

Resettlement Framework

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PAK: Balochistan Water Resources Development Sector Project

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Prepared by Irrigation and Power Department, Government of Balochistan for the Asian Development Bank (ADB).

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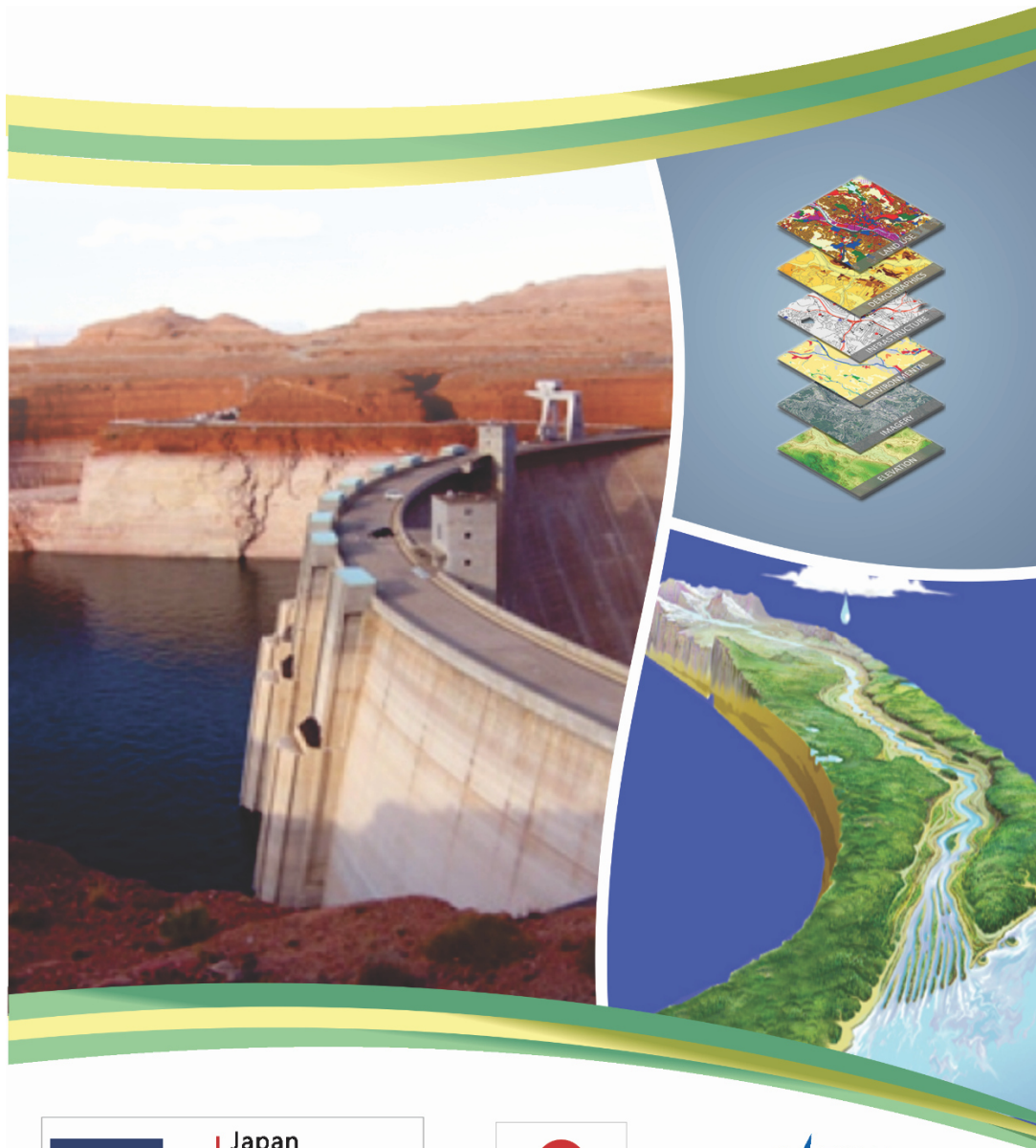
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Government of Balochistan

Balochistan Water Resources Development Project Preparatory Technical Assistance (TA 8800-PAK)

Land Acquisition & Resettlement Framework



From
the People of Japan





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LIST OF ACRONYMS

ACD	Agriculture and Cooperatives Department
ADB	Asian Development Bank
BID	Balochistan Irrigation Department
BWRDP	Balochistan Water Resources Development Project
CAS	Compulsory Acquisition Surcharge
CCR	Community Complaint Register
CPID	Community Participation and Disclosure
CSOs	Civil Society Organizations
C&W	Communications and Works
DC	District Collector
DHs	Displaced Households
DMS	Detailed Measurement Survey
DOR	Revenue Department
DPs	Displaced Persons
EA	Executing Agency
EMA	External Monitoring Agency
FO	Farmers Organization
GoB	Government of Balochistan
GoP	Government of Pakistan
GRC	Grievance Redressal Committee
GRM	Grievance Redressal Mechanism
IA	Implementing Agency
IP	Indigenous People
IPP	Indigenous Peoples Plan
IR	Involuntary Resettlement
ISA	Initial Social Assessment
IWRM	Integrated Water Resources Management
IWRM	Integrated Water Resource Management
LAA	Land Acquisition Act
LAC	Land Acquisition Collector
LAR	Land Acquisition and Resettlement
LARDDR	Land Acquisition and Resettlement Due Diligence Report
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
MRM	Monthly Review Meeting
NGOs	Non-Government Organizations
OFW	On Farm Water Management
PDSC	Project Design and Supervision Consultants
PIC	Project Implementation Consultant
PIO	Project Implementation Office
PMO	Project Management Office
PPTA	Project Preparatory Technical Assistance
ROW	Right-of-way

SDO	Sub-Divisional officer
SES	Socio-Economic Surveys
SESU	Social and Environmental Safeguard Unit
SPS	Safeguard Policy Statement
TA	Technical Assistance
TOR	Terms of Reference
USD	US Dollar
VLD	Voluntary Land Donation
XEN	Executive Engineer

GLOSSARY OF TERMS

Compensation	Payment in cash/voucher or kind to which the displaced persons are entitled to replace the lost asset, resource or income.
Cut-off date	The date which determines eligibility for resettlement assistance particularly for displaced persons who have neither formal legal rights or recognized or recognizable claims to the affected land. DPs who occupy the affected land after the cut-off date will not be eligible for resettlement assistance.
Detailed measurement survey	Exact description and quantification of all lost assets by qualified appraisal experts.
Displaced person	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 livelihood) 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.
Entitlements	All compensation, relocation and income restoration measures due to displaced persons, specified by their property status and particular losses.
Income rehabilitation	Assistance to restore and/or improve the incomes of displaced persons through allowances and provision of alternative means of income generation.
Replacement cost	Compensation that is based on the following elements: fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation is not taken into account in the valuation of structures and assets. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labor cost for construction, and any transaction or relocation costs.
Socio-economic survey	Assessment of the social and economic conditions of the displaced persons through a combination of quantitative and qualitative research methods, providing a baseline for monitoring and evaluation.
Temporary land occupation	The use of or impacts on land and immovable property outside the right of way of the project caused temporarily by civil works related activities.
Vulnerable person	Displaced poor and other groups disproportionately affected by land acquisition and resettlement, especially those below the poverty line, the landless, the elderly, disabled and female headed households, indigenous peoples and those without legal title to land.

Elderly Headed Household

The household with its members either female or the children and headed by a male person above 60 years¹ of age who is responsible for butter and bread of the household members.

Poverty Line

The World Bank's Poverty Head Count Analysis 2014 for Pakistan is adopted as poverty line and the people with their earning below US \$ 1.25 per day are considered under poverty line.

¹ As per the Balochistan Senior Citizens Act, No III of 2017. Senior Citizens" means a citizen of Pakistan of the age of 60 years or above and a permanent resident of Balochistan.

1 Introduction

1.1 Project Background

1. The Balochistan Water Resources Development Project (BWRDP) aims to support the Government in water sector planning, management and investment on water sector infrastructure in selected river basins. It will assist the government for investment to improve water storage and supply infrastructure at the Zhob and Mula River basins and improve agricultural farm productivity. The water resource and infrastructure development works will be implemented in territorial jurisdictions of Killa Saifullah, Zhob and Khuzdar districts along Zhob and Mula River Basins, respectively.

2. The project will (a) construct new small dams and flood irrigation (spate) systems; (b) improve 300 km of canals, drains, and karezes (subsurface water channels); (c) develop a satellite-based water information system; and (d) build capacity of the local communities, the Balochistan Irrigation Department (BID), and the Agriculture and Cooperative Department (ACD). The indicative outcome of the BWRDP project will be to improve land and water resources, agricultural production and farm income of 10,000 rural households by (i) bringing 10,000 ha of new land under cultivation; (ii) improving 20,000 ha of irrigated land; and (iii) protecting 1,500 ha of watersheds.

3. BWRDP is a five (05) year project, where Asian Development Bank (ADB) provides \$100 million sector loan and the Government of Balochistan funds \$ 15 million for investment on water sector infrastructure, capacity building and project management components.

1.2 Sector Loan Subprojects

4. The BWRDP aims to develop water sector infrastructure for improved water supplies for irrigated agriculture and domestic uses; for better watershed management and capacity building of the EA and other stakeholders including the farming communities. From a long list of 351 subprojects for the Zhob (168 sub-projects) and Mula river basins (183 sub-projects), 67 possible subprojects were shortlisted. This was further reduced to 20-30 potential subprojects using the following criteria: (i) water and land availability at the sub-project level; and (ii) ratio of catchment area to the command area as an indirect indicator for the assessment of hydrologic endowment of the sub-project. Based on these criteria, 11 candidate subprojects (5 in Zhob and 6 in Mula) have been selected for inclusion in ADB's Sector loan including 3 core subprojects.

5. Of the 3 core sub projects, one is a dam subproject in Zhob is dam and two clusters of small subprojects in Mula river basin. Based on the pre-feasibility survey, potential infrastructure development schemes finalized for financing under sector loan are shown in

6. Table 1 below. Location map of the shortlisted potential schemes in both river basins are presented in Figure 1 and Figure 2.

Table 1- Potential Schemes to be Included in the Sector Loan

No.	Scheme Name	River Basin
1	Ahmed Zai Perennial Irrigation Scheme (PIS)	Zhob River Basin
2	Sabakzai Dam Command Area Rehabilitation Works	Zhob River Basin
3	Siri Toi Tangi War Dam	Zhob River Basin
4	Killi Sardar Akhter Perennial Irrigation Scheme (PIS)	Zhob River Basin
5	Farmers Managed PIS/FIS Scheme Improvement	Zhob River Basin
6	Churri Infiltration Gallery	Mula River Basin
7	Pashta Khana and Garambowad PIS	Mula River Basin
8	Karkh Valley Development Scheme	Mula River Basin
9	Kharzan Hatachi Infiltration Gallery	Mula River Basin
10	Manyalo, Raiko and Rind Ali PIS	Mula River Basin
11	Farmers Managed PIS/FIS Scheme Improvement	Mula River Basin

Note: Highlighted are the core subprojects.

1.3 Need and Purpose of LARF

8. All 11 subprojects were preliminarily screened for involuntary resettlement (IR) and indigenous peoples (IP) safeguards at the PPTA stage. Based on this preliminary screening only one subproject (Sri Toi Tangi War Dam) was assessed as having IR impacts. The proposed engineering works for the remaining subprojects involve rehabilitation of existing irrigation infrastructure which are restricted to the existing available ROW. No impact on indigenous people were noted in any of the proposed subprojects. A draft Land Acquisition and Resettlement Plan (LARP) has been prepared for the Sri Toi Tangi War Dam subproject. This Land Acquisition and Resettlement Framework (LARF) has been prepared to guide the Balochistan Irrigation Department in case IR issues are identified during the detailed design or emerge during the implementation of the other subprojects.

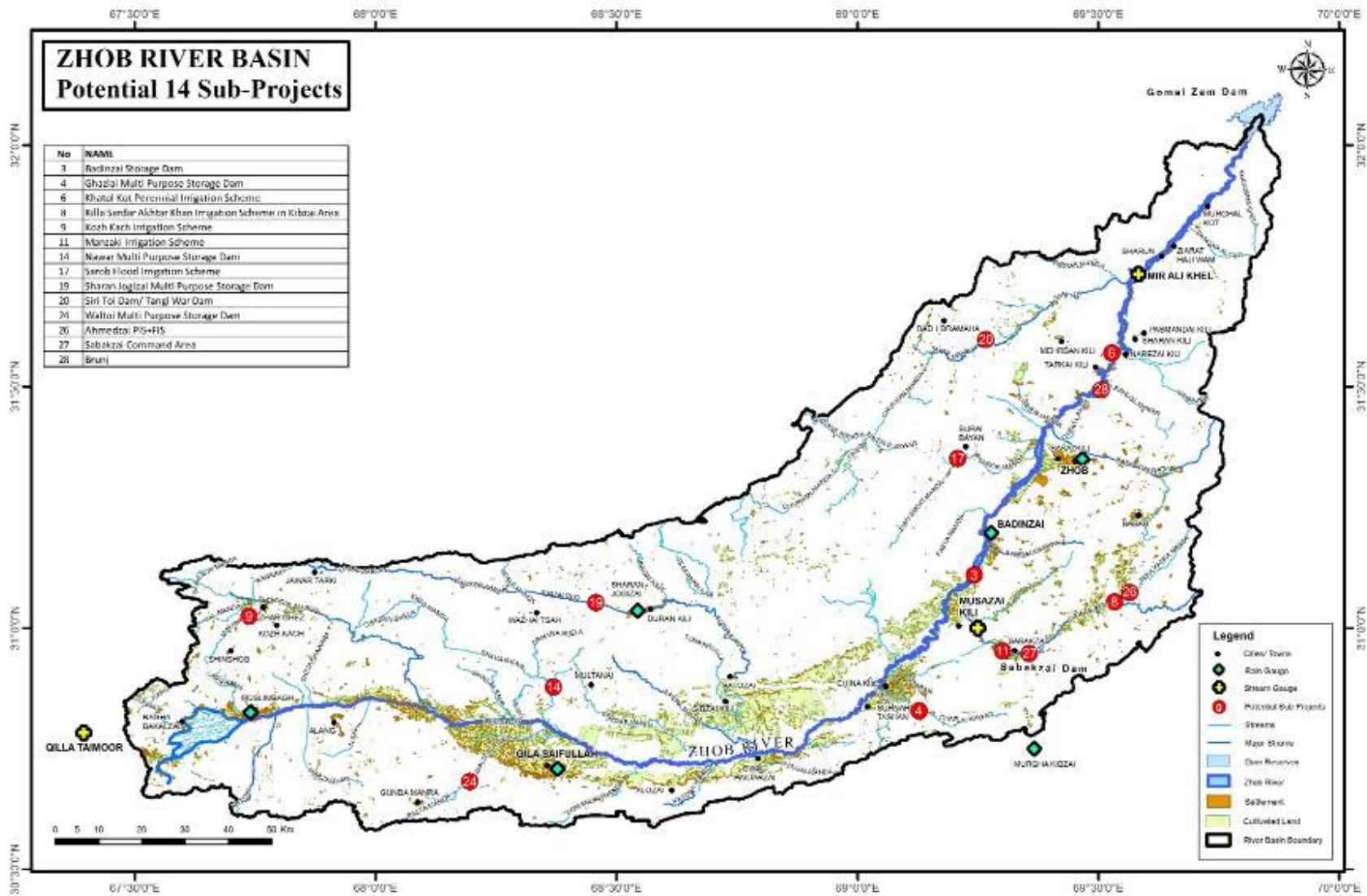
9. This LARF provides project-specific mechanism for LAR planning, implementation and monitoring that is consistent with Pakistan's national laws and ADB's safeguards policy requirements and to ensure adequate, fair and timely compensation against acquired assets and proper relocation/rehabilitation of the physically/economically displaced persons. It defines the legal and policy framework, eligibility criteria, entitlements for displaced persons (DPs) and it sets out the procedures for LARP planning and implementation, including but not limited to: subproject screening and categorization; impact assessment, valuation and determination of compensation costs; socio-economic assessment of the Displaced Households/Displaced Persons; consultation, participation and disclosure; grievance redress mechanism; institutional and financial arrangements; as well as monitoring and reporting of LARP implementation.

1.4 Executing/Implementing Agency (EA/IA)

10. The Balochistan Irrigation Department (BID) is the executing agency (EA) of the Balochistan Water Resources Development Project (BWRDP) and implementing agency (IA) for the construction of irrigation infrastructure and institutional capacity strengthening components, and is overall responsible for safeguards management at project and sub-project levels, while The Agriculture and Cooperatives Department (ACD) is the IA for the command area development and watershed protection component. This LARF has been prepared by the EA in accordance with the ADB's safeguards Policy Statement 2009 and National Laws and procedures outlined in Pakistan Land Acquisition Act (LAA) 1894 as amended time to time and the rules and regulations by the Balochistan Government. The LARF has been endorsed by the EA and it will be applicable to all subprojects under the Sector Loan.

1.5 Existing Capacity of the EA/IA

11. Within EA/IA, except one sociologist in the BID, there is no staff with capacity to prepare and implement the LARP, Gender Action Plan (GAP) and other social aspects in line with the ADB requirements. During implementation of the BWRDP, to enhance the capacity of the EA/IA, a Social and Environmental Safeguards Unit (SESU) is proposed to be established within the Project Management Office (PMO), supported by the Project Design and Supervision Consultants/Project Implementation Consultants (PDSC/PIC)



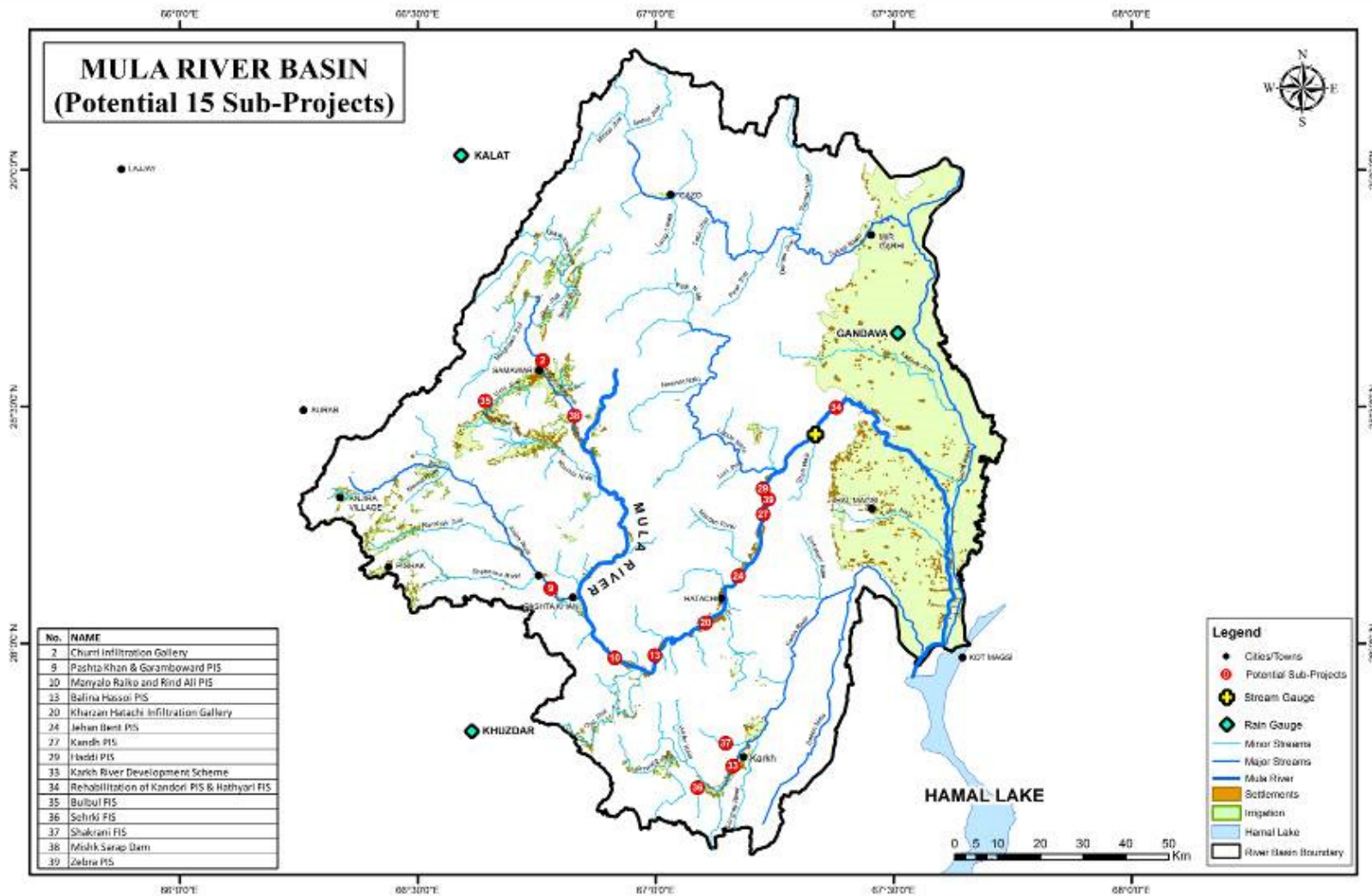


Figure 2- Potential Subprojects for the Mula River Basin

1.6 Physical Component of the Project

12. Physical component of the project includes construction (new) and rehabilitation of irrigation and on farm water management infrastructure. Identified subprojects will have scheme specific land acquisition and resettlement impacts of varying degree including acquisition of land (for small dams and canals) and relocation of affected assets falling in the corridor of impact and right-of-way (ROW) of existing canals. Some of the generic impacts that could arise during implementation of different schemes are highlighted in bullets below:

- Involuntary land acquisition (arable/waste land) for construction of new small dams and canals;
- Temporary land occupation (arable or waste land) during construction/rehabilitation period of existing irrigation systems or temporary diversion of river channel to construct run-off weir;
- Loss of assets (other than land) including crops, trees and structure located on acquired land or cleared state land/public ROW;
- Displacement (physical or economic) of households/persons due to acquisition of residential/productive land and other assets including structures residential/commercial;
- Loss/restricted access to resources particularly within the reservoir area of small dams; and,
- Income losses due to lost livelihood or Income sources.

1.7 Subproject IR/IP Screening Criteria

13. Preliminary screening of subprojects was conducted during the PPTA. None of the subprojects were identified as having IR or IP impacts, except for Sri Toi Tangi Dam subproject which has IR impacts. Further screening and categorization of subprojects will be carried out at the detailed design stage using the IR/IP screening checklists (**Annex- I**). The subproject specific due diligence report (DDR) will be prepared and the results of the screening will be included in the DDR. Every effort will be made to avoid or minimize adverse social impacts through plausible design solution. Subprojects with significant IR impacts and falling in IR category A will not be considered under the BWRDP project.

14. Based on identified LAR impacts, subprojects will be screened and assigned IR category following ADB's categorization principles below.

- **Category A:** The proposed sub project/scheme will be classified as Category A for IR, if 200 or more persons will experience significant impacts i.e. be physically displaced from housing or lose 10% or more of their productive (income generating) assets.
- **Category B:** The proposed subproject where less than 200 persons will experience significant impacts will be classified as Category B for IR.
- **Category C:** The proposed subproject with no involuntary resettlement impacts will be classified as category C for IR.

15. Subproject areas will again be assessed for presence of IPs as defined under ADB SPS. In case IPs are identified in a subproject area, and the subproject will have direct or indirect impacts on the dignity, human rights, livelihood systems, or culture of IPs or affect the territories or natural or cultural resources that IPs own, use, occupy, or claim as their ancestral domain, an indigenous peoples plan (IPP) or a specific action for the affected IPs will be included in the LARP.

1.8 ADB Project Processing and Implementation Requirements Related to Involuntary Resettlement

16. The appraisal of sector lending and approval of project implementation will be based on the following LAR related conditions:

- a. **Sector lending appraisal and core subprojects;** conditional to the preparation/disclosure of a LARF for the whole lending program acceptable to ADB and draft LARPs based on preliminary design and acceptable to ADB for all core subproject having LAR impacts.
- b. **Contract award signing of subprojects;** conditional to the preparation/disclosure of relevant implementation-ready final LARP based on detailed design approved by ADB and reflecting final impacts, DPs lists and compensation rates.
- c. **Handing over of subproject sites for civil works to contractors;** conditional to full implementation of LARP² (fully delivery of compensation/rehabilitation) for the relevant subproject. Such a condition will be spelled out in the text of civil works contract.

² Full implementation of LARP means i) compensation for acquired assets is paid to all DPs, ii) sufficient efforts to contact and document DPs having legal and administrative impediments have been made, iii) unpaid compensation secured in escrow account to ensure the DPs having legal and administrative impediments could be paid as and when they approach after resolving their issues and iv) income restoration and rehabilitation program is in place as per LARP provisions.

2 Legal and Policy Framework

2.1 LAR Legal and Policy Framework

17. This LARF has been prepared in light of Pakistan's laws relevant to land acquisition and resettlement and ADB's SPS 2009 for Involuntary Resettlement (IR) and Indigenous Peoples (IPs). To resolve any gaps between the two sets of instruments, i.e. Pakistan's Land Acquisition Act 1894 (LAA) and ADB's SPS 2009 the framework provides measures to reconcile and address the gaps in a manner consistent with SPS's compliance requirements.

2.2 Land Acquisition Act 1894 (LAA)

18. In Pakistan, the LAA (1894) governs land acquisition. The LAA regulates the land acquisition process and enables the federal and provincial governments to acquire private land for public purposes through the exercise of the right of eminent domain. Land acquisition is a provincial government's responsibility. The LAA and its implementation rules require that following an impact identification and valuation exercise, land and crops are compensated in cash at the current market rate to the titled landowners. The LAA mandates that land valuation is to be based on the last 3 to 5 years average registered land-sale rates. However, in several recent cases, the median rate over the past 1 year, or even the current rates, has been applied with an added 15% compulsory acquisition surcharge. In case of delay in the land acquisition process, an additional compensation³ calculated @ 15% per annum from the day of publication of notification under Section-4 to the day when compensation is awarded.

19. The LAA lays down definite procedures for acquiring private land for projects and payment of compensation. For entering private land or carrying out surveys and investigations, specified formalities have to be observed and notifications to be issued. Damage to any crops during survey and investigations has to be compensated. The displaced persons (DPs), if not satisfied, can go to a court of law to contest the compensation award of the Land Acquisition Collector (LAC).

20. The law deals with matters related to permanent land acquisition or temporary occupation of private land and impacts on immovable assets that may exist on the land when land is required for public purpose. The right to acquire land for public purposes is established when Section 4 of the LAA is notified. The LAA specifies a systematic approach for acquisition and compensation of land and other properties for development projects. It stipulates various sections pertaining to notifications, surveys, acquisition, compensation and apportionment of awards, along with disputes resolution, penalties and exemptions. The surveys of land acquisition are to be disclosed to the DPs. However, the law only recognizes "legal" owners of property supported by records of ownership such as deeds, title or agreements.

2.3 ADB's Safeguard Policy Statement

21. SPS defines DPs as 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) due to (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

22. SPS covers losses whether losses and/or involuntary restrictions are full or partial, permanent or temporary. SPS is based on the following 12 basic principles:

³ Section-28 of the Land Acquisition (Balochistan Amendment) Act, 1985, replaced "Additional Compensation in case of delay in compensation as 15% per annum of the compensation so fixed from the date of the notification under section-4 to the date of payment of compensation".

- 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 DPs, including a gender analysis, specifically related to resettlement impacts and risks.
- ii. Carry out meaningful consultations with DPs, host communities, and concerned NGOs. Inform all DPs 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. Establish a grievance redress mechanism. Support the social and cultural institutions of DPs 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 DPs through (a) 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, (b) prompt replacement of assets with access to assets of equal or higher value, (c) prompt compensation at full replacement cost for assets that cannot be restored, and (d) additional revenues and services through benefit sharing schemes where possible.
- iv. Provide DPs with needed assistance, including: (a) 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; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) 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 people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- vii. Ensure that DPs 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 DPs' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule (**Annex II** provides the outline of a LARP).
- 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 DPs and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- x. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- xi. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- xii. Monitor and assess resettlement outcomes, their impacts on the standards of living of DPs, 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.

2.4 Comparison of Key LAA and ADB Policy Principles and Practices

23. The LAA of Pakistan and ADB SPS⁴ diverge on some key points. The key ADB Policy Principles are (i) the need to screen the project early on in the planning stage, (ii) carry out meaningful consultation, (iii) at the minimum restore livelihood levels to what they were before the project, improve the livelihoods of displaced vulnerable groups (iv) prompt compensation at full replacement cost is to be paid (v) provide DPs with adequate assistance, (vi) ensure that DPs who have no statutory rights to the land that they are working are eligible for resettlement assistance and compensation for the loss of non-land assets and (vii) disclose all reports.

24. The LAA in contrast to ADB SPS does not require adequate consultation with affected parties; it simply requires that declaration and notice be given about temporary use of land or acquisition and the purposes for which it is required. Nor does the law require preparation of a “plan” documenting the process, and consultations undertaken with DPs. Finally, the LAA does not entitle compensation to DPs without title nor provides compensation for income losses caused by LAR. Table 2 summarizes the differences between the LAA and ADB safeguards and the measures to address these.

⁴ ADB Safeguard Policy Statement, July 2009.

Table 2- Comparison of LAA 1894 and ADB SPS 2009 and measures to address LAA 1894 & SPS (2009) differences or gaps

S. No	Pakistan LAA 1894 with successive amendments by Balochistan	ADB SPS 2009	Measures to Address the Gap on ADB funded projects
1	Compensation for land is based on market value of the land at the date of the publication of Section 4 of the LAA plus a 15% compulsory acquisition surcharge. In case of delay in compensation, an additional 15% is paid for each year of delay. However, depreciation is deducted in the valuation of structures.	DPs are to be compensated for all their losses at replacement cost, including transaction cost and other related expenses, without deducting for depreciation.	Land valuation is to be based on current replacement (market) value with an additional payment of 15%. The valuation for structures is at full replacement costs, without deducting for depreciation. Transaction costs and other applicable payments that may be required will also be considered.
2	No provision for resettlement expenses, income/livelihood rehabilitation measures or allowances for displaced poor and vulnerable groups.	Requires support for rehabilitation of income and livelihood, severe losses, and for vulnerable groups.	Provision should be made to pay for resettlement expenses (transportation and transitional allowances), compensate for loss of income, and provide support to vulnerable persons and those severely impacted (considered to be those losing more than 10% of their productive assets).
3	Lack of formal title or the absence of legally constituted agreements is a bar to compensation/rehabilitation. (Squatters and informal tenants/leaseholders are not entitled to compensation for loss of structures, crops)	Lack of formal title is not a bar to compensation and rehabilitation. All DPs, including non-titled DPs, are eligible for compensation of all non-land assets.	Squatters, informal tenants/leaseholders are entitled to compensation for loss of structures and livelihood and for relocation.
4	There is no requirement for the preparation of a land acquisition and resettlement plan and there are emergency provisions in the procedure that can be leveraged for civil works to proceed before compensation is paid.	Involuntary resettlement is conceived, planned and executed as part of the project. Affected people are supported to re-establish their livelihoods and homes with time-bound action in coordination with the civil works. Civil works cannot proceed prior to compensation.	LARPs will be prepared for subprojects with LAR impacts. Civil works may only proceed after the LARP is implemented and compensation for loss of assets and other allowances (budgeted as part of the project cost) is fully paid.
5	No convenient grievance redress mechanism except recourse of appeal to formal administrative jurisdiction or the court of law	Requires the establishment of accessible grievance redress mechanisms to receive and facilitate the resolution of DPs' concerns about displacement and other	BID will establish easily accessible grievance redress mechanism available throughout project implementation that will be widely publicized within respective project area and amongst the DPs.

S. No	Pakistan LAA 1894 with successive amendments by Balochistan	ADB SPS 2009	Measures to Address the Gap on ADB funded projects
		impacts, including compensation	

2.5 Remedial Measures to Bridge the Gaps

25. In order to establish a land acquisition and resettlement policy framework for the Project, which reconciles Pakistan's legal and regulatory system for LAR (LAA 1894) and ADB's IR Safeguards as in SPS 2009, and addresses the gaps between the two systems, the following principles will be adopted for the project.

2.5.1 Project LAR policy

- i. Subprojects were screened for IR impacts at the PPTA stage. It will again be screened at the detailed design stage to avoid, minimize or mitigate involuntary LAR impacts causing physical and/or economic displacement. For subprojects and schemes involving LAR impacts, a comprehensive assessment of social impacts, involving (i) a census of all DPs (titled and without title), and an inventory of their lost assets (ii) a sample based socio-economic survey of DPs, and (iii) a detailed measurement survey and valuation of all lost assets including lost incomes sources will be carried out and accordingly comprehensive LARPs will be prepared for every subproject with LAR impacts.
- ii. Meaningful consultations will be carried out throughout project LAR planning, implementation and monitoring periods and DPs and other stakeholders will be consulted and informed as well as given an opportunity to participate in LAR planning and implementation activities.
- iii. Each draft or updated/final LARP duly endorsed by BID and cleared by ADB will be disclosed on the ADB's and BID's websites while hard copies translated into language understandable to local community will be placed at accessible place in project area. The LARP provisions, particularly those on impact assessment and valuation, eligibility and entitlements, compensation delivery and grievance redress mechanisms will be disclosed to the DPs by BID through dissemination of information brochures, placing information boards/banners at conspicuous places in affected villages around the project corridor.
- iv. A project based grievance redress mechanism (GRM) with representation of all stakeholders will be established at the time of project inception and will be kept intact and functional throughout project implementation period to address the social issues related to project design, resettlement planning and implementation, restriction of access to resources and basic amenities during construction and any other social matter that arises during implementation of the project. Concerns on land acquisition process, land title, land compensation assessment and apportionment issues/disputes etc. will be addressed following the GRM procedures provided under LAA 1894.
- v. Compensation eligibility will be limited to the cut-off date announced by the BID. In case of land acquisition, notification under section-4 of LAA 1894 will be the cut-off date, while for compensation entitlement not covered under law cut-off date will be established and declared as the day of commencement or completion of social impacts assessment survey and census of DPs.
- vi. Lack of legal title will not bar compensation under the project, and all titled and non-titled DPs occupying required land and land based assets on or before the cut-off date will be eligible for compensation, relocation and rehabilitation measures, as applicable, regardless of nature and type of impacts (permanent or temporary, full or partial). Non-titled DPs without legally recognizable claims to land will be eligible for all compensation to the extent of affected assets

other than land as well as relocation and rehabilitation support under LARP provisions and entitlements.

- vii. Compensation of land and structures will be at full replacement value, either through the replacement of land or structures⁵ of equivalent or higher value and quality or through cash compensation at replacement cost⁶. Depreciation will not be considered in the compensation for structures and DPs will be allowed to collect salvaged materials. It will be ensured that DPs are not displaced physically or economically before payment of compensation and other entitlements for their lost assets and income and livelihood restoration program is in place.
- viii. Incomes and livelihood sources lost, including but not restricted to crops and trees or interruption of business activities and employment, will be fully compensated at replacement cost. DPs who are permanently losing incomes and livelihood sources as well as poor and vulnerable DPs will be entitled to credit, training and employment assistance to maintain or improve their livelihoods.
- ix. All lost civic infrastructure and community services will be either restored at site or established at a replacement land prior to commencement of civil works for the subproject and the DPs will be provided opportunities to share development benefits of the subproject, if feasible.
- x. DPs who need to relocate will be entitled for compensation for lost housing at full replacement cost, relocation assistance and transitional support for establishing their residential structures at places of their choice.
- xi. The LARP implementation progress and effectiveness of the implementation of each subproject LARP and livelihood restoration measures in place for DPs will be monitored during and evaluated after LARP implementation and Social/LARP monitoring reports will be compiled and shared with ADB biannually.

2.5.2 Cut-off Date

26. Under this LARF provisions, the eligibility for compensation will be limited to the government announced cut-off date for each sub-project or infrastructure development scheme that involve LAR impacts. Any person who enters in the subproject land after the cut-of date will not be eligible for compensation and any fixed assets such as built structures, crops, fruit trees, and woodlots established after this date, or an alternative mutually agreed on date, will not be compensated. The cut-off date shall be set and announced and by the government to prevent influx of outsiders and to avoid false and frivolous claims for compensation, relocation and livelihood rehabilitation entitlements.

27. The cut-off date for land and other land based fixed assets including built structures, irrigation infrastructure including lined water channels, conduits and allied facilities will be the date of publication of section-4 under LAA 1894 or any other date as fixed as such by the government. In case of non-land assets or inordinate delay in the land acquisition after publication of notification under section 4, the cut-off date will be determined by BID at the time of social assessment survey and census of DPs. Preferably the date of completion of impact assessment survey and census of DPs for each sub-project or the infrastructure scheme involving the LAR impacts will be fixed as the cut-off date for compensation eligibility under this LARF. Each DP will be documented and issued with an identification as to confirm his presence on the proposed site of a subproject prior to the cut-off date and to avoid false and frivolous claims at the time of LARP implementation. The cut-off date will be disclosed to the DPs through consultative meetings, focus group discussions,

⁵ For replacement of land or structures all transaction costs will be paid by the project or included in compensation payments to the DPs.

⁶ Full replacement cost involves fair market value, transaction costs, interest accrued, transitional and restoration costs and other applicable payments without depreciation.

field surveys and other means of communication including face-to-face communication with communities. The disclosure of cut-off date will be formalized through documentation of consultation meetings and disclosure reports.

3 Socio Economic Information

28. In the preparation of LARP, a detailed assessment of LAR and its social impacts will be carried out, including census of DPs, inventory of lost assets (ILA), detailed measurement survey (DMS) and valuation of lost assets (VLA). The census of all DPs will include key socio-economic questions related to livelihoods, sources of income, vulnerability dimensions. Based on the detailed engineering design, a comprehensive and accurate measurement of actual impacts will be undertaken and a final implementation ready LARP will be prepared. The results of the LAR impact assessment will be presented in aggregate form in the subproject LARPs, and impacts inventory linked to respective DHs/DPs will be annexed thereto.

3.1 Screening

29. The subproject IR/IP screening conducted during the PPTA will be re-confirmed during detailed design following the screening criteria outlined in section 1.7 of this LARF. For subprojects with LAR impacts, LARPs will be prepared following template provided with this LARF as Annex-II. Specific actions on IPs will be included in the LARP in case there are affected IPs. For IR/IP category C subprojects, no LARP/IPP will be required. Instead, a social due diligence report will be prepared.

3.2 Impacts Assessment and LARP Preparation

30. The LAR assessment activities will be initiated as part of planning and preparation of each subproject with LAR impacts. The BID project staff and consultants tasked with LAR planning will closely coordinate with the design engineers to avoid/minimize LAR impacts to the technically possible extent for each subproject. LARPs will describe efforts made to avoid and minimize LAR impacts. Following finalization of design, impact measurement survey and asset valuation, enumeration and census of DHs, socio-economic assessment and meaningful consultations with stakeholders will be carried out and the subproject LARPs including inventory of losses will be prepared/updated and finalized. The questionnaires for impact assessment, census and socio-economic survey of displaced population are attached as **Annex-III**. Draft LARPs prepared based on feasibility level design will require to be updated based on detailed design.

3.3 Impacts Assessment/Detailed Measurement Survey:

31. The BID's LAR staff will closely coordinate with project design team, land administration authorities and local communities to assess the project LAR impacts. LAR impact maps will be developed. Subproject boundaries will be demarcated with assistance of project design team, local land revenue staff and affected land owners/communities. Land ownership and use records will be obtained from the land revenue authorities and the status of ownership (private owned, communal and state land) and use of the land and assets subject to acquisition will be confirmed. The inventory of losses will be corroborated or updated with information from relevant government sources, such as land administration and property registration authorities and if necessary, outdated official records will be updated according to the current status of the DP's assets as confirmed through field survey.

32. Detailed Measurement Survey. Based on the detailed design available, through DMS exact size, type, and quality of each asset (land, structures or other assets appended to land) with quantum of impacted/acquired part thereof with ownership title, type and use will be determined by the PMO's SESU assisted by the resettlement experts and design engineers of the PDSC. DMS

will be carried out in the presence of the DPs/community owning and/or using the assets concerned or any notable in the village/area who can confirm the results of the DMS. Income losses due to affected business or livelihood sources including employment loss will also be determined either based on official records, including tax records and accounts if available or through consultative process with the DPs. Agriculture based income losses will be assessed by measuring the lost cropped area of all applicable crop types and trees fruit or timber wood.

3.4 Census and LAR database:

33. Pre-structured questionnaire will be used to enumerate all physically and economically displaced persons in a subproject, including all DHs, and, if applicable, displaced enterprises as well. The census questionnaire will include sections on household profile (household size, gender segregated information about its members, property holding and titles status etc), project affected assets (land, structures) with estimated sizes, title and associated property status, income sources (business, crops, employment) of displaced households. Basic information on socio-economic characteristics (family type, ethnicity, gender age and education, head of household, total income and its sources, as well as vulnerability in terms of poverty, age, disabilities and gender of household head) will also be recorded. The census will also inquire into the compensation preferences and expectations of each displaced household.

34. The information gathered during DMS and census (100%) of DPs will constitute LAR impact database and will include information on DHs/DPs linked to impacted assets (land and land based, i.e. buildings and other structures, crops, trees and any other asset appended to acquired land), lost livelihood sources and income losses etc. In case the LAR impact assessment is based on feasibility level design (preliminary design) of a subproject, a preliminary project impact database will be prepared based on estimated impacts. When detailed engineering design is available, the impact inventory and census of DHs will be updated. In cases where periphery of project alignment is defined and land acquisition under LAA 1894 is started ahead of/or in parallel with the detailed design, updating and finalization of census of 100% DPs and inventory of losses could also be synchronized with the land acquisition process. Following publication of notification under section 6 of LAA, the census and impact inventory will be updated and finalized by the consultants deputed to the project's LAR tasks.

35. The census will be used to investigate the DPs socioeconomic condition, identify the subproject impacts on DPs and to establish a benchmark for monitoring and evaluating the implementation of a subproject's compensation and rehabilitation program. The collected data and survey results will be presented as gender disaggregated socioeconomic database for the project.

3.5 Asset Valuation:

36. The SPS requires that the compensation for acquired assets should be based on replacement cost that includes fair market value, transaction costs, transitional support, interest accrued and other applicable payments, while the section 23⁷ of LAA 1894 explains the compensation determining mechanism under the LAA 1894. Taxes, fees or any charges on land

⁷ Section 23 requires to compute compensation on i) fair market value as of section 4, ii) sustained crop and tree losses, iii) losses resulted from severing of land, iv) losses for injuriously affecting other immovable or moveable holding and earnings, v) losses for compelled change of residence or business place and vi) diminution of profits etc.

subject to acquisition are waived off and the affected land owners are provided with solatium @ 15% of assessed land compensation rate as compulsory land acquisition surcharge.

37. To ensure the compensation is reflective of replacement cost, the factors to determine fair market value of land may include: (i) the price paid for land recently acquired in the project area; (ii) price paid for land in recent recorded private transactions (recorded before notification under Section-4) in mutations register or the record of the registration department; (iii) consultation with respectable people and property agents/appraisers who are disinterested with regard to the value of the land etc. In addition to the land compensation determined under law, a 15% solatium (compulsory acquisition surcharge) will be provided. In case of delay in land award, an additional compensation⁸ computed @ 15% of assessed compensation rate for a period from the date of publication of notification 4 and the date of compensation payment will be paid.

38. All other lost assets including structures, crops, tress as well as temporary occupation of land, the following methodology will be adopted for valuation and assessing unit compensation rates:

- Houses and other structures will be valued at replacement cost plus labor cost based on the area, type and material of the affected item. No deductions will be made for depreciation, salvageable materials or transaction costs and taxes. Rates for building structures will be evaluated by the Communication and Works Department GoB where relevant using the latest/current Composite Schedule Rates that are regularly published by the Department, Government of Balochistan.
- Crops will be valued at current market rates of gross value of harvest as valued by the Agricultural Department GoB.
- The loss of fruit and non-fruit bearing trees will be compensated for based on their type, productive age and the market value of the produce for the remaining period of its average life. The value of younger fruit trees will be based on the expenditure made to bring the tree to its current state. This will be assessed by the Horticultural Wing of the Agriculture & Cooperative Department (ACD) of GoB.
- The value of trees that would have been used for timber will be calculated based on the average volume and quality of wood produced and taking into consideration the size classes as determined by girth, diameter at breast, height and volume as assessed by the Forest Department, Government of Balochistan.
- Rent for temporary use of land will be fixed as per prevailing market rate in agreement with the landowner and will be restored at the end of the rental period.

⁸ Compensation payable under section 28 of LAA.

4 Consultation, Participation and Information Disclosure

4.1 CPID Strategy

39. For each subproject, PMO will implement a comprehensive consultation, participation and information disclosure (CPID) strategy to ensure the DPs are meaningfully consulted in the LAR process, their views and concerns are fully taken into account, and appropriate steps are taken to resolve them. The consultations will involve the DPs and other relevant stakeholders including community leaders host communities, civil society organizations (CSOs) and non-governmental organizations, district government, project staff and consultants.

40. The consultation, participation, information disclosure is an on-going process, which starts with field investigations for the design of the project alignment, proceeds through planning, preparation/updating implementation and monitoring of LARPs, and ends after the final evaluation of LARP implementation. A stakeholder's analysis will be conducted at the early stage of subproject LAR planning to identify stakeholders including DPs, project and related government staff, host communities, CSOs, etc. and the frequency for consultations participation and information sharing.

41. Meaningful consultations will be carried out with DPs, beneficiaries and other key stakeholders during preparation and implementation of LARPs. The timing and nature of these consultations will vary depending upon the implementation program. Subproject specific stakeholders will be identified through the initial social impact assessment of each subproject. Stakeholder consultations and information dissemination will be carried out over the preparation of the subproject through community meetings, focus group discussions and interviews of key informants for their views and recommendations for the subproject preparation and implementation. These recommendations will be included in the LARP with description of actions to address them.

42. Specific consultations will be carried out with DPs to identify their needs and preferences for compensation and rehabilitation measures and relocation. DPs will be informed on the results of the census and impact assessment. Their preferences for compensation and other resettlement assistance will be given due consideration. Additional separate consultation meetings with women and vulnerable DPs will be held so their voices are not constrained by powerful sections of the DP communities. Individual negotiation meetings will be held with DPs, as necessary, to resolve any disagreements and reach individual agreements. All such consultations will be documented and presented in the subproject LARPS, with the list of participants, the location, date and minutes of consultation meeting. The consultation and information disclosure process will continue throughout project implementation period. The PMO SESU will maintain communication with the DPs and other stakeholders. The DP and other stakeholders will be informed on their rights, eligibility, compensation entitlements, payment procedures and requirements. The project based grievance redress mechanism will be explained. DPs will be kept informed during resolution of grievances. The information related to land acquisition process and status, processing of claims, payment of compensation timelines for acquired assets and delivery of resettlement, rehabilitation and income restoration costs/measure will be provided repeatedly. Displaced Persons Committees (DPCs) could be established in each affected village/area. Farmers organization (FOs) will be mobilized to communicate and disseminate information to the DPs. During the consultations, policy principles and legal procedures that are to be followed for land acquisition and relocation in line with the LARF will be explained to the DPs and other stakeholders. All consultation meetings and other CPID activities will be documented comprehensively summarizing the issue and concerns

discussed and actions agreed. LAR monitoring reports will include updated information on consultations carried out.

43. In case of unsettled land for any of the subprojects, the concerned communities (tribes/clans) claiming the customary land rights will be sensitised/mobilised by the PMU/EA to distribute the land with the formal cooperation of the respective Revenue Department during the detailed design and before the commencement of the physical works of the subproject.

• **4.2 Disclosure**

44. The LARF and LARPs (draft and final) will be translated into Urdu and disclosed by the PMO to the DPs and placed in accessible places and in a form understandable to DPs and other stakeholders, including the relevant tehsil offices of the respective district. The LARF and LARPs will also be disclosed in English and Urdu on ADB and BID's websites before appraisal of the project.

45. If LARPs are required, an Urdu information pamphlet summarizing the LARP will be provided to all DPs prior to ADB management approval and uploaded on ADB website. The updated LARP will also be disclosed to DPs and uploaded on ADB website.

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46. Any corrective action plan (CAP), if required, prepared during project implementation will also be disclosed to DPs and on ADB's website. Internal/external monitoring reports of LARP implementation will be disclosed to the DPs and on ADB's website.

5 Grievance Redressal Mechanism

47. The LAA 1894 provides a grievance redress mechanism starting at the early stage of the land acquisition process until compensation is paid, but it is limited to DPs having established interests as per land holding records. DPs with informal land use and those without title are usually left unattended. In parallel, the project level GRM will be set up for all subprojects to address grievances arising from social and LAR impacts. The purpose of the GRM is to receive, review and resolve grievances from DPs and ensure smooth and fair implementation of subproject LARPs

48. Consideration will be given to avoid grievances rather than going through a redressal process. Community concerns on the project, land acquisition and resettlement process will be avoided through a strong consultation, participation and information disclosure strategy during planning, preparation and implementation of LARPs. Problems that cannot be resolved through CPID actions and the informal level of the grievance resolution system will require an accessible and effective GRM. Therefore, a project based a gender sensitive GRM will be placed from the very beginning of project implementation. The GRM will start functioning as soon as activities for detailed project design and LAR planning commence and will continue during preparation, finalization and implementation of subproject LARPs.

49. BID will arrange resources and necessary logistic support for the DPs to have an easy access to the grievance resolution system for raising their concerns or appealing any disagreeable decision, practice or activity arising from land or other assets compensation. DPs will be fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, and time of compensation. Efforts will be made to resolve grievances with the effective involvement of local communities (informal level of grievance redress system). This can be obtained by establishing extensive communication and coordination between the community, the PMO, the DC/LAC and other line departments and ensuring full participation of DPs. Grievances that remain unresolved at the local level will be referred to the BID (project level) and PMO/PIO (subproject level)

50. SESU will closely coordinate with the DPs to consult them on their concerns, identify and resolve matters of disagreement or disputes on impact assessment, compensation eligibility and entitlements in situ through consultative process with stakeholders including DPs. FOs and village DPC can be notified to assist in grievance redress. DPs will be informed accordingly. The project safeguards and engineering staff will coordinate with DPs and village level committees to review and resolve the issue or concern related to LAR planning or implementation preferably within 15 days from receipt of the grievance. The process on grievance resolution through informal level will be documented and record will be maintained and presented in project progress and internal monitoring reports.

51. If the issue remains unresolved, it will be referred to the Grievance Redressal Committee (GRC). The GRC will comprise of representatives from the PMO/SESU, District BID (XEN/SDO), Revenue Department (DOR or LAC), local community and concerned FO (if any). The GRC will meet once a month and when the need arises. The GRC will review grievances involving all LAR planning and implementation and social issues including, compensation, relocation, and other assistance as well as social issues that may arise due to restricted access to the resources and amenities.

52. GRC will perform following functions:

- Record grievances, categorize and prioritize the grievances that needs to be resolved by the Committee and solve them within a month;
- Summon and hear aggrieved persons/parties to produce evidence of their claims and record their view point;
- Communicate its decisions and recommendations on all resolved disputes to Project executors and the aggrieved persons for implementation;
- Forward the unresolved cases to PMO within an appropriate time frame with reasons recorded and its recommendations;
- Develop an information dissemination system and acknowledge the aggrieved parties about the development regarding their grievance and decision of PMO;
- Maintain a complaint register accessible to the stakeholders with brief information about complaints and GRC decision with status report; and,
- Maintain complete record of all complaints received by the GRC with actions taken

53. The GRC will work both at the project and field level. The project safeguards and engineering staff, in coordination with district-level BID staff will inform the DPs about the GRC and its mechanism through consultations, focus group discussion and by posting at prominent places. The complaints received through any media will be screened by type and category and registered in a community complaints register (CCR), where the name & address of complainant, date, description of complaint and action taken will be recorded. The GRC will acknowledge the complaints within 5 days of receipt and will review available records. If required, GRC will advise the safeguards/engineering staff to conduct field visits in consultation with the aggrieved person, local community and the land revenue staff and submit a fact finding report. Preferably the fact finding will be completed within 15 days from receipt of complaints. The GRC in its formal meeting to be conducted within 30 days from receipt of complaint, will hear and clarify with the complainant (if required so) about the issue and shall conclude and communicate its recommendations for further implementation. Complainant will be kept informed during the process and the GRC decision will be communicated to him in a language and form understandable to him. The GRC proceedings will be documented step by step and all records will be maintained and summarized in the project progress and internal monitoring reports.

54. Nonetheless, the complainant will be at liberty to access the formal legal course if he is dissatisfied with the GRC findings and recommendations. If GRC fails to conclude its recommendations either due to some technical or legal constraint, the GRC will immediately report the issue to BID and will request guidance and support it deems necessary. BID will ensure to resolve the grievance in 30 days. In case of any delay, the complainants will be informed on the progress and process about their grievances.

55. Disputes on land title, land compensation awarded and payable under law and apportionment of compensation will be dealt under the grievance redress mechanism provided in the LAA. Any complaint received will be registered in the GRM and the DPs will be clarified on the process and supported to access the legal course. All other issues will be resolved through the project-based GRM. In case the grievance pertains to awarded compensation, PMO will clarify with the DPs the process as set out in Section 18 to 22 of the LAA 1894 and facilitate in invoking legal process for resolution of dispute. Community complaints and grievances will be addressed through two different processes as described in the following Table.

Table 3- Grievance Redressal Process

Land/Crop Compensation Issues	Project/ Other Issues
<p>a. First, complaint resolution will be attempted at site (field level) through the involvement of the PMO/informal committee/ and or concerned FO (if any).</p> <p>b. If unsettled, grievance can then be lodged to the GRC or DOR/LAC to proceed under law and communicate decision in least possible time.</p> <p>c. GRC will acknowledge the complaint within 5 days of complaint and after initial review and consultation with the LAC, within 15 days of receipt of complaint, the GRC will clarify the legal course of action and guide aggrieved persons to approach appropriate legal forum. PMO will coordinate with the land administration authorities including District Collector and LAC to request early resolution of the issue/complaint.</p>	<p>a. First, complaints resolution will be attempted at site (field level) through the involvement of the PMO/informal committee or concerned FO (if any).</p> <p>b. If unresolved, a grievance will be lodged to the GRC, which will acknowledge receipt of the complaint within 5 days.</p> <p>c. The GRC will conduct fact finding in 15 days of receipt of complaint and after review of fact findings reports and hearing the DPs in person will conclude its recommendations in 30 days of receipt of complaint. In case GRC could not decide in stipulated time, the reasons if any will be recorded and the grievance will be resolved in next 30 days.</p> <p>d. If the complainant is not satisfied, he can pursue further by submitting to the appropriate court of law.</p>

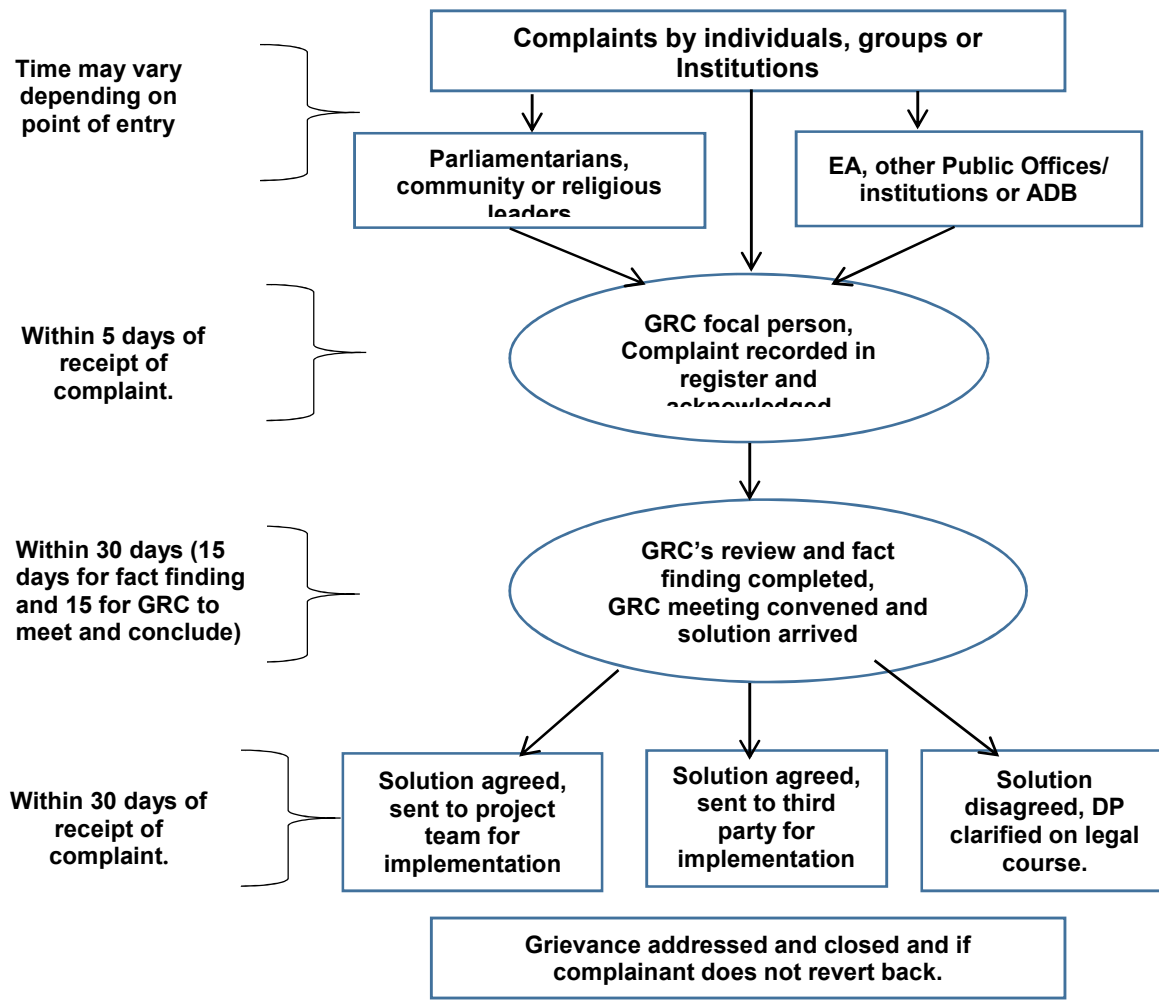


Figure 3- Grievance Process and Time Frame

6 Compensation, Relocation and Income Restoration

56. Compensation at full replacement cost for of affected assets and restoration of affected livelihoods is the basic principle guiding the LARP preparation. Lost assets (land, structures, and community facilities) will be replaced in kind or cash, with special provisions for the improvement of livelihoods of vulnerable displaced persons, and sharing of project benefit. The compensation, resettlement and relocation options and income restoration measures for each subproject LARP will be specific to the types of impacts, losses and eligible persons. Provisions made in this LARP include a wide range of possible impacts which may arise in subprojects. DPs will be eligible for a combination of entitlements specific to their particular losses and property relations to the lost assets. The compensation entitlements for a wide range of potential impacts under the project are given below.

6.1 Compensation for Land and Non-Land Assets

6.1.1 Agricultural land

57. **Land (partially or fully affected):** All titleholders (recorded land owners) or those having land rights recognizable under local law or custom will be compensated for acquired land either through replacement land parcel of similar type and size (if available) or through cash compensation at full replacement cost including fair market value, transaction costs, interest accrued and other applicable payments (refer SPS, SR 2, para 10) for acquired land parcel. Compensation will include fair market value of land and other entitled compensation as outlined in Section 23⁹ of the LAA, and a 15% compulsory land acquisition surcharge. In case of delay in land award, an additional compensation @ 15% per annum on assessed compensation from the date of Notification of Section-4 to the date of compensation payment as escalation will be paid. Emergency clause for acquisition of land under the LAA will not be invoked. All titled land owners/DPs will be entitled for compensation so calculated to the extent of acquired land. DPs who lose 10% or more of their productive agricultural land will also be entitled for severe impact allowance equal to market value of the gross annual yield of lost land for one year.

58. **Non-titled users of agricultural land,** i.e. informal land users (without traditional/recognizable rights) and squatters losing land, will be provided compensation for non-land assets and improvements (if any) made to land. In case of arable land, they will be provided an income rehabilitation allowance in cash equal to the net market value of yearly harvest income based on relevant cropping pattern and cultivation record (additional to standard crop compensation), and compensation for any irrigation infrastructure and other improvements made to the land at full replacement cost; and other appropriate rehabilitation to be defined in the LARPs based on subproject situation and DP consultation.

59. **Leaseholders or tenants on government land:** Registered leaseholders/tenants on the state land as per land records/cadastres will be entitled to either renewal of the lease/tenancy agreement in other plots/parcels of similar type and size or cash compensation equivalent to the market value of net yield of the affected land for mutually agreed period (additional to standard crop compensation) up to a maximum of three (03) years.

⁹ Section 23 sub section (1) of LAA require to determine compensation package including, fair market value, costs in consequence of severance, costs for loss of earning or profit the costs for lost fixed assets other than land etc.

60. **Leaseholders/renters, tenants or sharecroppers on privately owned land:** Lessees or renters of arable land will receive a cash refund of the rental fee proportionate to the size of the affected plot and the duration of the remaining lease period up to a maximum of three years and will be entitled to crop compensation for lost crop and an additional crop. Sharecroppers on privately-owned land will be entitled to crop compensation as per their respective share with the landowner based on their sharecropping contract. Cash compensation will be equivalent to the market value of the gross yield of lost harvest and one (01) additional crop compensation. In addition, they will be compensated for improvements (if any) made to the acquired land.

61. **Agricultural laborers,** with contracts to be interrupted, will be compensated equal to their salary/daily wage or minimum wage whichever higher during the disruption period.

6.1.2 Residential, commercial, public and community land:

62. **For partial loss** of a plot (taking into account functional viability of remaining plot for its current use), owners -defined as titleholders or legalizable¹⁰ users- will receive cash compensation at replacement cost according to the quantity and quality of the land lost, including all transaction costs. Lessees or renters of residential land will receive a cash refund at the rate of the rental fee proportionate to the size of the affected plot and the duration of the remaining lease period. Non-titled land users/squatters or encroachers will be compensated for improvements (if any) made to the land and provided with rehabilitation/resettlement assistance to offset adverse impacts if any or provision of access to remaining land parcel on secured tenure basis. Non-titled land users will be provided fixed term lease for alternate land parcel of similar production value for a period up to 3 years with further time extension subject to mutual agreement between the BID and affected land owners/occupants.

63. **For full loss** of a plot, owners may choose between either (i) land for land compensation (subject to availability) through the provision of a registered replacement plot of comparable value, quantity and quality as the lost plot at another location agreeable to the DP or (ii) cash compensation at replacement cost according to the quantity and quality of the land lost. In either case all transaction costs, such as applicable fees and taxes, will be borne by the BID. Lessees or renters will receive a cash refund at the rate of the rental fee for the duration of the remaining lease period for the entire lost plot. Non-titled land users squatting or encroaching on affected land will not be entitled for land compensation, but will be provided with compensation to the extent of improvements (if any) made to the land, rehabilitation/resettlement assistance for self-relocation and to offset adverse impacts if any. Non-titled land users will be provided fixed term lease for alternate land parcel of similar production value for a period up to 3 years with further time extension subject to mutual agreement between the BID and affected land owners/occupants.

6.1.3 Temporary occupation of land

64. Temporary occupation of land is required in the short term for construction and other uses during civil works. This may happen when either diversion channels are required for execution of rehabilitation and upgrading works for existing irrigation channels or river plume is diverted for construction of run-off weir or dam. In case of temporary acquisition of land, the owners, lessees and tenants will receive a rental fee commensurate with current local land rents for the period of occupation of the land. All DPs will have guaranteed access to their land and structures located on their remaining land and their land will be restored to its original state. Temporary land may be

¹⁰ Persons with land rights recognizable under local law or custom.

required by the civil works contractor for construction campsites, equipment and stockyards. In case of temporary use by the contractor, the terms and conditions of such use will be agreed between the contractor and landowners and a private lease agreement will be signed between the Parties. BID will ensure that the compensation in such private lease agreements are fully consistent with the LARF provisions.

6.1.4 Structures

65. Partial structure (residential/commercial and other) loss will be determined based on functional/economic viability of remaining structure or possibility for its restoration and to put it into the same use as was before the project. The owners, including non-titled land users/squatters, will receive cash compensation for the lost parts of a structure at replacement cost and for the repair of the remaining structure at market rate for materials, labor, transport and other incidental costs, without deduction of depreciation for the age of the structure. They have the right to salvage all usable materials from the lost structures. Lessees will receive a cash refund of the rental fee proportionate to the size of the lost part of the structure and the duration of the remaining lease period.

66. In case of complete loss of structure or when remaining structure becomes functionally/economically unviable for use, the owners will be given cash compensation for the entire structure at replacement cost, including all transaction costs (such as applicable fees and taxes), without deduction of depreciation for age. The owners have the right to salvage all usable materials from the lost structures. Lessees and renters will receive a cash refund for paid advances (if any) and the period for which rent is paid or the remaining lease period up to a maximum of 12 months.

67. If minor structures, such as fences, sheds or latrines, need to be moved, structure owners may either (i) receive cash compensation for self-relocation of the structure at the current market rate for the cost of labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age, or (ii) the structure may be relocated by the Project.

68. For stalls and kiosks or other temporary commercial structures like thatch huts, whether titled or licensed or not, alternative sites comparable in business potential to the lost location will be provided and the vendors will receive cash compensation for self-relocation of their stalls at the current market rate for the cost of labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age.

A – Crops

69. All affected land owners/users will be entitled for one year crop compensation i.e two crops (one lost crop and other crop for ensuing season) to offset any adverse impacts to their income/livelihood due to accrued crop losses because of acquisition of land. The entitlement for crop losses will link to the cultivators including landowners (owner-cultivators), leaseholders/sharecroppers and encroachers/squatters etc. Cultivators of affected crops will be paid cash compensation for the loss of a crop proportionate to the arable/cultivated area of lost plot based on gross product value of the grown crops or as assessed and provided by the competent government agricultural department. The second crop (crop for ensuing cropping season) will be paid based on net product value proportionate to the cultivated area for the first crop compensation. In case of share cropping arrangement between the parties, the compensation will be apportioned between the parties as per their sharecropping arrangement.

B – Trees

70. Owners of affected fruit trees will receive cash compensation based on the product value multiplied by: i) period required to grow a new tree to the age of production or ii) average years of crops forgone. The required number of years to grow a fruit plant to production age can be different for different tree species. For compensation purpose, 5 years period is taken as standard and compensation will be calculated by multiplying this with the average production potential and current market rates of the fruit. In addition, the cost of purchase of seedlings and required inputs to replace these trees will be paid. For timber trees, cash compensation will be paid based on the timber value of the species at current volume, in addition to the cost of purchase of seedlings and required inputs to replace the trees.

6.1.5 Land for Land Compensation and Voluntary Land Donation

71. **Land for land compensation:** Land for land compensation has significant advantages in that it reduces the chance of DPs spending their compensation on items that will not provide them with an alternative economic livelihood. Therefore, preference will be given to land-based resettlement strategies for DPs whose livelihoods are land-based. These strategies may include resettlement on public land, or on private land acquired or purchased for resettlement. Whenever replacement land is offered, DPs will be provided with land considering productive potential, locational advantages, and other factors to ensure the replacement land is at least equivalent to the advantages of the land taken. If land is not the preferred option, or sufficient government land is not available and acquisition of suitable resettlement land is not possible, non-land-based options built around opportunities for employment or self-employment will be considered in addition to cash compensation for land and other assets lost. The lack of land will be demonstrated and documented to the satisfaction of ADB.

72. **Voluntary Land Donation (VLD):** For some subprojects and command area development, communities and households may agree to provide land in exchange for desired benefits. In certain circumstances and subject to prior ADB approval, this may be acceptable provided that the following principles are met and confirmed:

- - i. the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them;
 - ii. potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation;
 - iii. the amount of land being donated is minor (less than 10% of the donor's landholding) and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels;
 - iv. no household relocation is involved;
 - v. Any potential donors should benefit directly from the subproject.
 - vi. The donation would be made for a specified purpose and term. If the land is not donated in perpetuity, the donation agreement would specify what will happen to the land at the end of the term.
 - vii. The act of donation will be undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. This will be independently verified by an independent third party such as a local NGO. Records of consultation with donors will require verification;
 - viii. The donation of land will not necessitate any involuntary household relocation;

- ix. For community or collective land, donation can only occur with the consent of all individuals using or occupying the land, or recognized in custom to have some claim;
- x. PMO/PIO will confirm that the land to be donated is free of encumbrances or encroachment prior to commencement of any work on the land;
- xi. Any donated land that is not used for its agreed purpose by the project will be returned to the donor; and,
- xii. Both male and female heads of households must agree to and sign the written agreement for land donation (**Annex IV** shows a sample voluntary donation of land agreement).

73. The BID/ACD will maintain a transparent record of all consultations and agreements reached.

6.1.6 Resettlement & Relocation

a. Relocation assistance

74. Where applicable, the DPs will be provided logistical support for the identification and purchase or rental of replacement plots and/or structures, or the construction of new structures, and all related administrative tasks. The physically displaced persons will self-relocate at individual sites and structures of their own choice.

b. Transport allowance

75. All DPs to be relocated due to loss of land and/or structures including residences, business premises or agricultural land are entitled to receive a cash allowance to cover the cost of transporting people and their movable property (furniture, household items, personal effects, machinery, tools etc.) and of setting up at the new premises at the current market rate for labor, vehicle hire, fuel and incidental costs. A lump sum amount (covering all items mentioned) will be provided to the DPs.

d. Transition allowances

76. The displaced households which need to re-establish or relocate their lost residential/commercial structure will be entitled to transitional support up to a period of 3 months based on the officially designated minimum wage rates and shall be paid to the household head. This transitional support will be in addition to the compensation entitlement for business or income losses for any of the household member or DP.

77. Rental assistance (residential and commercial) will also be provided as transitional support to facilitate the DPs for temporary relocation of their assets and continue their activities while the replacement assets are provided or the partially damaged structures are restored to their original use. This rental support will be computed in consultation with DPs based on prevailing rental values of available asset in the in the project area and will be paid as such for a period as agreed. The period required to re-establish partially affected asset or construction of similar new structure will be determined during preparation of respective subproject LARPs and the rental assistance will be elaborated based on consultations with the DPs and other stakeholders.

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6.1.7 Income Restoration

a. Loss of agriculture-based livelihood

78. In case partial loss of arable land wherein the remaining land is still functionally viable, DPs (owner, lessee, sharecrop tenant or non-titled user) will be provided with financial support for investing in productivity enhancing inputs like land levelling and erosion control, irrigation infrastructure, farming tools, fertilizers and seeds etc. as feasible and applicable. Additional financial support in the form of grants and micro-credit will be available, if the compensation for partial land loss is insufficient to allow for adequate investments to maintain the DP's livelihood.

79. For the full loss of arable land without provision of alternative land, DPs (owner, lessee, sharecrop tenant or non-titled user) will be provided with project based job-placement or training on alternate employment opportunities as well as organizational and logistical support to establish the DP in an alternative income generation activity. If possible, PMO/PIO will coordinate and/or cooperate with governmental and non-governmental income generation and micro-enterprise development initiatives.

b. Uninterrupted access to resources and means of livelihood

80. BID will ensure that access of the people to their aboding places and livelihood sources like agricultural fields, business premises remain open and unrestricted during execution of the project works. To achieve the objective, either obstruction to any known access route will be avoided or alternate access will be provided in technical design as integral to subproject facilities. The relevant subproject LARPs will elaborate on specific anticipated impacts and outline measures to ensure access.

c. Businesses

81. For the loss of business income (temporary or permanent) due to LAR or construction activities by the project, the owner of a business will receive cash compensation equal to the lost income during the period of business interruption up to 3 months if loss is temporary and reversible and up to 6 months if the loss is permanent, based on business turn over or tax records produced or in case of non-production of record, comparable rates from registered businesses of the same type in same area with tax records available. However, if tax based lost incomes are unknown, then official designated minimum wage rate will be used as base rate to compute compensation. For permanent loss of business, opportunities for project based job or training to alternative livelihood sources with organizational and logistical support to establish the DP in an alternative income generation activity will be worked into and elaborated in the respective LARPs. For this purpose, coordination with relevant governmental and non-governmental organization will be made.

d. Employment

82. The loss of employment due to LAR or construction activities among all laid-off employees of affected businesses or farms will be compensated through cash compensation equal to the lost wages during the period of employment interruption up to a maximum of three (03) months, based on registered wages or tax records if available or based on officially designated minimum wage rate, if tax based lost incomes are unknown. The DPs facing employment loss due to lost assets like agricultural land and business enterprises will be documented and the income restoration provisions will be elaborated in the respective LARPs.

6.1.8 Public services and facilities

83. Public services and facilities interrupted and/or displaced due to LAR will be fully restored and re-established at their original location or an alternative site prior to commencement of physical works. All compensation, relocation and rehabilitation provisions of this LARF are applicable to public services and facilities. These include but are not limited to schools, health centers, community centers, local government administration, water supply or graveyards.

6.1.9 Special provisions

a. Special provisions for displaced vulnerable persons

84. Typically, those below poverty line, the landless or those without a title to land, the elderly, female headed households, women and children, and indigenous people comprise the disadvantaged or vulnerable groups within a project's displaced population. Under BWRDP, households that exhibit one or a combination of the conditions below will be considered vulnerable and provided with subsistence allowance for 3 months computed on the basis of officially designated minimum wage rate:

- i. DHs with income equal to or below officially designated poverty line
- ii. DHs that are landless or those without legal or legalizable title whose livelihood depend mainly on the acquired land
- iii. DHs headed by a disabled, elderly, or woman who are the primary or sole income earners

85. Vulnerable households will be documented and the specific LAR impacts on their livelihood will be identified in the census and socio-economic survey. The displaced vulnerable persons will be consulted and measures for rehabilitation and enhancement of their livelihood and living standard will be provided in the LARPs and ensured during LARP implementation and project execution.

b. Special provisions for displaced women

86. In terms of social support, services, employment, and livelihood the needs of women affected by involuntary resettlement are likely to be different from those of men. The women might face greater difficulty in re-establishing their socio-economic activities because of restricted mobility or illiteracy. Although the female heads of household will be eligible and entitled for compensation and benefits for their lost assets similar as to their male counterparts, they may need special attention because of lack of resources, educational qualifications, skills, and work experience. To safeguard women needs and interests, following measures will be considered during impact assessment, census of DPs, designing rehabilitation/resettlement provisions and preparation of the LARPs for each subproject to be implemented under BWRDP.

- During census and socio-economic assessment, focus group discussion and individual meetings will be conducted with displaced women to identify the concerns and mitigation required in resettlement planning. The LARPs will detail the scope of LAR impact on women and wherever required separate gender action plan will be developed;
- Gender segregated socio-economic baseline and impact inventory linked to the entitled DPs will be developed and women shall be compensated for assets in their name, meanwhile identified female headed households (if vulnerable) will be entitled for additional compensation as provided in the sub-project LARPs;

- Efforts will be ensured to pay compensation in the joint accounts and in case of provision of replacement asset i.e land or structure (residential/Commercial) at resettlement/relocation site, it will be ensured that the provided asset is transferred in the joint ownership of the male and female counterparts of the displaced households; and
- Gender sensitive grievance redress system with women participation will be ensured to facilitate the aggrieved women (if any) to lodge complaints and get their concerns resolved.

c. Special provisions for indigenous people

87. Indigenous Peoples (IP) safeguards requirements as defined in the SPS (2009) of ADB are triggered when the project (direct or indirect) affects the dignity, human rights, livelihood systems, or culture of IPs or affect the territories or natural or cultural resources that IPs own, use, occupy, or claim as their ancestral domain. Screening of subprojects at the pre-feasibility stage confirmed that no IP groups exist in the project areas of Balochistan. Therefore, it is envisaged that the IP safeguards as of the SPS (2009) of ADB will not be triggered.

88. Nevertheless, if at further screening of subprojects during detailed design, IIPs are identified, specific action on IPs will be included in the LARP or a stand-alone Indigenous Peoples Plans (IPP) will be prepared following ADB's IP safeguards policy and procedures. BID/ACD will explore all possible project design options to avoid or minimize potential physical and economic displacement of IPs. During execution of the project works, it will be ensured that IPs' dignity, indigenous knowledge, cultural and social value are fully respected and preserved.

d. Cases with legal and administrative impediments:

89. Both the LAA (1894) and ADB SPS (2009) require that DPs are compensated before displacement, but allow a mechanism for dealing with cases of DPs having legal and administrative impediments restricting disbursement of compensation, Nonetheless, sufficient good-faith efforts are required to be demonstrated for (a) contacting, notifying and assisting DPs, and (b) delivering compensation payments. The guidance note on compensation and handling cases with legal and administrative impediments provided in **Annex-V**, elaborate the efforts required to be made for addressing the (i) the cases with legal and administrative impediments restricting payment to DPs (ii) the requirements for payment under the LAA related to cases with legal and administrative impediments and (iii) when can good-faith efforts be considered as sufficient and how to document that good-faith efforts. PMO/PIO will carry out case specific actions for demonstrating that sufficient good-faith efforts have been made toward payment of compensation, addressing the legal and administrative impediments and to collect additional documentation following templates provided in the guidance notes before requesting ADB to allow commencement of works.

6.1.10 Eligibility for Compensation

90. The persons holding or occupying the land/assets at project site on or before cut-off date and who are physically or economically displaced due to permanent or temporary loss of their assets including land, structures and other assets appended to the land or their livelihood whether full are partial due to land acquisition or eviction from public land (ROW) will be eligible for compensation and rehabilitation/income restoration provisions under BWRDP project. Any person who occupies the land or establishes any assets in the demarcated subproject area after the cut-off date will not be eligible for compensation or resettlement assistance. However, he will be

served with a prior notice to vacate the land demarcated for subproject and will be allowed to take the salvaged materials.

91. Three broad categories of the eligible persons include (i) persons with formal legal rights land and/or structures lost entirely or in part, (ii) persons who have no formal legal rights to land and/or structures lost wholly or in part but who have claims to such lands that are recognized or recognizable under national law, and (iii) persons who lost the land or asset (structure) they occupy in entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The eligible DPs entitled for compensation for their acquired assets on replacement costs basis under this LARF are explained below:

- Owners of land and assets i.e. structures (residential/commercial or of any other use) with formal legal title to land and the recorded occupiers/users of land/assets as provided in the land record registers and cadasters will be eligible as type-(i) DPs
- The persons whose rights are not formal or legal but whose claims are recognized or recognizable under national laws or customs will be eligible for compensation against their affected land/assets. Such DPs may include people who have inherited, occupied, and utilized the land for generations but lack titles simply because the state has not formalized the land records and issued title to them and those people who have customary usufruct right and the land is held either by the community (collectively) or the state.
- DPs without formal legal rights or recognizable claims under National law and customs and may include all squatters, tenants, sharecroppers, and wage laborers. Such DPs lack legal or recognizable rights to the land/asset. They will be considered DPs and are eligible to receive compensation on replacement costs/market price for assets other than land and resettlement assistance.
- Cultivators of the land or those whose livelihood is land dependent, business operators and their employees whether registered under law or informal and the identified vulnerable groups.

Table 4- Eligibility and Entitlement Matrix

Type of Loss	Specification	Eligibility	Entitlements
1. LAND			
Permanent impact on arable land	All land losses independently from impact severity	Owner (titleholder, or holder of traditional rights)	<ul style="list-style-type: none"> • Land for land compensation through provision of plots of equal value and productivity as that of lost (if available) <p align="center">Or.</p> <ul style="list-style-type: none"> • Cash compensation at full replacement cost (RC) including fair market value plus 15% compulsory acquisition surcharge all transaction costs, applicable fees and taxes and any other payment applicable. • DPs who lose 10% or more of their productive agricultural land will also be entitled for severe impact allowance equal to market value of the gross annual yield of lost land for one year.
		Leaseholder titled/untitled	<ul style="list-style-type: none"> • Compensation limited to the extent of improvements made to land including irrigation infrastructure/supply systems or any ancillary works made for improved utility and productivity of land; • Compensation commensurate to lease type and as appropriate for recovery of paid advance or paid lease amount for the remaining lease period but up to two years maximum. • Crop compensation for standing crop with an additional crop (based on relevant cropping pattern/cultivation record) and other appropriate rehabilitation as transitional support under other entitlements.
		Sharecropper/tenant (titled/untitled)	<ul style="list-style-type: none"> • Compensation (not for the land) limited to improvements made to land including irrigation infrastructure/supply systems or any ancillary works made for improved utility and productivity of land; • Cash compensation equal to gross market value of crop compensation (see crop compensation below) to be shared with the land owner based on the sharecropping arrangement.
		Agriculture laborers	<ul style="list-style-type: none"> • The agricultural laborers facing employment/wage loss because of land acquisition will be entitled to income rehabilitation allowance in cash equal to net value of one crop season based on relevant cropping pattern/cultivation record or 3 months officially designated minimum wage or OPL rate. In addition the applicable compensation for lost asset (if any) will be applicable as per ILO.

Type of Loss	Specification	Eligibility	Entitlements
		Squatter, encroacher.	<ul style="list-style-type: none"> No compensation for land loss Income rehabilitation allowance in cash equal to net value of annual crop production and other appropriate rehabilitation to be defined in the LARPs based on project specific situation and DP consultation. Compensation for any irrigation infrastructure and other improvements made to the land at full replacement cost.
Residential/commercial land	All land losses independently from impact severity	Titleholder, or holder of traditional rights	<ul style="list-style-type: none"> Cash compensation at full replacement cost (RC) including fair market value plus 15% compulsory acquisition surcharge all transaction costs, applicable fees and taxes and any other payment applicable Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.
		Lessee, tenant	<ul style="list-style-type: none"> Cash refund/payment at the rate of lease or house rent for remaining lease period or house rent
		Renter/leaseholder	<ul style="list-style-type: none"> Rent allowance in cash equivalent to 3-6 months' rent to be decided in consultation meetings with DPs.
		Non-titled user without traditional rights (squatters)	<ul style="list-style-type: none"> No compensation for land loss Self-relocation allowance in cash equivalent to 3-6 months livelihood based on OPL, or as assessed based on income analysis. Where required, additional support required ensuring improved standard of living to be determined through the social impact assessment.
Temporary land occupation	Land temporarily required during civil works	Owner, lessee, tenant	<ul style="list-style-type: none"> Rental fee payment for period of occupation of land, as mutually agreed by the parties; Restoration of land to original state; and Guaranteed access to structures (if any) and remaining land with restored irrigation infrastructure and water supplies.
		Non-titled user	<ul style="list-style-type: none"> Guaranteed access to land and structures located on remaining land with restored access to water supplies for irrigation (if applicable) Restoration of land to original state; and Income rehabilitation support i.e compensation for lost crops/trees as per entitlements provided (refer crop and tree section below).
2. STRUCTURES			

Type of Loss	Specification	Eligibility	Entitlements
Residential, agricultural, commercial, public, community	Partial Loss of structure	Owner (including non-titled land user)	<ul style="list-style-type: none"> • Cash compensation for affected structure (taking into account functioning viability of remaining portion of partially affected structure) for its restoration to original use) at full replacement cost computed at market rate for materials, labor, transport and other incidental costs, without deduction of depreciation. • Right to salvage materials from lost structure • For vulnerable households, provide legal and affordable access to adequate housing to improve their living standard to at least national minimum standard. • Any improvements made to a structure by a lessee/tenant will be taken into account and will be compensated at full replacement cost payable through apportionment between owner and the tenant as agreed at consultation meetings.
		Lessee, tenant	<ul style="list-style-type: none"> • Cash refund at rate of rental fee proportionate to size of lost part of structure and duration of remaining lease period already paid. • Any improvements made to lost structure by a tenant will be taken into account and will be compensated at full replacement cost payable as per agreed apportionment through consultation meetings.
	Full loss of structure and relocation	Owner (including non-titled land user)	<ul style="list-style-type: none"> • The DP may choose between the following alternatives: • Provision of fully titled and registered replacement structures at relocation site (if any) comparably of equal size and value as that of lost one including payment of all transaction costs, fees and taxes applicable under law. <p style="text-align: center;">or</p> <ul style="list-style-type: none"> • Cash compensation at full replacement cost, including all transaction costs, such as applicable fees and taxes, without deduction of depreciation for age, for self-relocation. • In any case, DP has the right to salvage the affected structure.
		Lessee, tenant	<ul style="list-style-type: none"> • Cash refund at rate of rental fee proportionate to duration of remaining lease period; • Any improvements made to lost structure by lessee/ tenant will be taken into account and will be compensated at full replacement cost payable as per agreed apportionment through consultation meetings.

Type of Loss	Specification	Eligibility	Entitlements
	Moving of minor structures (fences, sheds, latrines etc.)	Owner, lessee, tenant	<ul style="list-style-type: none"> The DP may choose between the following alternatives: Cash compensation for self-relocation of structure at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age) <p style="text-align: center;">Or</p> <ul style="list-style-type: none"> Relocation of the structure by the Project.
	Stalls, kiosks	Vendors (including titled and non-titled land users)	<ul style="list-style-type: none"> Allocation of alternative location comparable to lost location, and Cash compensation for self-relocation of stall/kiosk at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age)
3. Crops	Affected crops	Cultivator	<ul style="list-style-type: none"> Cash compensation (one year crop) at current market rate proportionate to size of lost plot, based on crop type and highest average yield over past 3 years or as assessed through the respective Agricultural Departments. Additional compensation to be worked out in consultation with DPs if the loss is 10% or more of productive resources including land.
		Parties to sharecrop arrangement	<ul style="list-style-type: none"> Same as above and distributed between land owner and tenant according to agreed share
4. Trees		Cultivator	<ul style="list-style-type: none"> Cash compensation for fruit trees at current market rate of crop type and average yield (i) multiplied, for immature non-bearing trees, by the years required to grow tree to productivity or (ii) multiplied, for mature crop bearing trees, by the average years of crops forgone; plus cost of purchase of seedlings and required inputs to replace trees. Cash compensation for timber trees at current market rate of timber value of species at current volume, plus cost of purchase of seedlings and required inputs to replace trees.
		Parties to sharecrop arrangement	<ul style="list-style-type: none"> Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/informally agreed share
5. RESETTLEMENT & RELOCATION			
Relocation Assistance	All types of structures affected	All DPs titled/untitled requiring to relocate as a result of losing land and structures	<ul style="list-style-type: none"> The project will provide logistic support to all eligible DHs/DPs in relocation of affected structures

Type of Loss	Specification	Eligibility	Entitlements
Transport allowance	All types of structures requiring relocation	All DPs and tenants required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> For residential structure: a lump sum amount of Rs. 15,000/ or higher depending upon the situation on ground. For commercial structure or agricultural farm structure: a lump sum amount of Rs. 10,000/ or higher depending upon the situation on ground.
House rent	All types of structures requiring relocation	All DPs and tenants required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> Rental assistance as a lump sum amount computed on the basis of prevailing rental rate for a period as agreed between the DP and project team, to assist the DPs in renting house or commercial structure.
Transition allowance	All types of structures requiring relocation	All DPs and tenants required to relocate	<ul style="list-style-type: none"> On a case to case basis, transitional allowance equal to 3 months of recorded income or equal to officially designated minimum wage rate.
6. INCOME RESTORATION			
Impacted land-based livelihoods	All land losses	All DPs with land-based livelihoods affected	<ul style="list-style-type: none"> Land for land compensation through provision of plots of equal value and productivity as that of lost and if land based compensation is not possible non-land-based options like built around opportunities for employment or self-employment will be provided in addition to cash compensation at full replacement costs for land and other assets lost. The following entitlements will apply if replacement land is not available or is not the preferred option of the DPs: Partial loss of arable land: DPs will be provided support for investing in productivity enhancing inputs, such as land leveling, erosion control, irrigation infrastructure and farming tools, fertilizers and seeds etc as feasible and applicable. Full Loss of arable land: Project based employment for the willing DPs will be worked out and included in bidding documents or training with additional financial support to invest as well as organizational/logistical support for establishing alternate means of livelihood.
Restricted access to means of livelihood	Avoidance of obstruction by subproject facilities	All DPs	<ul style="list-style-type: none"> Uninterrupted access to agricultural fields, business premises and residences of persons in the project area will be ensured in consultation with the DPs.
Businesses	Temporary business loss due to LAR or construction activities by Project	Owner of business (registered, informal)	<ul style="list-style-type: none"> Cash compensation equal to lost income during period of business interruption up to 3 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or computed based on officially designated minimum wage rate.

Type of Loss	Specification	Eligibility	Entitlements
	Permanent business loss due to LAR without possibility of establishing alternative business	Owner of business (registered, informal)	<ul style="list-style-type: none"> • Cash compensation equal to lost income for 6 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or computed based on officially designated minimum wage rate And • Provision of project based employment to one of the grown household member or re-training with opportunity for additional financial grants and micro-credit and organizational/logistical support to establish DP in alternative income generation activity
Employment	Employment loss (temporary or permanent) due to LAR.	All laid-off employees of affected businesses and farms	<ul style="list-style-type: none"> • Cash compensation equal to lost wages at comparable rates as of employment record for a period of 3 months (if temporary) and for 6 months (if permanent) or in absence of record computed based on official minimum wage rate. Or • Provision of project based employment or re-training, with additional financial as well as organizational/logistical support to establish DP in alternative income generation activity.
7. PUBLIC SERVICES AND FACILITIES			
Loss of public services and facilities	Schools, health centers, administrative services, infrastructure services, graveyards etc.	Service provider	<ul style="list-style-type: none"> • Full restoration at original site or re-establishment at relocation site of lost public services and facilities, including replacement of related land and relocation of structures according to provisions under sections 1 and 2 of this entitlement matrix
8. SPECIAL PROVISIONS			
Vulnerable DPs	Livelihood improvement	All vulnerable DPs including those below the poverty line, the landless, the elderly, women and children, and indigenous peoples.	<ul style="list-style-type: none"> • Subsistence allowance for 3 months computed on the basis of officially designated minimum wage rate and other appropriate rehabilitation measures to be defined in the LARPs based on income analysis and consultations with DPs. • Preference for provision of project based employment.

7 Institutional Arrangements and Implementation

7.1 Background

92. Implementation of the project in a manner consistent with the provisions of this LARF will be the responsibility of the Balochistan Irrigation Department (BID) as the EA. LAR management including planning, preparation, implementation and monitoring of sub-project LARPS as well as compensation/ rehabilitation program described in this LARF involves distinct processes to be carried out by different agencies. These include BID which will implement the project with a team of design and construction supervision consultants and contractors. LAR impact assessment and valuation, acquisition of land and other assets for the project will also involve other line departments/agencies, such as Revenue Department, Forest Department and Agriculture and Cooperative Department.

7.1.1 Balochistan Irrigation Department

93. BID has overall responsibility for project implementation and management of social safeguards, including preparation, implementation and monitoring of all LAR tasks and cross-agency coordination. A Project management office (PMO) will be established in BID to exercise its functions to ensure Implementation of BWRDP is fully consistent with agreed safeguards requirements as outlined in this LARF and subproject LARPs. Within the PMO, a Social and Environment Safeguards Unit (SESU) will be created to manage all LAR related activities. In addition, PMO will be supported by a Project Design and Supervision Consultants/Project Implementation Consultants (PDSC/PIC).

7.1.2 Social and Environment Safeguards Unit:

94. The SESU will be overall responsible for LAR management during design and implementation of the project. It will play a vital role to look after the routine LAR matters including planning, preparation, and implementation and monitoring of sub-project LARPs according to provisions outlined under this LARF. Main functions of the SESU will include but not limited to: preparation, implementation and monitoring of LARPs; coordination with GRC and village level DPCs; regular field visits and consultations with DPs and disclosure of LAR related information; tracking and monitoring progress of LARP implementation and preparation of biannual social internal monitoring reports. SESU will have the safeguards related technical support from the PDSC/PIC. The social safeguard management staff in SESU will include a Deputy Director for Resettlement, and a Deputy Director for Social and Gender.

95. Specific tasks that SESU are outlined below:

- i. Maintain oversight and quality control over all aspects of LARP preparation and implementation;
- ii. Join the LARP preparation consultants during their field visits and consultations with DPs. This is to ensure consistency of approach and message to DPs, and to address issues immediately as they arise on site;
- iii. Ensure that the LARP preparation consultants must include all the DPs along with the details of their property held e.g. land, structures, trees, crops, shops, etc. Preparation of LARPs by SESU shall be based on the LARF;
- iv. Coordinate land acquisition process and resettlement planning activities for the Project and facilitate information dissemination and consultation with DPs on all matters affecting

- DPs to ensure compliance with the requirements of the LARF, ADB's Social Safeguard Policies and Land Acquisition Act 1894. This will include coordination with District offices (Revenue Department, Forest Department, Agriculture and Cooperative Department, LARP preparation consultants and DPs;
- v. Ensure that land acquisition activity after publication of Section 4 is followed by updating of land records and land price assessment reflective of current market rates. In coordination with the provincial governments, participate in meetings of Land Price Assessment Committees and ensure that "replacement costs" are followed in the calculation of compensation;
 - vi. Ensure timely disclosure to all DPs of project design alignment, land acquisition notifications issued by the LAC under the LAA in accessible places and in a format and language easily understood by DPs, and facilitate meaningful consultation with all DPs on the information disclosed by the LAC/Revenue Department;
 - vii. Publish details of the designated office from where all information regarding alignment, design, road maps, revenue maps of land, information on price assessment and unit rates about assets lost can be acquired, with name of the focal person to contact;
 - viii. Internally review the LARPs, coordinate with ADB in review and approval of LARPs, and ensure timely disclosure of approved LARPs on BID website and translation of Summary LARPs in local language for disclosure to DPs;
 - ix. Coordinate with ADB on review and approval processes and respond to the comments/queries and provide clarifications in a responsive manner for early and timely approval of LARPs; and
 - x. Ensure the disclosure of approved LARP on BID website and translation of summary LARPs in local language for its disclosure to DPs. Verify data on DPs. Prepare, issue and distribute identity cards for each non-titleholder DPs category;
 - xi. Translate summary approved LARP in local language with all necessary information for DPs and ensure its disclosure through formal and informal manner in close coordination with the revenue and other departments; and document this process to avoid and reply to future complaints;
 - xii. Ensure that all field visits and consultations with the DPs are properly documented, photographed and recorded on video; such record shall be kept in the Project office.
 - xiii. Facilitate and support the LAC and Project Director throughout the compensation disbursement process including preparation of claims and issuance of compensation vouchers and cheques, and coordinate with DPs, PMO and district land revenue authorities;
 - xiv. Mobilize and facilitate the DPs to process their compensation claims and receive compensation;
 - xv. Support the establishment of a multi-tiered grievance redress mechanism at village level, project level and support the PMO and DPs in recording, processing/investigation and disposal of complaints;
 - xvi. Develop database management system to be used for internal and external monitoring of the LARP implementation and evaluation of degree of achievement of the objective set forth in the LARP;
 - xvii. Assist, coordinate and provide access to the database and files to the external monitor;
 - xviii. Publish details of the designated office from where all information regarding alignment, design, project maps, revenue maps of land to be acquired, price assessment and information regarding complaints status / redress can be obtained by the DPs, with name of the focal person to contact. Mobile phone numbers of all personnel of this unit must be mentioned for the convenience of DPs.

96. SESU will monitor day to day progress on LAR implementation and subproject activities to ensure consistency with the LARP and LARF provisions. The PMO will share LARP implementation status through monthly project progress reports, while separate LARP and social monitoring reports (internal) will be prepared and shared with ADB biannually. SESU will report to ADB on any unforeseen impact and will prepare and implement corrective action plan or addendum to subproject LARPs under ADB's guidance to ensure project implementation is fully consistent with the ADB's safeguards requirements. Any corrective action plan or addendum to LARP prepared and cleared by ADB shall be disclosed.

7.1.3 External Monitoring Agent:

97. An independent monitoring agency or individual external monitor will be hired to conduct periodic monitoring and evaluation for the implementation of all LARPs, verify emerging LAR issues during implementation of subprojects and recommend corrective actions to address these issues. The EMA will review and validate the LARP implementation progress, confirm if sites with LAR can be handed over for civil works, assess the efficacy of the LARP implementation and identify the areas of concern with corrective actions to be implemented for achieving the objectives of the subproject LARPs and complying ADB's safeguards requirements during project execution. The External Monitor shall prepare and share biannual social monitoring reports with BID and the ADB for review and acceptance. All ADB cleared biannual social monitoring reports will be disclosed on ADB and BID's websites and monitoring results will be shared with DPs and local communities.

7.1.4 Project Design and Supervision Consultants/Project Implementation Consultant (PDSC/PIC)

98. The PMO BWRDP will be assisted by the PDSC/PIC which will be responsible for preparing/reviewing the detail design of the subprojects and will assist the PMO in the preparation, updating, implementation and monitoring of the LARP. The PDSC/PIC will hire the services of the following qualified and experienced staff for supporting the LAR tasks and provide on-the-job assistance and coaching to the BID staff. The PDSC/PIC safeguards staff below will be on full time basis and will closely coordinate with the SESU staff to assist them in delivering the LAR management tasks as outlined above.

- a. One Resettlement Specialist,
- b. One Gender Specialist
- c. Two junior Sociologists for each river basin

7.1.5 Local/District Government

99. At the provincial level, land acquisition functions rest on the Board of Revenue. At the district level, the district officer revenue/deputy commissioner is the land acquisition collector (LAC), while his assistants/deputies are the LAC for the sub-districts. All land acquisition affairs, including publication of notifications under LAA provisions, identification and assessment of land, determination and delivery of compensation for land acquired under law rest with the LAC. The LAC is supported by the Patwari, (the land records keeper) who retains the land management record and carry out specific roles in land acquisition process that include measurement of land and preparation of land maps and record identification, verification and updating of land titles, and issuance of land title documents to be used at the time of processing of compensation claims etc.

100. Other line departments of the local/district government that will play a vital role in LAR planning include Buildings and Roads Department, Agriculture Department and Forest Department particularly in the assessment of structures, crops, and trees.

7.1.6 Civil Society Organizations

101. The relevant CSO (if any in the project area) will be engaged to cooperate with SESU and PDSC/PIC in LAR impact assessment including census of DPs and socio-economic surveys (SES). An appropriate CSO/NGO or a research firm will be commissioned to function as a third-party observer in a subproject to record and verify the DMS, negotiation and conclusion of contracts, and payment of compensation.

7.1.7 Civil Works Contractors

102. Contractors can only commence civil works at sites where subproject LARPs have been fully implemented as confirmed by the EMA. However, during execution of civil works, it is likely that some construction related activities may require quarrying from borrow sites beyond the project corridor causing temporary impacts due to occupation of land on mutually agreed terms and conditions with the land owners for borrows. Accidental damage to access or route may result in some temporary and reversible impacts. The civil works contractors will manage impacts due to his actions or omissions at and around the construction area. He will make arrangement with DPs for payment of compensation and restoration of affected land to its original state as agreeable to the DPs. The contractors' supervisory staff will be engaged to participate in LAR capacity building provided by the LAR consultants of the project. These requirements will be included in the works contracts and loan covenants.

7.1.8 ADB

103. ADB will review all LARPs and confirm their responsiveness to ADB's safeguards requirements. In cases where these do not meet ADB's requirements, ADB can advise for additional assessment and improvement of the LARPs to comply with ADB's safeguards requirements. ADB will also conduct periodic social safeguards reviews to verify that LAR planning and implementation is being carried out as agreed in this LARF and the subproject LARPs.

7.1.9 Coordination Initiatives

104. The land acquisition for public interest projects is responsibility of the provincial government through the Provincial Board of Revenue and its subordinate District Land Revenue offices assisted by the other line departments of local Government. The guidance and support by provincial government including BOR and district land revenue offices, provincial communication and works department, agriculture and cooperative department will be critical to implement the project and may require coordination at the management and working level. For improved coordination, BID will constitute a LAR Steering Committee (LSC) at the BID level, and a LAR coordination committee at district level.

7.1.10 LAR steering committee (LSC):

105. The LSC will be constituted as highest forum to take decisions on land acquisition issues and coordinate with all line departments. The LSC will meet periodically to discuss and review the progress on project LAR activities and shall decide on land acquisition issues being faced by the project and guide the land acquisition and resettlement coordination committee and district level government offices responsible for land acquisition on land acquisition mode to be followed, impact assessment and valuation of assets on replacement cost basis and compensation entitlements etc. The process for notification of LSC formation will be initiated by the PMO. The LSC will be composed of the PD PMO BWRDP, Secretary Settlement Board of Revenue Balochistan, Commissioner/Deputy Commissioner for respective division/district, representatives (not below the level of Deputy Secretary) for the Secretaries of Balochistan Irrigation Department (BID), Forest Department, Agriculture & Cooperative Department (ACD) and Communication and Works (C&W) Departments and Planning and Development Board Balochistan. The committee will meet periodically, more preferably on quarterly basis to review the project LAR progress and all its meetings will be documented, meeting minutes will be prepared and circulated and meeting records will be fully maintained.

7.1.11 LAR Coordination Committee:

106. At PMO level a Land Acquisition and Resettlement Coordination Committee will be constituted consisting of Director/Deputy Director Social SESU, Additional Deputy Commissioner/LAC for respective district, representative (not below the level of deputy district officer) of Irrigation, agriculture, forest and C&W departments with resettlement specialist (mobilized through PIC) as secretary to the LARCC. The LARC will support and guide the PMO team in i) assessment of LAR impacts, census and socio-economic surveys, ii) review the on-going market rates of land and assist PMO/LAC in determining the replacement cost for land and land based assets, and if land is acquired through private negotiation, it will facilitate and assist in the negotiated settlement of land cost and execution of sale deeds accordingly. The LAR Coordination Committee will meet regularly to review the progress on assessment of impacts, valuation of assets on replacement cost basis and acquisition of land and resolution of grievances on impact assessment and determination of compensation during LARP planning and preparation stages. Such review meetings will be conducted on monthly basis, however, if required the LARCC can call additional issue specific meetings to ensure proper and timely implementation of the subprojects.

7.1.12 Capacity Building of EA/IA

107. The capacity of EA/IA in particular the SESU will be enhanced under the project with respect to implementation of the LARF and LARPs under the project and also to improve EA/IA's capacity in planning, development and operation of water resources management systems with proper consideration to environmental and social issues and participation of stakeholders in order to make water systems sustainable in the long run and generate higher benefits. During implementation of the LARF/LARPs.

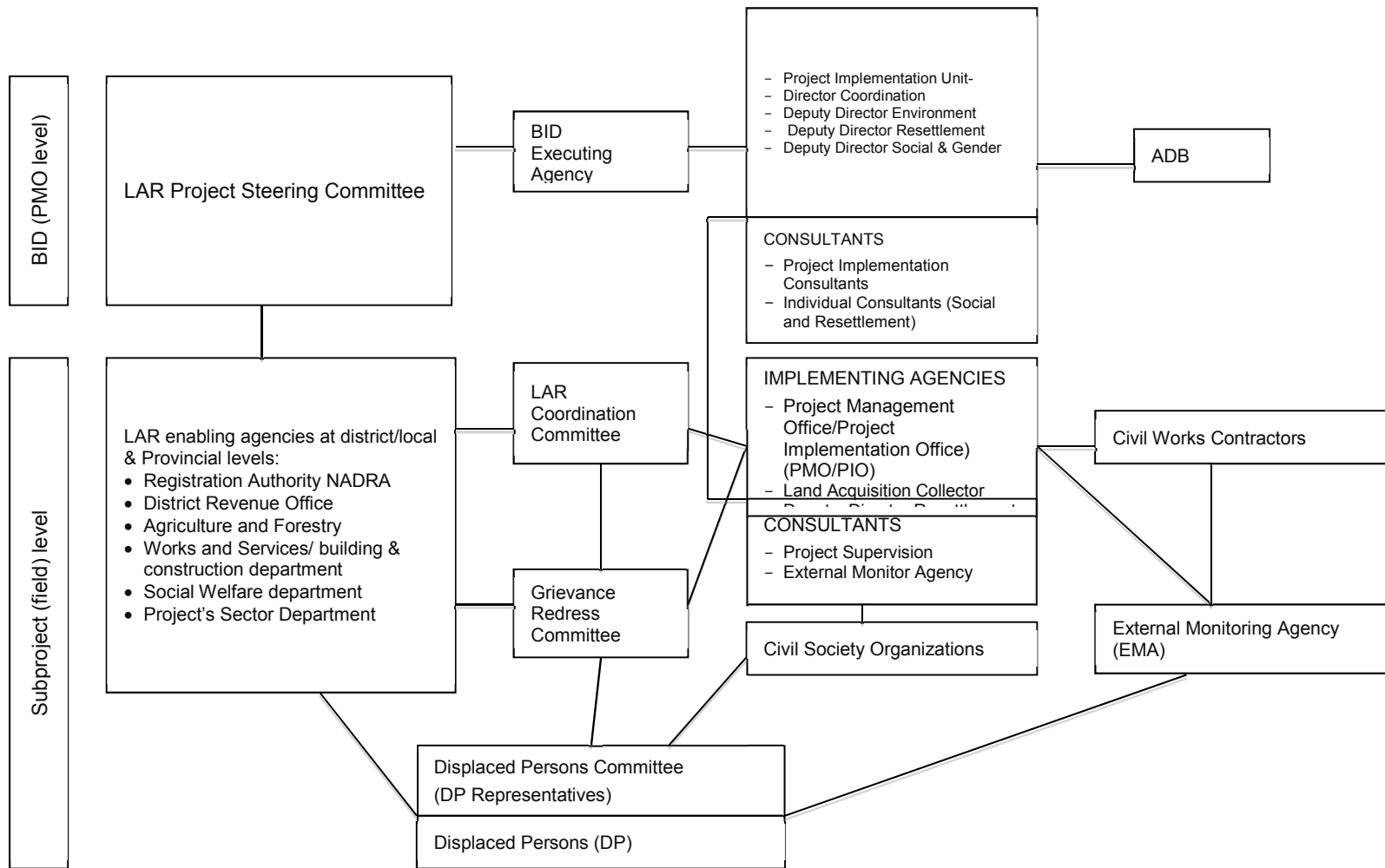


Figure 4- BID's Institutional Setup for Land Acquisition and Resettlement

8 Budgets and Financing

8.1 Background

108. As the specific locations of the subprojects to be considered within the ambit of BWRDP, have not been identified as yet. Consequently it is difficult to calculate accurate quantities of adverse impacts and any estimate of the cost of resettlement. The detailed cost estimation will be carried out when preparing a sub-project specific LARP in line with this LARF. All LARPs preparation and implementation costs, including cost of compensation, various eligible allowances, monitoring, evaluation, grievances redress, as well as contingencies, will be estimated and included in the LARP and they will be considered an integral part of each of the sub-project costs. Each LARP will include a budget section indicating.

- i unit compensation rates for all affected items and allowances,
- ii methodology followed for the computation of unit compensation rates, and
- iii A cost table for all compensation expenses including contingencies.

8.2 LAR financing

109. The land acquisition and resettlement fully consistent with the provisions of this LARF will be the responsibility of the Balochistan Government. Entire LAR costs will be borne through counterpart funds to be provided by the government and loan proceed will not be utilized.

110. Estimated budgets for costing of resettlement and land acquisition shall be included in the BID PC-1.

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111. The government will ensure timely release of requisite LAR funds and BID will ensure that the assessed land acquisition cost is timely deposited in the treasure to complete land acquisition process and pay awarded compensation to the displaced land owners through district treasury. The costs entitled under land awards will be paid by the land acquisition collector through payment vouchers issued by him and debit able to the district treasury. While the resettlement and relocation costs will be paid through project account by the PMO/PIO. Hence, a project account will be maintained and the resettlement and rehabilitation costs as required under sub-project LARPs will be deposited in this account at disposal of the project accounts staff. The Project will ensure that compensation costs entitled under the LARP are fully provided to DPs and income restoration measures are in place prior to physical displacement and commencement of civil work.

8.3 Management of Resettlement Budget

112. The respective Deputy Commissioner is authorized by LAA 1894 to pay compensation to eligible persons for loss of land and structures, trees and crops. Other compensation payments as per the entitlement matrix will be contingent upon payments by District Collector to confirm the identity of the eligible person. These payments will be made by PIU under the supervision of SESU.

113. Detailed implementation procedural guidelines will be outlined in the sub-project LARP and PMO will follow the implementation procedure. The implementation procedure will include definition of various resettlement terms, the entitlements, detail procedure for identification of eligible persons for resettlement entitlements of the LARP, and preparation of losses and entitlement files of individual DP, processing payments, effecting their disbursement and documentation. PMO with the assistance of SESU will prepare the implementation procedural guidelines and same will be incorporated in the final LARPs and followed.

9 Monitoring and Reporting

9.1 Objectives

114. The objective of monitoring and evaluation of LARP implementation is to monitor day to day LAR implementation progress, identify implementation problems and successes as early as possible so that the implementation arrangements can be adjusted. Two types of monitoring will be designed in the LARP i.e. internal and external monitoring.

9.2 Internal Monitoring

115. The internal monitoring is to be carried out by the SESU of PMO BWRDP and to be assisted by the Project Implementation Consultants.

116. The implementation of entire LARP will be monitored along with the status of resolution of all complaints (with details) and also the consultation plan. Internal monitoring will be carried out routinely by the Resettlement Specialist of PMO and PIC. Results of internal monitoring will be communicated to concerned Affected People and to the ADB through monthly progress reports. The LARP implementation progress will be consolidated into bi-annual social (internal) monitoring reports and will be shared with ADB for clearance and disclosure on ADB web site. Indicators for the internal monitoring will be those related to process and immediate outputs and results. Specific bench mark for internal monitoring will be as under

- Consultations, participation and disclosure activities planned and implemented.
- Status of land acquisition process and payment progress achieved for land compensation, and the DPs with legal and administrative issues identified and outreached;
- Payment of relocation assistance/cost to DPs for relocation to the place of their choice;
- Payments for lost income and income restoration activities employed; and specific mitigation measures executed to improve or restore living standards of vulnerable households;
- Benefit sharing opportunities created for/and accessed by the project affected communities particularly the displaced persons and/or households.
- Grievance Redress System in place and functions with progress on complaints recorded and resolved during monitoring period.

9.3 External Monitoring

117. The external/independent monitoring and evaluation consultant is to be carried out by hiring a consulting firm/individual consultant. BID will engage a qualified individual/firm as external monitor to review and assess the LARP implementation. The main objective of the EM process is to provide a third-party independent review of LARP implementation and provide necessary recommendations. A draft terms of references (TORs) is in Annex VI. The EMA will be hired before LARP implementation begins and will remain engaged throughout the project execution period to deliver social monitoring reports.

118. The EMA will be mobilized intermittently according to the agreed work plan and to provide bi-annual monitoring reports until project implementation is completed to cover both LARP implementation and emerging LAR issues during project implementation..

119. The external monitor will be for the engagement for the entire project and will take care of all subprojects under the sector loan. The main objective of this monitoring is to monitor LARP implementation, identify emerging issues and recommend corrective measures. The external monitor will review the IR reports, collect information from the field and determine whether resettlement

objectives and goals have been achieved, more importantly whether livelihoods and living standards of DPs have been restored/ enhanced and suggest suitable recommendations for improvement. The external monitor will identify the gaps in LARP implementation and emerging LAR issues during project implementation and advise the EA on corrective actions to address safeguard compliance issues and risks. The external monitor will:

- i. review and verify internal monitoring reports prepared by field offices and Social Specialists of PMO;
- ii. review the socio-economic baseline census information of pre-project conditions and identification and selection of impact indicators;
 - iii. assess provision of assistance to DPs for relocation to the place of their choice and other support as per the LARF;
 - iv. Assessment of the livelihood restoration measures put in place and income restoration activities employed for the DPs with a special focus on mitigation measures executed to improve or restore living standards of the vulnerable including gender;
 - v. Assessment on benefit sharing opportunities created for/and accessed by the project affected communities particularly the displaced persons and/or households.
- vi. Assessment of consultations, participation and information disclosure activities implemented, Grievance Redress System established and its functioning with progress on complaints recorded and resolved.
- vii. Overall impact assessment about LARP implementation through sample based formal and informal surveys of DPs, structured consultation with DPs including focus group discussions, government officials, community leaders and other stakeholders.
- viii. Assessment of resettlement efficiency, effectiveness, impact and sustainability, comparison of living standards with the baseline condition and identification of issues need to be addressed;
- ix. Assessment of emerging LAR issues during project implementation;
- x. Suggest actions for addressing the issues if any and corrective measures to be implemented by the PMO to ensure the safeguards management is fully consistent with LARF provisions and ADB safeguards requirements as outlined in the SPS 2009.

120. The external monitoring consultant will also assess the status of displaced vulnerable groups such as displaced poor and other groups disproportionately affected by land acquisition and resettlement, especially those below the poverty line, the landless, the elderly, disabled and female headed households, indigenous peoples and those without legal title to land.. The external monitoring consultant will consider indicators in monitoring and evaluation of subproject LARPs such as socio-economic conditions of the DPs in the post resettlement period; communications and reactions from DPs on entitlements, compensation, options, alternative developments and relocation timetables; changes in housing and income levels; rehabilitation of squatters; valuation of assets; grievance procedures; disbursement of compensation; and level of satisfaction of DPs in the post resettlement period.

121. The external monitoring consultant will assess the outcome of progress during execution of the project and shall carry out a post implementation evaluation of the LARP as about a year after completion of LARP implementation to determine whether the living LARP objectives are achieved or not. The socioeconomic survey baseline data of severely affected DPs conducted during the preparation of the LARP will be used as benchmark data to compare the pre and post subproject conditions. The external monitoring consultant will recommend appropriate supplemental assistance for the DPs. The outcome of the study will show if the objectives of the LARPs have been attained or not.

A N N E X U R E - I

I R / I P S C R E E N I N G C H E C K L I S T S

INVOLUNTARY RESETTLEMENT AND INDIGENOUS PEOPLES' SCREENING CHECKLISTS

Date: _____

<u>Subproject Name:</u>	
<u>Subproject Location (River Basin/District/Village):</u>	
<u>Status of Detailed Design:</u>	

Screening Questions	Yes	No	Not Known	Remarks
A. Involuntary Resettlement				
1. Does the subproject include upgrading or rehabilitation of existing physical facilities?				
2. Are there pending or unresolved land acquisition-related impacts or disputes related to the existing facility to be upgraded/expanded under the subproject?				
3. Are there resettlement/land acquisition actions conducted by the district in the subproject prior (within 3 years) to the approval of the ADB sector loan?				
4. Are there any subproject activities that will likely to lead to loss of housing, other assets, resource use or incomes/ livelihoods?				
5. Is land acquisition likely to be necessary?				
6. Is the site for land acquisition known?				
7. Is the ownership status and current usage of the land known?				
8. Are there non-titled people/households who put up/established improvements/crops/trees/ structures at the subproject site or within the ROW?				
9. Are there any non-titled people who live or earn their livelihood at the site or within the ROW?				
10. Will there be loss of housing?				
11. Will there be loss of agricultural plots?				
12. Will there be losses of crops, trees, and fixed assets?				
13. Will there be loss of businesses or enterprises?				

Screening Questions	Yes	No	Not Known	Remarks
14. Will there be loss of incomes and livelihoods?				
15. Will there be people who will experience major resettlement impacts. i.e. be physically displaced from housing or lose 10% or more of productive land? (If yes, indicate number of DPs in the remarks column)				
16. Are there DPs who can be considered as vulnerable as defined under the project? (If yes, indicate number of DPs in the remarks column)				
17. Will people lose access to facilities, services, or natural resources?				
B. Indigenous People				
1. Are there communities or settlements within the subproject area that are inhabited by households that may be considered as indigenous peoples (IPs) ¹¹ ?				
2. Do the IPs in the subproject area possess the following characteristics: (i) identify themselves and by others as IPs; (ii) attached collectively to a geographically distinct habitat or ancestral territory; (iii) have customary cultural, economic, social, or political institutions that are separate from the dominant Balochistan society and culture; and (iv) have a distinct language, often different from the official language of Pakistan?				
3. (If 'yes' in items 1 and 2) Will any of these IP households be adversely affected by the subproject?				
4. (If 'yes' in items 1 and 2) Will any of these IP households benefit from the proposed subproject?				

¹¹ The term indigenous peoples (IPs) is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the subproject area and to the natural resources in these habitats or territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture in Balochistan; and (iv) a distinct language, often different from the official language of Pakistan.

C. Involuntary Resettlement/Indigenous Peoples Safeguards Category

1. Subproject Categorization and Social Safeguards Planning Requirements

- Category A for IR and IP safeguards, to be excluded from the project
- Category B for IR safeguards. , a LARP is required (with specific action for IPs in case (IP safeguards is also triggered) o

2. Need for Income Restoration Program (for subprojects categorized as B for IR)

- No DH/DP can be considered severely affected or vulnerable, income restoration program not required.
- Some DHs/DPs can be considered either as severely affected or vulnerable, income restoration program is required.

Comments:

Prepared by:

Approved by:

Resettlement Specialist, SESU

Director, PMO

Date: _____

Date: _____

:

A N N E X U R E - I I

OUTLINE OF LAND ACQUISITION AND RESETTLEMENT PLAN

Outline of a Land Acquisition and Resettlement Plan

This outline is part of the Safeguard Requirements. A LARP is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the LARP.

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

This section:

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

D. Socioeconomic Information and Profile

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

- i Define, identify, and enumerate the people and communities to be affected;
- ii Describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- iii Discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- iv Identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

This section:

- i Identifies project stakeholders, especially primary stakeholders;
- ii Describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- iii Describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;

- iv Summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- v Confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- vi Describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

F. Grievance Redress Mechanisms

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

G. Legal Framework

This section:

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

H. Entitlements, Assistance and Benefits

This section:

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

B. Relocation of Housing and Settlements

This section:

- i Describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- ii Describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- iii Provides timetables for site preparation and transfer;
- iv Describes the legal arrangements to regularize tenure and transfer titles to resettled persons;

- v Outlines measures to assist displaced persons with their transfer and establishment at new sites;
- vi Describes plans to provide civic infrastructure; and
- vii Explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

This section:

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

C. Resettlement Budget and Financing Plan

This section:

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

D. Institutional Arrangements

This section:

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

M. Implementation Schedule

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

N. Monitoring and Reporting

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

A N N E X U R E - I I I

IMPACT ASSESSMENT, CENSUS AND SOCIO-
ECONOMIC ASSESSMENT QUESTIONNAIRES

Questionnaire for Resettlement Surveys at the Level of Core Subproject– Inventory Survey of Public and Community Structures

District Name

UC Name

Village

Urban Rural

Interviewer's Name _____

Name of Respondent _____

Father's Name of Respondent _____

Respondent's CNIC No.

Date of Interview

DD/MM/YYYY

Contact No. of Respondent _____

1. Affected Public Infrastructure in the Village/Area coming in ROW

Sr. No.	Assets	No./Unit	Area (Kanals)	Construction Type 1. Katcha 2. Pacca 3. Semi Pacca	Estimated Cost (Rs.)
1.	Schools				
2.	Hospital/BHU/Dispensary				
3.	Police Station/Check post				
4.	Suspension bridges				
5.	Road/Track				
6.	Offices				
7.	Electric poles				
8.	Telecommunication Poles				
9.	Access Road to Settlements				
10.	Any other (specify)				

2. Community structure in the Village/Area coming in RoW

Sr. No.	Assets	No. / Unit	Area (in Acres)	Construction Type a) Katcha b) Pacca c) Semi Pacca	Estimated Cost (Rs.)
1.	Mosques				
2.	Guest Houses				
3.	Electric poles				
4.	Hand Pump/Tubewell				
5.	Any other (specify)				

d) Other Communal Structures/Assets coming in ROW

Sr. No.	Assets	No. / Unit	Area (in Acres)	Construction Type Katcha Pacca Semi Pacca	Estimated Cost (Rs.)
1.	Forest/Orchard				
2.	Play Grounds				
3.	Grazing Lands				
4.	Springs/Reservoir				
5.	Any other (specify)				

e) Graveyards

Number of graveyards going to be affected in the village/Area	
No. of graves affected in the graveyards	

Comments of the Interviewer:

Signature _____

Name _____

CNIC _____

Signature _____

Name

CNIC

(Respondent)

(Community Representative)

Signature _____

Name _____

CNIC _____

Signature _____

Name

CNIC

(Interviewer)

(BID Representative)

Date _____

(Please attach 4-5 photographs of the house, clearly showing façade, various parts of the house reflecting type of construction.)

**Questionnaire for Resettlement Surveys at the Level of Core
Subproject– Resettlement Survey of Affected Commercial Structures**

District Name

UC Name

Village Approximate Affected area (In square feet)

Urban Rural

Interviewer's Name _____

Name of Owner _____

Father's Name of the Owner _____

Contact No. of the Owner _____

Owner's CNIC

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Name of the Respondent (In case, the owner is not available) _____

Father's Name of Respondent _____

Respondent's CNIC

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Contact No. of the Respondent _____

1.	How many commercial structures do you have?		
2.	Ownership status of the commercial structures	i) Self owned ii) Joint iii) Rented	
3.	If your commercial assets are to be acquired for the Project, do you have any other source of income?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, Skip 4
4.	If Yes, then specify sources		
5.	What is the nature of your business?	1. Grocery/karyana store 2. Medical store 3. Clinic/Quack/Hakeem 4. Cloth/ Garments 5. Shoe store 6. Fertilizers/Pesticides 7. Grains/Flour shop 8. Fruit/ Vegetables 9. PCO/ Mobile shop 10. Hotel 11. Auto workshops 12. Dry fruit store 13. General store 14. Restaurant If Other, please specify _____	

Q. Size of plot, nature of construction and estimated cost of structure/s

Structure No.	Size of Plot (Sq. ft.)	Nature of Construction <input type="checkbox"/> Katcha <input type="checkbox"/> Pacca <input type="checkbox"/> Semi Pacca <input type="checkbox"/> Wooden Cabin	Year of Construction	Covered Area (Sq. ft.)	Estimated Cost (Rs.)	Remarks
1.						
2.						
3.						
4.						

1	For how many years you are running the business here?		
2	Estimated value of present stock of goods and fixture in your structure/s (Rs.)	_____	
3	Estimated average daily sale of goods/ services of the shops (Rs.)	_____	
4	Average profit in a month (Rs. Per Month)	_____	
5	Do you need any type of assistance by the project?	A. Yes B. No	
6	If yes, then type of assistance do you expect from the project?	_____	
7	Do you have employees working in your business?	1. Yes 2. No	
8	For how long these employees are working with you?	_____	
9. If yes to 7, then give following information			
No.	Name	Father Name	Address
1.			
2.			
3.			
4.			
5.			
			CNIC No.
			Pay (Rs. per month)

Comments of the Interviewer

Signature _____

Name _____

_____ CNIC _____

Signature _____

Name

CNIC

(Owner/Respondent)

(Community Representative)

Signature _____

Name _____

_____ CNIC _____

Signature _____

Name

CNIC

(Interviewer)

(BID Representative)

Date _____

(Please attach 4-5 photographs of the house, clearly showing façade, various parts of the house reflecting type of construction.)

Questionnaire for Resettlement Surveys at the Level of Core Subproject– Inventory of Affected Residential Structures

Section 1: Identification

District Name

UC Name

Village Approximate Affected Area (In square feet)

Urban Rural

Interviewer's Name _____

Name of the Owner _____

Father's Name of the Owner _____

Owner's CNIC

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Name of Respondent (In case, the owner is not available/present)

Father's Name of the Respondent _____

Respondent's CNIC #

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Contact No. of the Respondent _____

1.	What is the Gender?	A. Male B. Female	
2.	What is your level of Education?	<ul style="list-style-type: none"> • Illiterate • Quranic • Literate/Madrasa • Under Primary • Primary 	

		<ul style="list-style-type: none"> • Middle • Matric • FA • Graduate • Above graduate/Masters 	
3.	What is your occupation?		
4.	Relationship with Head of Household (HH)	i. Self ii. Father iii. Brother iv. Son If Other, please specify _____	
5.	Are you aware that implementation of BWRD Project is starting shortly?	<ul style="list-style-type: none"> • Yes • No 	
6.	Is your homestead land/house likely to be affected by the Project?	i. Yes ii. No	
7.	Are you willing to give land free of cost for Scheme development?	v Yes vi No	

SECTION 2: AGRICULTURE

9. In your opinion, how much your land will be affected due to the development of Scheme?

Description	Cultivated Land (in Acres)		Un-cultivated Land (in Acres)			Approximate Price (Rs.)
	Barani	Irrigated	Banjar /Barani	Forest	Cultivable Waste	
Total						
Affected						

10.	What is the nature/type of your farming?	<ul style="list-style-type: none"> • Owner • Owner cum tenant • Tenant • Contract • Share cropper If other, please specify
------------	--	--

vii Yields and Income of Major Crops

Crop	Cultivated Land (in Acres)				Yield (Kgs / Acre)				Rate (Rs/40Kgs)	Total Income K+R (Rs.)
	Irrigated		Barani		Irrigated		Barani			
	K	R	K	R	K	R	K	R		
Wheat										
Maize										
Vegetables										
Others										

K= Kharif (Maize, Millets, Vegetables)
(Wheat, Vegetables)

R= Rabi

12. What type of fruit trees, forest trees and ornamental plants would be affected by the Project land acquisition?

Sr. No.	Fruit Trees					Sr. No.	Forest Trees			
	Name	Age	Fruit Bearing /or not	Fruit Bearing /or not	Estimated Cost (Rs.)		*Name (give codes given in the row below)	Girth (ft.)	Fuel wood Cost (Rs.)	Estimated Cost (Rs.)
		1-5	5-10	>10						
1.						1.				
2.						2.				

3.						3.				
4.						4.				
5.						5.				
6.						6.				
7.						7.				
8.						8.				
9.						9.				
10.						10.				
11.						11.				
12.						12.				
13.						Sub Total:				
14.						Ornamental Plants				
15.						1.				
16.						2.				
17.						3.				
18.						4.				
19.						5.				
20.						6.				
Sub Total:						Sub Total:				
Grand Total:										
*1. Deodar, 2. Kail, 3. Spruce, 4. Fir, 5. Chir Pine, 6. Junipers, 7. Brich, 8. Cupresis, 9. Thuja, 10. Wild Willow, 11. Olea Cuspidate, 12. Populus, 13. Platanus Oriental, 14. Robini, 15. Elegendus, 16. Herbal plants, 17. Eucalyptus, 18. Ailanthus, 19. Robinia 20. Oak. Please give codes for others from 20 onward										

SECTION 3: HOUSING

13. Size of the residential plot owned, type of construction and estimated cost of the house?

Sr. No.	Type of Construction	Ownership • Single • Joint • Others (Please specify)	Area of the House		Rooms (No.)	Shelter / Cattle Sheds (No.)	Year of Construction	Replacement Cost (Rs./sq. ft.)	Estimated Total Cost (Rs.)	Remarks
			Total (in Acre)	Covered Area (Sq. ft or Acres.)						
1.	Katcha									
2.	Pacca (Bricks/ Blocks/ Stones)									
3.	Semi Pacca									
4.	Wood / Bamboo									
5.	Others (Please specify)									

14.	Coordinates of the house:	(N _____) (E _____)	
15.	Elevation of the house (ASL)	_____ meters	
16.	What facilities are available in your house?	<ul style="list-style-type: none"> • Electricity • Septic tank/sewerage system • Kitchen • Bathroom • Water supply If others, please specify _____	
17.	Sources of water for drinking	<ul style="list-style-type: none"> • Water supply • Water channel • Nullah • Spring If other, please specify _____	
18.	Sources of water for animals:	<ul style="list-style-type: none"> • Water channel • Nullah • Spring If other, please specify _____	

19. What types of other structures will be affected in your house?

Sr. No.	Infrastructures	Number	Area (square feet)	Status 1. Katcha 2. Pacca 3. Semi Pacca Others (Please specify)	Estimated Cost (Rs.)	Remarks
i.	Water tank					
ii.	Power generator room					
iii.	Hand pumps		____ (No.)			
iv.	Drains/Drainage /Sewerage		____ (ft.)			
v.	Any Other					

SECTION 4: RELOCATION

20.	Do you have any other place of residence to move?	<ul style="list-style-type: none"> • Yes • No 	
21.	In case of relocation, what will be your preference of relocation?	<ul style="list-style-type: none"> • Shifting to other area • Site developed by BID • Nearby Town • Within the District • Other District • Don't know If other, please specify _____	
22.	Please identify suitable relocation sites in the area if you know		
23.	If you have a preferred area do you own that land?	viii Yes ix No	
24.	If "No" to 23 then, if the host community willing to sell their land	x Yes xi No	
25.	Do you expect assistance from the Project for relocation?	xii Yes xiii No	If no, Skip 26
26.	If yes, then what kind of assistance do you want?	_____ _____ _____ _____	

27. Perceived impacts of the project

Sr. No.	Impact on ...	Type	Remarks
		xiv Improved xv Same xvi Worse 4. Don't know	
i.	Livelihood		
ii.	Quality of Housing		
iii.	Quality of Health		
iv.	Education		
v.	Basic Amenities		
vi.	Access to social/ cultural structures		
28.	Do you want that your affected land should be compensated with land?	xvii Yes xviii No	If no, Skip 29
29.	If yes, then location of the compensated land		
30.	What mode of compensation for land would you expect from the Project?	xix Cash xx Alternate land xxi Free of cost as donation If other, please specify _____	
31.	If cash is selected, then expected utilization pattern of the money:	xxii Establish business xxiii Purchase property xxiv Purchase agriculture land If other, please specify _____	

Comments of the Interviewer

Signature _____

Name _____

CNIC _____

Signature _____

Name _____

CNIC _____
(Respondent)

(Community Representative)

Signature _____

Name _____

CNIC _____

Signature _____

Name

CNIC

(Interviewer)

(BID Representative)

Date _____

(Please attach 4-5 photographs of the house, clearly showing façade, various parts of the house reflecting type of construction.)

Questionnaire for Resettlement Surveys at the Level of Core Subproject– Inventory of Land Acquisition

Name of scheme:

District:

Tehsil:

UC:

Village:

Date:

S. no	Name and fathers name of Land owners	Tribe/ clan	Total Land Owned (Acre)	Size of land acquired by Project	Coordinate	Land Tenure System			Acquired land Registered or Not?	If registered then Name of Moza/ Deh	1. Registered as Shaml at of clan/tribe 2. registered on Individual name 3. State Land	Current use of land 1. Cultivated 2. uncultivated
						Is the land operated by the Owner or Tenant	if Tenant Operated, give the number of tenants	No of Hired Seasonal Workers				

Signature _____

Signature

Name _____

Name

CNIC _____

CNIC

(Interviewer)

(BID Representative)

**CHECKLIST FOR GEOCODED GENDER DISAGGREGATED SOCIO-
ECONOMIC BASELINE QUESTIONNAIRE**

Basin:	Scheme Name:	Village Name:
Date:	GPS Coordinates:	
122.	MALE SECTION	
• Household Information		
Name of Head of Household:		
Father's Name of the Head of Household:		
Household Status: Resident/Non-resident If Non-resident then mention type:		
Tribe:	Clan:	
Family Size (numbers): Male:	Female:	Total:
Family System: Single/Joint		
Earning Male Members: 1/2/3/4/5		
• Family Education		
Number of Family Member Educated (Male): Degree: PS: HSS: MS:		
Number of Family Member Educated (Female): Degree: PS: HSS: MS:		
• Resource Picture		
Duration of Perennial Water Share (hours):		
Duration of Non-Perennial Water Share (hours):		
Number of Tubewell:		Number of Wells:
Quality of Groundwater: Brackish/Marginal/Fresh		
Tubewell Irrigated Land Owned by Family (acres):		
Dugwell Irrigated Land by Family (acres):		
Sailaba Farming Land Owned by Family (acres):		
Khushkaba Farming Land owned by Family (acres):		
Watershed Land Owned by Family (acres):		
Rangeland Owned or used by Family (acres):		
Total Land Owned by Family (acres):		
3a: Current Cropped Land in Rabi Season		
Dugwell Irrigated Cropped Land by Family (acres):		
Sailaba Farming Land Cropped by Family (acres):		
Khushkaba Farming Land Cropped by Family (acres):		
Watershed Land Managed by Family (acres):		
Rangeland Managed by Family (acres):		
Total Land Cropped/Managed by Family (acres):		
3b: Current Cropped Land in Kharif Season		
Dugwell Irrigated Cropped Land by Family (acres):		
Sailaba Farming Land Cropped by Family (acres):		
Khushkaba Farming Land Cropped by Family (acres):		
Watershed Land Managed by Family (acres):		
Rangeland Managed by Family (acres):		
Total Land Cropped/Managed by Family (acres):		

• Household Assets (Moveable and Non-Movable)			
House Walls: Mud/Brick/Brick with Cement Mortar and Plaster			
Roof: Mud/Tiles/Metal Sheet		Window: None/Shutter/Glass	
Electric Connection: Yes/NO		Number of Rooms: 2/3/4/5/6/7	
Assets: Television: 0/1/2/	Radio: 0/1/2/3	Fans: 1/2/3/4/5/6/7	
Electric Heater: 1/2/3/4/5	Fridge: 1/2/	Cooker: 1/2/3	
Transport: Bicycle: 1/2/3/4	Motorcycle: 1/2/3	Tractor: 1/2/	
Truck: 1/2/	Car/Pickup: 1/2/3		
5. Baseline Productivity – Crops, Orchards and Livestock			
Wheat (Maunds/acre):		Sorghum (maunds/acre):	
Maize (Maunds/acre):		Cotton (maunds/acre):	
Apples (Crates/Tree):		Number of Trees/acre:	
Cherry (Boxes/tree):		Number of Trees/acre:	
Apricot (Boxes/Tree):		Number of Trees/acre:	
Grapes (Boxes/acre)		Number of Plants/acre:	
Saleable Goat (average weight in kg):		Number of Goats:	
Saleable Cow (average weight in kg):		Number of Cows:	
Saleable Sheep (average weight in kg):		Number of Sheep:	
6. Cost of Production of Crops, Fruits and Vegetables			
Seedbed Preparation Cost (Rs./acre):			
Wheat:	Cotton:	Maize:	Sorghum:
Vegetables:	Fruits:		
Planting Cost (Rs. /acre)			
Wheat:	Cotton:	Maize:	Sorghum:
Vegetables:	Fruits:		
Fertilizer Cost (Rs./acre) Crop-wise			
Wheat:	Cotton:	Maize:	Sorghum:
Vegetables:	Fruits:		
Pesticide Cost (Rs./acre) Crop-wise			
Wheat:	Cotton:	Maize:	Sorghum:
Vegetables:	Fruits:		
Weedicide Cost (Rs./acre) Crop-wise			
Wheat:	Cotton:	Maize:	Sorghum:
Vegetables:	Fruits:		
Seed Rate or Number of Fruit Plants (Rs./acre) Crop-wise			
Wheat:	Cotton:	Maize:	Sorghum:
Vegetables:	Fruits:		
Cost of Seeds and Fruit Plants (Rs./acre) Crop-wise			
Wheat:	Cotton:	Maize:	Sorghum:
Vegetables:	Fruits:		
Harvesting Cost (Rs./acre) Crop-wise:			
Wheat:	Cotton:	Maize:	Sorghum:
Vegetables:	Fruits:		
Threshing/Packing Cost (Rs./acre) Crop-wise:			
Wheat:	Cotton:	Maize:	Sorghum:
Vegetables:	Fruits:		
Marketing Cost (Rs./acre) Crop-wise:			
Wheat:	Cotton:	Maize:	Sorghum:
Vegetables:	Fruits:		
7. Economics of Livestock			
Number of Livestock Heads Owned by the Household:			
Goats:	Sheep:	Cow:	Buffaloes:
Camel:	Donkeys:	Horses:	

Average Sale Price of Livestock Heads Owned by the Household in One Year Per Animal Basis:			
Goats:	Sheep:	Cow:	Buffaloes:
Camel:	Donkeys:	Horses:	
Cost of Production (Rs./Animal)			
Goats:	Sheep:	Cow:	Buffaloes:
Camel:	Donkeys:	Horses:	
8. Livelihood by Source (Rs./annum):			
Irrigated Agriculture:			
Sailaba farming:			
Khushkaba farming:			
Employment			
Business			
9. Key Issues (in order of priority)			
1.			
2.			
3.			
4.			
5.			
10. Potential Income Diversification Options for BWRDP			
Fisheries in Reservoir:	Yes/No		
Small solar powered drip orchards around periphery of reservoir:	Yes/No		
Command area:	Yes/No		
Sailaba in downstream:	Yes/No		
Khushkaba:	Yes/No		
Livestock:	Yes/No		
Any Other Source:			
123. FEMALE SECTION			
1. Household Assets Owned by Female (Availability and Numbers)			
No	Question	Response	
1.1	Sewing Machine (numbers)	Yes/No; 1/2/3/	
1.2	Electrical Goods	Yes/No; 1/2/3/	
1.3	Poultry (numbers)	Yes/No; 1/2/3/	
1.4	Livestock (number)	Yes/No; 1/2/3/	
1.5	Land Owned (acres)	Yes/No; 1/2/3/	
1.6	House Owned	Yes/No; 1/2/3/	
2. Gender Activity Sheet			
No.	Activities	Duration (Start and End Time)	
2.1		From:	To:
2.2		From:	To:
2.3		From:	To:
2.4		From:	To:
2.5		From:	To:
2.6		From:	To:
2.7		From:	To:
2.8		From:	To:
2.9		From:	To:
2.10		From:	To:
2.11		From:	To:
2.12		From:	To:
2.13		From:	To:
2.14		From:	To:
2.15		From:	To:

2.16		From:	To:
2.17		From:	To:
2.18		From:	To:
2.19		From:	To:
2.20		From:	To:
2.21		From:	To:
• Household Income and Skills			
No.	Particular	Response	
3.1	No of Earning Females	1/2/3/4/5/	
3.2	Sources of Livelihood and Income (Rs./annum)	Poultry -	
		Embroidery -	
		Handicrafts -	
		Tailoring -	
		Employment -	
		Others -	
3.3	Individual Skills Possess by Female Members		
3.4	Type of skills		
• Family Education			
4.1	No. of Girls attending school/College	College -	
		High -	
		Middle -	
		Primary -	
4.2	No. of Boys attending school/College	College -	
		High -	
		Middle -	
		Primary -	
4.2	How many female family members educated	College -	
		High -	
		Middle -	
		Primary -	
• Women Rights to Ownership			
5.1	Does women have right to ownership	Yes/No	
5.2	Women get share from father	Yes/No	
5.3	Women get share from diseased husband	Yes/No	
5.4	Women get income from assets owned by her	Yes/No	
5.5	Women get share from agricultural or livestock income	Yes/No	
5.6	Daughters get right on inherited land, house or other assets	Yes/No	
• Awareness about Water Health and Water Hygiene			
6.1	Can drinking water be treated to make it free from germs?	Yes/No/Don't know	
6.2	Should drinking water be kept under cover	Yes/No/Don't know	
6.3	Should cloth be wash in drinking water source like pond or springs?	Yes/No/Don't know	
6.4	Should garbage have specific place in house?	Yes/No/Don't know	
6.5	Should eatable be kept under cover?	Yes/No/Don't know	
6.6	Should fruit and vegetable be washed before use?	Yes/No/Don't know	
1. Water and Sanitation			

7.1	Source of drinking water for household	1. Piped water (dwelling) 2. Pond 3. Spring 4. Other
7.2	Location of water source	1. Inside dwelling 2. Outside dwelling
7.3	Who fetches water	Men/Women/Children
7.4	Treatment of water to make it safer to drink	Yes/No
7.5	How to make water safe for drinking	1. Boil 2. Strain it through a cloth 3. Solar disinfection 4. Others
7.6	How drinking water is stored	1. In tank in house 2. In tin container 3. In bottles 4. Others
7.7	Are water storage container kept covered?	Yes/No
7.8	Kind of toilet facility at household level	Pit/Non pit/No facility
7.9	Well defined sewerage system	Yes/No/DK
7.10	Whether households connected to sewerage system?	Yes/No
8. Hand Washing		
8.1	Please show me where member of your household most often wash their hands?	Observed/Not Observed/No permission to see
8.2	Record if soap is present at the specific place for hand washing?	Soap/powder/Mud
8.3	Does house wife wash hands before kneading flour and cooking?	Yes/No
8.4	Do all household members wash hands before eating?	Yes/No
8.5	Do all household members wash hands after using toilet?	Yes/No
9. Fuelwood Collection		
9.1	Who collect fuel wood	Men/Women/Children
9.2	How often you collect fuel wood	Daily/After how many days/Weekly/Monthly
9.3	Distance to fuelwood Collection area (kms)	1/2/3/4/5/
9.4	Are you aware which one is the best fuelwood?	Yes/No
10. Issues and Options as Perceived by the Household		
Key Issues: 1. 2. 3. 4. 5.		
Potential Options: 1. 2. 3. 4. 5.		

A N N E X U R E - I V

SAMPLE VOLUNTARY DONATION AGREEMENT

Sample Voluntary Donation of Land Agreement

The following agreement has been made on ____ day of _____ between Mr./Ms. _____, aged _____, resident of _____ village, _____ tehsil, _____ district (the Owner) and _____ BID/ACD/WUA¹² (the Recipient).

WITNESSETH:

1. That the land with survey/cadaster number _____ is a part of _____, is surrounded from eastern side by _____, western side by _____, northern side by _____, and southern side by _____.
2. That the Owner holds the transferable rights of land _____ (area in sqm), with plot no. _____ at the above location (include a copy of the certified map, if available).
-
3. That the Owner testifies that the land/structure is free of squatters or encroachers and not subject to any dispute in ownership or other claims.
4. That the Owner hereby grants to the Recipient this asset for the construction and development of the _____ for the benefit of the community.
-
5. That the impacts of such donation are marginal (not more than 10% of the Owner's land) and will not result in the displacement of the Owner's households or cause loss of Owner's incomes and livelihood.
6. That the Owner making the voluntary donation is a direct beneficiary of the subproject.
-
7. That consultations have been made with the Owner in a free and transparent manner and properly documented.
8. That the Owner will not claim any compensation against the grant of this asset nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations.
-
9. That the Recipient agrees to accept this grant of asset for the purposes mentioned.
10. That the Recipient shall construct and develop the _____ and take all possible precautions to avoid damage to adjacent land/structure/other assets.
-
11. The provisions of this agreement will come into force from the date of signing of this deed.

Name and Signature of the Owner

Name and Signature of the Recipient
Representative

Witnesses:

Name, Signature and Address

Name, Signature and
Address

¹² This will depend on which entity will finally be the 'registered owner' of the asset being donated.

A N N E X U R E - V

GUIDANCE NOTES ON HANDLING COMPENSATION
CASES WITH LEGAL AND ADMINISTRATIVE
IMPEDIMENTS

Guidance Note on Handling Compensation Cases with Legal and Administrative Impediments	
Policy Requirement	Pay compensation and provide other resettlement entitlements before physical or economic displacement. ¹³
Key Issues	ADB Safeguard Policy Statement (SPS 2009) requires the borrower/client to ensure that no physical displacement or economic displacement will occur until (i) compensation at full replacement cost ¹⁴ has been paid to each displaced person (DP) for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan have been provided to DPs; and (iii) a comprehensive income and livelihood rehabilitation program, supported by an adequate budget, is in place to help DPs improve, or at least restore, their incomes and livelihoods. While compensation is required to be paid before displacement, full implementation of the LARP might take longer. ¹⁵ To ensure policy compliance, specific provisions are included in the Project/Loan agreements to keep on-hold civil works until compensation payments are fully paid to the DPs.
<i>SPS and legal covenants</i>	
<i>When is compensation considered paid?</i>	Compensation for both land and non-land assets is deemed to have been paid when the amount in cash or cheque has been provided to DPs ¹⁶ or deposited into their bank account, or in an escrow account. ¹⁷ Depositing the compensation in an escrow account, in lieu of providing cash or cheque to the DP is justified only when sufficient good-faith efforts and all legal requirements for contacting and notifying the DPs have been made.
<i>LAA requirement on compensating before displacement</i>	Pakistan's Land Acquisition Act (1894) allows the government to take possession of the acquired land once land award has been made as per LAA Section 11, and payment has been made or deposited to the court as per LAA Section 31. Accordingly, the Collector is required to pay the full amount to the DP, unless (a) the DP refuses to receive the amount, (b) there is no competent person to receive the compensation, or (c) if there is a dispute as to the title to receive the compensation. Such cases may be referred to the court and the compensation amount deposited in the court. ¹⁸ In case the DPs or their representatives did not come forward to collect their compensation, the amount may be deposited in the Revenue Department payable to the DPs, after exerting due efforts to contact and encourage them to appear and notifying the DPs in which treasury the deposit has been made. ¹⁹ Similarly, the Acquiring Officer is required

¹³ See Involuntary Resettlement Safeguards Policy Principle 11, ADB Safeguards Policy Statement (2009), page 17.

¹⁴SPS defines full replacement cost for land and non-land assets as based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In case of non-land assets, depreciation of structures and other assets should not taken into account. See SR 2: Involuntary Resettlement, ADB SPS (2009), para 10.

¹⁵ See SR 2: Involuntary Resettlement, ADB SPS (2009),para 14.

¹⁶ Displaced persons include: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The borrower/client is required to provide adequate and appropriate replacement land and structures or cash compensation at full replacement cost for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance, if applicable, prior to their relocation. DPs without legal rights to the affected land should be compensated for the loss of their non-land assets, and for other improvements to the land, at full replacement cost prior to their relocation provided they occupied the land or structure before the cut-off date. See SR 2: Involuntary Resettlement, ADB SPS (2009), para 7-8.

¹⁷ An escrow account is a separate, dedicated or trust bank account for keeping money that is the property of others. It is relevant in the case of absentee landlords whose property is acquired for a public purpose, or when there is litigation regarding the compensation amount for land acquisition. This mechanism enables payment of compensation once the legal cases were settled and ownership documents were submitted. Source: A Planning and Implementation Good Practice Sourcebook – Draft Working Document, ADB November 2012, para 152.

¹⁸ Reference to the court may only be made after the lapse in the period in Section 18 (2) of the LAA.

¹⁹ Financial Commissioner Standing Order No. 28 Land Acquisition, para 88 (V), page 29.

	<p>(as per SO 28), to the extent possible, to make payments to DPs in or near the village to which the DPs belong to, in order to reduce the amount of undisbursed compensation payments.</p> <p>Both the LAA (1894) and ADB SPS (2009) require that DPs are compensated before displacement, but allow a mechanism for dealing with cases with legal and administrative impediments to disbursing compensation payments provided that sufficient good-faith efforts are demonstrated in (a) contacting, notifying and assisting DPs, and (b) delivering compensation payments. This guidance note clarifies:</p> <ol style="list-style-type: none"> i. What are cases with legal and administrative impediments to payment of compensation to DPs? ii. What are the requirements under the LAA related to cases with legal and administrative impediments to payment of compensation to DPs?; and, iii. When can good-faith efforts be considered as sufficient and how to document that good-faith efforts have been made? <p>Cases with legal and administrative impediments to payment of compensation include:</p>
<p><i>Cases with legal and administrative impediments</i></p>	<ol style="list-style-type: none"> i. DPs who did not accept the award due to objection to the measurement of the land or affected asset, the amount of compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested; ii. Absentee land owners (DPs living overseas or in other parts of the country), and without an authorized representative to collect compensation; iii. DPs with pending inheritance mutations; iv. DPs unenthusiastic to collect meager compensation amount; v. DPs unable to alienate the acquired asset either being a juvenile with no legally documented guardian or due to other issues.
<p><i>Cases not valid as legal and administrative impediments</i></p>	<p>Non-disbursement/non-delivery of compensation due to (a) insufficient funds or delay in approval of funds; or (b) insufficient staff or resources does not justify payment of compensation to DPs after displacement. EAs/IAs have the power and responsibility to ensure that sufficient funds and staffing are available in a timely manner to undertake the required land acquisition. Similarly, non-compensation of affected non-land assets (structures) and improvements owned by DPs who have no formal rights to the affected land is not considered as a valid legal and administrative impediment (see footnote 4).</p>
<p><i>Why is it important to address cases with legal and administrative impediments?</i></p>	<p>DPs facing legal and administrative impediments could only be paid when they overcome those and in such cases, it is uncertain when DPs will actually receive their compensation, causing untoward delay in project execution due to complaints received from the DPs and burden to local communities and project stakeholders. More importantly, these impediments prevent the project from assisting these DPs to enhance, or at least restore, their livelihoods and to improve the standards of living of the displaced poor and other vulnerable groups.</p>
<p><i>Good-faith efforts for cases with legal and</i></p>	<p>Although compensation of these DPs is beyond the control of the EA, and are mainly dependent of the actions of the DPs or ruling/decision from a third-party i.e. the court or BOR, good-faith efforts are needed from the EA/IA to (a) contact and notify DPs through their last known address, village heads or kins; (b) inform DPs who to contact or where to proceed to collect their compensation; and (c) possible actions that may help them receive their compensation.</p> <p>It is important that the LAR management team²⁰ undertakes continued community consultations and outreach to locate, assist and guide DPs with legal and administrative</p>

²⁰ The LAR management team may include Land Acquisition and Resettlement Staff engaged by the EA i.e. EA's Land Management Staff, Land Acquisition Collector deputed by BOR, Resettlement Specialists and social mobilizers either

Absentee land owners

residence, many do so without legally formalizing such settlements and getting land records updated accordingly. Some family members who have migrated overseas permanently or for livelihood had land in their name or retained their respective share in family-owned land as per land revenue records. All such land owners who own or have share in the land as per record but are not living in the village are termed as absentee land owners.

Whenever the land is acquired, the absentee land owners²² are also shown as affected persons to the extent of their share in that land. The compensation to absentee land owners could not be made due to their non-appearance for processing and payment of compensation. LAA requires that notices are delivered against each land parcel either through (a) co-sharers in the acquired land parcel, (b) DPs relatives living in the village, or (c) through the village headman. The legal requirement is to serve notices to DPs at their places of residence either through special messenger or registered post, which can only be met if the whereabouts and residence of the absentee land owners is known. An additional measure that may be considered to notify absentee land owners whose whereabouts are unknown is by publishing their names in print media (National Daily News Paper).²³

It is vital to collect information about the DP's contact details including the mailing and residential address in order to reach out to and facilitate absentee DPs in receiving payments. The following measures are proposed to contact absentee landowners and maintain record of all efforts made by the EA:

- Identify and record DPs relation in affected village or local contact person, collect information about DP's present place of residence. See template 1 below:

Template 1: Record on DPs not living in the project area (other villages/cities in Pakistan or Overseas).

Date Prepared: _____

Name of Village _____ Tehsil _____ District _____

#	Name of DP	Impact Type	Person contacted in village and his cell No.	Relationship with DP	Current Residence of DP with contact No.	Remarks
1	Add DP name as of impact inventory	Add Impact i.e Land Tree Crops Structure etc	Add name of person contacted with his cell number and other particular if any	Uncle, Brother, neighbor etc	Add current address of DP with contact number and city/country of residence.	Signature of the Person contacted
2						
3						
4						

Information Collected By _____ Witnessed by _____ Information verified by _____

Sd _____ Sd. (headman or DPC President/member) _____ Sd _____

{ SM team names } _____ {Name of headman/president or member committee} _____ Resettlement Specialist _____

- Deliver formal notice to the DP's last known address (recorded in template 1) through registered post with acknowledgement receipt attached. Make sure to keep on file as scanned-copy of the notice and acknowledgement receipt.
- In case no contact person or relative of the DPs is identified in the village and the local community confirms DPs whereabouts are unknown, a certification statement from any of the resident land owner in the village preferably by the president or member of the Displaced Persons Committee (DPC) and duly

²² Land owners who are recorded in the land holding rights register as owners but they have shifted from the village to other areas in the country or overseas for better income opportunities and living standard.

²³ In NTCHIP tranche-1 and NHDSIP tranche-2 projects (i.e M-4 Faisalabad-Gojra Section (ADB Loan 2400) and Sukkur-Jacobabad (N-65) (ADB Loan 2540)) and the National Motorway M-4 Gojra-Shorkot Section Project (ADB Loan 3300), the notices with the names of the DPs who have not come forward to collect compensation were published in the national newspapers (Urdu language) as a last resort effort to approach unpaid DPs for compensation delivery.

witnessed by (a) the village headman and, (b) land revenue patwari should be recorded and maintained. See Template 2 below (to be translated to Urdu).

Template 2: Statement from Village headman or other notable in village/area when the whereabouts of DP are not known

Date prepared: _____

Particular of DP and acquired land parcel
 Name of DP _____ (enter DP Name with Parentage) Resident of _____ (Enter DP Last known address) Land Plot _____ Khasra Nos _____ Village _____

Statement:

I _____ (put name here) _____ the president/member of village DPC or local resident land asset/owner, on behalf of the other residents in village solemnly declare that:

- The DP and his family owned acquired land as per land records but for last (-----) they have never been seen in the village.
- To my information, the DP and his family never lived in village, neither any relative of DP lives in village/area nor any of the village resident know the whereabouts of the DP and his family.
- I affirm that the EA with assistance of DPC has exerted full efforts to outreach the DPs in village and those living in other areas and clarified that compensation cost for unpaid DPs is deposited in treasury that can be claimed as and when the DPS show-up to claim.
- This statement is given free of coercion and compulsion which is witnessed by the Village Headman and land revenue Patwari of village -----.

The Declarant

Sign/Thumb Impression
 Name _____
 Village Headman/Local resident land owner _____
 Resident of _____

Witnessed By

We the Village Head man and land revenue Patwari of village (Put village name here), personally know Mr/Mrs _____ President/member of DPC or local resident land owner of village (____), and witness veracity of statement made by him affirming that the DP Named (Put name of DP here) himself or any of his family members are not living in village/area since/for -----and their current places of residence are not known to any of the local residents in village.

Signed
 Name: Mr. _____
 Village Headman Chak. _____

Signed
 Name: Mr. _____
 Land Revenue Patwari Chak. _____

iii) DPs with Pending Inheritance Mutations

Land records are maintained by the local land revenue authorities who are responsible to enter land mutation transactions as and when reported by the landowners and update land records accordingly. In case of inheritance mutations, some heirs of DPs who passed away fail to get inheritance mutations recorded and get land records updated accordingly. Further, on an average land acquisition process is completed almost in two years and during the course of acquisition or after land awards are announced some DPs pass away without receiving their entitled compensation. Although the legal heirs of the deceased DP are eligible for compensation, they could not be paid until the inheritance mutation is recorded and remaining land of deceased DP is transferred in their name.

Under the law, heirs of the DP should report and apply to the local land revenue authorities about the demise of the DP and apply for the updating of the land record. Upon receipt of the application, the land revenue authorities undergo a legal process to record the inheritance mutation, update the land record reflecting the names of legal heirs and their respective shares in the land record. When it is done, the compensation can be paid to the legal heirs as per their respective share. This process normally takes three to four months. For cases where inheritance mutations are not timely reported, recording becomes more difficult and can take a longer period to complete.

When it is determined that the DP has passed away, the LAR management team should coordinate with the legal heirs of the DP for apprising them the process for compensation payment and assist them in approaching land revenue authorities to get their inheritance mutations recorded. The LAR management team should carry-out the following activities to facilitate the mutation of inheritance and early payment of compensation to the heirs and document their efforts:

- Identify all living legal heirs of the DP, visit the heirs residing in the village and guide them on the process and facilitate in inheritance mutation process:

DPs with pending inheritance mutation

- Collect a statement from the legal heirs²⁴ confirming that their inheritance mutation of land is pending, acknowledging the EA's efforts to assist them, indicating awareness that funds are available for compensation delivery, and concurring that works may commence while their inheritance mutation is being processed.
- Keep copies of the signed statement in the EA project office files. See Template3 below (to be translated to Urdu):

Template 3: Inheritor's Statement When Inheritance Mutation is Pending

Date Prepared: _____

Particulars of DP and acquired land parcel
 Name of DP ____ (enter DP Name with Parentage as of land record), owner of Acquired Land Plot _____ Khasra Nos _____ Located in Village _____, District _____ Province _____

Statement by the Inheritor's
 We the persons listed below as legal heirs of DP---(put name of DP here)----- against acquired land referred above solemnly declare that:

- The inheritance mutation of above said acquired land is pending;
- We understand that compensation can be claimed/paid according to inheritance mutation recorded in land record and we are coordinating with the Land Revenue Authorities in this regard;
- _____ (Name of Staff, Office and EA) has clarified that compensation amount already deposited in treasury can be paid to legal heirs as and when the inheritance mutation issues are resolved;
- We have no objection to the commencement project works on our plot while our inheritance mutation of land is being processed; and
- This statement is given free of coercion and compulsion which is witnessed by Village Headman and APC president.

The Declarant

Sign/Thumb Impression Name _____ Resident of _____	Sign/Impression Thumb Name _____ Resident of _____
Sign/ Thumb Impression Name _____ Resident of _____	Sign/ Thumb Impression Name _____ Resident of _____
Sign/ Thumb Impression Name _____ Resident of _____	Sign/ Thumb Impression Name _____ Resident of _____

Witnessed By
 We the Village Headman and President APC village-----, personally know the above signatories as legal heirs of the DP, and confirm and witness the statement above.
Signed

Signed

Name: Mr.-----

Name: Mr.-----

Village Headman Chak-----

President DPC Chak-----

iv) DPs Who are Unable to Alienate the Acquired Asset:

The DPs who being a minor/juvenile or because of mental disability/lunacy are not capable to alienate the acquired land under law and so could not be compensated directly. The law provides that compensation could be paid through legally-designated guardians or managers who can act and alienate the immovable property on behalf of the minor or the lunatics. In cases where the guardians are not designated by the court, the compensation remains pending until the minor attains the age of majority and claim compensation.

²⁴ To the extent possible, all legal heirs living within the village should sign the Statement. If some heirs are not available to sign, the LAR management team should prepare a field report indicating who are the heirs who were not able to sign the statement and the circumstances why they were not able to sign i.e. out of the village or country, ill, etc. The LAR management team should also record the names of heirs who are out of the village or country and their last known address and advise the other heirs to relay the information to those who are away.

DPs unable to alienate the land

It is common that children inherit their parents' immovable properties, but is kept in possession and used by adult male members of the extended family or kinship group as a joint family asset. It is not a common practice to appoint guardians following the Guardians and Wards Act of 1890. Hence, compensation of DPs with minor ages kept on-hold until the DP becomes of legal age unless a valid guardian certificate is produced. Although such cases are not many, it is important to guide the adults who provide care to these minors or lunatics to approach the right forum or court for appointing a guardian under law.

It is recommended that the LAR management team to carry-out the following activities in dealing with pending guardian's appointment and in documenting its efforts:

- Coordinate with the Living Parent or other grown up members of the household the DP is living with, guide them on the process of appointing a guardian.
- Collect a certification statement from the Living Parent or other grown up member of the household the DP is living with, that i) confirms EA's efforts to notify and guide them and secure funds for compensation payment, ii) states that the appointment of guardian is pending, and iii) concurs to the commencement of civil works on the plot while the guardianship certificate is being processed. Such statement should be witnessed by the village headman and the village DPC chairman or member. See Template 4 below(to be translated to Urdu).

Template 4: Guardian Statement if DP is Juvenile

Date Prepared: _____

Particular of DPs and acquired land parcel
 Name/Names of DPs i) _____ {enter DP Name/names of DPs with Parentage}, ii) _____ and iii) _____ Resident of _____ {Enter DP current address} _____ Own acquired Land Plot _____ KhasraNos _____ Located Village _____

Statement by Guardian
 I _____ {put name here} _____ the {mother/father/brother/sister/uncle (put relation of elder with whom the minor DP/DPs lives) of DP/DPs i) _____ {put name of DP/DPs here} ii) _____ iii) _____ as natural guardian solemnly declare that:

- The DP/DPs is/are minor who lives with me and as natural guardian of DP/DPs, I am responsible for his/her/their well-being and bringing him/her/them up;
- _____ {indicate name of staff, unit, and EA} has clarified that compensation amount, already deposited in treasury, can be paid to legal guardian of DP/DPs after production of the valid Guardian Certificate issued by the competent court;
- A petition for issuance of guardians certificate is filed/being filed in the competent court and the court's decision is pending;
- The awarded compensation in name of DP/DPs will be collected upon issuance of guardian's certificate by court; however, as natural guardian I have no objection to commencement of project works; and
- This statement is given free of coercion and compulsion which is witnessed by Village Headman and DPC president.

The Declarant
 Sign/Thumb Impression _____
 Name _____
 Relationship with DP _____
 Resident of _____

Witnessed By
 We the Village Headman and President APC village-----, personally know Mr/Mrs _____ and witness veracity of statement made by confirming that the Minor DP/DPs named above lives with him/her in village/city {Put name of village city here}.

Signed

Signed

Name: Mr.-----

Name: Mr.-----

Village Headman Chak-----

President DPC Chak-----

<p><i>DPs with meager compensation</i></p>	<p>v) DPs with Meager Compensation</p> <p>The compensation amount itself proves driving factor for DPs to submit their claims. In cases where small land holdings are in joint ownership with a number of entitled persons, corresponding compensation amount shares for each DP become very small (\$100 and below). A good number²⁵ of DPs fall in this category and they never show-up to collect compensation. The situation is further aggravated when such DPs also face other legal or administrative issues like pending inheritance mutations of acquired land or living overseas and other parts in the country.</p> <p>Although the law provides a mechanism that includes payment in cash at the village or compensation payment through money order in case of absentee land owners²⁶, such is no longer practiced. The only available mode is payment through voucher debit-able to the treasury which requires the DP to travel repeatedly to the district/tehsil headquarter to receive their compensation, making the transportation cost higher than their compensation.</p> <p>It is recommended that the LAR management team to explore other payment modes allowed under the LAA including cash payment or payment through money order if the DP is living out of project area. If such unclaimed compensations are deposited at court's disposal as legal remedy, it will be of no gain because a significant number of the DPs will remain unpaid. Following actions should be taken and recorded to explore specific measures and seek guidance from BOR in this aspect.</p> <ul style="list-style-type: none"> • Define a maximum slab of amount to be termed as meager compensation and get it endorsed by the EA; • Document coordination efforts with BOR including i) official correspondence and ii) meetings with BOR to seek guidance on the issue at the project and EA levels. • Maintain a record of actions taken by the project team for payment to DP or deposit of compensation at court's disposal following guidance from BOR.
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²⁵ In the National Motorway M-4 Gojra-Shorkot Section Project for example, almost ± 10% DPs are entitled to a compensation below 100 US \$.

²⁶ Rule 87, Financial Commissioner's (Board of Revenue) Standing Order No 28 (1909) on land acquisition procedures.

A N N E X U R E - V I

DRAFT TERMS OF REFERENCE FOR EXTERNAL
RESETTLEMENT MONITORING AND POST-
RESETTLEMENT EVALUATION

Terms of Reference

EXTERNAL MONITORING AND POST-EVALUATION

Project Background

1. The Balochistan Water Resources Development Project (BWRDP) aims to support the Government in water sector planning, management and investment on water sector infrastructure in selected river basins. It will assist the government for investment to improve water storage and supply infrastructure at the Zhob and Mula River basins and improve agricultural farm productivity. The water resource and infrastructure development works will be implemented in territorial jurisdictions of Killa Saifullah, Zhob and Khuzdar districts along Zhob and Mula River Basins, respectively.

2. The project will (a) construct new small dams and flood irrigation (spate) systems; (b) improve 300 km of canals, drains, and karezes (subsurface water channels); (c) develop a satellite-based water information system; and (d) build capacity of the local communities, the Balochistan Irrigation Department (BID), and the Agriculture and Cooperative Department (ACD). The indicative outcome of the BWRDP project will be to improve land and water resources, agricultural production and farm income of 10,000 rural households by (i) bringing 10,000 ha of new land under cultivation; (ii) improving 20,000 ha of irrigated land; and (iii) protecting 1,500 ha of watersheds.

3. The BWRDP aims to develop water sector infrastructure for improved water supplies for irrigated agriculture and domestic uses; for better watershed management and capacity building of the EA and other stakeholders including the farming communities. Eleven subprojects (5 in Zhob and 6 in Mula) have been selected for inclusion in the Sector loan including 3 core subprojects. All 11 subprojects were preliminarily screened for involuntary resettlement (IR) and indigenous peoples (IP) safeguards at the PPTA stage. Based on this preliminary screening only one subproject (Sri Toi Tangi War Dam) was assessed as having IR impacts. The proposed engineering works for the remaining subprojects involve rehabilitation of existing irrigation infrastructure which are restricted to the existing available ROW. No impact on indigenous people were noted in any of the proposed subprojects. A draft Land Acquisition and Resettlement Plan (LARP) has been prepared for the Sri Toi Tangi War Dam subproject. A Land Acquisition and Resettlement Framework (LARF) has been prepared to guide the Balochistan Irrigation Department in case IR issues are identified during the detailed design or emerge during the implementation of the other subprojects.

Objectives:

4. The Project requires the services of external monitoring and evaluation experts²⁷/qualified NGOs to monitor LARP implementation, identify emerging issues and recommend corrective measures. The external monitor will review the IR reports, collect information from the field and determine whether resettlement objectives and goals have been achieved, more importantly whether livelihoods and living standards of DPs have been restored/ enhanced and suggest suitable recommendations for improvement. The external monitor will identify the gaps in LARP implementation and emerging LAR issues during project implementation and advise BID on corrective actions to address safeguard compliance issues and risks.

²⁷ External experts mean experts not involved in day-to-day project implementation or supervision

Tasks:

5. The external monitor (EM) will:
 - (i) review and verify internal monitoring reports prepared by field offices and Social Specialists of PMO;
 - (ii) review the socio-economic baseline census information of pre-project conditions; and identification and selection of impact indicators;
 - (iii) assess provision of assistance to DPs for relocation to the place of their choice and other support as per the LARF;
 - (iv) assess the livelihood restoration measures put in place and income restoration activities employed for the DPs with a special focus on mitigation measures executed to improve or restore living standards of vulnerable and severely affected DPs;
 - (v) assess benefit sharing opportunities created for/and accessed by the project affected communities particularly the displaced persons and/or households.
 - (vi) assess consultations, participation and information disclosure activities implemented, Grievance Redress System established and its functioning with progress on complaints recorded and resolved.
 - (vii) assess overall impact about LARP implementation through sample based formal and informal surveys of DPs, structured consultation with DPs including focus group discussions, and interviews with government officials, community leaders and other stakeholders.
 - (viii) assess resettlement efficiency, effectiveness, impact and sustainability and identification of issues need to be addressed;
 - (ix) identify emerging LAR issues during implementation of all subprojects;
 - (x) Suggest actions for addressing the issues if any and corrective measures to be implemented by the PMO to ensure the safeguards management is fully consistent with LARF provisions and ADB safeguards requirements as outlined in the SPS 2009.

Methodology:

6. The methods for external monitoring activities include:
 - (i) Review of detailed measurement survey (DMS) process to be able to establish a baseline for monitoring and evaluating project benefits. The EM to check on a random basis²⁸ the DMS process with APs, from identification to agreement on DMS results. The EM will also evaluate the DMS process to determine and assess if DMS activities are being carried out/was carried out in a participatory and transparent manner.
 - (ii) Resettlement audit conducted during monitoring. The EM will carry out random checks of payments²⁹ disbursed to DPs during monitoring. The EM will submit a resettlement audit report upon completion of compensation payment to DPs.
 - (iii) Review of socioeconomic data. With this review, the DMS data, and additional data compiled, the EM will provide the baseline data to be used in comparison to the post-resettlement survey. A post resettlement survey will be carried out one year following completion of all resettlement activities, including livelihood restoration activities. Sampling will include all severely affected and vulnerable households, as well as at least 30% of all other DPs in the subproject. Special attention will be

²⁸ Depending on number of affected households (AHs)

²⁹ Depending on number of affected households (AHs)

paid to the inclusion of women, IP groups, the very poor, the landless and other vulnerable groups, with set questions for women and other target groups. The database will disaggregate information by gender, vulnerability and ethnicity.

- (iv) Participatory Rapid Appraisal (PRA), which will involve obtaining information, identifying existing or potential problems, and finding specific time-bound solutions through participatory means including: a) key informant interviews with representatives of civil society, community groups, and non-governmental organizations; b) focus group discussions (FGDs) on specific topics such as compensation payment, income restoration and relocation³⁰; c) community public meetings to discuss community losses, integration of resettled households in host communities or construction work employment; d) direct field observations, for example, house construction/relocation; e) formal and informal interviews with affected households, women, IPs, and other vulnerable groups to monitor and assess the progress the DPs are making to restore their living standards, DPs' perceived need for additional assistance (and type of assistance), and their individual satisfaction with current economic activities; and, f) in-depth case studies of problems identified by internal or external monitoring that required special efforts to resolve. The PRA will also focus on good practices in land acquisition and involuntary resettlement objectives, approaches, and implementation strategies.
- (v) Review the results of internal monitoring.

Timing & Team Composition

7. The EM will conduct six monitoring missions to be carried out on a semi-annual basis³¹ starting from the submission of the updated/final LARP for Sri Toi subproject and completion of detailed design for all core subprojects until the completion of subproject implementation. For subprojects where payment of compensation/allowances has been substantially completed, the EM will conduct resettlement audit mission to validate status of compensation and hand-over of plots and recommend issuance of NOL for the commencement of civil works.

8. The EM³²/qualified NGOs will be composed of one team leader with extensive experience in monitoring and evaluation of resettlement activities in the country with strong ability in preparing resettlement reports. He/she should demonstrate good communication skills and have at least a bachelor degree in a relevant field. The team leader will be assisted by social mobilizers with relevant experience and background. All reports will be submitted in English (and in local language, if required) to BID and ADB simultaneously.

Deliverables:

9. The EM is expected to produce the following reports:
- (i) Inception report, including findings of review of baseline data, monitoring methodology and detailed work plan (in terms of sampling, timing, budget, other required resources);
 - (ii) LARP implementation audit report confirming completion of compensation payments as a condition for handing over of the sites for civil works;

³⁰ Groups that may be targeted for involvement in FGDs include AHs in general, and vulnerable AHs such as women-headed households, the poor, and ethnic minorities

³¹ See above footnote.

³² External experts mean experts not involved in day-to-day project implementation or supervision

- (iii) Semi-annual monitoring report³³, including (a) methods used by the EM during the monitoring period; (b) progress of LARP implementation, including any deviations from the provisions of the LARP; (c) identification of problem issues and recommended corrective actions to inform BID and resolve issues in a timely manner (refer to sample table below); (d) identification of specific gender and ethnic minorities issues, as relevant; and (e) report on progress of the follow-up of issues and problems identified in the previous reports.
- (iv) Post resettlement evaluation report to be prepared at least 6 months before the end of the project completion date as input to the project completion report. The post-resettlement evaluation report will provide a general review of all the LAR impacts from project activities and (i) assess the degree and the quality of the participation of DPs in the project cycle; (ii) compare the livelihoods and living conditions of DPs with the baseline situation; (iii) assess the achievement of the objectives of LARF, LARPs, (iv) recommend corrective actions that may still be required, and (iv) present lessons learned that might be useful for future activities.

³³ Monitoring reports will be disclosed by ADB semiannually, upon receipt from BID.

10. The monitoring and evaluation will include the following indicators:

Table 12: Indicators for Verification by External Experts

Monitoring Indicator	Basis for Indicator
Basic information on displaced persons' households (Gender disaggregated data essential for all aspects)	<ul style="list-style-type: none"> • Location of the project • Composition and structure, ages, educational, and skill levels • Gender of household head • Ethnic group • Access to health, education, utilities, and other social services • Housing type • Land and other resource-owning and resource-using patterns • Occupations and employment patterns • Income sources and levels • Agricultural production data (for rural households) • Participation in neighborhood or community groups • Access to cultural sites and events • Valuation of all assets
Restoration of living standards	<ul style="list-style-type: none"> • Were house compensation payments made free of depreciation, fees, or transfer costs to the displaced persons? • Have displaced persons adopted the housing options developed? • Have perceptions of community been restored? • Have displaced persons achieved replacement of key social and cultural elements?
Restoration of livelihoods (Disaggregate data for displaced persons moving to group resettlement sites, self-relocating displaced persons, displaced persons with enterprises affected)	<ul style="list-style-type: none"> • Were compensation payments free of deductions for depreciation, fees, or transfer costs to the displaced persons? • Were compensation payments sufficient to replace lost assets? • Was sufficient replacement land available of suitable standard? • Did income substitution allow for reestablishment of enterprises and production? • Have affected enterprises received sufficient assistance to reestablish themselves? • Have vulnerable groups been provided income-earning opportunities? • Are these opportunities effective and sustainable? • Do jobs provided restore pre-project income levels and living standards?
Levels of displaced persons' satisfaction	<ul style="list-style-type: none"> • How much do the displaced persons know about resettlement procedures and entitlements? • Do the displaced persons know their entitlements? • Do they know whether these have been met? • How do the displaced persons assess the extent to which their own living standards and livelihoods have been restored? • How much do the displaced persons know about grievance procedures and conflict resolution procedures?
Effectiveness of resettlement planning	<ul style="list-style-type: none"> • Were the displaced persons and their assets correctly enumerated? • Was the time frame and budget sufficient to meet objectives, were there institutional constraints? • Were entitlements too generous? • Were vulnerable groups identified and assisted? • How did resettlement implementers deal with unforeseen problems?