65 years **irrespective of their status of title** (ownership). Vulnerable groups would also include those farmers who (after acquisition of land) become small/marginal farmers and also qualify for inclusion in BPL. For such cases, total land holding of the landowner in that particular revenue village will be considered in which land has been acquired;
- **Wage earner:** Wage earners are those whose livelihood would be affected due to the displacement of the employer. The person must be in continuous employment for at least six months prior to the

cut-off date with the said employer and must have reliable documentary evidence to prove his/her employment.

Entitlement Matrix: The entitlements of different categories of eligible persons are presented in a matrix form indicating type of loss, category of entitled person, unit of entitlements, etc. Non-titleholders have been provided resettlement and rehabilitation assistance or choice of annuity. Affected families will be eligible for compensation and R&R assistance or specific R&R assistance depending upon the status of ownership rights and type of loss. The entitlement matrix is presented below in **Table 2**.

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Table 2: Entitlement Matrix

| Sl. No. | Type of loss | Eligible category | Entitlements | | Implementation Guidance |
|---------|--|--------------------|--|--|---|
| | | | Compensation | Assistance | |
| 1 | Private land | Titleholder family | Market value of land as per Section 26 of the RFCTLARR Act, 2013 multiplied by a factor of 2 with 100% Solatium, and Interest on compensation @ 12% per annum from the date of publication of SIA notification under sub-section 2 of Section 4, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier. | As per Second Schedule of RFCTLARR Act, 2013) The affected families shall be offered Choice of Annuity or one-time payment of Rs. 5 lakhs | |
| 2 | Structure (Residential, Commercial, Residential cum commercial) & other immovable structure or assets attached to the land or building | -do- | Market value of the building or assets as per Section 29 of RFCTLARR Act, 2013 plus 100% Solatium of market value of the building or assets determined. | <ul style="list-style-type: none"> - Provision of housing unit (a constructed house as per IAY/PAY specifications) or the equivalent cost of the house. - Subsistence grant for displaced families for a period of one year i.e. Rs. 36,000/-. - Transportation cost for displaced families i.e. Rs. 50000/-. - One-time resettlement allowance to displaced families i.e. Rs. 50000/-. - Right to salvage affected materials - The stamp duty and other fees payable for registration of the land or house allotted to the affected | <ul style="list-style-type: none"> - Provision of housing unit (only for displaced families from residential & residential cum commercial structure), - subsistence grant, transport cost and one-time resettlement allowance are applicable in case of physical displacement from the land acquired. |

| Sl. No. | Type of loss | Eligible category | Entitlements | | Implementation Guidance |
|---------|---|-------------------|--|--|--|
| | | | Compensation | Assistance | |
| | | | | families shall be borne by the requiring body | |
| 3 | Trees & Standing Crops | -do- | Market value of tree as determined as per section 29 of RFCTLARR Act, 2013 plus 100% Solatium of market value of the trees determined. | - | <ul style="list-style-type: none"> - The value of trees and plants attached to the land acquired to be determined by Forest Department for timber trees and Horticulture Department for fruit bearing trees and plants & Agriculture Department for standing crops <p>Or,</p> <ul style="list-style-type: none"> - Allowing the owner to cut the tree and take away, in case owner willingly opts (in writing) without claiming |
| 4 | Structure on non-agricultural or commercial private land area (e.g workshop/ workshed; Cattle shed/ petty shops or Kiosk, etc.) | TH & NTH | | - A minimum of Rs. 25,000/- to each displaced family (artisan, small trader or self employed person or the family which owned the land area) | <ul style="list-style-type: none"> - One time financial assistance |
| 5 | Tenants (Residential, commercial, Residential cum commercial, storage, office, etc) | NTH | Not applicable | <ul style="list-style-type: none"> - Rental allowance @ Rs. 2000/- per month for 3 months (in rural area) - One-time shifting allowance of Rs.10,000/- - Assistance equivalent to unexpired lease period provided if a formal lease agreement is in place | <ul style="list-style-type: none"> - One month notice to vacate the rental premises |
| 6 | Tenants (Agriculture) | NTH | Not applicable | - Notice to harvest standing/ existing | Market value of standing to be |

| Sl. No. | Type of loss | Eligible category | Entitlements | | Implementation Guidance |
|---------|--|-------------------------------------|----------------|---|---|
| | | | Compensation | Assistance | |
| | | | | <ul style="list-style-type: none"> crops Or - Assistance for lost crop at market value of the yield | determined by the Agriculture Department of the concerned district or market value obtained from registered Mandi. |
| 7 | Structure (Residential, Commercial, Residential cum commercial) & other immovable structure or assets attached to the land or building | NTH (Encroacher, Squatter & others) | Not applicable | <ul style="list-style-type: none"> - Provision of housing unit (a constructed house as per IAY/PAY specifications) or the equivalent cost of the house. - For loss of commercial structure, cost of structure as per the valuation without depreciation shall be payable - Subsistence grant for displaced families for a period of one year i.e. Rs. 36,000/-. - Transportation cost for displaced families i.e. Rs. 50000/-. - One-time resettlement allowance to displaced families i.e. Rs. 50000/- (for residential and residential-cum-commercial). - Right to salvage affected materials - 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 | <ul style="list-style-type: none"> - Provision of housing unit (only for displaced families from residential & residential cum commercial structure), subsistence grant, transport cost and one-time resettlement allowance are applicable in case of physical displacement from the land acquired |
| 8 | Structure (other than residential, commercial & | NTH (Encroacher, | Not applicable | Cost of structure as per the valuation without depreciation (for example | Valuation of structure at current year rate based on plinth area or |

| Sl. No. | Type of loss | Eligible category | Entitlements | | Implementation Guidance |
|---------|---|--------------------|----------------|---|--|
| | | | Compensation | Assistance | |
| | residential cum commercial) | Squatter & others) | | boundary wall, platform, well, etc) | BoQ method as followed by PWD for similar work |
| 9 | Public land occupied for cultivation | NTH | Not applicable | Notice to harvest standing crops - or assistance for crop loss at market value of the yield | Market value of standing to be determined by the Agriculture Department of the concerned district or market value obtained from registered Mandi. |
| 10 | Loss of employment | NTH | Not applicable | Subsistence allowance for 6 months @ 5000 per month i.e. Rs. 30000/- | |
| 11 | Temple, well, and other facilities on public land | Community | Not applicable | To be reconstructed/ rehabilitated at project cost in agreement with Gaon panchayat/ community on public land | The cost of reconstruction or rehabilitation may be transferred in installments to Gaon panchayat account linked to stages /progress of works |
| 12 | Unforeseen impacts | Community | Not applicable | | Unforeseen impacts encountered during implementation will be addressed in accordance with the principles of RPF |

All monetary allowances are related to the year 2014, when the RFCTLARR Act, 2013 came into effect. These allowances will be adjusted as per inflation to the year of payment

In addition to the above-mentioned impacts, there could also be construction stage impacts e.g. impacts on structures, steps, boundary walls, fencing, etc. could occur due to laying of pipelines or related activities. These impacts shall be mitigated by the Civil works contractor in form of restoration works of all such impacts including restoration of roads, streets, drains, etc. within the shortest possible duration **not extending beyond 1 month**.

1.11 Processes by mode of land take

22. Processes to be followed in different methods of land take are as given below:

| Land ownership | Processes to be followed |
|---|---|
| Department's own land | <ul style="list-style-type: none"> Self-certification of ownership. Social screening to be conducted, to identify adverse social impacts, (Use Annexure 2) prepare ARAP as per impacts (as per Annexure 3) |
| Other department owned land | <ul style="list-style-type: none"> As per the inter-departmental transfer process ; No objection Certificate from concerned Circle/Revenue office Social screening to be conducted, to identify adverse social impacts, (Use Annexure 2); If impacts are identified, conduct census & socio-economic survey of PAPs & prepare ARAP as per impacts (as per Annexure 3 & 4) |
| Government land (revenue land) OR Public land (Government/ Gaon panchayat land) | <ul style="list-style-type: none"> Requiring department to apply for transfer of land to the District Collector/ Deputy Commissioner of the concerned district with all requisite documents No objection Certificate from concerned Circle/Revenue office Social screening to be conducted, to identify adverse social impacts, (Use Annexure 2) If impacts are identified, conduct census & socio-economic survey of PAPs & prepare ARAP as per impacts (as per Annexure 3 & 4) |
| Private land through acquisition | <ul style="list-style-type: none"> Acquisition and payments process as per the RFCTLARR Act, 2013 & the Assam RFCTLARR Rules, 2015 and subsequent amendments Social screening to be conducted, to identify adverse social impacts, (Use Annexure 2) If impacts are identified, conduct census & socio-economic survey of PAPs & prepare ARAP as per impacts (as per Annexure 3 & 4) |
| Private land through voluntary land donation | <ul style="list-style-type: none"> Voluntary land donation shall be transparent where land owners shall not be pressurized or forced in any manner to donate land for the project works meant for community. The voluntary donation shall be executed on a non-judicial stamp paper³. A template for Donation of private land by the owner(s) is provided in Annexure 5 It will be ensured that the land owner has the capacity and is willingly donating the land. Further, it will be ensured that voluntary land donation does not involve any significant adverse impacts upon incomes or physical displacement. All voluntary land donations should meet the following criteria: <ul style="list-style-type: none"> ➤ The land in question will be free of squatters, encroachers or other claims of encumbrances; ➤ Lands will be chosen (by the community) after ensuring that water indeed will be available in that particular piece of land; ➤ Verification of the voluntary nature of land donations in each case; ➤ Land transfers will be completed - land title will be vested in the community |

³The value of non-judicial stamp paper shall be decided in proportion to current value of land at the time of execution of voluntary donation. The non-judicial stamp paper shall be paid by project.

| Land ownership | Processes to be followed |
|----------------|---|
| | (GP/VWSC/MVWSC) through registered sale deed or MOU; <ul style="list-style-type: none"> ➤ Lands will not be accepted from such land owners whose holding will be less than the minimum economical viable stipulated size (2.5 acres); ➤ Not more than 10% of the total land holding will be accepted; ➤ The donors should benefit from the project |

23. On completion of the detailed engineering designs, a SIA and ARAP⁴ shall be prepared based on a census of the affected persons and socio-economic survey of major impacted PAPs. SIA of the PAPs will be undertaken in each sub-project so as to determine the magnitude of displacement and prospective losses, identify vulnerable groups for targeting, ascertain costs of resettlement, and prepare a resettlement and rehabilitation program for implementation. This RPF processes and provisions will be applied for preparation of any study undertaken with World Bank financing. The census and socio-economic surveys will comprise of the following tasks:

- **Screening of sub-Projects:** The sub-project shall be screened for social impacts based on the given designs. Encroached or built-up sections will be identified during screening and accordingly suitable modifications to the design should be proposed to minimize adverse social impacts. Further the screening exercise shall identify all aspects that could lead to adverse social impacts and involuntary resettlement, regardless of the source of financing; from all activities that are necessary to achieve project objectives as set forth in the project documents; and iii) are carried out, or planned to be carried out, contemporaneously with the project. The social screening shall be conducted jointly by the DPMU staff (community consultant & site engineer) along with **President of the Gaon Panchayat** preferably or a representative from Gaon Panchayat and the DPR consultant.
- **Census Survey:** The census and socio-economic surveys shall be carried out using a structured questionnaire to record the details of the occupants in the area where the project infrastructure is to be sited. The exercise will help to: (i) prevent further influx of persons within the identified project area; (ii) assess the magnitude of impact to private assets; and (iii) assess the extent of physical and/or economic displacement. In addition, focus group consultations with affected people and other stakeholders will be carried out and their feedback will be incorporated into DPR and SIA/ARAP.
- **Establish and inform Cut-off Date:** Following completion of the census survey, project authorities will notify the cut-off dates for both Titleholder and Non-Titleholders. The cut-off date for informal settlers will be the date of census survey and in case of title holders, the first notification for land acquisition. This date shall be considered as the date for declaring affected persons eligible to receive entitlements. No persons who move into the project area after determination of the ‘Cut-off-date’ will be eligible for any benefit. Appropriate measures will be put in place to prevent informal settlers moving into project area after the cut-off date.
- **Socio Economic Survey:** While census will be carried out for 100% of affected population, sample socio-economic surveys among severely affected people will be carried out to establish baseline socio-economic status and living standards which will become basis for

⁴ In view of minimal impacts only ARAP may be needed.

measuring the changes in the living standards during the project implementation and end of the project implementation. The survey shall cover all impacted project affected people and the survey shall also collect gender-disaggregated data to address gender issues in resettlement. The socio-economic survey shall be carried out using a structured questionnaire, that would capture details of standard of living, inventory of assets, sources of income, level of indebtedness, profile of household members, perceived benefits and impacts of the project and resettlement preferences for impacted households likely to be displaced. This information along with the census survey data would facilitate the preparation of ARAP to mitigate adverse impact. The census and socio-economic survey shall be conducted by the Community Mobiliser with support from Panchayat and other villagers. S/he shall undertake this activity under the guidance of the CCDS, DPMU.

- **Community Consultations, Focus Group Discussions (FGDs) and formal Gaon Sabhas:** During the socio-economic survey, consultations, FGDs and Gaon Sabhas will be conducted with different impacted groups as well as other stakeholders will be conducted to ascertain their views and preferences, acceptance of the scheme (or otherwise) as well as acquisition of identified land. Based on the outcome of these consultations designs changes, if any are required, and mitigation measures will be incorporated. These consultations will follow the norms for meeting quorums as mandated under applicable provisions of the **Assam Panchayat Raj Act, 1994** and subsequent amendments. Consultations will include women as mandated by law and their concerns and reactions to the project will be addressed through ARAP. Community consultations and FGDs will be conducted jointly by the DPMU staff (community mobiliser & site engineer) with support from Panchayat so that concerns of the affected persons and overall community are integrated into the design/technical aspects to the extent possible.
- **Abbreviated RAP:** The ARAP will be prepared based on the findings of the SIA. The ARAP will also include entitlements for different type of impacts, socio economic characteristics of the displaced persons, institutional mechanisms, implementation schedules, budgets, development of resettlement sites and relocation, grievance redress mechanism, coordination of implementation in conjunction with civil works procurement and construction schedules and monitoring mechanisms. The impacts and mitigation measures will be presented sub-project wise to coordinate with the procurement and construction schedules of the respective sub-projects. The ARAPs will comply with the principles outlined in this RPF adopted for the project.
- **Process of Review:** The SIA and ARAP, if any for LMVS or SLWM scheme will be reviewed by CCDS, DPMU and Social Development Specialist, SPMU. Upon their review, these documents shall be submitted through Project Director to the World Bank for review and clearance. All approved ARAPs will be disclosed on implementation agency's website, concerned GPs in the project area and the World Bank's portal prior, to invitation of bids for civil works.

1.12 Implementation Arrangements

24. Overall project implementation arrangements including arrangements for ARAP preparation and implementation are presented below:

State Level: State Water & Sanitation Mission (SWSM) constituted and set up as a registered society is the apex body for overall policy guidance, co-ordination with district level PHED and other departments. It is responsible for policy guidance and oversight aspects on the RWSS activities across

the State. SWSM is a 13 member inter-departmental body headed by the Chief Secretary of the State and Secretary (PHED) is the Member Secretary. The Executive Committee of SWSM is headed by the Secretary, PHED with with the Chief Engineer Sanitation, PHED (also called Executive Director, SLEC and RGRWSM) as the Member Secretary and is tasked with providing implementation and co-ordination support. SWSM is supported by full-fledged Water and Sanitation Support Organisation (WSSO) staffed as per NRDWP guidelines. The WSSO is headed by Director WSSO (who is normally the senior most Additional Chief Engineer). The WSSO focuses on softer aspects of the RWS sector and undertakes capacity building and IEC/ BCC activities (support activities under NRDWP).

SWSM's key roles will be:

- Provide policy guidance on the Rural Water and Sanitation Programs including framing of sector policy guidelines
- Monitoring and evaluation of physical and financial performance and management of the water supply and sanitation projects on a quarterly basis
- Sanction of Annual Plans
- Facilitate convergence of water supply and sanitation activities
- Coordinate with various Departments of the State Government and other partners in relevant activities
- Policy and guidance on communication and capacity development programs for both water supply and sanitation

Assam Public Health and Engineering Department (PHED) is the state wide technical agency for rural water supply and sanitation in the state of Assam. It is responsible for planning, designing and construction of various drinking water schemes including hand pump based single village schemes and multi-village schemes. The PHED also handles a few of urban water projects, while the other urban schemes are handled by the Assam Urban Water Supply and Sewerage Board. The PHED is headed by the Secretary, PHED. The Chief Engineer (PHE), P and Chief Engineer (PHE), B & S are responsible for all rural water and sanitation programs implemented by PHED. PHED's key roles will be:

- Preparation, planning, design and implementation of MVS
- Technical support for planning and design of SGS and environment sanitation schemes
- Technical appraisal and sanction of schemes based on the delegation of power
- Provide monitoring support and technical guidance to DPMUs and District Support Agencies
- Technical backstopping to GPs

25. The SPMU & WSSO will be staffed with professionals in policy and institutional aspects, Financial management, Procurement, Environment, Social, Technical, M & E, Communications, etc. on a full time basis. For its effective functioning in a professional manner, the SPMU will develop its detailed business processes during the initial period of the Project and will also assist the DPMUs at district level to establish such processes. SPMU will coordinate with various departments of State Govt., GoI and other sector partners. The SPMU will be supported by district teams for effectively reaching out to the communities. It is envisaged that by the end of the project implementation period, the SPMU along with WSSO for NRDWP will converge and become a much stronger and

experienced entity for the state to support all RWSS activities in the State. The key roles of SPMU will be:

- Overseeing of the Project implementation including technical, financial and social audits
- Undertake and monitor Project preparatory studies
- Undertake M&E of the Project implementation in all districts including physical and financial progress, evaluation studies, impact assessment studies
- Providing assistance in implementation, Training and capacity building activities
- State level IEC activities for water and sanitation components
- Act as a facilitating agency between the PHED/Department and the Community Organizations, assisting the PRIs and GPWSCs to prepare/ update water security plan
- Take up MIS and computerization programs, GIS mapping and online monitoring systems, including those for water quality monitoring & surveillance.

District and Block Level: At the district level, the DWS Deptt. has Executive Engineers at District level who head District Project Management Units (DPMU). A number of professionals from various disciplines have been engaged under DPMU for systematic and smooth implementation of the project. Professionals involved in DPMU include the following disciplines: Project Manager & HRD, Environment & Water Quality Specialist, Procurement Specialist, M & E and MIS Specialist, Community and Communication Development Specialist, Finance Specialist, Technical Specialist and Contract Management Specialist. The key role of the DPMUs will be to:

- Support the implementation of program and policies of the DWSM, including communications and capacity building, monitoring and evaluation programs, technical and social audits.
- Coordinate with various departments at the district level.
- Monitor and provide necessary guidance to DSA and Support Organisations (SOs) / Community Mobilizers
- Provide support to GPs in interaction with DSA and SOs/ Community Mobilizers
- Receive technical guidance from PHED through the Executive Engineers at District level.

Anchalik Panchayat (Block) Water and Sanitation Committee (APWSC) oversees the implementation of RWSS programs and schemes at the Block level. APWSC is a nine-member committee with Chairperson as the President Zilla Parishad and Senior AE (PHE) as the Member Secretary.

Multi Village Water Supply and Sanitation Committee (MVS-WSC): MVS-WSC will be set up at the district level with representation from the GPs participating in the MVS. The MVS-WSC will be a sub-committee of the Zila Panchayat (ZP) and will work closely with the PHED in planning, design and implementation of the MVS. The MVS-WSC will also endorse and sign off the scheme design and implementation stage payments.

Village Level:

Gaon panchayat (GP): GPs under the Chairman, GP will be made responsible for a number of activities. GPs key roles will be:

- to give overall guidance to the GPWSCs
- responsible for passing all important resolutions at the Gaon Sabha/Gram Sabha as per scheme cycle

- responsible for tariff fixation at the GP level within the overall guidelines given by the state government
- responsible for addressing any issues of performance of GPWSCs
- lend support to GPWSC in activities of spreading awareness on sanitation and hygiene and ensuring participation of beneficiaries.

GP Water Supply and Sanitation Committee (GPWSC): GPWSCs have been constituted under the Gaon panchayat as sub-committees. It will be responsible for design and implementation of Single Habitation Schemes and Single GP schemes and GP level environmental sanitation schemes. The intra-village part of MVS also (essentially distribution) will be handled by GPWSCs. The GPWSCs will also be responsible for spreading awareness on sanitation and hygiene and ensuring participation of beneficiaries. The key role of GPWSC will be:

- to be the implementing entity for Single Habitation Schemes and Single GP Schemes responsible for scheme planning, designing, procurement, construction, O&M, tariff collection/ community contributions (capital and O&M), accounts management, etc.
- monitoring entity for intra-habitations aspects of all MVS schemes
- responsible for all environmental schemes implemented in the GP under this Project (in addition to under other programs)
- responsible for all IEC/ BCC activities (Water, Sanitation, hygiene)
- preparation of comprehensive water security plan and sanitation plan (along with SO and consultants)

1.13 Arrangements for ARAP implementation

26. Project Director SPMU will be overall responsible for ARAP implementation with land taking support of the respective District Administration. Day to day responsibility for ARAP implementation will lie with the respective DPMUs with overall supervision by the SPMU. DPRs and ARAP will be submitted to the DPMUs for review and checking. CCDS in the DPMUs will review these reports based on checklists for verifying all social aspects and requisite documentation are included within the ARAP. These checklists provide guidance on the various aspects relating to land taking, community consultation, resolutions of the appropriate level, quorum, agree to do, etc. Specifically, CCDS in the DPMU shall ensure the following:

- i) documentation of readiness of land for various schemes in relation to land availability and timely transfer of land parcels;
- ii) ensuring rigorous assessment of social impacts including impacts on PCRs and associated community consultations, as part of screening during preparation of DPRs;
- iii) ensuring documentation of community consultations conducted at all levels – revenue village/habitation level, etc.;
- iv) obtaining “Agree-to-do” consents from communities, particularly Gram Sabha resolutions as per mandated quorums, where applicable; and
- v) documentation of census & socio-economic profile of households that have, donated/will donate land, for NNP Schemes.
- vi) Preparation of ARAP as per identified impacts
- vii) public disclosure of all safeguards’ documents including ARAP;
- viii) establishment and dissemination on GRM;
- ix) Monitoring of all of these aspects through a detailed checklist

27. Social Development Specialist in the SPMUs in each state will review 100% of these schemes to ensure adequate incorporation of social aspects. ARAPs for schemes having involuntary resettlement impacts will be reviewed by Bank.

28. The SIA and ARAP, if any for LMVS or SLWM scheme will be reviewed by CCDS, DPMU and Social Development Specialist, SPMU. Upon their review, these documents shall be submitted through Project Director to the World Bank for review and clearance. All approved ARAPs will be disclosed on implementation agency's website, concerned GPs in the project area and the World Bank's portal prior, to invitation of bids for civil works.

1.14 Grievance Redressal Mechanism

29. During implementation of LA and R&R, there could be a) PAFs with grievances i.e. those who are not satisfied with the compensation/benefits offered and b) other community members/persons residing in the vicinity whose routine or livelihoods are disrupted because of project construction activities. Existing channels of grievance redressal mechanism are listed below:

- Grievances also received through Community Mobilizers – addressed during CM Monthly review meeting at DPMU
- DPMU comprising CCDS, AE and EE,
- Departmental toll-free number and web based systems. Toll free compliant numbers have been widely publicized through wall writings and also provided in consumer cards,
- GRM registers at ESR/Pump houses is the most commonly used grievance redressal system.
- Grievances also addressed in GPWSC Monthly meetings and records of these are kept by the DPMU.

30. Details of the Project level GRM are presented below:

Scheme Level Committee (GPWSC or MVWSC): The scheme level grievance mechanism will be required mainly during the implementation of the scheme/sub-project as majority of grievances will be related to minor impacts such as:

- damage to access/street roads,
- clogging of drains,
- damage to stairs or platform used for sitting purpose,
- pipelines not being laid in area by the contractor or pipelines broken, restoration of roads works not completed, etc.

31. The responsibility of reinstating/ repairing the damage is the responsibility of the civil contractor. Experiences indicate that these minor impacts are not attended by the contractor in time thereby causing inconvenience to local community. Sometimes, these minor impacts persist for a long time and ultimately result in escalation of grievances. The GPWSC shall be vested with the power to act as Scheme level grievance redressal committee. The VWSC shall be responsible for restoration/ repairing of such impacts from the contractor directly. At this level, grievances can be recorded either in person, verbal or written communication to GPWSC or recorded in the grievance register placed in each village/habitation.

DPMU level Committee: DPMU level grievance committee will be required mainly during the census & socio- economic survey and implementation of ARAP. Anticipated grievances could be:

- non-payment of compensation and/or assistance;
- wrong measurement of land;
- missing of name in list of affected persons;
- damage to property
- Classification and area of acquired land
- Addressing any other grievance that could not resolved by the scheme level committee

32. The committee shall receive grievances and redress grievances. Grievances requiring involvement of revenue and other departments for redressal shall be co-ordinated by DPMU. DPMU has provided contact details of its office wherein affected persons/communities can call, register and seek redressal of grievances. The scope of this Grievance Committee will include in its scope hearing and resolving complaints relating to the following:

- Affected area of land being acquired.
- Valuation and payment of compensation for assets attached to the land & eligible assistances
- Complaints regarding payment of compensation in case of disputed land in courts, absconding, absentee landowners
- Persons having grievances relating to project related construction works, if not redressed by scheme level committee.

33. Grievances can be recorded either in person, through post/ email, verbal or written communication to DPMU Committee. Community Mobilizers contracted by the DPMU will also support illiterate or physically challenged PAPs to record their grievances. Additionally, DPMU will well-disseminate its landline phone number to receive and record grievances. DPMU shall designate one person to attend to these phone calls, record details, provide PAP with a complaint number and explain the redressal process and finally document it in a Grievance Management Database. S/he shall then, inform concerned officials of the complaint for necessary follow up and action. Contact details (phone number, email id and address) of the DPMU office will be incorporated in the pamphlets/brochures/wall writings which would be disseminated among all affected persons.

34. The committee will be convened as per the requirements to resolve the grievances related to impacts caused during construction. A documentation/ minute of the meeting shall be prepared and shared with the implementation agency. The grievances taken up by the committee shall be resolved as early as possible but not later than 30 days/ one month. If the contractor fails to comply with the decision of GPWSC to resolve the construction related grievances in such cases the issue will be escalated to DPMU for suitable action including imposition of penalty. Thus scheme level grievance redressal committee shall act as an arbitrator and intermediary for all grievances received by the committee. A register shall be maintained at ESR/ Pump house for recording of grievances/ complaints. The complaint register is most commonly used by the villagers. A format for monitoring of grievances (received, type of grievances, grievances redressed, time required for resolving the grievances, etc. has been provided in Annexure 6).

35. Grievances related to compensation and resettlement and rehabilitation of affected persons from the village shall also be heard and recorded by the committee and recommend for resolution of

grievances at suitable level (district and state level) within 60 days from the date of formal receipt of the complaint by the GPWSC.

State Project Management Unit Level: SPMU shall facilitate & monitor resolution of grievances related to compensation and resettlement & rehabilitation and in cases that might require policy decisions. The issue of transparency, judicious and timely actions with respect to addressing grievances will be regulated by the SPMU.

1.15 Monitoring

36. Monitoring is integral part of successful implementation of the ARAP activities. Internal Monitoring will be carried out by the Social Development Specialist of SPMU in close coordination with DPMU. Data collected for monitoring activities shall be suitably analysed for project management and learning. Key progress indicators (indicative) for monitoring ARAP Implementation are as given below:

- disbursement of compensation and assistances to PAPs;
- establishment of grievance redressal mechanism (including processes, timelines for redressal of grievances and provision of escalation);
- consultation meetings with PAPs, communities regarding resettlement and rehabilitation issues;
- further monitoring will be undertaken as per scheme requirement.

1.16 Disclosure

37. In order to make the ARAP preparation and implementation process transparent, salient features of RPF shall be translated in Assamese that is mostly widely spoken in the project area and disclosed through the Department website. The documents available in public domain will include: Entitlement Matrix and ARAP (summary in local language) and the list of eligible PAFs for various R&R benefits. All documents will be kept in DPMU and SPMU. As per Access to Information Policy of the WB all safeguard documents will also be disclosed and available at the World Bank Portal.

38. Further to the web disclosure of the Draft RPF on Department website on and wide publicity given through newspaper advertisements about the disclosure and seeking views and suggestions, consultations were held amongst stakeholders dates respectively. Executive Summary of the RPF translated in Hindi was distributed to the stakeholders and their views and suggestions were discussed and incorporated in finalization of the RPF. The summary of the discussions and views and suggestions incorporated in the RPF is presented in Annexure 7.

1.17 Budget

39. Government of Assam will provide adequate budget for land acquisition compensation and R&R assistance from the counterpart funding. The budget estimates and its sources will be reflected in ARAPs.