

प्रेषक,

पंकज यादव,
सचिव,
उत्तर प्रदेश शासन।

सेवा में,

✓ प्रमुख अभियन्ता (विकास) एवं विभागाध्यक्ष,
लोक निर्माण विभाग, लखनऊ।

लोक निर्माण अनुभाग-12

लखनऊ : दिनांक 4 मई, 2017

विषय:—एशियन विकास बैंक के ऋण से प्रस्तावित उत्तर प्रदेश कोर नेटवर्क डेवलपमेन्ट परियोजना के अन्तर्गत पुनर्स्थापना एवं पुनर्वास नीति के सम्बन्ध में।

महोदय,

उपर्युक्त विषय पर कृपया मुख्य अभियन्ता, बाह्य सहायतित योजना, लो०नि०वि०, लखनऊ के पत्रांक-1040/2-01/यूपीएडीबी/सीईईएपी/2014 दिनांक 18.01.17 का संदर्भ ग्रहण करें।

2- इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि विश्व बैंक से पोषित होने वाली परियोजनाओं के क्रियान्वयन हेतु प्रतिकर के भुगतान के सम्बन्ध में पूर्व से ही उ०प्र० स्टेट रोड रिसेटिलमेन्ट एवं रिहैबिलिटेशन पालिसी, अप्रैल 2000 से प्रख्यापित है जिसमें एनकोचर्स एवं स्कवैटर्स को मुआवजा देने की व्यवस्था प्रस्तर-4 में की गयी है। अतः उक्त नीति की व्यवस्था के क्रम में प्रस्तावित परियोजना हेतु एशियन विकास बैंक द्वारा प्रस्तावित पुनर्वास एवं पुनर्स्थापना नीति लागू करने की सहमति प्रदान की जाती है। कृपया तदनुसार कार्यवाही करने का कष्ट करें।

भवदीय,

(पंकज यादव)

सचिव

सं०- — (1)/23-12-17 तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. सचिव, राजस्व विभाग, उ०प्र० शासन।
2. उप सचिव, वित्त विभाग, उ०प्र० शासन।
3. मुख्य अभियन्ता, बाह्य सहायतित परियोजना, लो०नि०वि०, लखनऊ

आज्ञा से,

(आर०पी० सिंह)

विशेष सचिव

Resettlement & Rehabilitation Policy

For

**IND: Uttar Pradesh Major District Road
Improvement Project**

(Approved by GoUP letter No 160(1)/23-12-17-652/2015(R) Dated 4th May, 2017)

Uttar Pradesh Public Works Department, Lucknow

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ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	affected people
BSR	–	Basic Schedule of Rates
EA	–	executing agency
FGDs	–	focus group discussions
GRC	–	Grievance Redress Committee
GRM	–	Grievance Redress Mechanism
MDR	–	major district roads
PIU	–	Project Implementation Unit (Divisions at District Level)
PMU	–	Project Monitoring Unit (Placed at Headquarters)
PPP	–	Public Private Partnership
RF	–	Resettlement Framework
RP	–	Resettlement Plan
(RFCT in LARR)2013	–	Right to Fair Compensation and Transparence in Land Acquisition, Rehabilitation and Resettlement Act, 2013
(SPS), 2009	–	Safeguard Policy Statement, 2009 of ADB
UPMDRIP	–	Uttar Pradesh Major District Roads Improvement Project
VC	–	Valuation Committee (Committee stipulated in G.O. dated 19.3.2015 for direct purchase of Land)
IA		Implementing Agency (UPPWD)
CSC		Construction Supervision Consultant
NGO		Non Governmental Organization

INTRODUCTION

The Government of Uttar Pradesh has a long term program to improve the Core Road Network (CRN) of the state of 24095 Km length It comprises 7560 Km National Highways (NH), 7530 Km State Highways (SH), 5761 Km Major District Roads (MDR) and 3254 Km Other District Roads (ODR) .The state, has applied through Government of India for a financial assistance from the Asian Development Bank (ADB) for supporting Uttar Pradesh Major District roads Improvement Project (UPMDRIP). The Program is designed to improve transport connectivity in the state of Uttar Pradesh, by rehabilitating and upgrading Major District Roads(MDRs) forming part of the Core Road Network (CRN), thereby improving connectivity and fostering inclusive economic growth. The Program constituents are:

- i) Rehabilitating and upgrading about 430 km of MDRs; and
- ii) Improving and planning for road asset maintenance.

OBJECTIVES OF THE PROJECT

The objective of the project is to augment capacity for safe and efficient movement of traffic in the Major District Road corridor where the intensity of traffic has increased significantly. In this context, the objectives of the project comprise the following:

- Everybody concerned is a partner in the development process;
- No one is adversely affected due to the implementation of the project; any adverse impact is to be appropriately mitigated;
- Maximization of the benefits to the people arising from the road rehabilitation and capacity augmentation program while minimizing the negative social impacts on the affected people by incorporating the social safety measures.

BROAD PRINCIPLES

Apart from the positive aspects of the road up gradation, the project may cause loss of land, structures, other immobile properties and various sources of livelihood. This document describes the principles and approach to be followed in minimizing and mitigating negative social and economic impacts caused by projects so that the affected are able to restore and improve their standard of living.

The Resettlement Framework principles and Entitlement Matrix depicting the type of loss ; compensation policy and responsible agency have been described separately in following sections :

I. RESETTLEMENT FRAMEWORK PRINCIPLES AND ENTITLEMENT MATRIX

1. Based on government provisions and ADB policy, the following key resettlement principles, definitions and Entitlement Matrix have been adopted for the Project.

A. Key Resettlement Principles

- (i) land acquisition, and other involuntary resettlement impacts will be avoided or minimized exploring all viable alternative sub-project designs;
- (ii) where unavoidable, time-bound resettlement plans (RPs) will be prepared and APs will be assisted in improving or at least regaining their pre-program standard of living;
- (iii) consultation with APs on compensation, disclosure of resettlement information to APs, and participation of APs in planning and implementing sub-projects will be ensured;
- (iv) vulnerable and severely affected households will be provided special assistance;
- (v) payment of compensation to APs including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets at replacement rates;
- (vi) payment of compensation and resettlement assistance prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities;
- (vii) provision of income restoration and rehabilitation;
- (viii) Establishment of appropriate grievance redress mechanisms.

B. Key Working Definitions

2. **Negotiated Settlement:** The ADB SPS encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with displaced persons, including those without title to assets. A negotiated settlement will offer adequate and fair price at market cost for land and/or other assets. GoUP has recently laid down procedure and institutional setup for directly purchasing land from landowners through private negotiation vide G.O. No 2/2015 dated 19th March, 2015. All negotiated settlement will be validated by an independent external part engaged by the IA to document the negotiation processes. If negotiation fails, the EA will acquire land following the national legislation and ADB SPS.

3. **Cut-off dates:** For Titled-Holders, the cut-off date will be the date of publication of preliminary notification for acquisition under Section 4(1) of the RFCT in LARR Act, 2013. For

non-titleholders such as squatters, the cut-off date will be the start date of the project census survey as per the final detailed design or updated census survey during RP implementation.

4. **Vulnerable Affected Households:** Vulnerable Households are defined as affected families who are: (i) below the national poverty level; (ii) headed by women and below the average income of affected households; (iii) headed by disabled or elderly and below the average income of affected households; (iv) scheduled tribes and marginalized scheduled castes.

5. **Severely Affected Households:** Any household, who, as a result of the project loses 10% or more of its productive assets or physically displaced.

C. Entitlement Matrix

6. All persons affected by the project and meeting the cut-off date requirements will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts:

- a. Compensation for the loss of land, crops/ trees at their replacement cost;
- b. Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- c. Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- d. Assistance for shifting and provision for the relocation site (if required), and
- e. Rebuilding and/ or restoration of community resources/facilities.
- f. Additional Support to Vulnerable Families

7. An **Entitlement Matrix**, delineated in **Table-1** has been developed to summarize entitlements.

Table 1. Entitlement Matrix

8. All awards below shall be exempt from income tax, stamp duty and fees.

Type of Loss	Definition of Entitled Person	Compensation Policy	Responsible Agency	
Land				
1.a	Loss of private land - agricultural land, ¹ - homestead/ commercial land - vacant plot	Legal titleholders/ traditional titleholders ²	<ul style="list-style-type: none"> Land for land if available.³ LA by private negotiation promulgated by GoUP through G.O. dated March 19th, 2015.⁴ Compensation at replacement cost or as calculated under section 26 of LARR Act 2013 If according to the landowner, the residual land is economically unviable, option to be compensated for entire parcel. One time 50,000 Resettlement Allowance as per LARR Act 2013 if family needs to physically relocate to different area 90 days advance notice to relocate 	<p>IA/CSC will ensure sufficient provision of notice</p> <p>NGO/Consultant will validate and verify AP list jointly with IA.</p>
1.b	Loss of rented private land and government land	Tenants, leaseholders and Sharecroppers (with lease documents)	<ul style="list-style-type: none"> Assistance for rental deposit or unexpired lease deducted from the land owner's compensation. 60 days advance notice to harvest standing seasonal crops prior to damage, if notice cannot be given, compensation for share of crops will be provided (see entitlement No. 3.a). 	<p>NGO/Consultant will confirm tenants' eligibility</p> <p>IA/ CSC will ensure provision of notice.</p>
1.c	Loss of Government land	Non-titled holders (i.e. Squatters ⁵ , Encroachers ⁶)	<ul style="list-style-type: none"> Compensation for assets lost at replacement cost (see entitlement No 2.a). 90 days advance notice to shift 60 days advance notice to harvest standing seasonal crops prior to damage, if notice cannot given, compensation for share of crops will be provided (see 	<p>IA/ CSC will ensure provision of notice.</p> <p>NGO/Consultant will confirm affected household's eligibility</p>

¹ The RFCLARRA 2013 outlines that no irrigated multi-cropped land shall be acquired under this Act, except in exceptional circumstances, as demonstrable last resort. Wherever such land is acquired, an equivalent area of cultivable land shall be developed for agricultural purposes or an amount equivalent to the value of land acquired shall be deposited with the appropriate Government for investment in agriculture for enhancing food security. Such costs must be reflected in the resettlement budget.

² Traditional land rights refer to households with customary rights to land, and shall be treated equivalent to titleholders

³ During the preparation of the Resettlement Plan for the subproject road, the availability of land will be assessed and this option will be retained/dropped depending on this assessment

⁴ An independent third party will be hired to certify process whether process was fair and transparent and land cost reflects evaluation methodology stipulated in the Government Order(s)

⁵ Squatters are those who have no recognizable legal rights on the land they are occupying

⁶ Encroachers are those who use land or build structures which are in whole or in part of an adjacent property to which they have no titles.

Type of Loss		Definition of Entitled Person	Compensation Policy	Responsible Agency
			entitlement No. 3.a).	
1.d	Temporary loss of land	Legal titleholders	<ul style="list-style-type: none"> • Rent at market value for the period of occupation. • Restoration of land to previous or better quality • Location of construction camps will be fixed by contractors in consultation with Government and local community. 	<p>Contractor negotiates amount with landowner – supervised by CSC.</p> <p>IA/CSC ensures compensation paid prior to take-over.</p> <p>Contractor responsible for site restoration.</p>
2 Structures				
2.a	Loss of residential, commercial structures and other assets	Legal titleholders Encroachers and squatters	<p>If partially affected⁷: Replacement cost of the affected part or assets with right to salvage materials. If remainder of the structure is unviable, the owner has the option to claim compensation for entire structure (see below).</p> <p>If Residential/Commercial structure fully affected:</p> <ul style="list-style-type: none"> • Replacement Cost of the structure • If relocating outside RoW, Resettlement Allowance of Rs. 50,000 per family as per LARR Act 2013.⁸ • Monthly Subsistence Allowance of Rs. 3,000 for one year (total Rs. 36,000) for families having to relocate their homesteads as per LARR Act 2013.⁹ • Shifting allowance of 10% of replacement cost of structure up to a maximum of Rs 50,000, as per the LARR Act 2013 • Right to salvage materials from structure and other assets with no deductions from replacement cost. • 90 day notice to vacate structure. 	<p>NGO/Consultant will confirm titleholder's eligibility</p> <p>IA/ CSC will ensure provision of notice.</p>
2.b	Loss of residential/commerc	Tenants (without documentation) and	<ul style="list-style-type: none"> • Replacement cost of part/whole of structure – if latter has been constructed by the tenant/leaseholder with 	NGO/Consultant will confirm tenants' eligibility

⁷ External to the living/commercial areas (i.e. verandahs, stairs)

⁸ Not cumulative if Resettlement Allowance has been given for loss of land (Entitlement 1.a)

⁹ Households losing commercial structures are not eligible

Type of Loss		Definition of Entitled Person	Compensation Policy	Responsible Agency
	ial structure and other assets	leaseholders	<ul style="list-style-type: none"> right to salvage material • Compensation for rental deposit or unexpired lease (only for AP with legitimate lease documentation). This will be deducted from the compensation amount of the structure owner. • Lump-sum equivalent to two month lease to support search of alternative housing. 	IA/ CSC will ensure provision of notice.
2.c	Loss and temporary impacts on common property resources	Titled and non-titled owners/communities	<ul style="list-style-type: none"> • Replacement or restoration of the affected community facilities • Best efforts need to be made to avoid impacts on sensitive sites (i.e. religious, sacred). If these need to be relocated or rehabilitated additional level of consultation with community is required to ensure proper process 	IA/ CSC will assess how to avoid sensitive sites NGO/Consultant will conduct additional consultations
3	Loss of crops and trees			
3.a	Loss of trees and crops	Legal titleholder/ tenant/lease-holder/share-cropper/non-titled AP	<ul style="list-style-type: none"> • 60 days advance notice to harvest standing seasonal crops prior to damage, fruits and timber • Compensation for standing crops (or share of crop for sharecroppers) based on an annual crop cycle at market value. • Compensation for trees based on timber value at market price, and compensation for perennial crops and fruit trees at annual net product market value multiplied by remaining productive years; to be determined in consultation with the Forest Department for timber trees and the Horticulture Department for other trees/crops. 	NGO/Consultant will confirm affected household eligibility IA/ CSC will ensure notice is provided.
4	Loss of livelihood			
4.1	Loss of livelihood income	<p>Legal Titleholder/ tenant/leaseholder/non-titled holder of fully affected commercial structure¹⁰</p> <p>Employee of affected commercial structure.</p>	<ul style="list-style-type: none"> • Loss of business income/wages: One time financial assistance based on three month income¹¹ or Rs. 25,000 as per RFCLARRA 2013, whichever is higher 	NGO/Consultant will confirm affected household eligibility

¹⁰ When core commercial space is affected – when external sections of the structures such as verandahs, stairs, balcony are affected the owner will not be eligible to this entitlement.

¹¹ Based on income tax return

Type of Loss		Definition of Entitled Person	Compensation Policy	Responsible Agency
		Farmer/ agricultural worker of land acquired.		
4.2	Temporary disruption of livelihood	Legal titleholders, non-titled AHs	<ul style="list-style-type: none"> • 90 days advance notice regarding construction activities, including duration and type of disruption. • Economic Disruption Grant of Rs. 3,000/week when commercial structure is partially affected and owner loses income to rebuild part of structure or because of construction activities. • Assistance¹² to mobile vendors/hawkers to temporarily shift for continued economic activity during construction activities. 	IA/ CSC will ensure notice is provided.
5	Special assistance to Vulnerable Households			
5.1	Impacts on Vulnerable Households (VAHs) and Severely Affected Households (SAHs) ¹³	Vulnerable Households Severely Affected Households	<ul style="list-style-type: none"> • Rs. 50,000 for each physically displaced family¹⁴. • Participation of one member of household in Livelihood Improvement and Skills Development Training • Priority of employment under the project during construction and implementation for one family member to extent possible. 	NGO/Consultant to confirm VAH/SAH list NGO/Consultant to conduct assessment of skills development
6	Other losses			
6.1	Any other loss not identified		<ul style="list-style-type: none"> • Unanticipated involuntary impacts will be documented and mitigated based on ADB's Safeguard Policy (SPS), 2009. 	NGO/Consultant to identify other potential losses

¹² Assistance will be provided in accommodating a temporary space for commercial activities during construction, dismantling and reassembling mobile structure and in physically relocating structure

¹³ Severely Affected Households (SAHs): defined as losing 10% or more of their total productive assets and/or physical displacement

¹⁴ Severely Affected Households (SAHs) and Vulnerable Households (VAHs) losing their homestead and having to physically relocate from affected area

