

## **Resettlement Planning Framework**

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IND: Chennai Metro Rail Limited - Phase II

Prepared by Chennai Metro Rail Limited, Government of Tamil Nadu, for the Asian Infrastructure Investment Bank (AIIB), Asian Development Bank (ADB) and New Development Bank (NDB).

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## **CURRENCY EQUIVALENTS**

(as of 01 April 2020)

Currency Unit	–	Indian Rupee (INR)
INR 1.00	=	\$0.0129
\$1.00	=	INR 76.45

## **ABBREVIATIONS**

ADB	-	Asian Development Bank
AIIB	-	Asian Infrastructure Investment Bank
BPL	-	below poverty line
CMRL	-	Chennai Metro Rail Limited
CBO	-	community based organisations
ESF	-	environment and social framework
EMA	-	external monitoring agency
GoTN	-	Government of Tamil Nadu
GRC	-	grievance redress committee
GRM	-	grievance redress mechanism
MDB	-	Multilateral Development Bank
NDB	-	New Development Bank
NGO	-	non-governmental organization
PIU	-	project implementation unit
PMU	-	project management unit
RFCTLARRA	-	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act
RoW	-	right of way
RPF	-	resettlement planning framework
R&R	-	resettlement and rehabilitation
SoR	-	schedule of rates
SMU	-	social management unit
SIA	-	social impact assessment
SPS	-	safeguard policy statement

## **NOTES**

- (i) The fiscal year (FY) of the Government of India and its agencies ends on 31 March.

## DEFINITIONS

**Agricultural Land:** land used for the purpose of: (i) agriculture or horticulture; (ii) dairy farming, poultry farming, pisciculture, sericulture, seed farming; (iii) breeding of livestock or nursery growing medicinal herbs; (iv) raising of crops, trees, grass or garden produce; and (v) land used for the grazing of cattle.

**Affected Families:** Any family living, cultivating land or carrying on business, trade or any other occupation within the proposed Right of Way (RoW), who are impacted by the project is an affected family. All the members of an affected family in the project will be treated as affected persons.

**Affected Person:** Any individual or part of the affected family living, cultivating land or carrying on business, trade or any other occupation along the proposed RoW and who are impacted by the project is a affected person.

**Assistance:** All support mechanisms such as monetary help, services or assets given to affected families constitute assistance in this project.

**Below Poverty Line:** The State specific poverty line for urban Tamil Nadu for the year 2011-12, as per Dr. C. Rangarajan committee's (constituted by Planning Commission of India) revised methodology for measurement of poverty, is Rs.1380.36 per capita per month. The same will be updated to the current year/month based on Consumer Price Index (Industrial Workers) and accordingly BPL families will be identified.

**Compensation:** Compensation refers to payment made for private property acquired for CMRL Project with the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 read with Sec 26, Sec 27, Sec 28, Sec 29 and Sec 30 of „The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013“.

**Cut- off Date** is the date of first notification for land acquisition for the project under applicable Act or Government Order in the cases of land acquisition affecting legal titleholders. For the non-title holders, tenants and employees“ cut-off date would be the start date of census survey;

**Displaced Families:** Any family living, cultivating land or carrying on business, trade or any other occupation along the proposed RoW, who are impacted by the project and is either physically or economically displaced, are displaced families. All the members of a displaced families in the project will be treated as displaced persons.

**Encroacher:** Any person illegally occupying public property by extending their land boundary or a portion of their building onto the RoW is an encroacher. In order to be eligible for entitlements, the Resettlement Planning Framework will consider vulnerable families who have made such encroachments. This will include small shops, huts, repair shops, residential structures who have expanded their boundaries beyond legitimate limits. However, APL families or commercial establishments who have expanded their boundaries beyond legitimate limits, such as commercial showrooms or residential house will not be eligible for entitlements

**Economically displaced:** Business Owner displaced from commercial / industrial / religion-cultural / medical / educational structure -whether own or rented or squatter - due to structure being fully affected i.e., more than one third of the structure is acquired

**Fully Affected Structure:** The entire structure is required for the project or b) more than one third structure but less than the entire structure is required for the project, the owner of the structure exercised his option to request for acquisition of the entire structure

**Minor Impact:** are impacts which does not lead to displacement or loss of livelihood. These impacts include loss of structures such as boundary walls, external staircases etc. Compensation for minor impacts will be limited to one-time payment of cash or giving advance notice.

**Non-Perennial Crop:** Any plant species, either grown naturally or through cultivation that lives for a season and perishes with harvesting of its yields has been considered as a non-perennial crop in the project. For example, paddy, sugarcane, groundnut, etc.

**Perennial Crop:** Any plant species that live for years and yields its products after a certain age of maturity is a perennial crop. Generally, trees, either grown naturally or horticulturally and yield fruits or timber have been considered as perennial crop in the project. For example, tamarind, coconut, mango, teak, neem etc. are perennial crops.

**Persons losing their livelihood:** Persons losing their livelihood are individual members of the affected families, who are at least 18 years of age and are impacted by loss of primary occupation or source of income and includes employees and labourers of severely affected families.

**Private Property Owners:** Private property owners are persons who have legal title to structures, land or other assets.

**Permanent Buildings:** Buildings of a permanent construction type with reinforced concrete or Madras terrace roofs.

**Replacement Cost:** The amount required for an affected person to replace the lost asset through purchase in the open market.

**Resettlement Allowance:** Allowance towards additional expenses in the place of relocation, such as deposit for electricity etc but other than for subsistence. Paid to all families a) physically displaced and b) economically displaced.

**Residual Land:** Residual land can be defined as the remaining portion of land left with the owner of the land parcel after acquisition of land by the project.

**Severe Impact:** An affected family suffering the following impacts are categorized as severe impacted affected family: (i) loss of place of dwelling, (ii) loss of place of business; and (iii) loss of livelihood.

**Temporary Building:** Temporary building means a temporary type of structure, which includes buildings with roofs constructed of thatch, galvanized iron or asbestos.

**Small Farmer:** A cultivator with an un-irrigated land holding up to two hectares or with an irrigated land holding up to one hectare, but more than the holding of a marginal farmer.

**Semi-Permanent Building:** Buildings of a semi-permanent type with tiled roof and walls not of concrete or permanent brickwork.

**Severance of Land:** Means a land holding divided into two or more pieces due to acquisition of land mainly for laying new project alignment or a re-alignment.

**Squatter:** Any person who have illegally occupied government land for residential, business and or other purposes by making some investments on the land

**Subsistence allowance:** Allowance as support during period of waiting for revival of income in place of relocation.

**Tenants:** Persons having bona-fide tenancy agreements on cut-off date with a property owner with clear property titles, to occupy a structure or land for residence, business or other purposes

**Transportation Allowance:** Allowance towards transport of belongings or goods, equipment etc paid to all families who are a) physically displaced and b) economically displaced.

**Vulnerable Families:** This includes but is not limited to the following categories: (i) affected families falling under „Below Poverty Line“ (BPL) category; (ii) landless people; (iii) persons who belong to Scheduled Castes (SC) and Scheduled Tribes (ST); (iv) Women Headed Families; (v) Children and elderly people<sup>2</sup>, including orphans and destitute; and (vi) Physically and mentally challenged / disabled people.

**Women Headed Family (WHF):** A family that is headed by a woman and does not have an adult male earning member. This woman may be a widowed, separated or deserted person.

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<sup>2</sup> PAPs up to 14 years have been considered as children, while those over 60 years of age have been considered as elderly people in the project.

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## I INTRODUCTION

### A. Overview of the Project

1. Phase-I of Chennai Metro covers 54 km in two Corridors - Washermenpet to Airport (23.085 Km), Chennai Central to St. Thomas Mount (21.96 Km) and extension from Washermanpet to Wimco Nagar (9 km) in Thiruvottriyur. A stretch of 10.7 km from Koyambedu to Alandur in Corridor 2 became operational from June 2015 and Little Mount to Airport (7.7 km) & Alandur to St. Thomas Mount (1.3 km) in Corridor 1 opened in September/October 2016. Further, sections from Thirumangalam to Nehru Park (8.0 km) in May 2017, Little Mount Station to AGDMS Station and Egmore to Chennai Central Station (7.3 km) in May 2018 are also under operations. With a view of developing effective and efficient mass transit system in addition to the existing public transportation and Phase-I Metro rail system, a Feasibility Report for Phase II Corridors with a total length of 88.9 km was prepared by CMRL in 2015. The Detailed Project Report for Chennai Metro Rail Phase-II Corridors for 107.55 km covering 3 corridors - C3, C4 and C5 was prepared in March 2017. Detailed Project Report for Extended C4 corridor (total length 26 km) was prepared in October 2018.

2. Corridor 3 from Madhavaram Milk Colony to Siruseri SIPCOT covers 45.8 km with 50 stations. 30 stations are under ground and 20 stations are elevated.

3. Corridor 4 from Poonamallee to Lighthouse covers a length of 26.8km with 30 stations. In Phase-II Detailed Project Report, Corridor-4 was initially planned from Light House to CMBT with a total length of 16.5 Km covering Foreshore Road, Thirumayilai, Nandanam, Kodambakkam, Vadapalini, Saligramam, Elangonagar, Sai Nagar etc. Corridor was completely underground.

4. Government of Tamil Nadu through CMRL has studied the extension of Corridor-4 from Avichi School to Ponnammallee. Corridor-4, follows same route from Light house upto Avichi School. It further continues on the Arcot Road and covers Alwathirunagar, Porur Junction, Chennai Bypass Road, Iyyappanthangal Bus Terminus, Kumananchavadi, Poonamallee Bus Terminus and Outer Ring Road. The corridor terminates at Outer Ring Road cloverleaf with Depot situated on one side of the Poonammallee Bypass Road. Light House to Poonammallee Bypass corridor is proposed to have independent train operation. The major maintenance depot for Corridor 4 i.e. from Lighthouse to Poonammallee Bypass is located at Poonammallee. Corridor 4 is from Poonammallee to Lighthouse 26.8km with 30 stations.

5. Corridor 5 from Madhavaram Milk Colony to Sholinganallur covers 45.9 km with 48 stations. Out of which 41 stations are elevated and covering Valasaravakkam, Porur, Ramapuram, Chennai Trade Center, Adambakkam, Madipakkam, Medavakkam, Perumbakkam etc., covering in this Corridor and 6 stations are under ground and one is at grade.

### B. Need for Land Acquisition and Resettlement

6. In Phase II Detailed Project Report the proposed project will lead to acquisition of 27.19 ha of private land and will involve 93.8 ha of Government land. Corridor-wise details of the land requirement are shown in Table 1.1 & 1.2 below :



Name of the Corridor	Type of Land		Total Land (Ha)
	Private Land (Ha)	Govt. Land (Ha)	
Corridor 3	10.905	66.827	77.73
Corridor 4	5.7008	22.4398	28.14
Corridor 5	10.5873	4.5283	15.12
Total	27.19	93.8	120.99

Name of the Corridor	Type of Land		Total Land (Ha)
	Private Land (Ha)	Govt. Land (Ha)	
Corridor 3	0	6.27	6.27
Corridor 4	1	15.85	16.85
Corridor 5	0	54.86	54.86
Total	1	76.98	77.98

### C. Screening and Categorization

7. The project screening will be conducted immediately after identification of project sites. If the screening is carried out simultaneously with project site identification then the magnitude of impacts can be estimated and, if required, alternative options can be examined. Involuntary Resettlement Impact Screening Checklist (**Appendix 1**) as followed by ADB has been provided as a standard template.

8. The project is expected to have significant involuntary resettlement impacts, and the project is assigned Category A as per AIB Policy and for ADB involuntary resettlement categorization is Category A based on ADB's Social Safeguard Policy (2009). As required for a Category A project, a Resettlement Action Plan/Social Impact Assessment will be prepared for the project.

### D. Minimizing Impacts

9. Adequate measures will be taken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternatives to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized. There will be continuous consultations throughout the project design and implementation period.

### E. Cut-off Date

10 The cut-off of date for eligibility for title holders is the date of issuance of notification of land acquisition which commenced on 3rd November 2018. It may be pointed out that issuance of notification for land acquisitions are still continuing till date. For non-titleholders, tenants and wage employees the start date of socio-economic field survey i.e., 1st November 2019 is the cutoff date.

## II OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

11. This Resettlement Planning Framework (RPF) has been prepared conforming to the National laws, the State laws and the Asian Infrastructure Investment Bank's (AIIB's) Environmental and Social Framework (ESF), 2016, ADB's SPS 2009 and New Development Banks Social and Environment 2016. The resettlement planning framework describes the principles and approach in avoiding, minimizing and mitigating adverse social impacts that may arise in implementing the proposed CMRL – Phase II Corridor 4 project.

12. The resettlement framework outlines the objectives, policy principles, and procedures for land acquisition, compensation, and other assistance measures for displaced persons, under the project. The framework includes guidance on screening and categorization, assessment, planning, grievance redress mechanism, institutional arrangements, and processes to be followed for Corridor 4.

13. The involuntary resettlement safeguards objectives governing resettlement planning and implementation under the project are to: (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by identifying non-displacing or least displacing subproject and design alternatives; (iii) improve, or at least restore, the livelihoods of all displaced persons; (iv) improve the standards of living of the displaced persons including vulnerable groups; and (v) ensure all compensation and resettlement assistance is paid prior to displacement.

### A. Policy and Legal Framework

14. The policy framework and entitlements for CMRL – C4 are based on a combination of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARRA )2013, the GoTN RFCTLARRA Rules, 2017, The Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 and AIIBs ESF and ADB's SPS and NDBs Safeguard requirements. The salient features of legal frameworks are summarized in the following sub-sections.

#### 1. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

15. The RFCTLARRA 2013 covers land acquisition and resettlement. The act has recognized the need for resettlement and rehabilitation and has replaced the Land Acquisition Act 1894. The act aims to establish the law on land acquisition, as well as the rehabilitation and resettlement of those directly affected by land acquisition in India. The scope of the Act includes all land acquisition, whether it is done by the Central Government of India or any State Government of India, except the state of Jammu & Kashmir. The act came into force on 01 January 2014. The key features of the Act are outlined below. This Act will be applicable in case of any private is acquired by the project.

**16. Acquisition for public purpose:** The Land Acquisition Act of 1894 facilitated the Government to acquire private land for use for public purposes or acquire land for companies proposing to utilize the land for a public purpose. The new act defines public purpose more

specifically, compared to the earlier act, thereby reducing scope for misinterpretation. The new act does not allow any change in purpose after acquisition.

**17. Social impact assessment (SIA) is mandatory:** Under the new act, SIA is mandatory. It prescribes the need for an SIA by the Gram Sabah or an equivalent body in urban areas as part of the preliminary investigations for the land acquisition. The SIA will assess public purpose, minimum extent of land required, estimation of displacement and social impact on DPs, including costs. The SIA will be appraised by an expert group. No land acquisition shall be initiated unless the SIA is approved by the expert group.

18. The new act provides timelines for implementation, as given below:-

- (i) SIA to be completed within six months;
- (ii) Appraisal by an expert group within two months of receiving the SIA report;
- (iii) Preliminary notification has to be published within 12 months from the date of appraisal of the SIA report submitted by the expert group;
- (iv) Objections to be given within 60 days of the preliminary notification;
- (v) Public hearing to be conducted after the preliminary notification;
- (vi) Publication of the Draft Declaration of Land Acquisition and the Resettlement and Rehabilitation (R&R) Scheme to be carried out after the public hearing and within 12 months of the publication of the preliminary notification;
- (vii) Compensation award to be made within 12 months of the date of the draft Declaration of Land Acquisition and the R&R Scheme;
- (viii) Compensation amount to be paid within three months of award and R&R amount within 6 months, and
- (ix) Infrastructure and amenities to be provided within 18 months of award.

19. The process will lapse should no land acquisition notification be issued within 12 months of the approval of the expert group report. The timeline is however extendable by the appropriate government by a further 12 months if it is deemed necessary.

**20. Retroactive Clause:** In cases where land acquisition proceedings have been initiated under the Land Acquisition Act, 1894, then (a) where no award under Section 11 of the said Land Acquisition Act has been made, then, all provisions of the new act relating to the determination of compensation, rehabilitation and resettlement shall apply; or, (b) where an award under said Section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said act has not been repealed. In cases where land acquisition proceedings have been initiated under the Land Acquisition Act, 1894 and where an award under Section 11 has been made five years or more prior to the commencement of the new Act, but the physical possession of the land has not been taken or the compensation has not been paid, the proceedings shall be deemed to have lapsed and the appropriate government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of the new act. Furthermore, where an award has been made and compensation in respect of a majority of land holdings has not been accepted, then all beneficiaries specified in the notification for acquisition under Section 4 of the Land Acquisition Act, 1894 shall be entitled to compensation in accordance with the provisions of the new Act. The benefit of the retroactive clause will ensure that projects are implemented with minimum delays.

**21. Consent of affected persons:** The act stipulates that private entities and public-private partnerships carrying out public purpose projects may approach the government to acquire

land on their behalf after receiving the consent of 80% of the landowners for public projects and 75% for public-private projects.

**22. Calculation of market value:** Under the new act, the entitlements and compensation calculation procedure will ensure that compensation for land will be based on the calculation of market value. The highest of the three estimates as given below will be adopted: (i) the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or (ii) the average sale price for similar type of land situated in the nearest village or within the vicinity; or (iii) consented amount of compensation as agreed upon in case of acquisition of lands for private companies or for public-private partnership projects. The date for determination of the market value shall be the date on which the notification will have been issued as prescribed under Section 11 of the RFCTLARRA. The market value should then be multiplied by a factor of at least one to two times for land acquired in rural areas and at least one time for land acquired in urban areas.

**23. Payment of solatium:** The Act stipulates that a solatium equal to 100% of the market value of the property, including the value of assets, should also be paid.

**24. Payment of R&R assistance:** The new Act provides R&R assistance for all displaced persons who are losing livelihood due to land acquisition. RFCTLARRA proposes the given resettlement entitlements as a minimum. The State Governments of India, or private companies, may choose to set and implement a policy that pays more than what is proposed in the RFCTLARRA.

**25. Restrictions on acquisition of irrigated multi-cropped land:** In order to safeguard food security, the new Act restricts any acquisition of irrigated multi-cropped land, except for exceptional circumstances. An equivalent area of cultivable wasteland or land value has to be deposited with Government in the case of such an acquisition.

**26. Formal and transparent mechanism for R&R implementation prescribed:** The new Act outlines a structured institutional framework at the Central, State and project levels to carry out the acquisition and R&R: (i) at the central level is the national monitoring committee; (ii) at the State level the State Land Acquisition and R&R Authority and a committee constituted by the appropriate Government and State Commissioner R&R; and (iii) at the project level is the district collector, administrator R&R and the R&R committee.

27. Overall, the RFCTLARRA provides a framework in which the interest of the land loser is protected. The Act also empowers the government to some extent for defined purposes in order to support infrastructure development and industrialization. The new Act also increases the overall cost and time required for land acquisition, thereby compelling project owners towards more efficient utilization of land.

## **2. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014**

28. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014 received Presidents assent on 01 January 2015. Through the amendment, Section 105A read with „The Fifth Schedule“ was inserted in the RFCTLARR Act that allowed three State acts regulating land acquisition to continue acquisition of land as per the procedure set forth in the respective acts, while

Confirming to the provisions of RFCTLARR Act relating to the determination of compensation and provision of rehabilitation and resettlement. The exemption was with retrospective effect from 01 January 2014. These acts include the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978, Tamil Nadu Acquisition for Land for Industrial Purposes Act, 1997 and Tamil Nadu Highways Act, 2001.

### **3. Tamil Nadu Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017**

29. The State rules were notified on 21 September 2017 describing the process to be adopted when requisition for land is made by the requiring body, the process of conducting social impact assessment through the Tamil Nadu State Social Impact Assessment Unit formed exclusively for the purpose of conducting social impact assessment and functioning under the Commissioner of Rehabilitation and Resettlement<sup>1</sup>. The rules also describe the process of obtaining consent from affected families in case of land acquisition for private companies. Further, the method of publication of preliminary notification, the information that is required to be published in the preliminary notification, the details required in the report of the Collectors on hearing of objections and the details required in the land acquisition award is described.

30. The rules also describe the role of Administrator in preparing the rehabilitation and resettlement scheme and defines the eligibility criteria for availing onetime resettlement allowance. Further, the limits<sup>2</sup> for the applicability of the provisions relating to rehabilitation and resettlement for purchase of land through private negotiation by persons other than specified persons is defined. To clear the ambiguity in the eligibility for choice of annuity or employment, the rule prescribes that only those owners of the land acquired, whose livelihoods are lost due to the acquisition and other families whose livelihoods are primarily dependent on the land acquired alone will be entitled.

31. The rules describe the service conditions of the Presiding Officer, Registrar and other employees of the Land Acquisition, Rehabilitation and Resettlement Authority, established for the purpose of resolving disputes related to land acquisition, compensation, rehabilitation and resettlement expeditiously. The State has designated<sup>3</sup> the Principal Judge/Principal District Judge/District Judge of the respective Districts as the Presiding Officer.

### **4. The Tamil Nadu Acquisition of Land for Industrial Purposes Act (TNALIPA) 1997(TN Act 10 Of 1999)**

32. The key provisions of the TNALIPA, 1997 received assent of President on 2 December 2019. Regarding the process the Act states:

33. Under subsection 3(2) states: The Government shall call upon the owner or any other person who may be interested in the land to show cause why the land should not be acquired and also cause a Public notice to be issued under sub-section (2) of section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997.

<sup>1</sup> The Commissioner of Land Administration is appointed as the Commissioner of Rehabilitation and Resettlement through a government order [G.O.(Ms) No.304, Revenue and Disaster Management (LA-I(1)) dated 20 September 2017]

<sup>2</sup> The limits are defined vide a government order [G.O.(Ms) No.303, Revenue and Disaster Management (LA-I(1)) dated 20 September 2017]

<sup>3</sup> The Presiding Officers are notified vide a government order [G.O.(Ms) No.305, Revenue and Disaster Management (LA-I(1)) dated 20 September 2017]

34. Subsection 3(1) states : The Government shall publish in the Tamil Nadu Government Gazette a notice specifying the particular purpose for which such land is required namely `Chennai Metro Phase II MDB Projects` under Sub-section (1) of section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997.

35. Subsection 4(1) states: When a notice under sub-section (1) of section 3 is published in the Tamil Nadu Government Gazette, the land to which the said notice relates shall, on and from the date of such publication, vest absolutely in the Government free of all encumbrances. Subsection 4(2) states: Where any land is vested in the Government under sub-section (1), the Government may by order, direct any person who may be in possession of the land to surrender or deliver possession thereof to the Collector or any person duly authorised by him in this behalf within thirty days of the service of the order.

36. Subsection 4(3) states: If any person refuses or fails to comply with an order made under subsection (2), the Collector may take possession of the land, and may, for that purpose, use such force as may be necessary.

Section 5 states: Where any land has been acquired under this Act, the Government may use or cause to be used such land for the purpose of this Act.

37. With reference to compensation and entitlements the Act states Subsection 6(3) of The Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999 - President assent 2 December 2019) : The provisions relating to the determination of compensation for land and other assets attached thereto as specified in the First Schedule, rehabilitation and resettlement as specified in the Second Schedule and infrastructure amenities as specified in the Third Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act 2013) shall apply to the land acquisition proceedings under the 1999 Act.

## **5. Tamil Nadu Government Order on Land Acquisition through Private Negotiation**

38. The State vide GO (Ms) No.885 of Revenue Department dated 21 September 1995, had issued executive orders prescribing uniform procedure for fixing the land value for acquisition through negotiations and constituting District level, State level and Government level committees with definite monetary powers. Based on the experience gained over the years in land acquisition and acquisition through negotiations, the District level and State level committees were reconstituted with enhanced monetary powers vide GO (Ms) No.103 of Revenue (LA-I(1)) Department dated 28 February 2011.

39. Since both the above government orders were issued when the Land Acquisition Act, 1894 was in force and with the procedural change in determination of compensation coming into effect with the notification of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013, the government issued revised procedures, vide GO (Ms) No.281 of Revenue and Disaster Management Department, Land Administration Wing, LA-I(1) Section dated 07 September 2017, for enhancing the monetary powers of District level, State level negotiating committees and the Government for acquisition of land through private negotiation with distinction between land in urban and rural areas. A copy of the Government Order is given in **Appendix 2**. The powers of negotiating

Committee and Government for acquisition of land through private negotiation is summarised below:

<b>Acquisition of land- Powers for private negotiation</b>					
	Project in	Rural areas- Project falls from urban area			Maximum power to negotiate
	Urban areas	Within 30Km	30km to 50km	Above 50 Km	
District level Negotiating Committee	Upto 225% of market value/guideline value whichever is higher	Upto 275% of market value/guideline value whichever is higher	Up to 325% of market value/guideline value whichever is higher	Up to 425 %of market value/ guideline value whichever is higher	Upto Rs 2 crore
State level Negotiating Committee	Up to 225% of market value/guideline value whichever is higher	Up to 275% of market value/guideline value whichever is higher	Up to 325% of market value/guideline value whichever is higher	Up to 425 % of market value/ guideline value whichever is higher	Above Rs 2 Crores and within the prescribed percentage of negotiation
Government	Above 225% of market value/guideline value whichever is higher	Above 275% of market value/guideline value whichever is higher	Above 325% of market value/guideline value whichever is higher	Above 425 % of market value/guide line value whichever is higher	No limit

Also, powers have been delegated to the District Level Negotiation Committee for approving structure value equal to land value and for state level committee above the land value.

#### **6. Asian Infrastructure Investment Bank Environmental and Social Framework, February 2016 (amended February 2019)**

40. The objective of the Asian Infrastructure Investment Bank's Environmental and Social Framework (ESF) is to ensure that environmental and social risks and impacts in projects financed by the Bank are addressed and to provide a robust structure and mechanism to manage the environmental and social risks in identification, preparation and implementation of projects. The framework details the environmental and social requirements through three mandatory Environmental and Social Standards (ESS), viz. Environmental and Social Assessment and Management (ESS1), Involuntary Resettlement (ESS2) and Indigenous Peoples (ESS3)

41. **Environmental and Social Standards 2 on Involuntary Resettlement:** The objectives of the Asian Infrastructure Investment Bank's policy with regard to Environmental and Social Standards 2 on involuntary resettlement are: (i) involuntary resettlement should be avoided wherever possible, to minimise involuntary resettlement by exploring project alternatives; (ii) where avoidance of involuntary resettlement is not feasible, to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; (iii) to improve the overall socio-economic status of the displaced poor and other vulnerable groups; and (iv) to conceive and implement resettlement activities as sustainable development programs, by

providing sufficient resources to enable the persons displaced by the project to share in project benefits.

42. Involuntary resettlement covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land or access to land and natural resources, loss of assets or 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. It covers such displacement whether these losses and involuntary restrictions are full or partial, permanent or temporary in nature.

43. **Environmental and Social Standards 3 on Indigenous Peoples<sup>4</sup>**: The objectives of the Asian Infrastructure Investment Bank's policy with regard to Environmental and Social Standards 3 on indigenous peoples is to design and implement projects in a way that fosters full respect for indigenous peoples' identity, dignity, human rights, economies and cultures, as defined by the indigenous peoples themselves, so that they: (i) receive culturally appropriate social and economic benefits; (ii) do not suffer adverse impacts as a result of projects; and (iii) can participate actively in projects that affect them.

44. Environmental and Social Standards 3 on indigenous peoples applies if indigenous peoples are present in, or have a collective attachment to, the proposed area of the project, and are likely to be affected by the project. The term indigenous peoples 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 project area and to the natural resources in these habitats and territories; (iii) customary, cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.

## 7. ADB's Safeguard Policy Statement, 2009

45. The ADB's SPS, recognizes and addresses involuntary resettlement impacts and requires the preparation of a resettlement plan in every instance where involuntary resettlement occurs. The ADB policy requirements are:

- i. Avoid or minimize impacts where possible;
- ii. Consultation with the displaced persons in project planning and implementation;
- iii. Payments of compensation for acquired assets at the replacement cost;
- iv. Ensure that no one is worse off as a result of resettlement and would maintain at least their original standard of living;
- v. Resettlement assistance to displaced persons, including non-titled persons; and
- vi. Special attention to vulnerable people/ groups.

<sup>4</sup>There being no universally accepted definition of Indigenous Peoples. Indigenous Peoples may be referred to in different countries by such terms as "indigenous ethnic minorities," "aboriginals," "hill tribes," "minority nationalities," "scheduled tribes," "first nations," or "tribal groups." As the applicability of such terminology varies widely from country to country, the Client may agree with the Bank on an alternative terminology for the Indigenous Peoples as appropriate to the circumstances of the Client.



46. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle. The main policy principles of the SPS are:

- i. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- ii. Carry out meaningful consultations with displaced persons, host communities, and concerned NGOs. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- iii. Improve, or at least restore, the livelihoods of all displaced persons through: (i) land-based resettlement strategies when affected livelihoods are land-based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods; (ii) prompt replacement of assets with access to assets of equal or higher value; (iii) prompt compensation at full replacement cost for assets that cannot be restored; and (iv) additional revenues and services through benefit sharing schemes where possible.
- iv. Provide physically and economically displaced persons with needed assistance, including: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- v. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- vi. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- vii. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- viii. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- ix. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.

- x. Conceive and execute involuntary resettlement as part of a development project 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 displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

## **8. New Development Banks (NDB) Environment and Social Framework 2016**

47. The Framework sets out NDB's core principles which govern the operations of NDB on environment and social management. It includes two parts: (i) Part 1 which provides an overarching policy for addressing environment and social management in operations, and (ii) Part 2 Environmental and Social Standards (ESS) which set forth the key mandatory requirements with respect to Environment, Involuntary Resettlement, and Indigenous Peoples.

The key policy principles are:

- i. **Screening and Categorization:** NDB screens and assesses each proposed project at the concept stage to determine its risk categorization and updates the categorization during project processing. This is undertaken to determine the nature and extent of potential environment and social impacts. Each proposed project is scrutinized as to its type, location, scale, and sensitivity and the magnitude of its potential impacts.
- ii. **Environmental and Social Assessment and Management Plans:** For Category A and B projects, NDB requires the Client to conduct environmental and social impact assessment, with scope and depth commensurate with the nature and magnitude the potential impacts.
- iii. **Public Consultation :** NDB requires the Client to conduct a meaningful consultation process, that is compliant with national laws and regulations and this Policy, and (i) engages with communities, groups, or people affected by proposed projects; (ii) begins early and is carried out on an ongoing basis; (iii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible, is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, tailored to the needs of vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making.
- iv. **Transparency and Information Disclosure :** NDB is committed to working with the client to ensure that social and environmental assessment documents are made available in a timely manner, in an accessible place and in a form and language(s) understandable to affected people and to other stakeholders, including the general public, so they can provide meaningful inputs into project design and implementation.

- v. **Monitoring and Reporting:** NDB requires the Client to conduct monitoring on the implementation of environmental and social mitigation measures. The extent of monitoring activities, including their scope and periodicity, is commensurate with the project's risks and impacts. Clients will provide periodic monitoring reports on environment and social measures and relevant plans, as provided in the legal agreements and / or country systems
- vi. **Grievance Redressal Mechanisms :** NDB requires that the client establish and maintain a fair and effective grievance redress mechanism to receive and facilitate timely resolution of affected peoples' concerns and grievances about the client's environmental and social performance at project level.

## **B. Comparison of the funding agencies safeguard provisions and RFCTLARRA**

48. A comparison between Government Statutes and the MDS involuntary resettlement standards that provides gap-filling measures as reflected in the entitlement matrix is presented in **Appendix 3**. The acquisition of private property and compensating private land and assets in accordance with RFCTLARR Act reflects the equivalent to replacement cost for the loss of land and assets. The RFCTLARR however does not recognise non-titleholders. Though RFCTLARR recognises titleholders and non-titleholders affected by land acquisition, the squatters, encroachers and those present in RoW and other public lands are excluded from the purview of RFCTLARR Act.

49. Another key difference is with regard to the cut-off date for determining the eligibility for compensation and rehabilitation and resettlement assistances to all those who are affected by the project irrespective of the tenure. According to the RFCTLARR Act, the cut-off-date for non- titleholders to be eligible for assistance is three years preceding the acquisition and for the titleholders it is the date of preliminary notification under Section 4 (1). To bring this resettlement planning framework in line with the funding agencies requirements, this resettlement planning framework mandates that in the case of land acquisition, the date of issue of public notice of intended acquisition, will be treated as the cut-off date for title holders, and for non-titleholders such as squatters and encroachers, the cut-off date will be the start date of the project's Socio economic survey. Further, all affected non-title holders, suitable compensation for loss of assets and rehabilitation and resettlement assistances is proposed in the entitlement matrix, (except for encroachers who are eligible for compensation for the encroached portion of affected structure) while the titleholders are legally entitled for compensation and rehabilitation and resettlement assistancesurvey.

## **C. Involuntary Resettlement Safeguard Principles for the Project**

50. Based on the above analysis of Government statutes and the MDBs Environmental and Social Framework (ESF) policy, the following resettlement principles will be adopted for this project:

- (i) Screen the project early, to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a census and socio-economic survey of affected persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Adopt measures to avoid and minimize involuntary resettlement impacts by taking the following measures: (i) explore siting the project components in government land or locations which are less impacting; (ii) ensure use of appropriate technology to reduce land

Requirement and (iii) modify the designs of project components to minimize land requirement and ensure involuntary resettlement is avoided or minimized.

- (iii) Where involuntary resettlement impact is unavoidable, improve, or at least restore, the livelihoods of all affected persons through: (i) land-based resettlement strategies, where possible, when affected livelihoods are land based, and when loss of land is significant, or cash compensation at replacement cost for land when the loss of land does not undermine livelihoods; (ii) prompt replacement of assets with access to assets of equal or higher value; and (iii) prompt compensation at full replacement cost for assets that cannot be restored.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Ensure that affected persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets at replacement value.
- (vi) Improve the standards of living of the affected poor and other vulnerable groups, including women, to national minimum standards or standard before displacement whichever is higher.
- (vii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all affected persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous peoples, and those without legal title to land, and ensure their participation in consultations.
- (viii) Prepare a resettlement plan elaborating on the entitlements of affected persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) Pay compensation and provide all resettlement entitlements before physical or economic displacement and before commencement of civil works. Implement the resettlement plan under close supervision throughout project implementation.
- (xi) Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of affected persons.
- (xii) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (xiii) Monitor and assess resettlement outcomes, their impacts on the standard of living of affected persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

#### **D. Negotiated Settlement as per ADBs SPS**

51. ADB's SPS encourages acquisition of land and other assets through a negotiated settlement wherever possible based on consultation<sup>5</sup> with displaced persons including those without title to assets. A negotiated settlement will offer an adequate and fair price for land and other assets. Also, in the case of a negotiated settlement, an independent external party/person will be identified and engaged by the implementing agency to document the negotiation and settlement processes. The principles of this resettlement framework with regard to meaningful consultation processes, mechanisms for calculating the replacement cost of land and other assets affected and record-keeping requirements will be followed during the negotiated settlement.

52. The process of negotiation involves the following steps: (i) negotiation will take place when there is a willing buyer/willing seller; (ii) verification of the voluntary status of land acquisition will have to be carried out by a third party, preferably a NGO; (iii) consultation with the displaced person has to be carried out and documented; (iv) the minimum negotiated price to start negotiations will not be below the valuation of land based on the market value of land as given in the Entitlement Matrix; (v) all the safeguards as mentioned in the resettlement framework have to be followed; (vi) all negotiations have to be carried out in a transparent manner and validated by a third party, NGO, or in the absence of a NGO any other party as decided by the PMU; (vii) in case of failure of negotiations, compensation will be paid according to the RFCTLARRA, as outlined in the Entitlement Matrix of the resettlement framework; and (viii) the entire process has to be documented.

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<sup>5</sup> A process that (i) begins early in the project preparation stage and is carried out throughout the project cycle; (ii) provides timely disclosure of information that is understandable and accessible to DPs; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of DPs and other stakeholders into decision making, such as project design and mitigation measures.

## **E. Eligibility Status of Displaced Persons**

53. The following displaced persons, are eligible for compensation, assistance, and benefits:
- (i) Persons who lost land/ assets in their entirety or in part, who have formal legal rights to the land;
  - (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/ state laws (such as customary right over land by tribal people);
  - (iii) Persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law; and
  - (iv) Vulnerable households, defined as those below the poverty line, the landless, the elderly, women and children, and Indigenous People, those without legal title to land, persons with physical disabilities, Scheduled Tribes and Scheduled Castes.

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

54. The project Entitlement Policy addresses the direct and indirect impacts of metro construction and operation on displaced persons, households and communities. The most direct and immediate impacts are those associated with works construction, mainly land acquisition, loss of livelihood and loss of residences. Other losses include loss of other assets such as cattle sheds, water sources etc. and common property resources. Mitigation is provided through compensation and assistance to displaced persons, households, and groups on the basis of this policy framework adopted by CMRL. The policy provides mitigation for:

- (i) Loss of assets, including land and house or work place;
- (ii) Loss of livelihood or income opportunities;
- (iii) Collective impacts on groups, such as loss of community assets, common property resources, and others; and
- (iv) Temporary disruptions due to the loss of access or limited access to social amenities such as medical institutions, educational institutions etc.

55. Compensation eligibility is limited by a cut-off date. An Entitlement Matrix has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements. The entitlement matrix presents the entitlements corresponding to the tenure of the affected families; Impact to private property (title holders) consisting of: (i) loss of private land; (ii) loss of private residential structure; (iii) loss of private commercial structure; (iv) impact to tenants (residential / commercial ); and (v) impact to trees, standing crops, etc; Impact to Non-title holders consisting of: (i) impact to squatters; and (ii) impact to vulnerable encroachers; Loss of employment to workers/employees; Additional assistance to vulnerable affected families; and Unforeseen impacts. The project Entitlement Matrix (see **Table 1**) identifies and lists the various types of losses resulting out of the project and specific compensation and resettlement packages for each category.

**G. Changes in applicable law / policy / scheme**

56. Whenever there is a change in applicable law, scheme or policy, the same shall become applicable to eligible affected families from the date of such change and shall be ratified through necessary orders / proceedings by GoTN or PMU, CMRL, and will be communicated to funding MDBs.

57. All units of entitlement and assistances will be revised by PMU, CMRL, based on Consumer Price Index for Agricultural Labourers (CPIAL). The values/rates contained in this resettlement planning framework will be applicable until 31 March 2021. The updating will be done annually by adopting the February CPIAL of that year and will become effective from the 1st day of April of that year. The updating will be completed and notified by March 31 of each year from 2021.

**Table 1: Entitlement Matrix**

Type of Loss	Identification of DPs	Details <sup>6</sup>
<b>A.</b> A.1. Acquisition of land (vacant land, homestead or commercial or privately owned religious- cultural or hospitals or educational centres)	<b>Loss of Land</b> Titleholder	<ol style="list-style-type: none"> <li>1. Compensation at replacement cost<sup>7</sup> as specified in the RFCTLARR Act, 2013 and Rules notified by GoTN<sup>8</sup>;</li> <li>2. If the residual plot(s) is (are) not viable, either of the following two options are to be given to the affected family, subject to acceptance:                          Option 1- The affected person retains the residual plot, and the compensation and assistance are paid only for the required extent of land to be acquired; or                          Option 2- Compensation to be provided for the entire plot including residual part, if the owner of such land wishes that the residual plot should also be acquired by the executing agency;</li> <li>3. One-time subsistence allowance of Rs. 36,000 will be provided to families requiring relocation;</li> <li>4. Compensation for affected plants and trees (refer Section D of the Matrix);<sup>9</sup></li> <li>5. Compensation for affected standing crops will be provided at market value (refer Section D of the Matrix);<sup>10</sup></li> <li>6. All fees, stamp duties, taxes, and other charges, as applicable under the relevant laws, , are to be borne by the executing agency;</li> <li>7. One-time payment of cash in lieu of annuity INR 5,00,000 to any affected family whose livelihood is primarily dependant (loses one-third of the annual family income due to the acquisition of the said agricultural land) on the income from the acquired agricultural land</li> </ol>

<sup>6</sup> All compensation for land and structure will follow the principles of “Replacement Cost” as enshrined in ADB’s SPS and AIIB’s ESF

<sup>7</sup> Replacement cost includes (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any (ADB SPS 2009, p 45 para 10). Applicable wherever replacement cost is mentioned in this EM.

<sup>8</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2017. Notified by GoTN G.O.Ms.No.298,

<sup>9</sup> To be valued by persons experienced in the field of agriculture, horticulture forestry etc. as necessary.

<sup>10</sup> Valued by an experienced person in the field of agriculture.



Type of Loss	Identification of DPs	Details <sup>6</sup>
		<p>8. All affected families will receive compensation for: (i) damage to land/ quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; at the time of taking possession of the land; (ii) diminution of the profits of the land between the time of the publication of the declaration for taking possession of land and the time of the collector's taking actual possession of the land; and (iii) expenses incidental to such change if the affected landowner is compelled to change his place of residence or business due to the proposed land acquisition.</p> <p>9. Transportation cost for any crops, cattle, implements etc will be borne by the project at actuals or necessary arrangements will be provided by the project for transportation.</p> <p style="text-align: center;">OR</p> <p>10. The title holders of Land and structures have an option for negotiation with CMRL, in which the land will be acquired through Private Negotiation as per the CMRL Policy upon payment of Compensation up to 2.25 times of the Market value of land. (The Value of assets attached to land such as buildings, as per PWD Current SoR without depreciation and tress, bore well, etc., as valued by relevant Government Authority, within powers of CMRL Negotiation Committee. Compensation based on factor greater than 2.25 will require approval from the Board Committee.)</p>
<b>B.</b>	<b>Loss of Structures</b>	
B.1. Loss of residential structure	Titleholder of affected structure	<ol style="list-style-type: none"> <li>1. Value of the assets based on valuation by PWD shall be paid for main building structure as well as boundary wall and ancillary structures such as bore wells, trees, etc. along with 100% solatium, without depreciation.</li> <li>2. Repair cost for restoration of remaining main structure and ancillary structures on premises as assessed based on PWD SoR</li> <li>3. Right to salvage material from the demolished structure at no cost<sup>11</sup></li> <li>4. Where the loss of structure is partial and the remaining structure is unviable, compensation will be based on the total structure and benefits will be given as</li> </ol>

<sup>11</sup>Asbestos will not be allowed to be salvaged

Type of Loss	Identification of DPs	Details <sup>6</sup>
		<p>mentioned in this section;</p> <ol style="list-style-type: none"> <li>5. One-time financial assistance of INR50,000 as transportation cost for shifting;</li> <li>6. Each displaced household shall be given a one-time resettlement allowance of INR50,000 in case of relocation.</li> <li>7. One-time subsistence allowance of Rs. 36,000 /- for affected families who require to relocate</li> <li>8. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency , as applicable</li> <li>9. Notice period of 3 months to be given.</li> <li>10. One-time rental allowance of Rs. 45,000 /- (15,000 per month for three months), for titleholders who have rented out their property</li> </ol>
B.2. Loss of commercial structure and other assets	Titleholder	<ol style="list-style-type: none"> <li>1. The replacement value of the structure, calculated as per the latest prevailing schedule of rates without depreciation;</li> <li>2. One-time grant of a minimum of INR 25,000<sup>12</sup> for self-employed persons, artisans, traders etc.</li> <li>3. One-time subsistence allowance of Rs 36,000/ who require to relocate.</li> <li>4. Right to salvage<sup>13</sup> material from the demolished structure at no cost;</li> <li>5. One-time financial assistance of INR50,000 as transportation cost for shifting;</li> <li>6. Commercial structure owners, who are deriving business income from the affected structure in the land acquired and is displaced and lost livelihood due to the acquisition, will be entitled for following compensation as one time payments in lieu of annuity policy.</li> <li>7. Commercial building area wise compensation <ol style="list-style-type: none"> <li>A) Up to 150 sq. ft. - Rs. 2,00,000 /-</li> <li>B) 151 to 300 sq. ft. - Rs. 3,00,000 /-</li> <li>C) 301 to 500 sq. ft. - Rs. 4,00,000 /-</li> <li>D) Above 500 sq. ft.- Rs. 5,00,000 /-</li> </ol> </li> <li>8. Each affected families shall be given a one-time resettlement allowance of INR50,000 in case of relocation</li> <li>9. All fees, taxes and other registration charges incurred for the replacement structure shall be borne by the executing agency as applicable.</li> <li>10. Notice period of 3 months to be given</li> <li>11. One time rental allowance of Rs 45,000/ (RS 15,000 per month for three months)</li> </ol>

<sup>12</sup>Based on the RFCTLARRA 2013.

<sup>13</sup>Except asbestos

Type of Loss	Identification of DPs	Details <sup>6</sup>
		for titleholders who have rented out their property.
	<b>Tenants</b>	
	Residential	<ol style="list-style-type: none"> <li>1. One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>2. One-time resettlement allowance of INR 50,000;</li> <li>3. Right to salvage material from demolished structure, erected by tenants.</li> <li>4. Notice period of 3 months to be given</li> </ol>
	Commercial	<ol style="list-style-type: none"> <li>1. One-time financial assistance of INR 50,000 as transportation cost for shifting;</li> <li>2. One-time allowance of INR 50,000 for loss of livelihood</li> <li>3. Right to salvage material from demolished structure, erected by tenants.</li> <li>4. Notice period of 3 months to be given</li> </ol>
<b>C.</b>	<b>Assets</b>	
C.1. All other assets such as bore wells, cattle shed etc.	Titleholders	<ol style="list-style-type: none"> <li>1. The replacement value of the asset/structure, calculated as per the latest prevailing schedule of rates without depreciation;</li> <li>2. Right to salvage material from demolished asset/structure<sup>14</sup>;</li> <li>3. For the loss of cattle shed, a one-time assistance payment of INR 25,000 to be provided.</li> <li>4. Notice period of 3 months to be given.</li> </ol>
<b>D.</b>	<b>Loss of Crops and Trees</b>	
D.1. Loss of crops and trees	Titleholder, sharecroppers and leaseholders, non-titleholders	<ol style="list-style-type: none"> <li>1. Displaced persons will be notified and given 60 days" advance notice to remove trees. For seasonal crops and fruit trees six months" notice is to be given;</li> <li>2. Compensation for cash crops at prevalent market rates<sup>15</sup>, to be calculated as annual net product value multiplied by the number of productive years remaining;</li> <li>3. Compensation for one years" net harvest for seasonal crops at prevalent market rates;</li> <li>4. Compensation at market value of timber in case of timber-bearing trees;</li> <li>5. For fruit bearing trees compensation to be calculated at market value of annual</li> </ol>

<sup>14</sup>Except asbestos

<sup>15</sup> Valued by an experienced person in the field of agriculture.

Type of Loss	Identification of DPs	Details <sup>6</sup>
		net product multiplied by the number of productive years remaining <sup>10</sup>
<b>E.</b>	<b>Assets Lost by Non-Title Holders (Squatters and Encroachers)</b>	
E.1 Loss of structure)	Residential squatters	<ol style="list-style-type: none"> <li>1. Cost of structure based on valuation by PWD at replacement cost</li> <li>2. One time shifting allowance of Rs 15,000 /- to the displaced family</li> <li>3. One time rehabilitation assistance of Rs 15,000 /- to the displaced family</li> <li>4. Right to salvage material from demolished structure.</li> <li>5. Notice period of 60 days to be given</li> </ol>
	Squatter Commercial	<ol style="list-style-type: none"> <li>1. Cash compensation as per valuation based on PWD Schedule of Rates (SoR) at replacement cost and not less than Rs. 25,000 /-</li> <li>2. One time shifting allowance of Rs 15,000 /- to the displaced family</li> <li>3. One time financial assistance of Rs 15,000 /- for loss of livelihood</li> <li>4. Right to salvage material from demolished structure,</li> <li>5. Notice period of 60 days to be given</li> </ol>
	Encroachers (vulnerable category only)	<ol style="list-style-type: none"> <li>1. Compensation at PWD plinth area rates without depreciation for the affected portion of the structure.</li> <li>2. Right to salvage material<sup>17</sup> from demolished structure,</li> <li>3. Notice period of 30 days to be given</li> </ol>
	Kiosks	<ol style="list-style-type: none"> <li>4. One time grant of Rs.25,000./- for severely affected kiosks</li> </ol>
<b>F..</b>	<b>Loss of Livelihood</b>	
F.1. Loss of primary source of income for the non-titleholders	Wage-earning employees indirectly affected - those working in businesses such as petty shops, eateries	<ol style="list-style-type: none"> <li>1. One-time allowance of Rs. 30,000 (10,000*3 months) to each employee of the commercially displaced structure.</li> <li>2. Preference for employment opportunity for affected persons in the project construction work, if so desired by them;</li> </ol>
<b>G.</b>	<b>Loss of Common Property Resources</b>	

<sup>16</sup>To be valued by persons experienced in the field of agriculture, horticulture forestry etc. as necessary.

<sup>17</sup>Except asbestos

Type of Loss	Identification of DPs	Details <sup>6</sup>
G.1. Loss of common property resources		1. Replacement or restoration of the affected community facilities - including public water stand posts, public utility posts, temples, shrines, such as places of worship, community buildings, schools, etc. in consultation with the community.
<b>H.</b>	<b>Additional Support to Vulnerable Groups</b>	
H.1. Further assistance to all vulnerable persons	Households categorized as vulnerable. <sup>18</sup>	2. Additional one-time assistance of INR 5000 per vulnerable family will be paid. This will be over and above the other assistance given in this framework; 3. One adult member from each vulnerable household will be entitled for skill development 4. Vulnerable families may be considered for potential employment in the project construction activities subject to suitability.
<b>I.</b>	<b>Additional assistance for Women</b>	
I.1 Loss of Land / house / shop		1. Reimbursement of stamp duty and registration charges, for purchase of property out of the compensation/R&R assistance. 2. In case of purchase of property out of the compensation / R&R assistance, the property should be purchased in the name of a women in the household and registered in her name. The registration shall be done within 3-years from LA award/R&R award
<b>J.</b>	<b>Temporary Impacts</b>	
J.1. Temporary impacts during construction		1. Land required for construction activity along the alignment and for construction yards will be acquired temporarily. CMRL shall pay land rental at 1 percent of market value of land per annum. This value shall be escalated at prevailing annual rate of increase. CMRL shall pay charges for services such as electricity, sewerage. Upon completion of construction, this land duly rehabilitated will be handed back to the owner.

<sup>18</sup>Vulnerable are those households that are BPL, headed by the elderly - above 60 years of age, female headed households, households headed by persons with disabilities persons, non- titled households, landless households Scheduled Tribes and Scheduled Castes.

Type of Loss	Identification of DPs	Details <sub>6</sub>
		<ol style="list-style-type: none"> <li>2. In case any existing structure had to be demolished on the land parcel, then its replacement cost at the PWD SoR current at time of handing back the land to the owner will be paid.</li> <li>3. The contractor is liable to pay damages to assets/trees/crops in private/public land, caused due to civil works, in line with the provisions of this Entitlement Matrix.</li> <li>4. The contractor should obtain prior written consent from the landowner and pay mutually agreed rental for use of private land for storage of material or movement of vehicles and machinery or diversion of traffic during civil works</li> <li>5. Compensation for standing crops and trees as per the market rate;</li> <li>6. Time bound restoration of land to its previous or better quality; and</li> <li>7. The project will maintain access to all properties and businesses at all times.</li> </ol>
<b>K.</b>	<b>Other Unanticipated Impacts</b>	
K.1.Any unanticipated impacts due to project intervention		<ol style="list-style-type: none"> <li>1. Any unanticipated impacts of the project will be documented and mitigated based on the spirit of the principles agreed upon in this RF.</li> </ol>

### III RESETTLEMENT PLAN PREPARATION

#### A. Social Impact Assessment Survey

58. A social impact assessment (SIA) survey of the displaced persons will be undertaken to determine the magnitude of displacement and prospective losses, better identification of vulnerable groups, ascertain costs of resettlement, and prepare a rehabilitation program for implementation. The SIA surveys will be based on the preliminary technical designs of the subprojects identified. The socio-economic survey will help in assessing the projects socio-economic impacts on the affected community and people. The SIA surveys will comprise of:

- (i) **Baseline socio-economic sample survey.** The purpose of the baseline socio-economic sample survey of displaced persons is to establish monitoring and evaluation parameters. It will be used as a benchmark for monitoring the socio-economic status of displaced persons. The survey will cover 20% of the displaced persons. The survey will also collect gender-disaggregated data to address gender issues in resettlement. The survey will carry out the following: (i) Preparation of accurate maps of the subproject area; and (ii) analysis of social structures and income resources of the population.
- (ii) **Census survey.** The purpose of the census is to: (i) register who the displaced persons are; (ii) assess their income and livelihoods; (iii) make an inventory of assets affected by the project; and (iv) collect gender-disaggregated information pertaining to the economic and sociocultural conditions of displaced persons. The census will cover 100% of displaced persons.

#### B. Resettlement Plan

59. A Resettlement plan will be prepared based on the results of the census, and from information drawn from the baseline socio-economic sample survey. The database on displaced persons will be prepared. It will include the results and findings of the census of displaced persons and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and results monitoring mechanisms. The outline of a resettlement plan is given in **Appendix 4**.

60. The Resettlement plan will comply with the principles outlined in this resettlement framework and will have to be approved by the executing agency and MDBs prior to contract award. Disbursement of compensation payments and entitlements must be made prior to displacement.

61. Resettlement plan comprising the entitlement matrix, compensation and rehabilitation options among others shall be brought to the notice of displaced persons and host communities. The specific resettlement-related activities to be performed, such as SIA, census and socioeconomic survey, resettlement planning, public consultation, development of mitigation and income restoration measures, implementation of resettlement plans, and monitoring and evaluation, and their subproject implementation schedule, will all be detailed in the resettlement planning document. The resettlement plan will be prepared and notified to the public, through information disclosure workshops and other means such as posters and/or resettlement booklets, notices in the local government offices etc. The draft resettlement plan will have to be updated after finalization of designs, to take into consideration any additional impacts or changes in designs and disclosed.

### **C. Gender Impacts and Mitigation Measures**

62. Female-headed households are considered a vulnerable group as per the resettlement framework. Any negative impacts of the project on female-headed households will be given priority. Resettlement plans will formulate measures to ensure that socioeconomic conditions, needs, and priorities of women are identified, and that the process of land acquisition and resettlement does not disadvantage women. It will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households. Joint ownership in the name of husband and wife will be provided in cases of non-female-headed households. The project will develop a separate Gender Action Plan, for specific mitigation measures and action plan to be carried out to improve gender participation in the project.



## **IV COMPENSATION, INCOME RESTORATION AND RELOCATION**

### **A. Land Acquisition through Direct Purchase/ Negotiated Settlement**

63. Acquisition will be undertaken under The Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999 - President assent 21 May 1999).

#### **Process**

64. When CMRL requires a land, an application would be made to the revenue authority accompanied with a copy of the plan showing the survey numbers, purpose of the acquisition and the reason for the particular site to be chosen and the provision made for the cost of the acquisition. After the government has been fully satisfied about the purpose, the least area needed and the other relevant facts as provided under land acquisition rules, it will issue a notification that the particular land is required.

#### **Objections**

65. Objections are invited from all persons interested in land within thirty days from the date of notification.

#### **Claim and award**

66. A notice will be issued to all the persons interested in the acquisition to file their claim reports in determining the compensation.

#### **Calculation of Compensation**

67. With the objective of speedy land acquisition, land will be purchased through negotiations. The CMRL Negotiation Committee is empowered to negotiate compensation with land owners upto maximum 225% of market value in urban areas. Interest of 12% per annum of market value determined by the Committee for a period commencing from cutoff date to fix market value till date of execution of agreement deed or taking possession of land whichever is earlier, was paid.

68. The negotiated price for land purchase is arrived at based on the prevailing market values. The CMRL Negotiation Committee determined the market value after reviewing guideline value and registered sale value. A suitable cutoff date was fixed for each stretch for determining the market value. The market value was determined as follows:

1. The market value, if any, specified in the Indian Stamp Act 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or the average sale price for similar type of land situated in the nearest village or nearest vicinity area; whichever is higher.

Explanation 1: the average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2: For determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3: While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4: While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Committee is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

**2. Where the market value cannot be determined for the reasons that:**

- i. The land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or
- ii. the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or
- iii. The market value has not been specified under the Indian stamp Act, 1899 (2 of 1999) by the appropriate authority, the committee shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas.
- iv. In case where the price demanded by the land owner exceeds the norms and is felt to be unreasonable, land acquisition through the Land Acquisition Act shall be resorted to.

69. CMRL has been acquiring land through direct purchase of private lands for implementation of Phase 1 projects. Hence, this method will be adopted, on a willing seller and willing buyer basis, to avoid delays. The main objective of using direct purchase/negotiated settlement is to gain in terms of time required for securing the land. Negotiation process requires the following:

- i. Negotiation will take place when there is a willing buyer/willing seller;
- ii. Verification of the voluntary status of land acquisition will have to be carried out by a third party, preferably a NGO;
- iii. Consultation with the displaced person has to be carried out and documented;
- iv. The minimum negotiated price to start negotiations will not be below the valuation of land based on the market value of land as given in the Entitlement Matrix;
- v. All the safeguards as mentioned in the resettlement framework have to be followed;
- vi. All negotiations have to be carried out in a transparent manner and validated by a third party, NGO, or in the absence of a NGO any other party as decided by the PMU;
- vii. In case of failure of negotiations, compensation will be paid according to the RFCTLARRA, as outlined in the Entitlement Matrix of the resettlement framework; and
- viii. The entire process has to be documented.

**B. Compensation for land based on RFCTLARRA: Calculation of market value.**

70. The market value of the proposed land to be acquired shall be set as the higher of:

- i. The market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

- ii. The average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

71. The market value would be multiplied by a factor of, at least one to two times the market value for land acquired in rural areas and at least one times the market value for land acquired in urban areas. The act stipulates that the minimum compensation to be a multiple of the total of above ascertained market value, value to assets attached to the property, plus a solatium equal to 100% of the market value of the property including value of assets. Whichever is higher, will be taken and the date for determination of market value shall be the date on which the notification has been issued under Section 11.

72. Compensation will also be calculated for: (i) damage to land/ quality of land (if any) sustained by reason of severing land proposed for acquisition or adjoining lands from/to affected land; calculated from the date of preliminary notification till the date of final award; (ii) diminution of the profits of the land between the time of the publication of the Declaration for taking possession of land and the time of the collector's taking actual possession of the land; and (iii) compensation incidental to such change if affected landowner is compelled to change his place of residence or business due to the proposed land acquisition.

### **C. Valuation of Lost and Affected Assets**

73. The valuation of immovable properties, including structures, assets, trees and crops is as follows:

- i. Houses/ buildings/ structures: The valuation of the houses, buildings, and other immovable properties will be based on the latest appropriate schedule of rates plus the cost of labor and transfer of the construction materials.
- ii. Standing crops/ perennial crops: If notice for harvest of standing/ perennial crops cannot be given, then valuation will be carried out at prevalent market rates, to be calculated as annual net product value multiplied by the number of productive years remaining. Valuation should be by an experienced person in the field of agriculture.
- iii. Trees/ fruit/ timber: Compensation at market value of timber in the case of timber-bearing trees. For fruit bearing trees compensation to be calculated at market value of annual net product multiplied by the number of productive years remaining. Valuation should be persons experienced in the fields of agriculture, horticulture, forestry etc. as appropriate.
- iv. All other assets: Assets such as irrigation units, boundary walls etc. will be valued on the basis of the latest appropriate schedule of rates.
- v. Common property resources: In case of loss of community infrastructure or any common property resources, the same will be restored or re-installed, by the executing agency, at a new place in consultation with the community, local self-governing bodies or appropriate authority.

74. All compensation and assistance will be paid to displaced persons prior to displacement or commencement of civil works. In case there are loans on acquired land and properties, such amounts will be adjusted from the total compensation based on mutual agreement between the displaced persons and the acquiring body. Displaced persons will be provided with an advance notice of 60 days prior to possession being taken of the land or properties. Displaced persons will be allowed to take the materials salvaged from their dismantled houses and shops.

## D. Income Restoration

75. The entitlement proposed under this project has adequate provisions for restoration of livelihood of the affected persons. Wherever feasible and if the affected person so desires, income restoration schemes will be identified and implemented by the PIU with the assistance of the implementing NGO. Towards this the affected person will be guided and assisted by the PIU with the support of the NGO, in effectively using the compensation and rehabilitation and resettlement assistances towards establishing an income generating activity, and identifying an alternative shop location and re-establishing the shop/kiosk/vending or utilizing the finances for buying land or taking land on lease.

76. The PIU with the assistance of the implementing NGO will make the training need assessment and will impart training to the eligible affected persons for income restoration and skill up-gradation as necessary. The PIU with assistance of the implementing NGO will ensure that households whose incomes are affected and/or who have to relocate receive assistance in accessing utility services (e.g., water and electricity connection) and other relevant government services (e.g., health clinics and schools).

77. The resettlement plan budget will reflect the cost of providing training for vulnerable persons. The PIU will facilitate vulnerable persons access to government schemes that could help them restore income and livelihood. The Directorate of Employment and Training, Department of Labour and Employment, Government of Tamil Nadu, Industrial Training Institutes (ITIs) imparts skill training under Craftsmen Training Scheme and to produce technician level work force in the State in different trades. Various skill training programmes are being implemented through a vast network of Government ITIs and Private ITIs in the State. Systematic training offered in these institutes in different trades to ensure a steady flow of skilled manpower to the industries.

78. In addition, the entitlement matrix provides for short-term income restoration measures by providing allowances such as subsistence allowance, resettlement allowance and shifting assistance.

79. Temporary income loss during construction period: Businesses experiencing full closure of shops or other type of economic activities due to construction works will be compensated for lost income for the entire duration of the disruption. A complete survey of all the businesses likely to be impacted will be conducted by the NGO in consultation with the contractor. Contractors need to submit the work schedule to the PIU for approval for any closure of access. In case of full closure of businesses, the NGO will conduct an income survey of businesses along the relevant sections. For shops not qualifying under these categories (hawkers, vendors, etc.) the actual income based on the survey will be used through a verification of the income data by the PIU. This will be applicable only for vulnerable hawkers and vendors.

80. **Vendor assistance.** Vendors requiring temporary shifting during the construction period will be notified in advance, and will be allowed to salvage all materials for temporary shifting to an alternative location. They will be allowed to return to the original location after construction is declared complete. Vendor assistance will consist of the following steps:

- (i) **Step 1.** Identify impacted vendors based on detailed design;
- (ii) **Step 2.** Notify vendors at least 2-3 weeks in advance. Consult with local vendor associations, if they exist;
- (iii) **Step 3.** Identify alternative nearby locations where the affected vendors can continue their businesses;
- (iv) **Step 4.** Assistance will be given by the contractors to vendors to shift to a new location; and

- (v) **Step 5.** Assistance will be given by contractors to return to the original location after construction works are completed.
- (i) **Step 5.** All payments will be recorded for accounting purposes with the signature of the displaced person.

#### **E. Relocation**

81. The project will, to the extent that is possible, avoid any physical displacement/relocation of displaced persons. In the event that physical relocation is required the project will ensure that (i) shifting assistance, resettlement assistance and subsistence allowance, as required, will be provided to all relocated/physically displaced households (ii) relocation sites will be disclosed to the DPs for endorsement, along with their facilities; (iii) displaced households can choose between independent or assisted relocation by the project; and (iv) alternate houses have to be provided to the displaced persons before demolition. In the event that houses are not ready, rental assistance will have to be provided until the alternate house is ready. Relocation has to be completed before the start of civil works. The PIU/ PMC will monitor the relocation process with NGO support. Adequate budgetary allocation has to be provided for timely relocation implementation and included in the resettlement plan.

## **V CONSULTATION, PARTICIPATION AND DISCLOSURE**

### **A. Consultation and Participation Process**

82. Consultations with various stakeholders will be carried out throughout the project cycle. The consultations will be conducted by the PIU and the NGO. Stakeholders will include primary stakeholders who are project displaced persons and the PIU. Additionally, the concerned deputy commissioner of the district, commissioner of the corporation/ municipalities and revenue officials are also considered to be the primary stakeholders. Other stakeholders in the project include ward level members, local councilors, resident welfare associations (RWAs), local community groups, women's groups and people of the project area.

83. In order to engage with the community and enhance public understanding on the project and address the issues pertaining to resettlement, various sections of affected persons and other stakeholders will be consulted through focus group discussions (FGD), meetings and individual interviews during the detailed project report and resettlement plan preparation of the project. The opinions of the stakeholders and their perceptions were obtained during these consultations and incorporated in the design wherever feasible.

84. Meaningful consultations will be undertaken with the affected persons, their host communities and civil society soon after the resettlement planning framework is approved. Consultation will be carried out throughout the resettlement plan implementation and the project implementation unit (PIU), and the implementation support NGO will be responsible for conducting these consultations. The PIU will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. The consultation process established for the project will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project implementation, such as in-depth interviews, public meetings, and group discussions.

85. Meaningful consultation is a process that: (a) begins early in the preparation stage of the project and is carried out on an ongoing basis throughout the implementation and life cycle of the project; (b) ensures that all parties have a voice in consultation, including national and subnational government, the private sector, nongovernmental organizations and people affected by the project, including, as applicable, indigenous peoples; (c) provides additional support as needed to ensure participation of women, elderly, young, disabled, minorities and other vulnerable groups; (d) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to the people affected by the project and other stakeholders; (e) is undertaken in an atmosphere free of intimidation or coercion; (e) is gender inclusive, accessible, responsive and tailored to the needs of vulnerable groups; and (f) enables the consideration of relevant views of people affected by the project and other stakeholders in decision-making. The project will continue consultation with stakeholders throughout the project implementation as necessary on issues related to involuntary resettlement and implementation of the project-level grievance mechanism. Women's participation will be ensured by involving them in public consultation at various stages of project preparation. The venue and the time of meetings must be convenient for women.

86. The methodology followed for public consultations will include: (i) informing all the likely displaced persons, ward committee members, local NGOs. RWAs and CBOs of

upcoming meetings; (ii) conducting the meetings; and (iii) documenting the minutes of the meetings, noting the list of participants as recorded by signature and filing photographs taken of the consultations. The implementing organization will ensure that groups and individuals consulted are informed about the outcome of the decision-making process and confirm how their views were incorporated.

## **B. Information Disclosure and Resettlement Plan Disclosure**

87. The resettlement plan will be prepared and implemented in close consultation with key stakeholders. The resettlement plan will be disclosed to the affected community, detailing information including measurement of losses, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments, and relocation schedule by the PIU. This will be done through public consultation and brochures and leaflets in Tamil. Copies of the resettlement plan in Tamil will also be made available at:

(i) office of the PIU, CMRL; and (ii) local level offices. A report of disclosure, giving details of the date and location will be shared with the MDBs.

88. The resettlement framework and the resettlement plan will be placed on the official website of CMRL and the official website of AIIB/ADB/NDB after approval and endorsement of the resettlement framework and resettlement plan. **Table 2** provides a summary of the consultation and disclosure activities to be undertaken.

## **C. Consultation and Participation Plan**

89. A consultation and participation plan (CPP) will be prepared for the project. The primary purpose of the consultation and participation plan is to disseminate information and to open up the lines of communication between the CMRL and all stakeholders to facilitate the implementation of the Corridor -4 and the early resolution of any conflict issues that may arise. The consultation and participation plan will include the communication processes and activities which will take place throughout the course of the project.

**Table 2: Summary of Consultation and Disclosure Activities**

<b>Subproject Phase</b>	<b>Activities</b>	<b>Details</b>	<b>Responsible Agency</b>
Initiation	Mapping of the project area	S Project area to be mapped, clearly showing survey numbers of affected persons to be shifted.	PIU in coordination with Revenue department.
	Stakeholder identification	Cross-section of stakeholders to be identified in order to facilitate their participation in the project.	PIU, NGO to identify all stakeholders.
	Project information dissemination ; disclosure of proposed land acquisition and subproject details	Leaflets containing information on the project to be prepared.	Information dissemination will be done by the PIU. They will be assisted by the NGO for leaflet preparation.
	Stakeholder meetings	Meetings at community/ household level with displaced persons and other stakeholders, such as RWAs, ward committees, CBOs etc.	PIU with assistance from NGO
Resettlement plan preparation	Socio- economic impact assessment and census surveys	Surveys and individual consultations to be conducted. Summary RP to be disclosed in Tamil in accessible locations to displace persons, particularly vulnerable stakeholders.	PIU will be assisted by NGO to conduct consultations and surveys.
	Formulating compensation Measures and rehabilitation measures	Based on census surveys, the entitlements will be shared through discussions and sharing the resettlement plans with displaced persons.	PU assisted by NGO, who will conduct all discussions, meetings and workshops and will invite all secondary stakeholders.
	Disclosure of final entitlements and rehabilitation packages	Web disclosure of the resettlement plan. Dissemination of translated summary resettlement plans to all stakeholders before final disclosure.	The NGO appointed by PMU will undertake all activities related to dissemination of the resettlement plan. PIU will arrange public meeting of all stakeholders with displaced persons for resettlement plan approval. All the comments and suggestions made by affected persons will be documented.
Resettlement Plan implementation and monitoring	Relocation and rehabilitation, livelihood restoration	Addressing any issues which arise during shifting, or relocation or availing eligible assistance	PIU/ NGO.
	Monitoring of resettlement plan implementation	Monitoring and guidance to PIUs on resettlement plan implementation; Helping PIUs to set up systems for monitoring and reporting on resettlement plan implementation	PIU/ EMA



## **VI GRIEVANCE REDRESS MECHANISM**

90. A project specific grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate the resolution of affected persons' concerns, complaints, and grievances about the social and environmental performance at the level of the project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns associated with the project.

91. A common GRM will be in place for social, environmental, or any other grievances related to the investment program. The resettlement and initial environmental examinations will follow the GRM described below. The GRM will provide an accessible and trusted platform for receiving and facilitating the resolution of affected persons' grievances related to the investment program. The multi-tier GRM for the investment program is outlined below, each tier having time-bound schedules and with responsible persons identified to address grievances and seek appropriate persons' advice at each stage, as required.

92. The project area-wide public awareness campaigns will ensure that knowledge of the grievance redress procedures is generated. The PIU, through the appointed NGO will conduct awareness campaigns to ensure that all affected persons and vulnerable households are made aware of grievance redress procedures and entitlements.

93. Affected persons will have the flexibility of conveying grievances/suggestions by dropping grievance redress/suggestion forms in complaints/ suggestion boxes to be installed by CMRL or by e-mail, or by registering complaints on the CMRL website or by post, or by writing in a complaint register in the PIU office. Careful documentation of the name of the complainant, date of receipt of the complaint, address/ contact details of the person, location of the problem area, and how the problem was resolved will be undertaken. The PIU social and environmental officers will have the overall responsibility for timely grievance redress on environmental and social safeguards issues and for registration of grievances, related disclosure, and communication with the aggrieved party. A copy of a proposed outline of a grievance registration form is given in (**Appendix 5**). All the documents made available to the public will include information on the contact number, address and contact person for registering grievances, and will be disseminated throughout the program area by the PIU with support from the NGO.

### **A. Establishment of the Land Acquisition, Rehabilitation and Resettlement Authority**

94. For the purpose of disputes relating to land acquisition, compensation and R&R, the GoTN has to establish by notification, one or more authorities to be known as the Land Acquisition Rehabilitation and Resettlement Authority (LARRA). The LARRA shall consist of one person called the presiding officer. The presiding officer shall be either a district judge (or has been a district judge) or a qualified legal practitioner with a minimum of 7 years of service and shall be appointed in consultation with the chief justice of the High Court within the investment program jurisdiction. He/ she shall hold the office for three years and shall be supported by the Registrar and other officers.

### **B. Proposed Grievance Redress Mechanism**

95. Grievance Redressal Mechanism (GRM) will be established at two-levels, one at the field level, PIU and second at the PMU level. In case of grievances that are immediate and urgent in the perception of the complainant, the safeguard Officer from PIU and the NGO will provide the most easily accessible or first level of contact for the quick resolution of grievances. Contact phone numbers and names of the concerned staff and contractors, will

be posted at all construction sites in visible locations. **Figure 1**, provides the proposed GRM for Corridor 4.

- (i) **1st level grievance.** The Executive Engineer/ LA/SDO with the assistance of the NGO will receive and record the complaint at the site. Alternatively, the complaint can be registered by phone call, message, email, or on the CMRL website. The complaint will be reviewed and PIU and NGO staff together will try to resolve the issue on-site in consultation with the aggrieved party. This will be done within 7 days of receipt of a complaint/ grievance.
- (ii) **2nd level grievance.** All grievances that cannot be redressed within 7 days at the field level will be brought to the notice of the Grievance Redressal Committee. The GRC will resolve the grievance within 4 weeks of receipt of a complaint/ grievance in discussion with the NGO and in consultation with the PIU Executive Engineer. The Chairman for the GRM second level committee shall be CGM level officer nominated by Competent Authority of CMRL.

### C. Grievance Redress Committee (GRC)

The GRC will comprise of following members:

- (i) Chairmanship of Director (Projects and Planning): Chairman
- (ii) Project Director (PD),
- (iii) Project Land Acquisition Officer (LAO) and
- (iv) Project Social Development Officer (SDO): Member Secretary.
- (v) Representatives from the PAPs, women, NGO and the local body

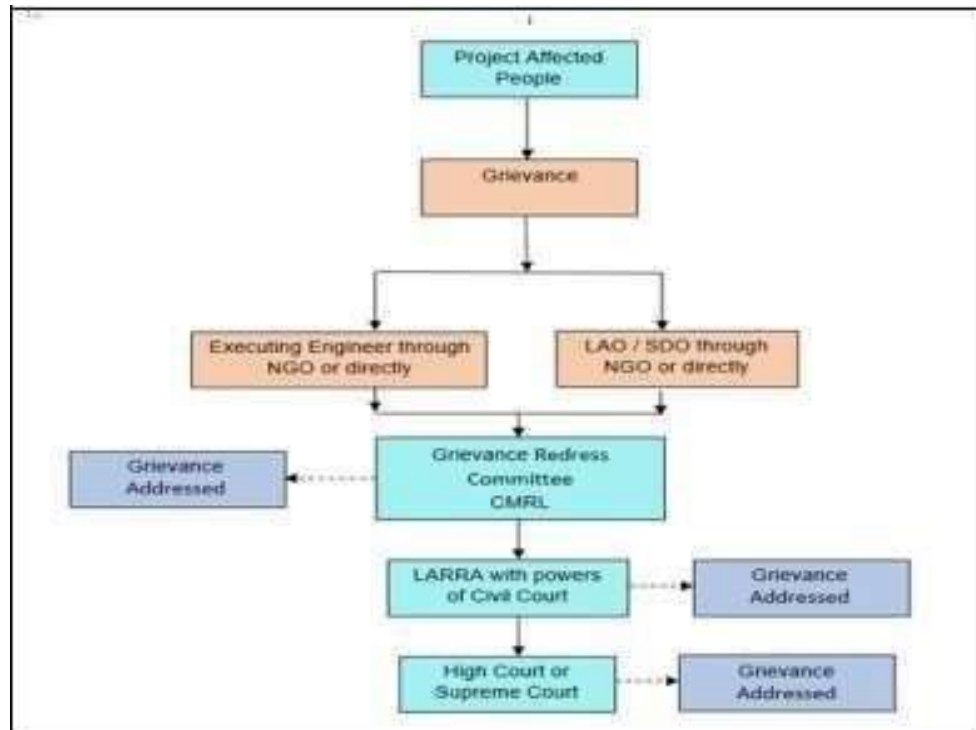
96. The project GRM notwithstanding, an aggrieved person shall have access to the country's legal system at any stage. This can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. Alternatively, if the grievance is related to land acquisition or R&R<sup>19</sup>, the displaced persons can approach the R&R Authority. As per the recently implemented RFCTLARRA 2013, the GoTN will establish the R&R Authority to address grievances during implementation.

97. In the event that the established GRM is not in a position to resolve the issue, the affected persons can also use the MDBs Accountability Mechanism by directly contacting (in writing) the complaint receiving officer at MDBs headquarters or the MDB India Resident Mission, if any. The complaint can be submitted in any of the official languages of MDB's Developing Member Countries. The MDB Accountability Mechanism information will be included in the project information document to be distributed to the affected communities, as part of the project GRM.

**98. Record-keeping:** The PIU will keep records of grievances received, including contact details of the complainant, the date the complaint was received, the nature of the grievance, agreed corrective actions and the date these were affected and the final outcome. The number of grievances recorded and resolved and the outcomes will be displayed/disclosed in the PIU office, and on CMRL website, as well as reported in monitoring reports submitted to the MDBs on a semi-annual basis.

<sup>19</sup>LARRA admits grievances only with reference to the land acquisition and R&R issues under the RFCTLARRA.

**Figure 2: Grievance Redress Process**



**99. Periodic review and documentation of lessons learned.** The PIU will periodically review the functioning of the GRM and record information on the effectiveness of the mechanism, especially on the program's ability to prevent and address grievances.

**100. Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/ information dissemination) will be borne by the PIU.

## **VII INSTITUTIONAL ARRANGEMENTS AND RESPONSIBILITIES**

### **A. Executing Agency**

101. The Government of Tamil Nadu created a Special Purpose Vehicle (SPV) for implementing the Chennai Metro Rail Project. This SPV named as “Chennai Metro Rail Limited” was incorporated on December 03, 2007 under the Companies Act. It has now been converted into a Joint Venture of Government of India and Government of Tamil Nadu with equal equity holding.

102. The Government of Tamil Nadu (GoTN) and Government of India (GoI) will be the Executing Agency of the proposed Corridor 4-CMRL (Phase-II). The GoTN will be responsible for overall implementation of the resettlement plan.

### **B. Implementing Agency**

103. Chennai Metro Rail Limited (CMRL) will be the Implementing Agency responsible for implementation of the metro rail project. Managing Director, CMRL will be in charge of the overall project activities. CMRL will be responsible for coordinating with other concerned government departments. CMRL will be accountable to the GoTN (i.e. the EA).

104. It is proposed to add one Deputy Manager Social Development to the core Environment and Social team. Starting from deployment of General Consultancies., start of updating resettlement plan as per DDC drawings upto start of civil works by which time affected families are relocated after disbursal of compensation and assistances, separate project teams will be in place: work on each MDB project will be handled by a team of one senior Manager assisted by one Deputy Manager Land Acquisition and one Deputy Manager Social Development, supported by a full team of staff experienced in land acquisition. From start of civil works upto commissioning the senior manager and deputy manager social development will continue. From start of operation, monitoring of gender action plan will be transferred to core Environment and Social team of CMRL.

### **C. Project Implementation Unit (PIU) Social Management Unit, CMRL**

105. The PIU in CMRL headed by the Project Director (PD) is responsible for the overall execution of the project and implementation of the Resettlement Pan. The PIU will have a Social Management Unit (SMU), which will be responsible for all tasks related to resettlement and land acquisition. The SMU will prepare land plan, disburse compensation and assistances, acquire land and implement the resettlement plan, livelihood restoration plan and the gender action plan. The PIU - SMU will be assisted by General Consultant (GC). The PIU - SMU will responsible for the following tasks:

- i. Appointing the NGO;
- ii. Implementation of the Resettlement Plans;
- iii. Ensuring adequate awareness campaigns are held within the community to minimize resistance;
- iv. Ensuring availability of budget for R&R activities;
- v. Ensuring timely disbursement of compensation and assistance to the DPs in close coordination with the concerned line department;
- vi. Liaison with revenue department for land acquisition and implementation of RPs,
- vii. Addressing grievances; and

- viii. Ensuring disclosure of resettlement framework, resettlement plan, and monitoring documents..

#### **D. General Consultancy**

106. Assist CMRL in implementation and monitoring of resettlement plan, livelihood restoration plan and gender action plan. The general Consultancy will be engaged by CMRL with approval of MDB.

#### **E. Implementation Support Consultant**

107. The implementation support consultant will assist CMRL in review of documentation and monitoring implementation of resettlement plan, livelihood restoration plan and gender action plan.

#### **F. External Monitoring Agency**

108. This being a category A project, an independent external monitoring agency (EMA), with prior experience in resettlement and rehabilitation of development induced displacement will be engaged to carry out external monitoring and reporting of the implementation of the resettlement plan. The EMA will prepare semi-annual, annual monitoring reports and mid-term and final evaluation reports. They will flag and recommend necessary corrective actions to be taken if any to ensure time-bound resettlement plan implementation. The scope of external monitoring will cover compliance monitoring and social impact evaluation of resettlement plan implementation.

#### **G. Non-Government Organization (NGO)**

109. An NGO will support CMRL in assisting affected families/persons in the implementation of the resettlement plan, the livelihood restoration plan and the gender action plan. The NGO will help educating PAPs on proper utilization of compensation and rehabilitation grant and help them in getting financial assistance. The NGO will be supervised by SDO, SMU.

110. Key activities of the NGO in relation to resettlement planning and implementation include: (i) assist PIU in verification and updating, if required, the database of affected families and persons based on detailed design, and verify the vulnerable households affected by land acquisition and involuntary resettlement and issue ID cards; (ii) prepare micro plan and get vetted by PIU; (iii) facilitate the process of disbursement of compensation to the affected persons in coordination with the PIU and informing the affected persons of the compensation disbursement process and timeline; (iv) assist affected persons in opening bank accounts explaining the implications, the rules and the obligations in having a bank account and how s/he can access the resources s/he is entitled to; (v) assist the affected persons in ensuring a smooth transition (during relocation of the affected persons), helping them to take salvaged materials and shift; (vi) in consultation with the affected persons, inform the PIU about the shifting dates agreed with affected persons in writing and the arrangements they desire with respect to their entitlements; (vii) organize training programs for income restoration; (viii) conduct meaningful consultations throughout the resettlement plan implementation and ensure disclosure of the gist of resettlement plans in an accessible manner to the displaced persons; (ix) assist affected persons in grievance redressal process; (x) assist PIU in keeping detailed records of progress and monitoring and reporting system of resettlement plan implementation; and (xi) act as the information resource centre for community interaction with the project and maintain liaison between community, contractors and project implementing unit, during the execution of the works.

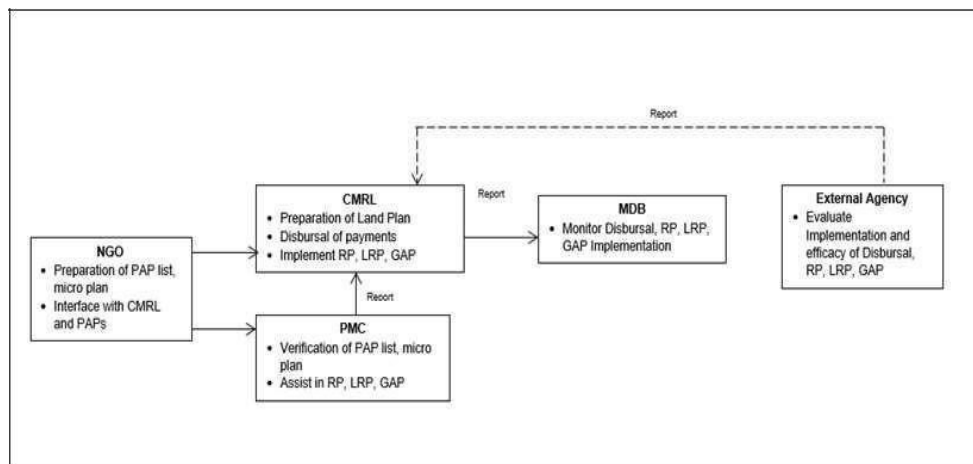
## H. Micro Plan

111. The implementation support NGO will prepare the draft micro plan, milestone wise for proposed corridor detailing the type of loss, tenure of the affected persons, vulnerability status and the entitlements as per the provisions of the entitlement matrix in the resettlement framework. The draft micro plan will be disclosed in the jurisdictional district headquarter where the affected persons are living/having business, and 1-week after the disclosure, the rehabilitation and resettlement award enquiry will be held by the jurisdictional Additional Collector.

112. Based on the rehabilitation and resettlement award enquiry outcome, the NGO will submit the final micro plan to Project Director, PIU for verification and onward transmission to Managing Director, CMRL. The Managing Director, CMRL, after scrutiny of the micro plan will accord approval for the same and submit to the jurisdictional Additional Collector with necessary funds for disbursement.

113. The roles of the different teams in resettlement plan implementation is given in Figure 2. The detailed roles of responsibilities are given in **Table 3**.

**Figure 2: Role of different organisations in resettlement plan implementation**



**Table 3: Institutional Roles and Responsibilities**

<b>Activity</b>	<b>Responsible Agency</b>
<b>Project Initiation Stage</b>	
Finalization of sites	PMU
Disclosure of proposed land acquisition( if any) and sub-project details by issuing Public Notice	PMU
Meetings at community/household level with affected persons	PIU - SMU/NGO
<b>Resettlement Plan Preparation and Updating Stage</b>	
Conducting Census of all affected persons	PIU- SMU /Consultant
Conducting FGDs/meetings/workshops	PIU- SMU / Consultant
Computation of replacement values of land/properties proposed for acquisition and for associated assets	PIU- SMU
Categorization of affected persons for finalizing entitlements	PIU- SMU / Consultant
Formulating compensation and rehabilitation measures	PIU- SMU /Consultant
Conducting discussions/meetings/workshops with affected persons and other stakeholders	PIU- SMU /Consultant
Finalizing entitlements and rehabilitation packages	PIU- SMU /Consultant
Disclosure of resettlement plan	PMU
Approval of resettlement plan	PMU/ MDB
<b>Resettlement plan Implementation Stage</b>	
Implementation of proposed rehabilitation measures	PIU- SMU / NGO
Consultations with affected persons during rehabilitation activities	PIU- SMU /NGO
Grievances redressal	NGO/ PIU- SMU / GRC/ PMU
Preparation for relocation/awareness meeting/ issuing notices	NGO/ PIU- SMU
Internal monitoring	PMU / PIU- SMU

### I. Competent Authorities

114. The implementation of land acquisition and resettlement impacts will require approvals and clearance at various stages. The following officers as given in **Table 4** will act as competent authorities for certain key activities.

**Table 4: Competent Authority for Approvals**

<b>Approvals</b>	<b>Competent Authority</b>
Resettlement Framework	Empowered Committee, CMRL
Approval for LA awards upto Rs 2 crore, award compensation including R&R benefits upto Rs 5 crore (As provided in the rule 18 of Tamil Nadu RFCTLARR 2017)	The District Collector
Approval for award compensation is more than Rs 2 crore but not exceeding 8 crores and award including R&R benefits is more than Rs 5 crore, but not more than Rs 20 crore (As provided in the rule 18 of Tamil Nadu RFCTLARR 2017)	The District Collector shall make an award after getting the prior approval of the Commissioner of Land Administration.
Approval for LA award if the amount is more than Rs 8 crore and including R&R benefits is more than Rs 20 crore (As provided in the rule 18 of Tamil Nadu RFCTLARR 2017)	The Collector shall make an award after getting the prior approval of the State Government
Changes in Policy provisions and Entitlement	Empowered Committee, CMRL , after getting approval from State Government
Staff requirements, Consultants/NGOs Appointments	Managing Director, CMRL
Approval for issue of ID cards	District Collector, CMRL
Approval of disbursement of R&R Assistance	DRO, CMRL
Disbursement of R&R Assistance	DRO, CMRL
Approval for structure valuation	Panel Engineer
Approval for shifting and relocation of community assets	DRO, CMRL
Approval of Resettlement sites, House site, issue of titles etc,	DRO, CMRL
Resolution of disputes	Govt. High Powered Committee

#### **J. Management Information Systems (MIS)**

115. A well-designed MIS will be created and will be maintained at PIU level. The MIS will be supported with approved software and will be used for maintaining the affected persons baseline socioeconomic characteristics, developing pre-defined reports, algorithms and calculations based on the available data and updating tables/fields for finding compensation and assistances, tracking the land acquisition and resettlement progress. The individual entitlements, compensation calculations, structure valuation, etc. will be updated using MIS software. In addition, land acquisition notices, identity cards will also be generated through MIS. All queries will be generated and the baseline data will also be maintained and updated as needed. The data and information required for periodical progress reports will be generated using MIS database. The required computer terminals and software will be established at PIU level in order to feed the data to be maintained in the web with backup at the Implementing Agency (CMRL).

#### **K. Institutional Capacity Development Program**

116. It is necessary that all the social safeguards officers are provided with the necessary training to deal with social safeguard tasks following the MDBs safeguard requirements. The safeguard officers will be trained through a series of programs periodically conducted by the MDBs for executing agencies and implementing agencies on safeguards.



117. The General Consultancy/PMU resettlement specialist will conduct a training and capacity building program on resettlement management for the PIU staff on issues concerning: (i) principles and procedures of land acquisition; (ii) public consultation and participation; (iii) entitlements and compensation disbursement mechanisms; (iv) grievance redress; (v) monitoring of resettlement operation; and (vi) disclosure methods. Specific modules customized for the available skill set shall be devised after assessing the capabilities of the target participants and the requirements of the investment program. Institutional capacity building programs will involve training on environmental and social safeguards for the PIU staff. **Table 5** provides the indicative training needs assessment.

**Table 5: Indicative Training Needs Assessment**

Description	Target group / Venue
<ul style="list-style-type: none"> <li>- Introduction and Sensitization to Social/Involuntary Resettlement</li> <li>- MDB Safeguards Policy Frameworks</li> <li>- Government of India and Tamil Nadu applicable social safe guard policies /Acts</li> <li>- Incorporation of social/resettlement components into the project design and contracts</li> <li>- Monitoring, reporting and corrective action planning</li> </ul>	All staff and consultants involved in the project. Will be done at PMU office
<ul style="list-style-type: none"> <li>- Resettlement plan implementation (every 6 month) during implementation.</li> <li>- Roles and responsibilities</li> <li>- resettlement plan components and stages in implementation</li> <li>- Construction schedules and timelines</li> <li>- Consultations</li> <li>- Grievance redress</li> <li>- Monitoring and corrective action planning</li> <li>- Reporting and disclosure</li> <li>- Timely documentation</li> </ul>	All staff and consultants involved in the project.
<ul style="list-style-type: none"> <li>- Learnings and best practices sharing</li> <li>- Experiences on resettlement plan implementation</li> <li>- Issues and challenges</li> <li>- Best practices followed</li> </ul>	All staff / consultants/ Officers. At PMU.

## VIII BUDGET AND FINANCING

118. Detailed budget estimates for each resettlement plan will be prepared by the PMU, which will be included in the overall project budget. The budget shall include: (i) detailed costs of land acquisition if any and livelihood and income restoration and improvement; (ii) details of all assistance and compensation; (iii) administrative and staff training; (iv) cost for GRM and consultation/disclosure; and (v) monitoring costs. All land acquisition and resettlement costs will be borne by the GoTN and must be provided in a timely manner to ensure payment of all entitlements prior to displacement.

119. The disbursement of compensation for land and acquisition of assets will be carried out by the Special Land acquisition Officer, CMRL, and calculated as per the basis given in the Entitlement Matrix. In the case of assistance, the PIU will directly pay into the individual accounts of displaced persons. The NGO will be involved in facilitating the disbursement process and rehabilitation program, and will facilitate opening bank accounts for the displaced persons who do not have them.

## **IX MONITORING AND REPORTING**

### **A. Internal Monitoring**

120. Internal monitoring will be undertaken by the PIU with assistance from the NGO. Internal monitoring will ensure all land acquisition and resettlement activities are implemented according to the approved resettlement plans in accordance with this resettlement framework.

121. The PIU will prepare quarterly progress reports and submit to the PMU. The PMU will prepare semi-annual monitoring reports and submit to the MDBs. The NGO will submit quarterly progress reports to PIU to inform them of resettlement plan implementation activities. These reports will describe the progress of the implementation of resettlement activities and any compliance issues and corrective actions. These reports will closely follow the involuntary resettlement monitoring indicators agreed at the time of resettlement plan approval. Sample monitoring indicators are presented in **Appendix 6**. Outline of a semiannual safeguard monitoring report is provided in **Appendix 7**.

### **B. External Monitoring**

122. This being a category A project, an independent external monitoring agency (EMA), with prior experience in resettlement and rehabilitation of development induced displacement will be engaged to carry out external M&E and reporting of the implementation of the resettlement plan. The EMA will prepare semi-annual, annual monitoring reports and mid-term and final evaluation reports. They will flag and recommend necessary corrective actions to be taken if any to ensure time-bound resettlement plan implementation. The scope of external monitoring will cover compliance monitoring and social impact evaluation of resettlement plan implementation.

**APPENDIX 1: Involuntary Resettlement Impact Categorization Check list**

<b>Probable Involuntary Resettlement Impacts</b>	<b>Yes</b>	<b>No</b>	<b>Not Known</b>	<b>Remarks</b>
<b>Involuntary acquisition of land</b>				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing right of way?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be loss of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihood due to land acquisition?				
<b>Involuntary restrictions on land use or on access to legally designated parks and</b>				
<b>Protected areas</b>				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
<b>Information on displaced persons:</b>				
Any estimate of the likely number of persons that will be displaced by the project? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, Approximately how many? _____				
Are any of the poor, female heads of households vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes				

**APPENDIX 2: Copy of GO (Ms) No.281 of Revenue and Disaster Management Department Land Administration Wing, LAI(1) Section dated 07.09.2017.**

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**ABSTRACT**

Land Acquisition - Acquisition of land for various purposes  
- Acquisition through Private Negotiation - Revision of procedures and enhancement of monetary powers of the Committee - Orders - Issued.

Revenue & Disaster Management Department,  
Land Administration Wing, LA-I(1) Section.

G.O.(Ms) No.281

Dated:7.9.2017

HeyvilambiAavani

ThiruvalluvarAandu 2048

Read:-

1. G.O.(Ms) No.885, Revenue Department, dated 21.9.1995.
2. G.O.(Ms) No.103, Revenue (LA-I(1)) Department, dated 28.2.2011.

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Level Private Negotiation Committee and State Level Private Negotiation Committee and also enhancing the monetary powers of these Committees to fix land value, structure and tree value.

3. The Additional Chief Secretary/Commissioner of Land Administration has reported that certain provisions for fixation of compensation for the acquired land have been changed from the Land Acquisition Act, 1894 to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Due to changes in the procedure for determination of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Additional Chief Secretary/Commissioner of Land Administration has sent proposal recommending the revised procedures for purchase of land by private negotiation in such a way that benefits under private negotiation fall in line with the monetary benefits eligible to land owner under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and enhanced the monetary powers of District Level/State Level Committee and the Government, in respect of urban and rural areas as detailed in para 5 given below.

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3. From the Additional Chief Secretary/Commissioner of Land Administration letter No.M2/27011/2013, dated 7.2.2014, 22.4.2015 and 5.8.2016.

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**ORDER:-**

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Central Act 30/2013) came into force on 1.1.2014 repealing the earlier Land Acquisition Act, 1894. The Additional Chief Secretary / Commissioner of Land Administration has accordingly sent the proposal in the reference 3rd read above for the revision of the procedure for private negotiation in order to acquire land for various Government Departments / Agencies.

2. In the Government Order 1st read above, the Government have issued orders prescribing uniform procedure for all Departments by constituting various Committees for fixing of value of land and for negotiating etc. and also conferring monetary powers to those Committees. In the Government Order 2nd read above, the Government have issued amendment to the Government Order first cited reconstituting the District

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5. The Government after careful consideration hereby accept the recommendations of the Additional Chief Secretary/Commissioner of Land Administration and orders to revise the procedures and enhance the monetary powers of the District Level/State Level Private Negotiation Committee and the Government in order to enhance the monetary benefits for the lands acquired through private negotiation as given below:-

**i) District Level Private Negotiation Committee:****a) Urban Areas:-**

Approval of negotiated value not exceeding Rs.2 Crore and the maximum upto which the Committee can negotiate is 225% of market/guideline value whichever is higher. The Committee can pass award upto the limit.

**b) Rural Areas:-**

Approval of negotiated value not exceeding Rs.2 Crore and the maximum percentage of Market value/Guideline value, whichever is higher, upto which the Committee can negotiate is 275% for projects falling within 30Km from urban area; 325% for projects falling beyond 30Km and within 50Km from urban area; and 425% for projects falling beyond 50Km from urban area. The Committee can pass award upto the limit.

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**II) State Level Private Negotiation Committee:****a) Urban Areas:-**

Approval of negotiated value exceeding Rs.2 Crore and the maximum upto which the Committee can negotiate is 225% of market / guideline value whichever is higher. The Committee can pass award upto the limit.

**b) Rural Areas:-**

Approval of negotiated value exceeding Rs.2 Crore and the maximum percentage of Market value/Guideline value, whichever is higher, upto which the Committee can negotiate is 275% for projects falling within 30Km from urban area; 325% for projects falling beyond 30Km and within 50Km from urban area; and 425% for projects falling beyond 50Km from urban area. The Committee can pass award upto the limit.

**III) Government Level:-****a) Urban Areas:-**

Approval of negotiated value above 225% of market / guideline value whichever is higher.

**b) Rural Areas:-**

Approval of negotiated value above the percentage of Market value/Guideline value, whichever is higher.

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allowed in each category mentioned above, i.e. above 275% for projects falling within 30Km from urban area; above 325% for projects falling beyond 30Km and within 50Km from urban area; and above 425% for projects falling beyond 50Km from urban area.

**Monetary Powers to fix Structure and Tree value:**

The District Level Private Negotiation Committee can approve:-

- (i) Structure value equal to land value and
- (ii) Tree value equal to 50% of land value

The State Level Private Negotiation committee can approve:-

- (i) Structure value above the land value and
- (ii) Tree value above 50% of land value

6. The order issues with the concurrence of Finance Department vide its U.O. No.44428/Finance (Revenue)/2017, dated 1.9.2017.

(By order of the Governor)

Dr. Chandra Mohan. B.  
Secretary to Government.

**APPENDIX 3: Comparison between MDBs ESF Requirements and RFCTLARR Act 2013 with Gap filling measures in CMRL – C4  
Resettlement Planning Framework**

S No	MDBs Safeguard Policy Principles	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the Resettlement Planning Framework
1	Avoid involuntary resettlement wherever feasible	Social Impact assessment (SIA) should include: (i) whether the extent of land proposed for acquisition is the absolute bare minimum extent needed for the project; (ii) whether land acquisition at an alternate place has been considered and found not feasible  [Ref: Section 4 sub-section 4(d) and 4(e)]	The resettlement planning framework addresses this requirement
2	If involuntary resettlement is unavoidable, minimize involuntary resettlement by exploring viable alternate project design		The principles of resettlement planning framework addresses this requirement.
3	Where resettlement cannot be avoided, resettlement activities should be conceived and executed as a development programme by providing sufficient resources to enable affected person to share in project benefits.	The cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading  [Ref: Preamble of the RFCTLARR ACT]	The principles of resettlement planning framework addresses this requirement
4	Affected person should be meaningfully consulted and provided opportunities to participate in planning and implementing resettlement programs.	Whenever a SIA is required, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded	Consultations Section addresses the requirement

S No	MDBs Safeguard Policy Principles	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the Resettlement Planning Framework
		and included in the SIA Report. [Ref: Section 5]	
5	Affected person should be assisted in their efforts to improve their livelihoods and standards of living, or at least restore them, to pre-displacement levels or to pre-project levels	The cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto [Ref: Preamble of the RFCTLARR ACT]	Provisions have been made in entitlement matrix to mitigate such impacts
6	Involuntary taking of land resulting in relocation or loss of shelter		Provisions have been made in entitlement matrix to mitigate such impacts
7	Involuntary taking of land resulting in loss of assets or access to assets	In the definition of affected family, it includes „a family whose land or other immovable property has been acquired“ [Ref: Section 3 sub-section c (i)]	Provisions have been made in entitlement matrix to mitigate such impacts
8	Involuntary taking of land resulting in loss of income sources or means of livelihood, whether or not the affected persons must move to another place	In the definition of affected family in includes „a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenants or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land; and further, a distinction is made between affected family and displaced	Provisions have been made in entitlement matrix to mitigate such impacts



S No	MDBs Safeguard Policy Principles	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the Resettlement Planning Framework
		<p>family in the definition (i.e) a displaced family means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area</p> <p>[Ref: Section 3 sub-section c (ii) and k]</p>	
9	<p>Involuntary restriction of access to of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.</p>	<p>In the definition of affected family in includes „family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihoods affected due to acquisition of land“</p> <p>[Ref: Section 3 sub-section c (vi)]</p>	<p>The project does not involve such impacts</p>
10	<p>The policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing.</p>	<p>The provisions of this Act relating to land acquisition, compensation, rehabilitation and resettlement, shall apply, when the appropriate Government acquires land for its own use, hold and control, including for Public Sector Undertakings and for public purpose (defined).However, for PPP projects and private companies requiring land for public purpose (defined), then prior consent of affected families is required.</p> <p>[Ref: Section 2 sub-section 1 and 2]</p>	<p>The RF addresses this</p>
11	<p>It also applies to other activities</p>	<p>Same as above</p>	<p>Chapter-1 addresses this requirement</p>

S No	MDBs Safeguard Policy Principles	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the Resettlement Planning Framework
	<p>resulting in involuntary resettlement that are: (i) directly and significantly related to the Bank-assisted project; (ii) necessary to achieve its objectives as set forth in the project documents; and (iii) carried out, or planned to be carried out, contemporaneously with the project.</p>		
12	<p>Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country)</p>	<p>In the definition of affected family, it includes „a family whose land or other immovable property has been acquired“ [Ref: Section 3 sub-section c (i)]</p>	<p>The RF addresses this requirement</p>
13	<p>Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan</p>	<p>In the definition of affected family, it includes „the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land“; and also includes „a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition“. [Ref: Section 3 sub-section c(iii) and (v)]</p>	<p>The RF addresses this requirement</p>
14	<p>Those who have no recognizable legal right or claim to the land they</p>		<p>Eligibility Criteria Section in addresses this requirement</p>

S No	MDBs Safeguard Policy Principles	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the Resettlement Planning Framework
	are occupying.		
15	Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.		Cut-off Date Section addresses this requirement
16	Ensure affected persons are informed about their options and rights pertaining to resettlement	Whenever a SIA is required, the appropriate Government shall ensure that a public hearing is held at the affected area, after giving adequate publicity about the date, time and venue for the public hearing, to ascertain the views of the affected families to be recorded and included in the SIA Report.  [Ref: Section 5]	Disclosure Section addresses this requirement
17	Ensure affected persons are consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives	Same as above	Consultations Section in addresses this requirement
18	Ensure affected persons are provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.	Not explicitly stated	The resettlement planning framework addresses this requirement. Further, the entitlement matrix provides for compensation at replacement cost
19	If there is physical relocation, provide affected persons with (i) assistance (such as moving allowances) during	The Rehabilitation and Resettlement Award shall include all of the following (a) particulars of house site and house to be allotted, in case	The entitlement matrix provides for all assistances to mitigate physical relocation

S No	MDBs Safeguard Policy Principles	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the Resettlement Planning Framework
	relocation; and (ii) residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.	of displaced families; (b) particulars of land allotted to the displaced families; (c) particulars of one time subsistence allowance and transportation allowance in case of displaced families.  [Ref: Section 31 sub-section 2(c), (d) and (e)]	
20	Particular attention to be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation	The act provides for special provisions and assistance for scheduled caste and scheduled tribe in scheduled area.  [Ref: Section 41]  Further the act recognizes widows, divorcees and women deserted by families as separate families  [Ref: Section sub-section (m)]  The act does not recognize other vulnerable category and also SC/ST from non-scheduled areas.	Special provision for vulnerable have been provided in Entitlement matrix.
21	Provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after		Resettlement planning framework stipulated that all compensation and assistance will be paid to APs at least 1 month prior to displacement or dispossession of assets. And affected families who are physically displaced, on receipt of payment, will be given 1-months" notice to vacate

S No	MDBs Safeguard Policy Principles	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the Resettlement Planning Framework
	compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.		
22	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based.	Land for land is recommended in irrigation projects and in projects where SC/ST is involved equivalent land.  [Ref: Second Schedule S.No.2]	Land for land has not been offered in this project as acquisition.
	Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.	Not explicitly stated, but the method of valuation of land and considering the higher among the 2-methods, the multiplying factor and the 100 solatium with 12% interest will be near equivalent to replacement cost for land. For structure, tree and crops, valuation by appropriate authority will be near equivalent to replacement value, but is silent about depreciating.  [Ref: Section 26 sub-section 1 and 2, Section 29 and Section 30]	Entitlement Matrix provides for the replacement cost for land and assets
23	Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on	The appropriate Government shall ensure that the Social Impact Assessment study report and the Social Impact Management Plan, are prepared and made available in the local language to the Panchayat, Municipality or	Consultations and Disclosure Sections addresses this requirement

S No	MDBs Safeguard Policy Principles	Remarks and provisions in RFCTLARR Act 2013	Measures to bridge the Gap in the Resettlement Planning Framework
	resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement	Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government.  [Ref: Section 6 sub-section 1]	
24	Appropriate and accessible grievance mechanisms are established for these groups.	For the purpose of providing speedy disposal of disputes relating to land acquisition, compensation, rehabilitation and resettlement, establish, by notification, one or more Authorities to be known as "the Land Acquisition, Rehabilitation and Resettlement Authority"  [Ref: Section 51 sub-section 1]	The resettlement planning framework provides for a project level GRC to resolve grievances as one step internal dispute resolution mechanism prior to referring/approaching the LARR authority.
25	In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities.	In every resettlement area as defined under this Act, the Collector shall ensure the provision of all infrastructural facilities and basic minimum amenities specified in the Third Schedule of the RFCTLARR Act.  [Ref: Section 32]	Development of Resettlement Sites Section in Chapter-3 and provisions in the entitlement matrix addresses this requirement

## APPENDIX 4: Outline of a Resettlement Plan

- i. This outline is part of the ADB SPS Safeguard Requirements. The sections may be modified based on project requirements.
- ii. A resettlement plan 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 resettlement plans, although not necessarily in the order shown.

### A. Executive Summary

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

### B. Project Description

- iv. 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. It includes a table with quantified data and provides a rationale for the final decision.

### C. Scope of Land Acquisition and Resettlement

- v. 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 provides maps and explains why it is necessary for the main investment project;
  - (iii) Summarizes the key effects in terms of assets acquired and DPs; and
  - (iv) Provides details of any common property resources that will be acquired.

### D. Socio-economic Information and Profile

- vi. This section outlines the results of the SIA, the census survey, and other studies, with information and data disaggregated by gender, vulnerability, and other social groupings, including:
  - (i) Defining, identifying, and enumerating the people and communities to be affected;
  - (ii) Describing the likely impacts of land and asset acquisition on the people and communities affected, taking social, cultural, and economic parameters into account;
  - (iii) Discussing the project's impacts on the poor, indigenous, and/or ethnic minorities, and other vulnerable groups; and
  - (iv) Identifying gender and resettlement impacts and the socioeconomic situation, impacts, needs, and priorities of women.

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

vii. 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 DPs (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 DPs, 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 DPs during project implementation.

## **B. Grievance Redress Mechanisms**

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

## **C. Legal Framework**

viii. This section:

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

## **D. Entitlement assistance and benefits**

ix. This section:

- i) Defines entitlements and eligibility of DPs, 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 DPs to derive appropriate development benefits from the project.



## **D. Relocation of Housing and Settlements**

x. This section:

- i) Describes options for relocating housing and other structures, including replacement housing, replacement cash compensation and/or self-selection (ensuring 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 to sites and development needs;
- iii) Provides time tables for site preparation and transfer;
- iv) Describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- v) Outlines measures to assist DPs 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.

## **E. Income Restoration and Rehabilitation**

xi. This section:

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

## **F. Resettlement Budget and Financing Plan**

xii. This section:

- i) Provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of RPs 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; and
- iv) Includes information on the source of funding for the resettlement plan budget.

## **G. Institutional Arrangements**

xiii. This section:

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

## **H. Implementation Schedule**

xiv. 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 the land acquisition process and timeline.

## **I. Monitoring and Reporting**

xv. 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 DPs in the monitoring process. This section will also describe reporting procedures.

## APPENDIX 5: Sample Grievance Form

*(To be available in Tamil)*

Chennai Metro Rail Limited, Corridor 4, welcomes complaints, suggestions, queries, and comments regarding program implementation. We encourage persons with a grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback.

In case you want to include your personal details but want information to remain confidential, please type CONFIDENTIAL above your name.

<b>Date</b>	<b>Place of Registration</b>		
<b>Contact Information/Personal Details</b>			
<b>Name:</b>	<b>Gender:</b> Male Female	<b>Age:</b>	
<b>Home Address</b>			
<b>Village/Town</b>			
<b>District</b>			
<b>Phone no.</b>			
<b>E-mail</b>			
<b>Complaint/Suggestion/Comment/Question</b> Please provide the details (who, what, where and how) of your Grievance below:			
<b>How do you want us to reach you for feedback on your comment/grievance?</b>			

### FOR OFFICIAL USE ONLY

<b>Registered by:</b> (Name of Official registering grievance)			
<b>Verified through:</b>	Note/Letter	E-mail	Verbal/Telephonic
<b>Reviewed by:</b> (Names/Position of Official(s) reviewing grievance)			
<b>Action Taken:</b>			
<b>Whether Action Taken Disclosed:</b>		Yes	No
<b>Means of Disclosure:</b>			

### APPENDIX 6: Monitoring Indicators

Ref.	Resettlement and Rehabilitation Activities	Progress	Remarks
<b>Preconstruction activities and R&amp;R activities</b>			
1	Assessment of resettlement impacts due to changes in project design (if required)		
2	Preparation/updating of resettlement plan based on changes in project design		
3	Approval of updated resettlement plan from MDB		
4	Disclosure of updated resettlement plan		
5	Establishment of Grievance Redress Committee		
6	Capacity building of PIU		
7	Verification of DPs census list; finalization of compensation and assistance		
<b>Resettlement plan implementation</b>			
1	Payment of compensation as per replacement value of land and assets to DPs		
2	Disbursement of assistance to title holders		
3	Disbursement of assistance to non-title holders		
4	Disbursement of special assistance to vulnerable groups		
5	Replacement/shifting of community property resources		
6	Reinstallation of public utilities		
7	Records of grievance redressed		
8	Temporary relocation of hawkers and vendors		
9	Income restoration measures through training		
<b>Income Restoration</b>			
1.	Reestablishment of income generating activity to earlier levels of production / enterprise		
1.	Restoration of pre project income levels and living standard		
3.	Training provided		
4.	Sustainability of income activity		

5.	Adequacy of assistance for establishment of income activity		
<b>Social measures during construction as per contract provisions</b>			
1	Prohibition of employment or use of children as labour		
2	Prohibition of forced or compulsory Labour		
3	Ensure equal pay for equal work to both men and women		
4	Implementation of all statutory provisions on labour like health, safety, welfare, sanitation, and working		
5	Maintenance of employment records of workers		

## **APPENDIX 7: Outline of Social Safeguards Monitoring Report**

1. The level of detail and comprehensiveness of a monitoring report is commensurate with the complexity and significance of social safeguards impacts (Involuntary Resettlement and Indigenous People). A safeguard monitoring report may include the following elements:

### **A. Executive Summary**

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

### **B. Background of the Report and Project Description**

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

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

### **C. Scope of Impacts**

4. This section outlines the detail scale and scopes of the project's safeguards impacts, vulnerability status of the affected people/communities, entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final RP(s) / IPP(s).

### **D. Compensation and Rehabilitation**

5. This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan. This includes payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons; provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan. Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

### **E. Project disclosure, public participation and consultation**

6. This section describes project disclosure mechanism, public participation and consultations activities during the project implementation as agreed in the plan. This includes, numbers of activities conducted, issues raised during consultation and responses provided by the project team, implementing NGOs, project supervision consultants, contractors, etc.

## **F. Grievance Redress Mechanism (GRM)**

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

## **G. Institutional Arrangement**

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

## **H. Monitoring Results-Findings**

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

## **I. Follow up Actions, Recommendation and Disclosure**

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

### **Appendix 1**

- (i) List of Affected Persons and Entitlements
- (ii) Summary of RP/IPP with entitlement matrix

### **Appendix 2**

- (i) Copies of AP's certification of payment (signed by the APs)
- (ii) Summary of minutes of meetings during public consultations
- (iii) Summary of complaints received and solution status