

FINAL

GOVERNMENT OF KERALA  
UPDATED RESETTLEMENT POLICY FRAMEWORK (RPF)

for

RESTRUCTURED PROJECT KERALA STATE ROADS TRANSPORT PROJECT II

JUNE 20, 2019

## Chapter 1

### INTRODUCTION

1. Kerala, a southwestern coastal state of India, is flanked by the Arabian Sea on the west and the Western Ghats mountains on the east. The state stretches north-south along a coastline of 580 km with a varying width of 35 to 120 km. The terrain divides the State east through west into three distinct regions- hills and valleys, midland and plains and coastal region. The eastern edge, along the Ghats, comprises steep mountains and valleys, covered with dense forests. There are 44 rivers in the state, all of which originate in the Western Ghats, of which 41 flow towards the west into the Arabian Sea and the 3 east flowing rivers form tributaries of the river Cauvery in the neighboring States. The backwaters are a peculiar feature of the State. Canals link the lakes and backwaters to facilitate an uninterrupted inland water navigation system from Thiruvananthapuram to Vada-kara, distance of 450 km.
2. Kerala consists of 14 Districts, 21 Revenue divisions, 75 Taluks, 152 Block Panchayats, 941 Gram Panchayats, 87 Municipalities, 6 Corporations, and 1664 Villages. Located between 8°18'N and 12°48'N latitude and 74°52'E & 77°22'E longitude, the State of Kerala encompasses 1.18% of the country, and holds 3.44% of India's population. With a population of 33,406,061 at 860 persons per km<sup>2</sup>, it is nearly three times densely populated compared to the rest of India. Kerala is also experiencing a rapid rise in the percentage of the aged population (above 60 years).<sup>1</sup>
3. Kerala's human development indices (HDIs) — primary education, health care and elimination of poverty—are among the best in India. The state has one of the highest literacy rates (94.0%) and life expectancy (74.9 years<sup>2</sup>) among Indian states. Kerala has also made an extensive stride in reducing both rural and urban poverty. From 1973-74 to 2011-12, rural and urban poverty ratio declined from 59.19 per cent to 7.3 per cent and from 62.74 per cent to 15.3 percent respectively, whereas in India these figures declined from 56.44 per cent to 30.9 per cent for rural and 49.01 per cent to 26.4 percent for urban<sup>3</sup>. Per Capita GSDP at Current Prices INR 179,778 (USD 2481.58) is above the Indian average. Kerala's economy largely depends on emigrants working in foreign countries (mainly in the Gulf countries) and the remittances annually contribute more than a fifth of the GSDP. The service sector (including tourism, public administration, banking and finance, transportation, and communications), agricultural and fishing industries dominate the economy.

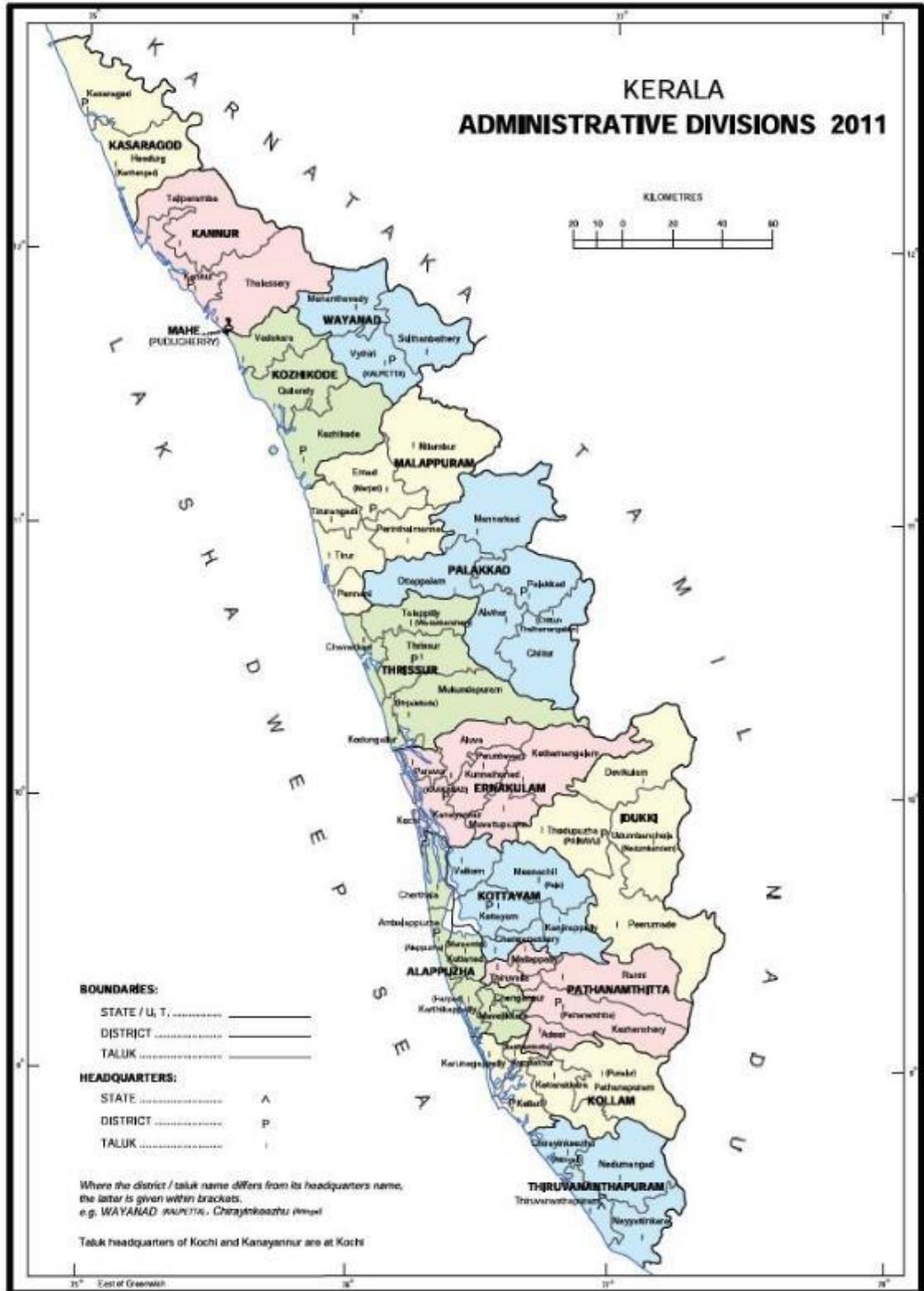
**Figure 1: Administrative Boundaries of Kerala**

---

<sup>1</sup>Kerala Department of Economics and Statistics Website, Basic Statistics, Last updated Jan 23, 2018  
<http://www.ecostat.kerala.gov.in/index.php/geography>

<sup>2</sup>Abridged Life Tables 2010-2014, Office of the Registrar General & Census Commissioner, India pg. 5  
[http://www.censusindia.gov.in/Vital\\_Statistics/SRS\\_Life\\_Table/2.Analysis\\_2010-14.pdf](http://www.censusindia.gov.in/Vital_Statistics/SRS_Life_Table/2.Analysis_2010-14.pdf)

<sup>3</sup> Kerala State Planning Board, Economic Review 2016, Macro Economic Profile  
[http://spb.kerala.gov.in/EconomicReview2016/web/chapter01\\_04.php](http://spb.kerala.gov.in/EconomicReview2016/web/chapter01_04.php)



Source: Kerala Administrative Divisions, Kerala State Commission for Minorities [http://www.kscminorities.org/pdf/Kerala\\_Administrative\\_Divisions.pdf](http://www.kscminorities.org/pdf/Kerala_Administrative_Divisions.pdf)

## Vulnerability to Natural Disasters<sup>4</sup>

Kerala's geographical location, weather pattern and high population density make it prone to severe natural as well as human-induced disasters. HDIs being a composite index of consumption rate, education and health, is an indicator of the socio-economic vulnerability of the population. The higher the HDI, the higher is the coping capacity, but greater is the cumulative loss potential and degree of risk. Thus, Kerala has higher level of disaster risks as compared to the rest of the country. Additionally, Kerala is prone to a host of natural hazards such as cyclone, monsoon storm surge, coastal erosion, sea level rise, tsunami, flood, drought, lightning, landslide (debris flows), land subsidence (due to tunnel erosion or soil piping), and earthquake.

### The Disaster: Rainfall of Monsoon 2018

Kerala received 2346.6 mm of rainfall from 1 June 2018 to 19 August 2018 in contrast to an expected 1649.5 mm of rainfall (IMD data). This rainfall was about 42% above the normal. Further, the rainfall over Kerala during June, July and 1st to the 19th of August was 15%, 18% and 164% respectively, above normal. Thirty-five dams across the state were opened to release flood runoff. All five overflow gates of the Idukki Dam were opened, for the first time in 26 years. Heavy rains in Wayanad and Idukki caused severe landslides. A total of 498 casualties have been reported so far with over 1.4 million affected people taking shelter in relief camps, during this period. Preliminary estimates of damages provided by Government of Kerala (GoK) were in the range of INR 19,512 Cr. (USD 2.8 billion). According to the Additional Memorandum submitted by the State of Kerala to the Government of India on September 13, 2018, between August 1 – 31, 59,345 ha of agricultural land was affected, 40,188 large animals and 751,303 birds perished, 9,538 km of roads were impacted, and 605,675 individuals were directly affected. Thus, the total claim of the state was revised with an increase of INR 4796.35 crores.

### *Sector Context*

The roads/highways are the dominant mode of transport in Kerala with about 75 percent of freight and 85 percent of passenger share. Kerala has a dense road network, roughly three times the national average. Of the 152,000 km of road network in the state, the primary road network, which carries about 80 percent of road traffic and the mainstay of economic activities, includes about 1,500 km of national highways (NH), about 4,300 km of state highways (SH) and 28,300 km of major district roads (MDR). The SH and MDR networks are primarily managed by the Roads and Buildings (R&BD) wings of the Public Works Department, while the National Highways are managed jointly by NHA and Ministry of Road Transport Highways through the NH unit of the R&BD.

### *Flood Impact*

Based on the primary and secondary data collected by the R&BD, about 2,004 km of SH and 13,246 km of MDR across 14 districts have suffered varying degree of damages during the recent floods. The NH wing has also estimated damage of about 580 km of NHs. The post-flood impact analysis indicates heavy damages due to land slide/slips in the roads in four hill districts of Idukki, Wayanad, Pathanamthitta and Palakkad, whereas roads in the seven districts of Alappuzha, Thrissur, Ernakulam, Kozhikode, Malappuram, Kollam and Kottayam have sustained flash floods, erosion, water stagnation and other flood induced damages. The roads in Thiruvananthapuram, Kasaragod and Kannur districts have sustained minimal damage.

---

<sup>4</sup>Kerala State Disaster Management Authority: Government of Kerala, State Disaster Management Plan 2016, <http://sdma.kerala.gov.in/publications/DMP/Kerala%20State%20Disaster%20Management%20Plan%202016.pdf>  
Kerala State Disaster Management Authority: Government of Kerala, Kerala State Disaster Management Plan Profile, <http://documents.gov.in/KL/16344.pdf>

## **Damage Analysis**

1,090 km of SHs and 6,527 km of MDRs have sustained light damages and would largely require pavement rehabilitation through patching, shoulder repairs and limited debris clearance. 734 km of SHs and 6,463 km of MDRs have sustained medium to heavy pavement damages and would require re-laying of surfacing and limited repair of drainage, cross drainage and protection works. 179 km of SH and 256 Km of MDR have been fully damaged and would require full depth pavement reconstruction, significant repair/reconstruction of drainage, cross drainage and slope protection works and limited road raising, and new cross drainage works.

### ***Reconstruction and Resilience Needs (short-medium term):***

Based on the needs assessment, overall 435 km of roads (179 km of SH & 256 km of MDR) are fully damaged and needs to be reconstructed. Two major and 28 minor bridges, 208 culverts, 20 km length of retaining wall and 39 km of road side drainage works are fully damaged. It is estimated that about INR2,603 Cr. (USD 372 million) would be required for reconstructing damaged SH & MDRs. This amount also includes the estimates for resilience needs of about INR1732 Cr (USD 247 million) to enhance disaster resilience works, where additional 62 km of raising of roads, 157 new culverts, 142 km length of new slope stability/protection measures are proposed. Reconstruction of bridges/culverts need to be assigned priority followed by adequate hill slope protection and flood protection works.

### ***Emergency Project.***

In this context, the Government of Kerala (GoK) requested for a reallocation of US\$ 45 million from the current outlay of KSTP II towards reconstruction of roads for the Rebuild Kerala Initiative (RKI), for urgent rebuilding efforts needed in Kerala. One of the criteria for selection of roads is availability of clear Right of Way along the corridors considered for rehabilitation.

## **Project Description**

PWD will be responsible agency for the 3 roads with approximate length of 60 km. It is assumed that there will be no land acquisition. These roads covers 3 districts (Idukki, Pathanamthitta, and Alappuzha) benefitting close 1.5 million people. Land may be required for geometric improvement and few encroachments (commercial and mixed) along the corridors. Moreover, the project roads may impact community owned assets in some areas. The Resettlement Action Plan can be prepared after the detailed social impact assessment is carried out in accordance with the Right to Fair Compensation and Transparent Land Acquisition and Rehabilitation and Resettlement (RFCTLAR&R) Act 2013 and Operational Policy 4.12. According to the RFCTLAR&R Act, the state government is required to issue notification prior to initiation of Social Impact Assessment (SIA) as detailed out in table 1. Accordingly, preliminary assessment is required to establish that analysis of alternatives was considered. Subsequently, notification of the proposed area is to be issued before carrying out the SIA. This process also covers mandatory disclosure of draft management plans for consultations as explained in table 1. The SIA should be completed within 6 months of the issuance of the first notification after establishing that the analysis of alternatives has been undertaken and approved by the state government. Following which the Expert Groups constituted under the RFCTLAR&R Act, is required to review the draft Social Management Plan (equivalent to RAP required under OP 4.12) and recommend for acquisition or not.

In light of the above mentioned requirement for SIA to prepare the SMP/RAP, the restructured project has adopted the framework to guide the preparation of Resettlement Action Plan (RAP) for the identified roads. The Resettlement Policy Framework of the KSTP II, which has been updated to incorporate the progressive approach adopted state wide on negotiated settlement, enhanced entitlement as R&R package as per the R&R policy 2017 and the automation of grievance management systems.

**Grievance Management:** A Toll free number has been established for registering and tracking complaints. The call centre receives and registers complaints. The complainant is given a ticket number for follow-up. The compliant is forwarded immediately to the concerned official who is expected to investigate the complaint within 48 hours and submit an action taken report online. The complaint is considered closed after it is resolved for which a maximum of 15 days is stipulated. In case it requires additional time and is required to be escalated then alert is generated. Moreover, the system tracks the complaint through an internal automation system if there is any delay at any stage for the issue to get escalated. The complaint

is considered to be closed after informing the complainant about the resolution and receiving feedback on the satisfaction by the complainant. The entire duration from registering the compliant to resolving is thin 15 days.

The RPF also includes a Labour management plan and a gender action plan.

## **CHAPTER 2.**

### **RESETTLEMENT POLICIES AND LEGAL FRAMEWORK**

The Public Works Department of Kerala had prepared a project specific Resettlement Policy Framework 2012. Subsequent to the enactment Right to Fair Compensation and Transparent Land Acquisition and Resettlement and Rehabilitation (RFCTLAR&R) Act 2013, the Kerala State Roads Project II, implemented its' provisions to compensated and resettlement and rehabilitation affected people.

Lessons from the on-going World Bank's KSTP II project, led the state government to develop state rules under RFCTLAR&R, Act 2013, to facilitate negotiated purchase of assets (2015)with enhanced package provided under the State level Resettlement and Rehabilitation Policy, 2017.

For the Restructured project, the GoK has updated the Entitlement matrix to align with the RFCTLAR&R, state rules including the R&R Policy, 2017.

#### **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR), 2013**

The RFCTLARR Act, 2013, provides for a transparent process and just and fair compensation to the affected families whose land is acquired or proposed to be acquired or are affected by such acquisition and provides for rehabilitation and resettlement of the affected families.

The RFCTLARR Act applies to acquisition of land for a public purpose, as defined in the Act. The Act provides for consultation with and involvement of local self-government in undertaking a Social Impact Assessment (SIA). The SIA is reviewed by an Expert Group to assess if the potential benefits of the project outweigh the social cost and adverse social impacts.

The Act provides for three methods of valuation and a solatium of 100% is payable on the market value of land multiplied by the factor and all immovable properties or assets, trees and plants.

#### **LEGAL AND POLICY FRAMEWORK OF KERALA**

The legislations and policy concerning the land acquisition and resettlement formulated and adopted by State Government of Kerala are discussed in the following section.

#### **The Kerala Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules 2015**

The Rules framed and notified by the Government of Kerala for the RFCTLARRR Act, 2013 details the process of SIA, public hearing and SIA report and social impact management plan. The consent requirement in the format specified is to be obtained during the SIA. The rules also explain the process of preparing and publishing the rehabilitation and resettlement scheme. The State Rules do not deviate from the RFCTLARRR Act 2013 and only provides the specifics for its implementation.

## **Direct Purchase of land (Kerala Government Order 2015)**

In order to expedite and simplify the procedures of land acquisition for public purpose, Government of Kerala has passed Government Order Go(Ms) No. 485/2015/RD dated 23/09/2015 for land acquisition for public purpose. The objective states that the Government aims to ensure the following relief to the land losers through this policy.

- a. The land losers are provided with just and reasonable compensation for land acquired, relieving them from the burden of approaching judicial forums for enhancement of compensation.
- b. Rehabilitation & Resettlement policy as provided in the Act along with additional packages including employment/ stake holdings in eligible cases according to the nature of the project.
- c. Disbursement of compensation before taking possession of land and ensuring Rehabilitation and Resettlement packages including infrastructural amenities as provided in the third schedule of the Act within 18 months of the date of publication of DD.
- d. Transparency in procedures and less negative impact ensuring the land losers that their socio-economic status does not fall below what it was before the acquisition.

The GO specifies that "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been enacted with the objective of ensuring just and fair compensation and rehabilitation for the affected families due to compulsory acquisition of land for public purpose. This Act came into force w.e.f. 01/01 / 2014. The State Government as per G.O. read above has approved Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Kerala) Rules, 2015.

Section 108 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for framing a state law/ policy which provides higher compensation than that calculated under this Act for the acquisition of land so that the affected person or his family or member of his family can opt to avail such a higher compensation under such state policy.

Therefore, in order to speed up and simplify the procedures of land acquisition for public purpose, Government are now pleased to approve a state policy for compensation in land acquisition as appended to this order. The important objective of this policy is to conduct negotiations with the land owners and reach consensus on compensation and rehabilitation by the District Level Fair compensation, rehabilitation and resettlement committee (DLFC) and approval of the same by the State Level Empowered Committee (SLEC)"

## **State Resettlement and Rehabilitation Policy, 2017.**

The GO(Ms) No. 448/2017/RD, dated 29/12/2017 states that the Government of Kerala recognises the need to provide additional assistance to what is provided in the 2nd schedule of RFCTLAR&R Act 2013. It states that the R&R Policy is applicable all land acquisition in the State and by Direct/Negotiated purchase.

Table No 1: Comparative Analysis of World Bank OP 4.12 on Involuntary Resettlement and RFCTLARR Act, 2013

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
Application of LA	Applies to all components of the project that result in involuntary resettlement, regardless of the source of financing.	<p><b>Section 2</b> Applicable to projects where government acquires land for its own use, hold and control, including PSU and for public purpose; for PPP where ownership of land continues to vest with govt. private companies where 80% of <b>land owners</b> have given consent or 70% in case of PPP.</p> <p><b>Comment: Aligned with Bank's requirements on initiation of consultation with community at inception stage</b></p>
Principle of avoidance	Involuntary resettlement displacement should be avoided where feasible, or minimized, exploring all viable alternative project design.	<p>Alternatives to be considered as Act in chapter II, Section # 4 (d) says "extent of land proposed for acquisition is the absolute bare minimum needed for the project; and (e) says land acquisition at an alternate place has been considered and found not feasible.</p> <p><b>Comment: Aligns with Bank's requirements to minimise impacts</b></p>
Linkages with other projects		<p>No such provision</p> <p>Act mentions avoidance of multiple displacements due to acquisition under the Act.</p> <p>Some of the R&amp;R Provisions could also be linked to other development projects to integrate for relocation and livelihood options.</p> <p>Comments: In case land is required for associated projects, then the provisions of the Act will be applicable.</p>
Application of R&R	Same as above	<p>In addition to the above, <b>Section 2(3)</b> land purchased by private company as prescribed by Govt. or when part acquired by govt.</p> <p>The Act has detailed processes and provisions for R&amp;R.</p> <p>Under the Act, the process of R&amp;R would start at the time of the R&amp;R Census and ends with the Award of R&amp;R duly overseen by the Commissioner for R&amp;R and the Committees where relevant. All provisions related to R&amp;R are mandatory and have to be formally awarded in the course of the Acquisition</p>

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
		<p>procedure. No possession can be taken of land acquired unless R&amp;R provisions are complied with.</p> <p><b>Comment: Irrespective of the acquisition of land under any other law, the R&amp;R will be extended to the affected under the Act.</b></p>
Affected area	Involuntary take of land resulting in loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood	<b>Section 3(b):</b> Area notified for acquisition'
Family		<p><b>Section 3(m)</b> includes person, his and her spouse, minor children, minor brothers and sisters dependent.</p> <p>Widows, divorcees, abandoned women will be considered as separate family.</p> <p><b>Comment: It aligns with Bank's requirement on the definition of family as the unit for entitlement</b></p>
Affected family for eligibility	All adversely affected people whether have formal legal rights or do not have formal legal rights on land	<p><b>Section 3 (a):</b> whose land and other immovable property acquired.</p> <p><b>(b)&amp;(e):</b> Family residing in affected area such as labourers, tenants, dependent on forest and water bodies, etc whose primary source of livelihood is affected due to acquisition</p> <p><b>(c)</b>Scheduled tribes and other forest dwellers whose rights recognized under the Forest Dwellers Act 2006.</p> <p><b>(f)</b> Family assigned land by state or central government under any schemes</p> <p><b>(g)</b> Family residing on any land in urban area that will be acquired or primary source of livelihood affected by acquisition.</p> <p><b>Comment: It aligns with Bank's requirement to extent support to all those dependent on the land acquired</b></p>
Cut-Off date	Date established by the borrower and acceptable to the Bank. In practice it is the date of census.	<p><b>Section 3 c (ii), (iv) (vi):</b> Families residing for preceding 3 yrs or more prior to "acquisition of land".</p> <p><b>Comment: Bank recognises the census as the cut-off date for enumerating the</b></p>

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
		<b>affected. For the project, the cut-off date is the census.</b>
Non-application of Chapter II	Stand-alone SIA for all Investments	<b>Section 6(2):</b> Irrigation projects where EIA is required under other laws, provisions of SIA not applicable.  SIA may be exempted by Government in case of urgency provisions <b>Comment: The provision of exemption is only in case of emergency such as for defence purposes.</b>
Consultation – Phase I during Preparation	Consultation a continuous process during planning and implementation	<b>Section 4(1)</b> date issued for <i>first consultation</i> with PRIs, Urban local bodies, Municipalities, etc to carry out SIA.  <b>Section 5:</b> Public hearing of SIA in affected area. Provide adequate publicity of date and time. <b>Comment: The consultation is mandatory during the SIA, and after disclosure of draft management plan which aligns with Bank's requirement</b>
Time duration to prepare SIA and SIMP	Draft Social Assessment, Resettlement Action Plan and or Social Management Framework	<b>Section 4 (2): within six months</b> from the date of its commencement. <b>Comment: It aligns with Bank's requirement with the Act stipulating the maximum time limit for the SIA to be completed</b>
Disclosure – Stage I	To be disclosed before appraisal and 120 days before board date.	<b>Section 6(1):</b> Translated in local language available in PRI institutions and local urban government bodies; district administrative offices and websites of concerned government agency. <b>Comment: It aligns with Bank's requirement to disclose document in local language and culturally appropriate at all public places</b>
Formation of Expert Group to appraise SIA and SIMP	Appraised by Bank staff	<b>Section 7(1):</b> Constitute a multi-disciplinary Expert Group include members of decentralized govt. Institutes (PRIs, ULBs). <b>Comment: A third party review of the SIA and SMP is carried out</b>
Time stipulated for Group to submit its report	Before the decision meeting for appraisal	<b>Section 7(4):</b> Submit its report <b>within two months from the date of its constitution</b>
Scope of work of the Expert group	Social Assessment, resettlement action Plan reviewed and appraised	<b>Section 7 (4) (a&amp;b):</b> assess whether it serves any public purpose or not; if social costs outweigh potential benefits then should be

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
	by Bank staff and approved by Regional safeguard advisor	abandoned; <b>Section 7 (5) (a&amp;b):</b> if serves public purpose, then it has considered minimum land acquisition, and alternate options to minimize displacement; potential benefits outweigh social costs. <b>Comment: It aligns with Bank's requirement to minimise impacts, assess alternative and include the cost of SMP in the project cost.</b>
Consultation – Phase II during appraisal	In practice consultation workshops are organized in project affected areas at district and state level.	<b>Section 2 (2):</b> Prior consent of 80% and 70% of land owners in PPP and where private company has approached the govt. to acquire balance land has been obtained <b>Comment: Special provision to hold consultation in case of PPP project is mandatory prior to initiation of SIA.</b>
Disclosure – Stage II	Information dissemination through the planning and implementation	<b>Section 7 (6):</b> recommendations of expert group under 7(4&5) to be made public in local language in district and block administrative office and PRIs <b>Comment: Aligns with Bank's requirement to ensure that the stakeholders provide feedback on the draft report</b>
Minimize impact on multi-crop land	Select feasible design that has minimal adverse impact.	<b>Section 10:</b> In case irrigated multi-crop land is to be acquired under exceptional circumstances, the area to be acquired cannot exceed aggregate of land of all projects in district or state. The area to be acquired cannot exceed the total net sown area of the district or state.  Wasteland equivalent to twice the area acquired will be developed. <b>Comment: Aligns with Bank's requirement to ensure that the impact is minimal</b>
Information dissemination of preliminary notice	Continuous part of the preparation and participation	<b>Section 11 (1), (2) &amp; (3):</b> Notice published in local language and meetings called of gram sabahs, municipalities to provide full information about the purpose of the project, summary of SIA and particulars of administrator appointed for R&R' summary of R&R scheme. <b>Comment: Aligns with Bank's requirement for continuation engagement with the affected people</b>
Updating land records	To be part of RAP	<b>Section 11 (5):</b> Once established that the land

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
		<p>is required for public purpose, accordingly notice to be issued <b>under section 19 following which land records to be updated within two months.</b></p> <p><b>Comment: Aligns with Bank's requirement to identify the all interested parties which is possible to be established after the land records are updated</b></p>
Census and preparation of R&R schemes	To be part of RAP	<p><b>Section 16 (1) (2):</b> carry out census of affected people and their assets to be affected, livelihood loss and common property to be affected; R&amp;R scheme including time line for implementation.</p> <p><b>Comment: Aligns with Bank's requirement to enumerate all affected and extent of loss for compensation and R&amp;R.</b></p>
Information dissemination and Public hearing - Stage III	Consultation throughout the process is mandatory	<p><b>Section 16(4)&amp;(5):</b> mandatory to disseminate information on R&amp;R scheme including resettlement area and organize public hearing on the Draft R&amp;R scheme in each Gram Sabha, Municipality and consultations in Scheduled area as required under PESA.</p> <p><b>Comment: Aligns with Bank's requirement to hold specific consultations with the Scheduled Tribe.</b></p>
Approval of R&R Scheme		<p><b>Section 17 &amp; 18:</b> Draft R&amp;R Scheme to be finalized after addressing objections raised during public hearing and approved.</p> <p><b>Comment: Aligns with Bank's requirement on consultation to address any objections that may be raised at different stages of acquisition</b></p>
Final declaration of R&R Scheme	Approved RAP including budgetary provisions to implement it	<p><b>Section 19 (2):</b> Only after the requiring body has deposited the money will the govt. issue the notice along with <b>19(1).</b></p> <p><b>Comment: Aligns with Bank's requirement to ensure that resources are allocated for compensation and R&amp;R cost.</b></p>
Time period stipulated.	Included in RAP – Time line synchronized with Government's procedures or adopts innovative methods to reduce the time which is based operated on the principles of participation and transparency.	<p><b>Section 19 (2):</b> the entire process to update land records, disseminate information, preliminary survey, census, hearing of objections, preparation of R&amp;R schemes and approval, deposit of money must <b>complete within 12 months</b> from the date on which section 11, the preliminary notice issued.</p> <p><b>Section 19 (7):</b> If the final declaration not made</p>

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
		<p>within 12 months of section 11 (1), the process will lapse, except under special circumstances.  <b>Comment: Aligns with Bank's requirement to prepare the SMP, hold consultation and declare the award and within a stipulated timeframe</b></p>
Preparation of land acquisition plans	Included in RAP.	<p><b>Section 20:</b> Land marked, measured for preparation of acquisition plans.  <b>Comment: Aligns with Bank's requirement to include the acquisition plans in the SMP/RAP</b></p>
Hearing of claims		<p><b>Section 21(1) (2):</b> Notices issued indicating govt's intension to take possession of land, and claims on compensation and R&amp;R can be <b>made not less than one month and not more than six month</b> from the date of issue of section 21(1).  <b>Comment: Aligns with Bank's requirement to extend the compensation and R&amp;R package to all affected</b></p>
Time period stipulated for declaring the award		<p><b>Section 25:</b> It is required to announce the award <b>within 12 months of issue of Section19 (final declaration to acquire land, approved R&amp;R scheme)</b> after completing land acquisition plans, hearing of objection, settling individual claims for declaration of the award. If award not made within the stipulated time, the entire proceedings will lapse.  <b>Comment: By stipulating a time frame for declaring awards is critical for completing the entire process of LAR&amp;R prior to handing over encumbrance free stretch for civil works.</b></p>
LA Act 1984 deem to lapse and RFCTLAR&R is Applicable		<p><b>Section 24:</b> where award is not declared under section 11, or where made five years ago but land not taken in possession or where award declared but money not deposited in the account of majority of beneficiary.  <b>Comment: Aligns with Bank's requirement to avoid acquisition of land which is not required.</b></p>
Methodology for determining market value for land	Full replacement Cost	<p><b>Section 26 and First Schedule:</b> Recognizes 3 methods and whichever is higher will be considered which will be multiplied by a factor given in Schedule First; compensation given earlier will not be considered; if rates not available floor price can be set; steps to be</p>

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
		taken to update the market value. <b>Comment: Aligns with Bank's requirement to pay full replacement cost</b>
Valuation of structures	Full replacement Cost	<b>Section 29 (1)</b> without deducting the depreciated value. <b>Comment: Aligns with Bank's requirement to pay full replacement cost for structures</b>
Solatium and Interest		<b>Section 30(1)</b> 100% of the compensation amount <b>Section 30(3):</b> 12% per annum on the market rate from the date of notification of SIA to the date of ward or land taken over. <b>Comment: Aligns with Bank's requirement to provide additional support in case of acquisition</b>
R&R Award	Total cost included in RAP to resettle and rehabilitate the affected persons and assist in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	<b>Section 31, Second Schedule:</b> A family as a unit will receive R&R grant over and above the compensation and those who are not entitled to compensation.  <b>Second Schedule:</b> Homeless entitled to constructed house, land for land in irrigation projects in lieu of compensation, in case of acquisition for urbanization 20% of developed land reserved for owners at a prices equal to compensation' jobs or onetime payment or annuity for 20 years' subsistence grant, transportation, land and house registered on joint name husband and wife, etc <b>Comment: Aligns with Bank's requirement to provide assistance to improve the livelihood of the affected and providing shelter to the homeless.</b>
Transparency		<b>Section 37(1):</b> Information of each individual family including loss, compensation awarded, etc will be available on the website. <b>Comment: The mandatory provision of disclosure of draft SIA/SMP for consultation and the final list fo affected, their losses meets the requirements of the Bank to ensure transparency</b>
Possession of Land	Taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving	<b>Section 38(1):</b> Land will be taken over by the government within three months of compensation and 6 months of R&R benefits disbursed; infrastructure facilities at resettlement sites will be completed within 18 months from the date of award made under

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
	allowances have been provided to the displaced persons.	section 30 for compensation; in case of irrigation and hydel projects R&R completed six months prior to submergence. <b>Comment: Aligns with Bank's requirement to provide all basic facilities at relocation site</b>
Multiple Displacement		<b>Section 39:</b> Additional compensation equivalent to compensation determined will be paid to displaced
Acquisition for emergency purpose	Not permeable in bank funded projects	<b>Section 40 (5):</b> 75% additional compensation will be paid over and above the compensation amount
Prior consent before acquisition and alienation	Mandatory to carry out Free, Prior, Informed Consultation with Indigenous people.	<b>Section 41(3)</b> Mandatory to get consent from Gram Sabha, Panchayat, Autonomous Councils in Scheduled areas <b>Comment: Aligns with Bank's requirement on FPIC</b>
Development plans for SC and ST	Indigenous Peoples' Development plan required along with RAP.  Land for land for is an option across all sectors.	<b>Section 41:</b> Separate development plans to be prepared, settle land rights before acquisition; provision of for alternate fuel fodder, non-timber produce on forest land to be developed within 5 years; 1/3 <sup>rd</sup> compensation amount to be paid as first instalment and rest at the time of taking possession; ST to be resettled within Scheduled area; land free of cost for community purpose; land alienation will be null and void and ST and SC considered for R&R benefits; fishing rights restored in irrigation and hydle projects; if wish to settle outside the district additional benefits to be provided in monetary terms; all rights enjoyed under other laws will continue.  <b>Second Schedule:</b> additional provisions for SC&ST for land for land in irrigation projects, additional sum over and above the subsistence grant <b>Comment: Aligns with Bank's requirement to develop separate plans for the Scheduled Tribe</b>
Institutional Arrangement	Institutional arrangement must be agreed upon and included in RAP, IPDP.	<b>Section 43-45:</b> Appointment of administrator, R&R Commissioner, when more than 100 acres of land is to be acquired, R&R Committee will be formed at project level, social audit to be carried out by Gram Sabha and Municipalities. <b>Comment: Aligns with bank's requirement</b>

Topics/Issues/Areas	World Bank OP4.12	RFCTLAR&R 2013
		<b>and stipulates the entire Institutional mechanism for LAR&amp;R.</b>
Change of land use		<b>Section 46(4):</b> Land will not be transferred to the requisitioning authority till R&R is not complied with in full.
Monitoring and Evaluation	Indicators and monitoring system included in RAP and IPDP	<b>Section 48-50:</b> Set up National and State level Monitoring Committee to review and monitor progress <b>Comment: Aligns with Bank's requirement on concurrent monitoring</b>
Authority to settle claims		<b>Section 51-74:</b> the appropriate Government shall through notification establish one or more authorities as the rehabilitation and resettlement authority. Authority will be set up to settle any legal disputes that arise from acquisition and R&R, the aggrieved party can move to the high court thereafter.
Exempt from tax and fee		<b>Section 96:</b> Compensation and agreements will not be liable to tax and stamp duty. <b>Comment: Aligns with Bank's requirement to provide additional support to improve livelihood of the affected people</b>
No change in status of land acquired		<b>Section 99:</b> Once the land is acquired for a particular purpose, its purpose cannot be changed
Return of unutilized land		<b>Section 101:</b> If the acquired land remains unutilized for 5 years, then it will be returned to original owner, heir or included in land bank
Distribution of increased value of land transferred		<b>Section 102:</b> 40% of appreciated value of acquired land will be distributed to owners provided no development has taken place. <b>Comment: Aligns with bank's requirement to extend project benefits to the affected people</b>

## DEFINITIONS AND ELIGIBILITY CRITERIA FOR VARIOUS CATEGORIES OF DISPLACED PERSONS

The definitions provided below are as per Chapter 1 Section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR).

<b>Administrator</b>	An officer appointed for the purpose of rehabilitation and resettlement of affected families under sub-section 1 of section 43 of the RFCTLARR Act 2013
<b>Affected Area</b>	Such area as may be notified by the Appropriate Government for the purposes of land acquisition
<b>Affected Family</b>	Includes: A family whose land or other immovable property has been acquired; A family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land' The Scheduled Tribes and other traditional forest 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; Family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land; A member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition; A family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood or three years prior to the acquisition of the land is affected by the acquisition of such land.
<b>Appropriate Government</b>	Means: In relation to acquisition of land situated within the territory of a State, the State Government; In relation to acquisition of land for public purpose in more than one State, the Central Government, in consultation with the concerned State Governments or Union territories; Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the Appropriate Government, the Collector of such District shall be deemed to be the Appropriate Government
<b>Collector</b>	Means the Collector of a revenue district, and includes Deputy Commissioner And any officer specially designated by the Appropriate Government to perform the function of a Collector under the RFCTLARRA 2013
<b>Commissioner</b>	Means the Commissioner for Rehabilitation and Resettlement appointed under sub-section (1) of section 44 of the RFCTLARRA 2013

<b>Cost of Acquisition</b>	<p>Includes:</p> <p>Amount of compensation which includes solatium, any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court;</p> <p>Demurrage to be paid for damages caused to the land and standing crops in the process of acquisition</p> <p>Cost of acquisition of land and building for settlement of displaced or adversely affected families;</p> <p>Cost of development of infrastructure and amenities at the resettlement areas;</p> <p>Cost of rehabilitation and resettlement as determined in accordance with the provisions of the RFCTLARR Act 2013</p> <p>Administrative cost for (a) acquisition of land, including both in the project site and out of the project area lands, not exceeding such percentage of the cost of compensation as may be specified by the Appropriate Government; and (b) rehabilitation and resettlement of owners of the land and other affected families whose land has been acquired or proposed to be acquired or other families affected by such acquisition;</p> <p>Cost of undertaking Social Impact Assessment Study</p>
<b>Displaced Family</b>	Means any family, who on account of acquisition of land has to be relocated and resettled from an affected area to the resettlement area
<b>Family</b>	Includes a person, his or her spouse, minor children, minor brothers and minor sisters depended on him: provided that widows, divorces and women deserted by families shall be considered separate families
<b>Holding of Land</b>	Means the total land held by a person as an owner, occupant or tenant or Otherwise
<b>Land</b>	Includes benefits to arise out of land, and things attached to the ear or permanently fastened to anything attached to the earth
<b>Landless</b>	Means such persons or class of persons who may be: Considered or specified as such under any State law for the time being in force; or In a case of landless not being specified as above, as may be specified by the Appropriate Government
<b>Land Owner</b>	Includes any person: Whose name is recorded as the owner of the land or building or part thereof, in the records of the authority concerned; or Any person who is granted forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 or under any other law for the time being in force; or Who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or Any person who has been declared as such by an order of the court or Authority
<b>Marginal Farmer</b>	means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare;

<b>Small Farmer</b>	means 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.
<b>Local Authority</b>	Includes a town planning authority (by whatever name called) set up under any law for the time being in force, a Panchayat as defined in article 243 and a Municipality as defined in article 243P of the Constitution
<b>Market Value</b>	Means the value of land determined in accordance with section 26 of the RFCTLARRA 2013
<b>Person Interested</b>	Means: All persons claiming an interest in compensation to be made on account of the acquisition of land under the RFCTLARRA 2013 The Scheduled Tribe and other traditional forest dwellers, who have lost any forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; A person interested in an easement affecting the land; Persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and Any person whose primary source of livelihood is likely to be adversely affected;
<b>Person Interested</b>	Means: All persons claiming an interest in compensation to be made on account of the acquisition of land under the RFCTLARRA 2013 The Scheduled Tribe and other traditional forest dwellers, who have lost any forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; A person interested in an easement affecting the land; Persons having tenancy rights under the relevant State laws including share-croppers by whatever name they may be called; and Any person whose primary source of livelihood is likely to be adversely affected;
<b>Resettlement Area</b>	Means an area where the affected families who have been displaced as a result of land acquisition are resettled by the Appropriate Government
<b>Scheduled Areas</b>	Means the Scheduled Areas as defined in section 2 of the Provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996.
<b>Vulnerable Persons</b>	Persons who are physically challenged, widows, persons above sixty years of age, below-poverty line households and woman-headed household.

## ENTITLEMENT MATRIX

Based on the above analysis of government provisions and WB safeguards policy, the following resettlement principles are adopted for this Project:

- (i) those who have formal legal rights to land lost in its entirety or in part;
- (ii) those who lost the land they occupy in its entirety or in part and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national/state laws; and
- (iii) those who lost the land they occupy in its entirety or in part and have neither formal legal rights nor recognized or recognizable claims to such land.

**Cut-off Date:** For titleholders, the date of SIA notification [Sec 4(2)] of intended acquisition as per the provisions of RFCTLARR Act will be treated as the cut-off date, and for non-titleholders the start date of project census survey for the subproject will be the cut-off date. There will be adequate notification of cut-off date and measures will be taken to prevent encroachments/squatting after the cut-off date is established.

Non-title holders who settle in the affected areas after the cut-off date will not be eligible for compensation. They however will be given sufficient advance notice (60 days) to vacate the premises and dismantle affected structures prior to project implementation. The project will recognize both licensed and non-licensed vendors, and titled and non-titled households.

The displaced persons will be entitled to the following six types of compensation and assistance packages:

- (i) Compensation for the loss of land, crops/ trees at their replacement cost;
- (ii) Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- (iii) Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- (iv) Alternate housing or cash in lieu of house to physically displaces households not having any house site;
- (v) Assistance for shifting and provision for the relocation site (if required),and
- (vi) Rebuilding and/ or restoration of community resources/facilities.

An Entitlement Matrix has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements; and is in compliance with National/State Laws and World Bank safeguards policies. The following entitlement matrix presents the entitlements corresponding to the tenure of the displaced persons and the same has been approved<sup>5</sup> and endorsed by Government of Kerala.

### Entitlement Matrix

Sl. No.	Impact Category	Entitlements	Implementation Guidelines
<b>PART I. TITLE HOLDERS - Compensation for Loss of Private Property</b>			
1	Loss of Land (agricultural, homestead, commercial or otherwise)	1.1	<p>Compensation for land at Replacement Cost or Land for land, where feasible.</p> <p>Land will be acquired by the competent authority in accordance with the provisions of RFCTLARR Act, 2013.</p> <p>Replacement cost for land will be, higher of (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years; or (iii) consented amount paid for PPPs or private companies.</p> <p>Plus 100% solatium and 12% interest from date of notification to award.</p> <p>The multiplier factor adopted by GoK for land in rural area, based on the distance from urban area to the affected area, will be applied.</p> <p>In case of severance of land, house, manufactory or other building, as per Section 94 (1), the whole land and/or structure shall be acquired, if the owner so desires.</p>
2	Loss of Structure (house, shop, building or immovable property or assets attached to the land)	2.1	<p>Compensation at replacement cost</p> <p>The market value of structures and other immovable properties will be determined by PWD on the basis of relevant PWD Schedule of Rates (SR) as on date without depreciation.</p> <p>Plus 100% solatium</p> <p>For partly affected structures, the PAP will have the option of claiming</p>

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
				compensation for the entire structure, if the remaining portion is unviable.
<b>PART II. REHABILITATION AND RESETTLEMENT – Both Land Owners and Families Whose livelihoods are Primarily Dependent on Land Acquired</b>				
3	Loss of Land	3.1	Employment to at least one member per affected family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force. or One-time payment of Rs. 5,00,000/- for each affected household or Annuity policy that shall pay not less than Rs. 3000/- per month for 20 years with appropriate indexation to CPIAL	
		3.2	subsistence allowance of Rs. 5,000/- per month for a period of one year from the date of award for those who are displaced.	
		3.3	Transportation assistance of Rs. 50,000/- for affected households who require to relocate due to the project	
		3.4	One-time assistance of Rs.50,000/- to all those who lose a cattle shed	
		3.5	One-time Resettlement Allowance of Rs.	

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			50,000/- for affected household who have to relocate	
		3.6	Additional one-time assistance of Rs. 50,000/- for scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project	
4	Loss of Residence	4.1	An alternative house for those who have to relocate, as per IAY specifications in rural areas and a constructed house/flat of minimum 50 sq. m. in urban areas or cash in lieu of house if opted (the cash in lieu of house will be Rs.300,000/-). for those who do not have any homestead land and who have been residing in the affected area continuously for a minimum period of 3-years.	<p>An alternative house for those who have to relocate, as per IAY specifications in rural areas and a constructed house / flat of minimum 50 sq. m. in urban areas or cash in lieu of house if opted (the cash in lieu of house will be Rs.1,48,000/- in line with Gol IAY standards in rural areas and Rs.1,50,000 in case of urban areas). It will be registered on joint title (man and women)</p> <p>The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaces from such area.</p>
		4.2	Employment to at least one member per affected family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other	Preference will be given to women

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			law for the time being in force. or One-time payment of Rs. 5,00,000/- for each affected household or Annuity policy that shall pay Rs. 2000/- per month for 20 years with appropriate indexation to CPIAL	
		4.3	Monthly subsistence allowance of Rs. 5,000/- per month for a period of one year to affected households who require to relocate due to the project	
		4.4	Transportation assistance of Rs. 50,000/- for affected households who require to relocate due to the project	
		4.5	One-time assistance of Rs. 25,000/- to all those who lose a cattle shed	
		4.7	One-time Resettlement Allowance of Rs. 50,000/- for affected household who have to relocate	
		4.8	Additional one-time assistance of Rs. 50,000/- to scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project	
		4.9	Right to salvage affected materials	
5	Loss of shop / trade / commercial structure	5.1	Employment to at least one member per affected	Preference will be given to women

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			<p>family in the project or arrange for a job in such other project as may be required after providing suitable training and skill development in the required field and at a rate not lower than the minimum wages provided for in any other law for the time being in force.</p> <p>or</p> <p>One-time payment of Rs.5,00,000/- for each affected household</p> <p>or</p> <p>Annuity policy that shall pay Rs. 2000/- per month for 20 years with appropriate indexation to CPIAL</p>	
		5.2	<p>Monthly subsistence allowance of Rs. 5,000/- per month for a period of one year to affected households who require to relocate due to the project</p>	
		5.3	<p>Transportation assistance of Rs. 50,000/-for affected households who require to relocate due to the project</p>	
		5.4	<p>One time assistance of Rs. 50,000/- for each affected family of an artisan or self-employed or small trader and who has to relocate</p>	
		5.5	<p>One time Resettlement Allowance of Rs.50,000/- for affected household who have to relocate</p>	
		5.6	<p>Additional onetime</p>	

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
			assistance of Rs.50,000/- to scheduled caste and scheduled tribe families who are displaced from scheduled areas and who require to relocate due to the project	
		5.7	Right to salvage affected materials	
	Employees in commercial establishment	5.8	One time allowance of Rs 6000 for six months for loss of livelihood	
<b>PART III. IMPACT ON TENANTS</b>				
	Commercial	6.1	One time assistance for Rs 200,000	One adult women member of the affected household, whose livelihood is affected, will be entitled for skill development.
	Residential	6.1.1	One time shifting allowance Rs 30,000.	One adult women member of the affected household, whose livelihood is affected, will be entitled for skill development.
<b>PART IV. IMPACT TO SQUATTERS AND ENCROACHERS – Those in the Right of Way or living on Perambok land</b>				
6	Impact to Squatters/encroachers	7.1 7.1.1	Compensation for structure without depreciation An alternative house for those who have to relocate, as per IAY specifications in rural areas and a constructed house/flat of minimum 50 sq. m. in urban areas or cash in lieu of house if opted (the cash in lieu of house will be Rs.300,000/-). for those who do not have any homestead land and who have been residing in the affected area continuously for a minimum period of 3-years.	Only those directly affected squatters who live there will be eligible for all assistance.  Structure owners in RoW / Government lands who do not live there and have rented out the structure will be provided compensation for structure and no other assistance will be provided to them. The occupier (squatter-tenant) will be eligible for other assistances

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
		7.1.2	Right to salvage the affected materials	
		7.1.3	Rs 5000 per month for six month.	
		7.2 7.2.1	<b>Loss of Shop</b> Compensation at scheduled rates without depreciation for structure with 1-month notice to demolish affected structure	Only those directly affected squatters/encroachers who do business there will be eligible for all assistance.  Structure owners in ROW / Government land.
		7.2.2	Right to salvage the affected materials	
		7.2.3	Rs 5000 per month for six month.	
		7.3 7.3.1	<b>Kiosks / Street Vendors</b> 1-month advance notice to relocate to nearby place for continuance of economic activity	The PIU and the implementation support NGO / agency will consult such PAPs and assess the requirement of subsistence allowance and rehabilitation grant
		7.3.2	For temporary loss of livelihood during construction period, a monthly subsistence allowance of Rs. 3,000/- will be paid for the duration of disruption to livelihood, but not exceeding 3-months	
		7.4 7.4.1	<b>Cultivation</b> 2-month notice to harvest standing crops or market value of compensation for standing crops	
7	Impact to Encroachers	7.5 7.5.1	<b>Cultivation</b> 2-month notice to harvest standing crops or market value of compensation for standing crops, if notice is not given	Market value for the loss of standing crops will be decided by the PIU, PWD in consultation with the Agriculture or Horticulture Department
<b>PART V. IMPACT TO VULNERABLE HOUSEHOLDS</b>				
8	Vulnerable Households	8.1	One-time assistance of Rs. 25,000/- to DHs who have to relocate	One adult member of the affected household, whose livelihood is affected, will be entitled for skill

Sl. No.	Impact Category	Entitlements		Implementation Guidelines
				<p>development.</p> <p>The PIU with support from the NGO will identify the number of eligible vulnerable displaced persons during joint verification and updating of the <b>RAP</b> and will conduct training need assessment in consultations with the PAPs so as to develop appropriate training programmes suitable to the PAP's skill and the region.</p> <p>Suitable trainers or local resources will be identified by PIU and NGO In consultation with local training institutes</p>
<b>PART VI. IMPACT DURING CIVIL WORKS</b>				
9	Impact to structure /access to assets/ assets / tree / crops	9.1	The contractor is liable to pay damages to assets / trees / crops in private / public land, caused due to civil works Contractor has to restore access to structures	The PIU will ensure compliance
10	Use of Private Land	10.1	The contractor should obtain prior written consent from the land owner 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	
<b>PART VII. COMMON PROPERTY RESOURCES</b>				
11	Impact to common property resources such as places of worship, community buildings, schools, etc.	11.1	Relocation or restoration, if feasible, actual cost upto maximum of Rs 100,000 for relocation of place of worship, relocation of all community assets by the contractor	
12	Utilities such as water supply,	12.1	Will be relocated and services restored prior to	The PIU will ensure that utilities are relocated prior to commencement of

SI. No.	Impact Category	Entitlements		Implementation Guidelines
	electricity, etc.		commencement of civil works.	civil works in that stretch of the road corridor in accordance with the civil works schedule.
<b>PART VII. UNFORESEEN IMPACTS</b>				
Unforeseen impacts encountered during implementation will be addressed in accordance with the principles of RFCTLAR 2013 / World Bank Safeguards Policies.				

### **3.1 FRAMEWORK FOR LAND ACQUISITION AND OTHER IMMOVABLE ASSETS (RFCTLARR 2013 AND DIRECT PURCHASE)**

The rehabilitation and resettlement policy is based on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Government of Kerala has also enacted state-specific rules pursuant to the same i.e. Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2016.

#### **3.1.1 Acquisition of private land through Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013**

All private immovable assets will be acquired as per new RFCTLARR Act 2013. All eligible PAPs living within the affected area for the past 3 years will be entitled to R&R assistance over and above the compensation. Those PAPs who are not entitled for compensation (encroachers and squatters) as per the Act will get R&R benefits as per their entitlement given in project specific R&R policy. The entitlement of compensation and assistance will be extended to only those PAPs who are identified on or prior to the cut-off date.

##### **- Requisition of Land by PWD**

The proposal for acquisition of any private land will be made in the formats prescribed by the enacted rules of the Kerala State Government on the RFCTLARR ACT 2013. These formats will include  *khasra*  maps, along with the details of area of land to be acquired.

##### **- Appointment of “Administrator” for R&R**

As per Section 2 of the RFCTLARR Act 2013, the appropriate government (concerned state governments) will acquire land on behalf of other ‘requiring body’. An officer appointed as the administrator will be responsible for the purpose of Rehabilitation and Resettlement as per Section 43 of the RFCTLARR Act 2013. An officer not below the rank of Collector, additional Collector or Deputy Collector or any other officer of an equivalent rank is appointed as the ‘Administrator’.

##### **- Notification, Declaration and Preparation of Award**

Upon receiving the requisition application, the concerned State Government will conduct a Social Impact Assessment as per Chapter 2 of the RFCTLARR Act 2013 unless exempted as per procedures established in the state rules for RFCTLARR 2013. Upon completion of the assessment the ‘Administrator’ appointed by the concerned government shall issue preliminary notifications (as per Section 11 (1)), declarations (as per Section 19 (1) for the land to be acquired. A demand is prepared by the District Administration as per rules framed by the concerned state government under the Sections 26,27,28,29,30 of the RFCTLARR Act 2013.

The R&R award list and scheme is prepared on the basis of the census and survey undertaken by the District Administration and after valuation of the assets affected is completed. The R&R scheme and award is forwarded to the R&R commissioner appointed for the state. If the State Government is satisfied with the Scheme, the District Administration may issue declaration as per Section 19 (1). The requiring body deposits the (full or part) amount prior to the declaration to enable the concerned State Government to make the declaration.

- **Method of Valuation of Project Affected Areas**

The valuation method and basis for the compensation for LA will be done as per the norms stipulated in Sections 26, 27, 28, 29, 30 and First Schedule of the RFCTLARR Act 2013. The **Valuation method for compensation for land and structures and trees is given below:**

- **Valuation of Land** – Land will be acquired in accordance with provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and while determining the compensation for land, the competent authority will be guided by the provisions of Sec 26, Sec 27, Sec 28, Sec 29 and Sec 30 of RFCTLARR Act, 2013. The compensation includes the multiplying factor<sup>6</sup> of 1.25-1.75 times on the land value being higher of the guideline value or average of higher 50% of sale deed rates for last 3 years or any rates consented for PPP or private projects. In addition 100% solatium for involuntary acquisition of land will be added. If the residual land, remaining after acquisition, is unviable, the owner of such land/property will have the right to seek acquisition of his entire contiguous holding/property.
- **Valuation of Structure** - The replacement value of houses, buildings and other immovable properties will be determined on the basis of latest PWD Schedule of Rates (SoR) as on date without depreciation and 100% solatium will be added to the structure compensation. While considering the PWD SoR rate, PIU will ensure that it uses the latest SoR for the residential and commercial structures in the urban and rural areas of the region. Wherever the SoR for current financial year is not available, the PIU will update the SoR to current prices based on approved previous year escalations. Compensation for properties belonging to the community or common places of worship will be provided to enable construction of the same at new places through the local self- governing bodies like Village Panchayat/Village council in accordance with the modalities determined by such bodies to ensure correct use of the amount of compensation. Further, all compensation and assistance will be paid to PAPs at least 1 month prior to displacement or dispossession of assets.
- **Valuation of trees**  
Compensation for trees will be based on their market value. Loss of timber bearing trees will be compensated at their replacement cost and compensation for the loss of crops, fruit bearing trees will be decided by the PIU in consultation with the Departments of Forest or Agriculture or Horticulture as the case may be. The valuation of fruit bearing trees will take into account the productive age of such trees. In line with the provision of RFCTLARR Act 2013, 100% solatium will be added to the assessed value of the trees. Prior to taking possession of the land or properties, the compensation will be fully paid and PAPs will have the opportunity to harvest crops/trees within 1-month from the date of payment of compensation.

Even after payment of compensation, PAPs would be allowed to take away the materials salvaged from their

dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that PAPs can take away the materials so salvaged within 15 days of their demolition; otherwise, the same will be disposed by the project authority without giving any further notice. Trees standing on the land owned by the government will be disposed of through prevailing practice by the concerned Revenue Department/ Forest Department.

#### - **Disbursement process**

Once, the R&R scheme is approved by the appropriate government, the District Administration issues notices to titleholders losing land, trees and structures through camps in the affected area. The disbursement of assistances and compensation may happen in camps or at the District Administration's office, where in documentation of the PAHs is examined and assistances and compensation is deposited as cheques or deposited in individual accounts. The collector shall take possession of the land once all monetary disbursements are fully completed and the collector will be responsible for ensuring that the rehabilitation and resettlement process is complete before the displacement of the population as per Section 37 of the RFCTLARR Act 2013.

#### 3.1.2 **Direct Purchase of land**

Under Section 108 of the Act, the Government of Kerala has also issued the Government Order which provides for the option of Direct Purchase. The details are given below:

In order to speed up and simplify the procedures of land acquisition for public purpose, Government of Kerala issued the GO, 2015 to facilitate negotiated settlement. Under this order, to negotiation with the land owners and reach consensus on compensation and rehabilitation by the District Collector.

In case the option of direct purchase is exercised, following steps will be followed:

- Project to identify land parcels to be purchased and owners during SIA in consultation with the local revenue officials.
- A committee (The District Level Fair Compensation, Resettlement and Rehabilitation Committee) will be set up as per the existing Government Order (GO).
- The District Collector will verify the title deeds, non-encumbrance certificate, basic tax receipt, building tax receipt, possession certificate and other relevant records of each parcel of land to be acquired.
- The District Collector will, within 7 days of the preliminary notification under section) 11, send the 'SIA Report and other relevant documents to the District Level Fair Compensation, Resettlement and Rehabilitation Committee.
- The committee shall fix the parameters and shall define criteria for categorization of land as per the local needs to 'fix land value and the same may be approved by the Committee. The Committee should take utmost care in determining the criteria for categorization. There should not be any ambiguity regarding classification. The authority to change the categorization once approved by the District Level Fair Compensation, Resettlement and Rehabilitation Committee shall rest only with the SLEC.
- After categorization of lands, the base price of land will be as per the process mentioned in RFCTLARR Act, 2013 and taking into consideration the existing market value of the land make negotiation with the land owners and reach consensus with them on the final land value.
- The Committee will finalize the estimate of a fair and reasonable price of land and compensation along with the Rehabilitation and Resettlement package to be given to the affected person/family.
- SLEC may consider it on case to case basis.

- If the District Level Committee is of the view that higher compensation is inevitable in view of the requirement of the project for speedy development, then the Committee headed by the District Collector may recommend up to 10 per cent enhanced compensation to State Level Empowered Committee headed by the Chief Secretary.
- The SLEC may consider it on case to case basis.
- On the date fixed as above the Collector shall explain the Policy to the affected family or affected person and give them estimate of the compensation and resettlement and rehabilitation package worked out under the policy.
- The affected family or affected persons shall thereupon submit their consent to having their claims settled according to such law or policy of the State instead of setting the same under the Act.  
Provided that the affected' families or affected persons who earlier rejected the negotiated settlement may, by a written application to the Collector shall choose the option of the State policy at any time before passing the final award under Section 30 and/or section 31.
- Upon receiving the consent of the affected person or affected family, the Collector shall finalize the conveyance of land in terms of the consent.
- The Collector, upon receiving the consent, shall cause a Sale Deed in terms of the settlement arrived between himself and the affected family or affected person.
- The compensation or package received by the affected family or affected person shall not be income tax or any other levy.
- On completion of the conveyance the Collector shall take possession of the land immediately provided that the Collector may, on a written application by the affected family or affected person, accord sanction for extension of asking of possession of the land by a period not exceeding 30 days.

4. Road Map for Social Impact Assessment and preparation of SMP/RAP in accordance with the RFCTLAR&R and OP 4.12.

As mentioned in the above sections, the mitigation plan for each sub-project will prepared by the Social Impact Units following the approval of the analysis of alternative and issuance of Section 4 of the RFCTLAR&R. The Content of the mitigation plan will include the following.

Chapter	Topics and Description
Chapter 1 - Project Description	Project Description  Benefits of the Project  Public Purpose  Adverse Impacts <ul style="list-style-type: none"> <li>• <i>Overview of Affected persons, displacement, common Properties</i></li> <li>• <i>Scope and Extent of Land Acquisition – bare minimum</i></li> <li>• <i>Analysis of Alternatives – to be done in consultation with technical team</i></li> <li>• <i>Cost Benefit Analysis</i></li> </ul>
Chapter 2 – Methodology	Methodology for Social Impact Assessment and Resettlement Action Plan  Objective of SIA  Methodology for Census and Socio-Economic Survey – <i>include Cut-Off Date, districts covered, number of villages etc.</i>

	<p>Methodology for Public Consultation – <i>include information on number of consultations, dates and stakeholders</i></p>
Chapter 3 - Resettlement Policies and Legal Framework	<p>Relevant Laws and Policies – <i>brief outline of all relevant laws and policies. Ensure that all state-specific rules, regulations, office orders etc. are mentioned</i></p> <p>World Bank Safeguard Policies – <i>overview of OP/BP 4.12</i></p> <p>Comparative Analysis of the Right to Fair Compensation in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR-2013), and World Bank OP 4.12 on Involuntary Resettlement. <i>Include comparison of relevant state-specific land acquisition law or regulation, if applicable</i></p> <p>Process of Land Acquisition and Other Immovable Assets – <i>Provide a step-by-step outline of acquisition process along with timelines, responsible authority and statutory deadlines</i></p>
Chapter 4 – Resettlement Policy Framework	<p>Principles of resettlement, compensation and entitlement</p> <p>Entitlement Matrix <i>Include provisions for titleholders and non-titleholders, loss of land and other assets, loss of structures (residential / commercial / others) common property resources, tenants, squatters, encroachers and vulnerable groups, assistance in case of displacement</i></p>
Chapter 5 - Socio-Economic Profile and Impact on People and Assets	<p>Introduction</p> <p>Socio-economic profile of the Impacted Area</p> <p>Impact on Assets and Extent of Impact</p> <ul style="list-style-type: none"> <li>- <i>Impact on Land</i></li> <li>- <i>Impact on Private Structures (residential, commercial, others). Type of construction</i></li> <li>- <i>Impact on Common Property Resources (public, religious, government)</i></li> <li>- <i>Loss of Other Assets (Trees, Crops, Livestock)</i></li> </ul> <p>Impact on People</p> <ul style="list-style-type: none"> <li>- <i>Socio-Economic Profile of Project Affected Persons, including social category</i></li> <li>- <i>Project Affected Persons and Project Affected Households (as per category of impact / type of loss) including extent of loss</i></li> <li>- <i>Displaced households</i></li> <li>- <i>Vulnerable Households</i></li> </ul>
Chapter 6 - Stakeholder Consultations	<p>Stakeholder Consultations - <i>Refer to relevant sections of RFCTLAR&amp;R Act under which consultations were held and attach copies of all notifications and notices required under the Act as annexure (Section 2(2), Rule 13, Section 4(2) proviso 1, Rule 6(8), Section 5 and Rule 7)</i></p> <p>Stakeholders Consultation Analysis Matrix – <i>For each category of consultations, providedetails of location and date of consultations, participants, issues discussed and status of resolution (outcome of issues which emerged during consultations) and photographs of each</i></p>

	<p><i>consultation. This can be in tabular form</i></p> <p>Consultations for Prior Consent (if applicable in case of PPP projects) – <i>All details as above. Add relevant forms indicating consent as annexure</i></p>
Chapter 7 – Livelihoods Restoration Plan	<p>Estimation of livelihoods / income affected – <i>Add figures for affected persons / households based on socio-economic census</i></p> <p>Livelihoods Restoration Plan – <i>Include institutional mechanism, responsibility, budget and Action Plan with timeframe</i></p> <p><i>Refer to relevant provisions of the Entitlement Matrix dealing with livelihoods and ensure consistency</i></p>
Chapter 8 - Social Impact Management Plan	<p>Risks Matrix - <i>Anticipated Impacts, Risks mapped with measures to avoid, mitigate and compensate.</i></p> <p><i>Measures can refer to relevant provisions from the RFCTLAR&amp;R, Entitlement Matrix and other provisions under the project</i></p> <p><i>Include institutional mechanism, responsibility for the measures</i></p>
Chapter 9 – Gender Action Plan	<p>Gender Profile – <i>Include gender profile in project area. Include relevant data from socio-economic survey. Specifically, mention number of women PAPs, women-headed households</i></p> <p>Analysis – <i>Based on primary and secondary data provide analysis of key gender issues in the project area</i></p> <p>Action – <i>Propose recommendations for actions which can be implemented as part of project interventions</i></p> <p>Indicator – <i>Propose measurable indicators to monitor and evaluate</i></p> <p>Action Plan – <i>Include institutional mechanism, responsibility, budget and Action Plan with timeframe</i></p> <p>Gender-Based Violence Risk – <i>Provide context including data on partner/non-partner physical violence against women, Data and/or information on cultural practices vis-à-vis women (early marriage, physical practices); Existing gender country diagnostics/country action plans, Existing services available from GBV Services Providers, information on health centers available and accessible locally and other relevant information from consultations. Include World Bank GBV Risk-Assessment Tool assessment</i></p>
Chapter 10 - Labour Action Plan	<p>Labour Law Compliance</p> <ul style="list-style-type: none"> <li>- <i>Overview of applicable Labour Laws and Policies</i></li> <li>- <i>Labour Law Compliance Plan</i></li> <li>- <i>Institutional matrix for labour law compliance</i></li> </ul> <p>Labour Influx Screening</p> <ul style="list-style-type: none"> <li>- <i>Labour Influx screening including preliminary assessment of</i></li> </ul>

	<p><i>anticipated labour influx based on bid documents and discussions with contractor, if possible</i></p> <ul style="list-style-type: none"> <li>- <i>Labour Influx Management Plan including provision for Site-Specific Labour Influx Management Plan and Code of Conduct; include training and awareness plan for labour</i></li> <li>- <i>Refer to World Bank Guidance Note</i></li> </ul>
Chapter 11 - Institutional and Implementation Arrangements	<p>Roles and Responsibilities of:</p> <ul style="list-style-type: none"> <li>- <i>Social Safeguards specialist at PIU level (and at field level, as required)</i></li> <li>- <i>RAP implementation team</i></li> <li>- <i>Technical Supervision Consultant(s)</i></li> <li>- <i>Contractor</i></li> <li>- <i>Labour / Legal Officer (if required)</i></li> </ul>
Chapter 12 - Grievance Redressal Mechanism	<p>Process flow for grievance redressal</p> <p><i>Include implementation mechanism, budget, time-bound resolution, reporting, tracking and escalation of grievances</i></p>
Chapter 13 – Citizens Engagement Plan	<p>Feedback Mechanisms; Plan for Consultations and Information Disclosure</p> <p><i>Include implementation mechanism, budget, time-bound resolution, reporting, tracking and escalation of grievances</i></p>
Chapter 14 – Monitoring and Evaluation	<p>Internal Monitoring</p> <p>External Periodic Evaluation and Concurrent Monitoring</p> <p>Monitoring Indicators</p> <p>Reporting Requirements in MPR / QPR</p>
Chapter 15 – Budget Allocation	<p>Cost Estimate for Citizen Engagement, GRM, Training &amp; Capacity Building, Income Restoration Measures, M&amp;E and hiring of NGO for RAP implementation and other Social Staff.</p> <p>Methods of Calculation of Value of Land</p> <p>Cost of structures</p> <p>Cost of R&amp;R Assistance</p> <p><i>Ensure that budget correlates the socio-economic survey data on PAPs with the Entitlement Matrix</i></p>
Annexures	<ol style="list-style-type: none"> <li>1. Form 1- Request for Land Acquisition with supporting documents (Rule 3 &amp; Form 1 Rajasthan LARR Rules, 2016)</li> <li>2. Document evidencing publicity of public hearing for SIA (Section 5, Rule 7)</li> <li>3. List of likely to be displaced families; List of infrastructure in the affected area; List of land holdings in the affected area; List of business or in the affected area; List of landless people in the affected area; List of disadvantage groups like Scheduled Cates</li> </ol>

	<p>or Scheduled Tribes, handicapped people in the affected area; List of landless agricultural labours in the affected area; List of prospective youth for employment in the affected area; and Socio-economic and cultural profile of the affected area and the affected families. (Rule 9)</p> <p>4. Notice by Collector [Rule 18 (1)]</p> <p>5. Preliminary Enquiry Report of the Committee constituted by the District Collector (Rule 4)</p> <p>6. List of Notifications and Declarations - Notification issued under Section 4 (2) RFCTLARR and Rule 5</p> <p>7. Declaration for Prior Consent under Rule 13/ Gram Sabha Resolution</p>
--	---

Table 1- Details for Census Survey & Inventory of Assets	
PAH details	ID.no., Chainage (km), Name, Address (village, tehsil/block, district), Phone no, name of police station
PAHs Family details	Name with relationship, sex, age, marital status, education, physical/mental disabilities, Occupation - Primary, Secondary, skills, beneficiary of any other govt schemes
Social Category	SC, ST (community/ name), Other Backward Community (OBC), General; <b>Religion:</b> Hindu/Muslim/Christian/Sikh/Jain/Buddhist and others Women Headed Household
Economic category	BPL; APL
Livestock asset	Category of livestock and number
Asset Usage	Residential, Commercial, Mixed (C+R), Industrial, Petrol Pump, Farm House, Government, Agriculture - Irrigated, un-irrigated; Orchard, Under construction, open land/plot, Plantation, Grazing, Religious, Community Assets, Graveyard and others (specify)
Typology of ownership	Private, Govt., Trust, Temple, community and others
Status of owner of Asset	Title holder (land owner, encroacher) non-title holder (squatter, tenant, leased, sharecropper, kiosk/mobile vendors); Government; Panchayat
Type of Loss	Structure Residential; Residential + Commercial; Commercial, Agriculture land, Orchard, Plantation homestead land; other structure, other (Trees, dug well, tube well, open well, water tap, water tank, hand pump, motor pump, boundary wall, barbed wire fencing, cattle shed, temporary shed, washing place, shrine, temple seating around tree, country stove, bathroom and others)
Extent of Impact	Less than 10% of the total area; between 10-20%; 20-30%; 30-50% and 50% and above of the total area
Construction type of structure affected	Wall (Brick, Mud, Bamboo, cane, Reed), Roof (Thatch, Tin, Asbestos, Tiles, RCC, Other), Floor (Mud, RCC, Tiles, Marble, Stone and others), others
Type of Business (in case of commercial use)	Refreshments, Service Industry, Retails Activity, Other services, Institutional, Industry, Manufacturing and Small Scale and others

Major and Minor impact	1. after acquisition able to continue farming/business in the unaffected land or structure 2. willing to give up the residual land or structure to the project authority against suitable compensation/assistance 3.Plans to possibility to relocate outside the ROW 4. any other suggestions
Relocation options	Employment during project construction or maintenance, alternative shop/residence, training to improve the skill level, private land against land, self-relocation, other (specify)
Agriculture area (only affected crop)	Crop name, cropping pattern in a year (single/double/thrice), yield per acre, farmgate price (Rs/quintal)
House hold expenditure	Category of expenditure (food, education, cloth, local travel, leisure, health, cooking fuel, social functions, vehicle maintenance, out station travel) per month and annually
Debts	Category of depts. (Crop/Agri loan, loan on assets, jewel loan, loan on vehicle, loan on education and personal loan) in rupees per month/annually
House hold items	TV, refrigerator, two-wheeler, four-wheeler, telephone/mobile phone, food processor/mixer/grinder, computer/laptop, air conditioner, air cooler, microwave oven, others
House hold facilities	Electricity connection, water connection, gas pipeline/cylinder and others
Photo of Assets affected	All assets in the affected area

<b>Table 2- Steps to taken for Consultations and Public Hearing</b>
<p><b>Consultations with Affected Households for Prior Consent [Section 2(2) RFCTLARR and Rule 13]</b></p> <p><b>Duty of Collector</b></p> <ul style="list-style-type: none"> <li>Necessary steps taken by Collector to resolve standing issues for updating land records, title and other revenue records in affected areas to identify names of landowners for prior consent</li> <li>Special drive for updation completed within 45 days</li> <li>List of affected landowners whose consent is required made available in affected areas in the form of posters, handouts and displays in conspicuous place in affected areas at least 15 days before meeting</li> </ul> <p><b>Consent of Gram Sabha</b></p> <ul style="list-style-type: none"> <li>Meeting of Gram Sabha convened by District Collector</li> <li>Notice for call of meeting of Gram Sabha issued as per format in Form No. 6</li> <li>Venue date and time of meeting notified three weeks in advance</li> <li>Public awareness campaign done to ensure maximum attendance in meeting</li> <li>Elected representatives of Gram Panchayat / Municipality/Municipal Corporation Wards notified of date, time and venue of meeting</li> <li>Members of SIA team present at the meeting</li> <li>At least one-third of the total women members of the Gram Sabha notified of the meeting at least three weeks prior to the date of the meeting</li> <li>Printed copies of proposed terms and conditions for compensation, rehabilitation and resettlement (including initial package) for proposed acquisition made available in Malyalam at least 3 weeks prior to Gram Sabha meeting</li> <li>Copy of draft Social Impact Assessment Report (if available) made available to all members in local language at least 3 weeks prior to meeting</li> <li>A list of rights enjoyed by the village and its residents under revenue laws, Forest Rights Act and other legislations shared with all members at least three weeks prior to the meeting</li> </ul>

- Written statement of District Collector (certifying no consequences for denying consent) and contact details of relevant authority provided to all members at least 3 weeks prior to the meeting
- A quorum of at least 50% of the total members of the Gram Sabha attended the meeting
- Meeting attended by representative of Requiring Body competent to take decisions and negotiate terms of compensation, Rehabilitation and Resettlement
- Presentation on detailed information about land proposed to be acquired done by Sarpanch/Collector
- Terms and conditions of compensation, Rehabilitation and Resettlement explained in local language
- Collector attended meeting and ensured proper conduct of proceedings
- Names and signatures of members who attended collected in prescribed format
- Signatures of members and Representatives of Requiring Body obtained on the Terms and Conditions of Compensation, Rehabilitation and Resettlement
- After deliberations, Gram Sabha passed resolution with majority as per Form 7 giving consent
- Resolution contains negotiated terms and conditions for compensation, rehabilitation and resettlement, impact management and mitigation as agreed by Requiring Body and signed by District Collector
- Resolution Counter signed by District Collector or designated officer
- Signed copy of Resolution handed over to Panchayat representatives
- Record of proceedings at meeting documented in writing and certified copy annexed to consent
- Record of meeting (in writing and video) made available in respective Panchayat office
- Record of meeting (in writing and video) uploaded on website of State Government

#### **Consent of Affected Landowners**

- List of all affected land owners whose consent would be requires prepared by Collector in consultation with SIA team
- Such list made available (as per Form No. 8) in affected area through conspicuous display, handouts and posters for at least ten days before obtaining consent
- In case of objections, consent sought with reasons recorded in writing and conveyed to objector within ten days
- Date, time and venue of meeting with affected landowners fixed by Collector in consultation with representatives of Gram Panchayat or District Panchayat or Municipality
- Printed copies of proposed Terms and Conditions of Requiring Body for compensation, rehabilitation and resettlement (including initial package) made available in local language at least three weeks prior to the meeting with affected landowners as per format in Form 9
- Copy of draft Social Impact Assessment Report (if available) made available to all members in local language at least 3 weeks prior to meeting
- A list of rights enjoyed by the village and its residents under revenue laws, Forest Rights Act and other legislations shared with all members at least three weeks prior to the meeting
- Written statement of District Collector (certifying no consequences for denying consent) and contact details of relevant authority provided to all members at least 3 weeks prior to the meeting
- Representative of Requiring Body competent to take decision and negotiate terms of Rehabilitation, Resettlement and Compensation present at meeting
- Members of SIA team present at the meeting
- Terms and conditions of compensation, Rehabilitation and Resettlement explained in local language
- Proceedings of meeting documented in writing
- Signatures of members and Representatives of Requiring Body obtained on the Terms and Conditions of Compensation, Rehabilitation and Resettlement
- Declaration signed by each individual land owner giving or withholding consent
- Declaration countersigned by Collector
- Copy of declaration given to concerned landowner
- Signed declarations obtained from affected landowners who could not attend the meeting within fifteen days of the meeting
- Signed declarations from affected landowners who could not attend the meeting countersigned by

<p>Collector</p> <ul style="list-style-type: none"> <li>• Copy of signed declarations from affected landowners who could not attend the meeting given to concerned landowners</li> <li>• Record of meeting (in writing and video) made available in respective Panchayat office</li> <li>• Record of meeting (in writing and video) uploaded on website of concerned department of State Government</li> </ul> <p><b>Consultations with representatives of local bodies [Section 4(2) proviso 1 and Rule 6(8) RFCTLARR]</b></p> <ul style="list-style-type: none"> <li>• Adequate representation given to representatives of Panchayat / Gram Sabha / Municipality / Municipal Corporation</li> <li>• At least two members to be representatives of local bodies, out of which at least one is a woman</li> <li>• No Sarpanch or Chairperson of Municipality of local body to be represented in the SIA process</li> <li>• Where affected area lies in the jurisdiction of more than one local body, each local body to have representation as above</li> </ul> <p><b>Public Hearing [Section 5 RFCTLARR &amp; Rule 7]</b></p> <ul style="list-style-type: none"> <li>• Public hearing held in each affected village / Municipality</li> <li>• Publicity given about date, time and venue three weeks in advance</li> <li>• Publicity given about date, time and venue through public notification and posters in all villages within a 5 KM radius of affected area</li> <li>• Publicity given about date, time and venue through advertisement in two daily newspapers</li> <li>• Publicity given by uploading on website of Government</li> <li>• Views of affected families recorded in writing for inclusion in SIA Report</li> </ul>
--

<b>Table 3- Records to be maintained for Implementation of R&amp;R</b>	
Relocation/ Implementation of R&R as per section 16 & 31 of Act	Records to maintained
Rehabilitation and resettlement amount paid	Date of disbursement of Cheque, Amount Paid, Cheque no. and date
Relocation done at houses which are allotted (in case of displaced families)	Location, photos, geo-tag
Whether the land allotted (in case of displaced families)	Location, photos, geotag
One time subsistence allowance paid	Date of disbursement of Cheque, Amount Paid, Cheque no. and date
Payment of cattle-shed and petty shops	Date of disbursement of Cheque, Amount Paid, Cheque no. and date
One time assistance to artisans and small traders	Date of disbursement of Cheque, Amount Paid, Cheque no. and date
Whether any employment provided to the member of affected family	Type of employment, location
Whether any annuity and other entitlements provided	Attach details of provisions, if any
Particulars of specials provisions for SC/ST	Attach details of special provisions

#### 5. Institutional Mechanism.

This section further details out the information provided above on the institutional arrangement to carry out the SIA and preparation of SMP/RAP in accordance with the RFCTLAR&R and its state rules to purchase assets through negotiated settlement and World Bank Operational Policy 4.12.

## 5.1 Administrator of LARR

The jurisdictional Additional Collector will be the administrator for Land Acquisition, Resettlement and Rehabilitation (LARR). The jurisdictional Additional Collector being the competent authority for land acquisition, he will also look into Resettlement and Rehabilitation and s/he will be supported by the Project Director, PIU in implementation of resettlement plan.

## 4.2 Implementation Agencies

For resettlement activities, the PMU at state level will be supported Project Management Consultant (PMC) and will be overall in charge of coordination between the Project Implementation Units (PIU) in social safeguards compliance.

PMU is headed by the Project Director and responsible for all activities related to resettlement and rehabilitation. The PD is assisted by the Social Development Specialist. The PIUs headed by Executive Engineer is assisted by social development specialist.

**Table 2. Implementation Agencies and Key Responsibilities**

Key Agency	
PMU Level	
Project Director	Responsible for all activities related to LAR&R resettlement and rehabilitation. Make final decision on roads to be included under the project Overall responsibility for project design, feasibility, construction and operation and guide PIUs Ensure that all subprojects comply with the provisions of WB safeguards policies and Gol's policies and regulations

Social Development Specialist	<p>Coordinate preparation and implementation of SIA and SMP/RAP</p> <p>Coordinate estimate on impact to land assets and non-land assets for titleholders and non-titleholders.</p> <p>Assess risks and opportunities for affected people. Identify strategies and options to restore livelihoods and quality of life.</p> <p>Review RAP prepared by the DPR consultants and finalizes the same.</p> <p>Coordinate implementation of labour influx management plans and gender action plan.</p> <p>Coordinate with Contractor and Independent Authority to mitigate construction induced impacts</p> <p>Disclosure of project information in public spaces and through relevant media.</p> <p>Coordinate with implementing partners resolution information dissemination of GRM system and reporting on complaints</p> <p>Coordinate the monitoring report prepare monthly monitoring report.</p> <p>Submit semi-annual safeguards monitoring reports to WB</p> <p>Providing training to government personnel and contractoros in preparing nad managing resettlement activities and function as a resource person for LAR&amp;R.</p>
Chief Engineer	Overall monitoring of progress of LA and R&R activities at PMU and PIU level

Executive Engineer	Submission of LA application
District Collector	Preparation of Draft SIA report & Final SIA report &SMP/RAP
District Collector	Consent of affected land owners, Publication of Preliminary Notification u/11, Preliminary survey of land disposal of objections & report to Govt.
GoK	Decision of State Govt. on report of Collector
GoK	Appointment of R&R Administrative. Preparation of Draft R&R Scheme and preparation of final R&R Scheme by collector
GoK	Approval of R&R Scheme & Publication of approved R&R Scheme
District Collector	Publication of Declaration of Acquisition
District Collector	Notice of file Claim, Determination of Land Rates u/s 26, award of Land and R&R and payment of ward by Collector.
District Collector	Possession & vesting land

At PIU Level	
PMU support the District level PIUs	<p>Disseminate project information to the project affected community with assistance from DPR Consultants</p> <p>Ensure information is displayed on the Toll free Grievance Redress system in coordination with the Contractor</p> <p>Review IR impact categorization checklist, subproject appraisal note and undertake field visits and advise the field units about the RAP</p>
Executive Engineer	Ascertain the extent of private land to be acquired and extent of government to be transferred and liaison with the jurisdictional Additional Collector and concerned government departments in getting possession of the same.
Social Specialist at PIU to support the District Administration	<p>Facilitate the socio-economic impact assessment survey</p> <p>Review and approve micro plans, containing the list of PAPs and their entitlements, prepared by field units.</p> <p>Obtain necessary approval for the micro plans and make necessary funds available for disbursement and for development of resettlement sites. Prepare micro plan; Facilitate the process of disbursement of compensation to the PAPs – coordinating with the PIU and informing the displaced persons of the compensation disbursement process and timeline; Assist PAPs in opening bank accounts explaining the implications, the rules and the obligations in having a bank account, process of disbursement adopted by the Additional Collector and how s/he can access the resources s/he is entitled to; Assist the PAPs in ensuring a smooth transition full relocation of the affected persons), helping them to take salvaged materials and shift; in consultation with the PAPs, inform the PIU about the shifting dates agreed with PAPs in writing and the arrangements they desire with respect to the entitlements; Organize training programs to the vulnerable for income restoration; Conduct meaningful consultations throughout the RAP implementation and ensure disclosure of the summary of RAPs in an accessible manner to the displaced persons; Assist PAPs in grievance redressal process; Assist PIU in keeping detailed records of progress and monitoring and reporting system of RAP implementation; and Act as the information resource center for community interaction with the project and maintain liaison between community, contractors, project implementing units and the administrator, during the execution of the works.</p>
Executive Engineer	Ensure payment of compensation and R&R assistance to the PAPs
Social Specialist	Facilitate consultation by the civil works contractor with community throughout implementation

Social Specialist	Supervise the mitigation measures during implementation and it's progress
Executive Engineer	Coordinate with Additional Collector and field units in identifying suitable land for resettlement sites and monitor the progress of development of site and relocation of PAPs.  Ensuring the publication of notifications and declaration specified under the Sections 11 and 19 of the RFCTLARR Act 2013 on behalf of the Additional Collector.
District Collector	Preparation of the Award
District Collector	Determination of the value of the affected structures
District Collector	Disbursement of the compensation
District Collector	Identification of land for resettlement and construction of the resettlement colony, if required

SIA Consultants	Minimize IR impact through judicious design Undertake consultations involving community and PAPs Conduct socioeconomic impact assessment survey  Complete screening checklist  Encourage community/ PAPs to voluntarily participate during the implementation  Prepare RAP document as required
Project Management Consultant (PMC)	Ensure compliance of WB's OPs during project implementation specifically on labour laws and labour influx Preparation of semi-annual monitoring reports based on the monitoring
Independent Engineer	Support PIU in field level implementation of RAP Monitor compliance of RAP and labour laws and labour influx management plans
Contractor	Consult community and PIU regarding location of construction camps  Sign agreement with titleholder for temporary use and restore land to equal or better condition upon completion  Commence construction only when alignment is free of encumbrance  Respond in a timely fashion to recommendations from GRCs

## Chapter 3

### CONSULTATION

The SIA study following the mobilization of the consultants, the mapping of key stakeholders of the land acquisition will be carried out. These are likely to include those affected by land acquisition, Government Department officials i.e. Gram Sewak, Patwari, PWD Engineers etc. This process will be used as an opportunity to collect relevant primary data for strengthening socio-economic baseline of the project study area.

The village wise consultation will be done wherein informal consultation with community and PRIs, household interviews and Focus Group Discussions with affected families, and formal meetings with PRIs and officials concerned will be carried out in structured manner.

1 Table 2.1: Stakeholder Consultations in the Study

Stakeholder	A Brief Description of the Consultation Plan
Land Owners, PRIs, Other influential people	Initial meetings with few land owners, PRIs, and Local Influencers in the affected villages and Panchayat offices.
Revenue and Land Records Functionaries	Preliminary meetings with Revenue and Land functionaries i.e. Patwari, Gram Sewak, Tehsildar, SDM etc. to share about the SIA and Land Acquisition process and to identify the relevant Khasra numbers n initial data validation etc.
Land Owners, Villagers, PRIs	Affected villages were visited and the villagers including land owners were discussed about the SIA and Land Acquisition process. PRIs were contacted in group and individual meetings.
Project Affected Families – Land Owners, Non-Title Holders, PRIs	Data Collection through prescribed formats from the individual project affected Family and FGDs with them and PRIs

#### Socio-Economic Survey and FGDs

The principal method of assessing social impact of the proposed land acquisition will be through a socioeconomic survey and several Focused Group Discussions (FGDs). The following survey instruments will be used to elicit information and ensure transparency in the process of data collection.

- ✦ Detailed interview schedule for the household socio-economic survey

- ✦ Open-ended and semi-structured interview schedules for Focused Group Discussions with different stakeholder groups and Project Affected Families.

### **Public Hearing and SMP/RAP**

Since the Social Impact Assessment (SIA) study is a crucial component of the RFCTLARR Act, 2013 and the OP 4.12, the Draft SMP/RAP will be disclosed as explained in the above Chapter for feedback from the stakeholders prior to its finalization and redisclosure.

According to section 5 of RFCTLARR Act, 2013 and sub-rule (1) to (11) of rule 8 of RFCTLARR, rule, 2014, a public hearing will be conducted after Three Weeks of submitting the draft SIA report and the draft SMP/RAP, to share the main findings of the SIA Study in the study area and seek views on findings, additional information and views of all stakeholders and Project Affected Families. This will be incorporated in the final SIA Report. Video recording and transcript of the public hearing will be submitted along with the analysis in the revised SIA Report.

As part of the preparation of RPF, the draft document was disclosed in Malayalam and in English language at public places and project web-site on May 9, 2019. Prior information on the scheduled consultation was provided in advance. Following which consultation was carried out at two Gram Panchayat Offices of Vazhathoppe and Rajakkad, in Idukki District on May 22, 2019.

The people representing 5 Gram Panchayats (Senapathi, Rajakkad, Bison Valley, Udumbanchola and Vazhathoppe) and Tribal promoters (volunteers from tribal community hired by Tribal Development Department) participated in the consultations.

The project team provided a brief overview of the project which is part of the on-going KSTP II project to include three roads that are damaged by the floods. The team further provided clarification to key issues raised by the participants which covered information on the proposed width of the right of way; plans to restore the access impacted during the construction period; proposals to modify sharp curves, etc. Overall, the people and the elected representatives extended their support to the project (attached Annex 1, minutes of the consultation)

## Chapter 4 LABOUR STANDARDS PLAN

### 1. OVERVIEW OF APPLICABLE LABOUR LAWS AND POLICIES

- Employees Compensation Act 1923: The Act provides for compensation in case of injury, disease or death arising out of and during the course of employment.
- Payment of Gratuity Act 1972: gratuity is payable to an employee under the Act on satisfaction of certain conditions on separation if an employee has completed 5 years' service or more or on death at the rate of 15 days wages for every completed year of service. The Act is applicable to all establishments employing 10 or more employees.
- Employees P.F. and Miscellaneous Provision Act 1952 (since amended): The Act provides for monthly contribution by the employer plus workers @ 10% or 8.33%. The benefits payable under the Act are:
  - Pension or family pension on retirement or death, as the case may be.
  - Deposit linked insurance on the death in harness of the worker.
  - Payment of P.F. accumulation on retirement/death etc.
- Maternity Benefit Act 1961: The Act provides for leave and some other benefits to women employees in case of confinement or miscarriage etc.
- Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013: This Act defines sexual harassment in the workplace, provides for an enquiry procedure in case of complaints and mandates the setting up of an Internal Complaints Committee or a Local Complaints Committee
- Contract Labour (Regulation & Abolition) Act 1970: The Act provides for certain welfare measures to be provided by the Contractor to contract labour and in case the Contractor fails to provide, the same are required to be provided, by the Principal Employer by law. The Principal Employer is required to take Certificate of Registration and the Contractor is required to take license from the designated Officer. The Act is applicable to the establishments or Contractor of Principal Employer if they employ 20 or more contract labour.
- Minimum Wages Act 1948: The Employer is supposed to pay not less than the Minimum Wages fixed by appropriate Government as per provisions of the Act if the employment is a scheduled employment. Construction of Buildings, Roads, Runways are scheduled employments.
- Payment of Wages Act 1936: It lays down the mode, manner and by what date the wages are to be paid, what deductions can be made from the wages of the workers.

- Equal Remuneration Act 1976: The Act provides for payment of equal wages for work of equal nature to male and female workers and for not making discrimination against Female employees in the matters of transfers, training and promotions etc.
- Payment of Bonus Act 1965: The Act is applicable to all establishments employing 20 or more employees. Some of the State Governments have reduced this requirement from 20 to 10. The Act provides for payments of annual bonus subject to a minimum of 8.33% of the wages drawn in the relevant year. It applies to skilled or unskilled manual, supervisory, managerial, administrative, technical or clerical work for hire or reward to employees who draw a salary of Rs. 10,000/- per month or less. To be eligible for bonus, the employee should have worked in the establishment for not less than 30 working days in the relevant year. The Act does not apply to certain establishments.
- Industrial Disputes Act 1947: the Act lays down the machinery and procedure for resolution of Industrial disputes, in what situations, a strike or lock-out becomes illegal and what are the requirements for laying off or retrenching the employees or closing down the establishment.
- Trade Unions Act 1926: The Act lays down the procedure for registration of trade unions of workmen and employers. The Trade Unions registered under the Act have been given certain immunities from civil and criminal liabilities.
- Child Labour (Prohibition & Regulation) Act 1986: The Act prohibits employment of children below 14 years of age in certain occupations and processes and provides for regulation of employment of children in all other occupations and processes. Employment of Child Labour is prohibited in the Building and Construction Industry.
- Inter-State Migrant workmen's (Regulation of Employment & Conditions of Service) Act 1979: The Act is applicable to an establishment which employs 5 or more inter-state migrant workmen through an intermediary (who has recruited workmen in one state for employment in the establishment situated in another state). The Inter-State migrant workmen, in an establishment to which this Act becomes applicable, are required to be provided certain facilities such as housing, medical aid, travelling expenses from home upto the establishment and back, etc.
- The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 and the Building and Other Construction Workers Welfare Cess Act, 1996 (BOCWW Cess Act): All the establishments who carry on any building or other construction work and employ 10 or more workers are covered under these Acts. All such establishments are required to pay cess at the rate not exceeding 2% of the cost of construction as may be notified by the Government. The Employer of the establishment is required to provide safety measures at the building or construction work and other welfare measures, such as Canteens, First – Aid facilities, Ambulance, Housing accommodations for workers near the work place etc. The Employer to whom the Act applies has to obtain a registration certificate from the Registering Officer appointed by the Government.
- Factories Act 1948: the Act lays down the procedure for approval of plans before setting up a factory engaged in manufacturing processes, health and safety provisions, welfare provisions, working hours, annual earned leave and rendering information regarding accidents or

dangerous occurrences to designated authorities. It is applicable to premises employing 10 persons or more with aid of power or 20 or more persons without the aid of power.

- Weekly Holidays Act -1942
- Bonded Labour System (Abolition) Act, 1976: The Act provides for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of weaker sections of society. Bonded labour covers all forms of forced labour, including that arising out of a loan, debt or advance.
- Employer's Liability Act, 1938: This Act protects workmen who bring suits for damages against employers in case of injuries endured in the course of employment. Such injuries could be on account of negligence on the part of the employer or persons employed by them in maintenance of all machinery, equipment etc. in healthy and sound condition.
- Employees State Insurance Act 1948: The Act provides for certain benefits to insured employees and their families in case of sickness, maternity and disablement arising out of an employment injury. The Act applies to all employees in factories (as defined) or establishments which may be so notified by the appropriate Government. The Act provides for the setting up of an Employees' State Insurance Fund, which is to be administered by the Employees State Insurance Corporation. Contributions to the Fund are paid by the employer and the employee at rates as prescribed by the Central Government. The Act also provides for benefits to dependents of insured persons in case of death as a result of an employment injury.
- The Personal Injuries (Compensation Insurance) Act, 1963: This Act provides for the employer's liability and responsibility to pay compensation to employees where workmen sustain personal injuries in the course of employment.
- Industrial Employment (Standing Order) Act 1946: It is applicable to all establishments employing 100 or more workmen (employment size reduced by some of the States and Central Government to 50). The Act provides for laying down rules governing the conditions of employment by the Employer on matters provided in the Act and get the same certified by the designated Authority.

## **LABOUR INFLUX MANAGEMENT**

According to preliminary estimates, approximately 50-150 workers would be required on each of the three priority corridors, of which 30%-50% may be brought in from other states including Madhya Pradesh, Uttar Pradesh and Bihar. Migrant labor may be semi-skilled, or may be brought in where requirement of labor is large. Location of construction camps will need to be identified on all three corridors.

Labour would be required during construction of the roads in the project. Preference would be given to offer these jobs to PAPs and other local people. The bid documents specify that the contractor shall give preference to local villagers for unskilled labour requirement. However skilled labour would also be required for technical support and construction. The skilled workers could be primarily migrant labours from places outside the state of Kerala.

The basic issues related with migrant labour may include:

- Conflict amongst workers, and between workers and local community, based on cultural, religious or behavioural practices;
- Discontent amongst local community on engagement of outsiders;
- Mild outbreaks of certain infectious diseases due to interactions between the local and migrant populations. The most common of these are respiratory (TB), vector borne (Malaria, Dengue), water borne (Stomach infections, typhoid) and sexually transmitted diseases (HIV, Syphilis and Hepatitis);
- Security issues to local women from migrant workforce;
- Use of community facilities such as health centres, temples, transport facility etc. by migrant labour may lead to discontent with local community;
- In case contractors bring in unskilled migrant labour, there stands the risk of exploitation of a labourer. This can happen in the form of hiring underage labourers, low and unequal wage payments, forced labour and discrimination on basis of the basis of caste, religion or ethnicity.

## **7.1 POTENTIAL ADVERSE IMPACTS**

Labour influx for construction works can lead to a variety of adverse social and environmental risks and impacts.

### **a. Risk of social conflict**

Conflicts may arise between the local community and the construction workers, which may be related to religious, cultural or ethnic differences, or based on competition for local resources, such as water which is already scarce for the host communities. Tensions may also arise between different groups within the labor force, and pre-existing conflicts in the local community may be exacerbated. Ethnic and regional conflicts may be aggravated if workers from one group are moving into the territory of the other.

### **b. Increased risk of illicit behaviour and crime**

The influx of workers and service providers into communities may increase the rate of crimes and/or a perception of insecurity by the local community. Such illicit behaviour or crimes can include theft, physical assaults, substance abuse, prostitution and human trafficking. Local law enforcement may not be sufficiently equipped to deal with the temporary increase in local population.

### **c. Influx of additional population**

Especially in projects with large footprints and/or a longer timeframe, people can migrate to the project area in addition to the labor force, thereby exacerbating the problems of labor influx. These can be people who expect to get a job with the project, family members of workers, as well as traders, suppliers and other service providers (including sex workers), particularly in areas where the local capacity to provide goods and services is limited.

### **d. Impacts on community dynamics**

Depending on the number of incoming workers and their engagement with the host community, the composition of the local community, and with it the community dynamics, may change significantly. Pre-existing social conflict may intensify as a result of such changes.

**e. Increased burden on and competition for public service provision**

The presence of construction workers and service providers (and in some cases family members of either or both) can generate additional demand for the provision of public services, such as water, electricity, medical services, transport, education and social services. This is particularly the case when the influx of workers is not accommodated by additional or separate supply systems.

**f. Increased risk of communicable diseases and burden on local health services**

The influx of people may bring communicable diseases to the project area, including sexually transmitted diseases (STDs), or the incoming workers may be exposed to diseases to which they have low resistance. This can result in an additional burden on local health resources. Workers with health concerns relating to substance abuse, mental issues or STDs may not wish to visit the project's medical facility and instead go anonymously to local medical providers, thereby placing further stress on local resources. Local health and rescue facilities may also be overwhelmed and/or ill-equipped to address the industrial accidents that can occur in a large construction site.

**g. Gender-based violence**

Construction workers are predominantly younger males. Those who are away from home on the construction job are typically separated from their family and act outside their normal sphere of social control. This can lead to inappropriate and criminal behaviour, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors from the local community. A large influx of male labour may also lead to an increase in exploitative sexual relationships and human trafficking whereby women and girls are forced into sex work

**h. Local inflation of prices**

A significant increase in demand for goods and services due to labor influx may lead to local price hikes and/or crowding out of community consumers.

**i. Increased pressure on accommodations and rent**

Depending on project worker income and form of accommodation provided, there may be increased demand for accommodations, which again may lead to price hikes and crowding out of local residents.

**j. Increase in traffic and related accidents**

Delivery of supplies for construction workers and the transportation of workers can lead to an increase in traffic, rise in accidents, as well as additional burden on the transportation infrastructure.

## **LABOUR INFLUX ASSESSMENT AND MANAGEMENT PLAN**

Effective assessment and management of the potential impacts of labor influx on communities include the following steps, which are best undertaken in parallel with the respective stages of the project cycle.

- Screening and assessment of the type and significance of potential social and environmental impacts that may be generated by labor influx
- Assessment of the socio economic and cultural factors of the sub project road and in Kerala and assessment of these factors in policy and legal framework of the project;

- Development of a management plan for social and environmental impacts in consultation with affected communities; Implementation of appropriate mitigation and monitoring programs, which includes development and implementation of a stakeholder engagement program;
- Establishment of a grievance redress mechanism (GRM) for workers and host community; and
- Monitoring and supervision, and, as needed, adaptive management actions.

For this assessment, data on labour requirements would be required.

## 7.2 MITIGATION MEASURES AND LABOUR LAW COMPLIANCE

All migrant workers are envisaged to be accommodated in temporary campsite within the project area. If migrant workers are accompanied by their families, provisions should be made accordingly. Inclusion of requirements for labour camp required to be established by contractor during construction phase of the project. Contractor shall ensure implementation of the measures to minimise the potential negative impacts.

The following checklist contains formats for labour-related data to be maintained by the contractor and to ensure compliance with applicable laws:

### 1.1

#### **CHECKLIST FOR TRACKING LABOUR-RELATED ISSUES**

1. PROJECT DATA				
1.1	<b>Name of Project</b>			
1.2	<b>Duration</b>			
1.3	<b>Start Date</b>			
1.4	<b>Estimated Completion Date</b>			
1.5	<b>Location</b>			
1.6	<b>Name and Contact Information (email/phone) of Contractor</b>			
1.7	<b>Name and Contact Information (email/phone) of all sub-Contractors</b>			
1.8	<b>Type of Project (project description)</b>			
1.9	<b>Types of activities undertaken phase wise, with timeline</b>	<i>Phase 1 (timeline)</i>	<i>Phase 2 (timeline)</i>	<i>Phase 2 (timeline)</i>
		<i>Phase 1 (type of activity)</i>	<i>Phase 2 (type of activity)</i>	<i>Phase 2 (type of activity)</i>

<b>2. LABOUR PROFILE</b>						
<i>This data is to be collected for each individual labourer working on the project, including temporary labour, labour hired through sub-contractors or labour contractors / groups</i>						
2.1	Number of labourers by sex	Male	Female			<b>Total</b>
2.2	Number of labourers by skill	Skilled	Semi-skilled		Unskilled	<b>Total</b>
2.3	Number of labourers by origin	Local (same or adjoining districts)	Other state		Other Country	<b>Total</b>
2.4	Number of labourers by age	14-18	18-25	25-50	Above 50	<b>Total</b>
2.5	No. of labourers by Source	Contractor	Subcontractor	Independent	Other	<b>Total</b>

<b>3. WAGES</b>				
3.1	Amount of wages paid per month (men)	Skilled	Semi-skilled	Unskilled
3.2	Amount of wages paid per month (women)	Skilled	Semi-skilled	Unskilled
3.3	Rate of wages below, equal to or more than Minimum Wage?			
3.4	Frequency of payment (daily/weekly/monthly)			
3.5	Deductions made, if any (with details)			
3.6	Mode of Payment (cash / Bank transfer / cheques)			
3.7	Is overtime paid, and if so, at what rate?			
3.8	Is Overtime Register maintained at work-spot as per Form IV of Minimum Wages Central Rules			
3.9	Is Muster maintained at work-spot as per Form V of Minimum Wages Central Rules			
3.10	Is Register of Wages maintained at work-spot as			

	per Form X of Minimum Wages Central Rules	
3.11	Is Labor provided with Wage Slip as per Form XI of Minimum Wages Central Rules	
3.12	How many hours is the working day?	
3.13	How many leaves in a week does the labor get?	

4. MAINTENANCE OF OTHER LABOR RECORDS		
4.1	Is a copy of photo ID of each laborer kept with the employer?	
4.2	Is verification of qualifications / experience for all semi-skilled and skilled labor done? If so, by which documents?	
4.3	Is contact information of labor's next-of-kin kept for each laborer?	
4.4	How many labourers have been employed from State Employment Exchange?	

5. FACILITIES					
5.1	Details of labor camps	Number	Permanent/Temp.	Location	Distance from nearest village/habitation
		1...			
		2...			
5.2	Type of housing in labor camp on leased land (temporary shelters/kuchha/pukka)				
5.3	Is there any housing on public land like roadsides, open fields and other spaces?				
5.4	Is there any housing in rented accommodation in residential areas? If so, who is it rented by?				
5.5	How many laborers have families on/near worksite?				
5.6	Is drinking water available on site and at the campsite?				
5.7	Are latrines and urinals provided on site and at the				

	campsite?	
5.8	Are First Aid facilities provided on site?	
5.9	Does a doctor visit the worksite / campsite regularly?	
5.10	Is there a tie-up with a hospital or dispensary near the worksite / campsite	
5.11	Is woolen clothing/rainwear provided?	
5.12	Is there a provision for a crèche/nursery?	
5.13	Is there a facility for cooking / canteen facility for all labor?	
5.14	Are leisure activities / facilities available for all labor	
5.15	Is transport to and from the worksite provided to labor?	

<b>6. SUPERVISION BY LABOR OFFICIALS</b>		
6.1	Has the worksite / campsite been inspected by a labor official?	
6.2	How many times has the worksite / campsite been inspected by a labor official since commencement of work?	
6.3	What documents were inspected by labor officials?	
6.4	What documents were maintained and which ones were not?	
6.5	What directions were given by labor officials?	
6.6	What is the mode of compliance with such directions?	
6.7	Are you facing any legal proceedings on labor issues in Labour Court/ Commissioner for Employees' Compensation/ Other?	

<b>7. ACCIDENTS, EMERGENCIES AND INCIDENTS</b>		
7.1	What is the nature of accidents / emergencies usually occurring at a worksite like yours?	
7.2	Is a functioning First Aid available at the campsite / worksite?	
7.3	Is functioning fire-fighting equipment	

	available at the campsite / worksite?	
7.4	Which is the nearest doctor / clinic / dispensary?	
7.5	Which is the nearest hospital?	
7.6	Which is the nearest Police Station?	
7.7	Are details of nearest doctor / clinic / dispensary / hospital / Police station available and prominently displayed at worksite / campsite?	
7.8	What is the system of informing next of kin?	
7.9	Do you have ESI / ECA coverage?	
7.10	What is your familiarity with accident reporting procedures?	
7.11	What is your familiarity with police reporting procedures?	
7.12	Has an Internal Complaints Committee been constituted and other appropriate measures undertaken at the workplace as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013?	

## CHAPTER 4

### GENDER DEVELOPMENT PLAN

#### OBJECTIVE OF THE GENDER ACTION PLAN

Towards mainstreaming gender equality, the gender action plan proposes measures that promote and ensures participation of the women in the project. Safety and security of women, sharing of project benefits, employment generation due to the project and livelihood support for women are some of the key areas of focus in this chapter. The objectives of the Plan are:

- a. Institutionalize/mainstream gender-related considerations into the project;
- b. Reduce gender disparities and enhance women's participation in the project activities;
- c. Increase equitable access to all transport opportunities;
- d. Develop capacities of the implementing units to enable gender sensitive programming;
- e. Establish a set of indicators and targets to monitor progress.

## LEGAL FRAMEWORK

There are many legal provisions and schemes to safeguard the interest of women, which has relevance to the project. Some of these laws and schemes are listed as follows-

Laws	Objective	Relevance to the Project
The Immoral Traffic (Prevention) Act, 1956	The Act intends to combat trafficking and sexual exploitation for commercial purposes.	To counter exploitation of women vulnerable to human trafficking in the project areas. In a transport project, human trafficking is a critical issue as migrant labour and vulnerable host population can be potential victims.
Maternity Benefit (Amendment) Act, 2017	The Act aims to regulate employment of women employees in certain establishments for certain periods before and after child birth and provides for maternity and certain other benefits.	Applicable to staff and other institutions established under the project.
Minimum Wages Act, 1948	The Minimum Wages Act, 1948 safeguards the interests of workers by providing fixation of minimum wages mainly focusing on unorganized sector and in specified occupations (called scheduled employments) (Section 2 g)	The minimum wages established for the sector by the state should be ensured by the employers to all workers, male and female.
Contract Labour (Regulation and Abolition) Act, 1970	To regulate the employment of contract labourers in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith.	Applicable to construction activities that engage contract labourers. Women are often engaged as contract labor and are particularly vulnerable to exploitative practices.
Equal Remuneration Act, 1976	To provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected	Women engaged in the activities supported by the project should be paid at par with their male counterparts.

	therewith or incidental thereto.	
The Child Labour (Prohibition and Regulation) Amendment Act, 2016	Prohibits employment of children below 14 years in specific occupation and processes.	Applicable to construction activities to prohibit employment of children below 14 years of age.
Bonded Labour System (Abolition) Act, 1976	To abolish all debt agreements and obligations arising out of India's longstanding bonded labour system.	Applicable to construction activities to prohibit any form of human trafficking including bonded labour.
Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013	Provides measures for prevention, prohibition and redressal of complaints of sexual harassment by any woman who is harassed at a workplace.	To address any issues related to sexual harassment at the workplace within the context of the project.

### 3.2 INSTITUTIONAL MECHANISMS TO ADDRESS GENDER BASED VIOLENCE (GBV)

In addition to various national and state level schemes for socio-economic support to women, Kerala has also established institutional mechanisms in order to address gender-based violence. Snehitha is a 24 hour working gender help desk. It works to avail support and help to the shield less women in society. The main aim of the center is to provide help and support to those women and children who are in distress and provide voice for their issues and concerns, also to prevent, protect and prevail over domestic violence through advocacy, empowerment and social change. Snehitha also looks to enhance the socio-economic status of young, underprivileged women by empowering them with self-confidence and the required skills to enable them to become independent and contribute to family and society. Snehitha facilitating the women in distress to access the service of other institutional agency (legal service authority, police department, CWC, NGO's etc.) to address the issues.

Snehitha provides immediate help, shelter, counseling, motivation and legal assistance to the victim of violence. Women and children are availing shelter as well. Snehitha is working on the principle of convergence, which is followed by a close interface and collaboration with the service providers and counselors. In 2013 Snehitha gender helpdesk have been started in three districts namely Malappuram, Ernakulam and Trivandrum. Later on in 2015 it was started in three more district called Wayanad, Palakkad and Idukki.

Further, as per *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2013 (SHWW Act 2013)*, which applies to the organized and unorganized sector, government and private sectors, employers are required to constitute an Internal Complaints Committee (ICC) to look into complaints of sexual harassment. Various other compliances related to creating a safe and enabling work environment are also required.

### GENDER ACTION PLAN

A Gender Action Plan has been prepared for implementation of this project. The plan seeks to address the various gender related issues through a set of activities, specifying the roles of different implementing agencies, including indicators to track progress towards reducing gender disparities in the project.

Stages	Gaps	Activities	Indicators	Responsibility
<p><b>Planning (Designing)</b></p>	<p>Absence of gendered input into design, particularly on infrastructure</p> <p>Staff not sensitized on gender issues</p>	<p>Conduct a safety audit of public spaces, school routes and pedestrian access along the corridors that women, children, infirm and differently abled use for their daily activities to identify their needs and constraints.</p> <p>A user satisfaction survey into women’s perception of safety along project corridors would be conducted in order to (a) identify interventions for improved infrastructure for women’s safety; and (b) determine baseline for tracking progress on interventions</p> <p>A study on human trafficking along project corridors would be conducted in the first six months in order to ascertain vulnerable routes, populations etc. and design suitable inputs to mitigate against potential human trafficking risks</p> <p>Modification of transport design features to accommodate requirements of women, children, infirm and differently abled from the perspective of safety and security.</p> <p>Organize gender sensitization workshops and build capacity of staff and implementing agencies on gender sensitive planning and</p>	<p>Improvement in perception of safety among women along project corridors</p> <p>Number of gender sensitization workshops held for staff and implementing agencies</p>	<p><b>PIU,</b></p>

Stages	Gaps	Activities	Indicators	Responsibility
		implementation including compliance of relevant legal provisions to safeguard the interest of women at the workplace and within the community (laws pertaining to labour management, sexual harassment, etc.)		
<b>Preparation (R&amp;R)</b>	Absence of gender disaggregated data in SIA	<p>Gather gender-disaggregated data during the social impact assessment</p> <p>Ensure payment of compensation on property on joint names. And for encroacher and squatters on joint names</p> <p>Ensure training for skill development to women (and other vulnerable groups) whose livelihood is affected, including cost of training and financial assistance for travel/conveyance and food</p>	<p>Number of stakeholder consultations on work opportunities that target women specifically</p> <p>Number of women PAPs whose sources of livelihoods/ income will be affected by project</p> <p>Number of women PAPs who received resettlement packages</p> <p>Number of plots allocated/registered in the names of both spouses</p>	<b>PIU, SIA Units, and Revenue Department</b>
<b>Implementation</b>	<p>Barriers for greater participation of women in the workforce including the construction sites</p> <p>Absence of institutional mechanism to deal with cases of sexual harassment</p>	<p>Identify qualified female workforce in the project area and where possible, provide refresher/ upgrading training to enable them to qualify for recruitment at the construction site.</p> <p>Ensure compliance with various labour welfare legislations which mandate the contractor to provide facilities, which would encourage more women to join the workforce, such as</p>	<p>Number of women employed at the construction site</p> <p>Number of facilities in construction and camp site for women and men (toilets, creches, temporary housing, medical aid, etc.)</p> <p>Number of female working in supervisory positions/</p>	<b>PIU, Supervision Consultant and Contractor</b>

Stages	Gaps	Activities	Indicators	Responsibility
		<p>those pertaining to creches, working conditions and remuneration.</p> <p>Conduct training and awareness generation activities for both workforce and local community, on the dangers of HIV/AIDS and methods to reduce the risk of infection</p> <p>Conduct training on labour laws compliance to address needs and requirements of both women and men employed under the project.</p> <p>Establishment of Internal Complaints Committee as per The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2013 in PWD</p>	<p>Number of trainings organized on labour compliance, mitigating risks of HIV/AIDs and gender based violence.</p> <p>At Mid-Term, the indicator would be the constitution of the Internal Complaints Committee (Y/N). Thereafter, the indicator would be number of employees aware of and comfortable with approaching the ICC. <i>This information would be gathered through a survey.</i></p>	
<b>Grievance Redressal Mechanism</b>		<p>Constitute a Grievance Redressal System including a Grievance Redressal Committee at the project site.</p> <p>Constitute an Internal Complaints Committee for addressing complaints related to sexual harassment at the workplace.</p>	<p>No. of women members on the GRC or related group that has been constituted</p>	<b>Supervision Consultants, Contractor</b>
<b>Monitoring and Evaluation</b>		<p>Submit quarterly progress reports with gender disaggregated data to monitor implementation of gender action plan</p> <p>Prepare a detailed GBV action plan in line with the Gender Action Plan</p>	<p>% achievement on execution of the Action Plan</p>	<b>Supervision Consultant</b>

പൈനാവി- താന്നിക്കണ്ടം- അശോക് കവല റോഡ് (21 കിലോമീറ്റർ)

മുവാറ്റുപുഴ തേനി സംസ്ഥാന പാതയുടെ (SH 43) ഭാഗമായ പൈനാവി- താന്നിക്കണ്ടം- അശോക് കവല റോഡ് ജില്ലാ ആസ്ഥാനമായ പൈനാവിൽ തുടങ്ങി താന്നിക്കണ്ടം, പേപ്പാറ, മണിയാരൻകുടി, പുണിയാൻകുളം, മുളകുവള്ളി വഴി അശോക് കവലയിൽ അവസാനിക്കുന്നു. ഭൂമി ഏറ്റെടുക്കൽ നടപടികൾ കൂടാതെ നിലവിലുള്ള റോഡ് നവീകരിക്കുക എന്ന നയമാണ് പ്രസ്തുത റോഡ് നവീകരണത്തിൽ അവലംബിച്ചിരിക്കുന്നത്.

ലോക ബാങ്ക് സഹായത്താൽ നടപ്പിലാക്കാൻ ഉദ്ദേശിക്കുന്ന മേൽ പദ്ധതിയെ കുറിച്ച് വിശദീകരിക്കുന്നതിനും പുനരധിവാസ നയരേഖയെക്കുറിച്ചു (Resettlement Policy Framework) ചർച്ച ചെയ്യുന്നതിനും ആയി 22-05-2019 തീയതി 11 മണി മുതൽ 12 വരെ ഡയറക്ടറുടെ ഓഫീസിൽ വച്ചു ഒരു യോഗം കൂടുവാൻ തീരുമാനിച്ചിരിക്കുന്നു. ആയതിലേക്കു താങ്കളുടെ സാന്നിധ്യം ഉണ്ടാകണം എന്ന് അഭ്യർത്ഥിക്കുന്നു.

വിശ്വാസത്തോടെ  
  
ചീഫ് എഞ്ചിനീയർ  
കെ.എസ്. റ്റി. പി