

**Orissa State Roads Project**  
**Safeguards Technical Mission Note**  
**October 25-30, 2012**

**Introduction:** A short mission was undertaken during October 25-30, 2012 by Satya N Mishra, Social Development Specialist to discuss and provide guidance for updating the draft Resettlement Action Plan (RAP) for the Jagatpur-Chandbali Road (P-04) as well as broadly review progress in LA and R&R activities for the Phase-I roads and the progress carrying out social screening of for the Phase-II road rehabilitation works. The discussions and observations held during the mission are summarized below.

**1. RAP for Jagatpur-Chandbali Road (P-04):** In order to ensure timely updating of the RAP for Jagatpur-Chandbali road, which has been delayed, the PMU has started rechecking PAP survey data with the help of its internal survey teams in the field. It has hired a Social Development Advisor to provide technical support for updating the RAP for P-04. As agreed during the mission of July-August 2012, the PMU is finalizing the draft RAP for the road stretches to be handed over encumbrance free as milestone-1 so as to start the bid process. In this regard, the mission discussed with the PMU two key aspects of the RAP, the entitlements and the implementation arrangements necessary for efficient management of social safeguards for the Phase-II roads in a policy compliant manner.

The R&R entitlements framework was reviewed in the light of the issues discussed during the Bank missions over the last several months in order to address implementation challenges and policy gaps based on learning from the implementation experience of Phase-I roads. Inadequate management of LA and RR issues severely affected the timely completion of the Phase-I roads. The revisions proposed in the entitlements framework reflect mostly pending bi-annual revisions of assistance amounts, rationalization of site and construction allowance for land owners and squatters in the commercial category, and measures to ensure that R&R measures equitably benefit the actual losers of shelter and livelihoods vis a vis the absentee owners. The revised entitlements framework, discussed with the PMU, is annexed to the Mission Note (in track change mode) for suitable follow up action by the SLEC for finalizing the RAP for P-04. An early approval of the entitlements framework along with the proposed implementation arrangements will enable the Bank to review and clear the RAP for P-04 when submitted, which is a condition for starting the bid process.

**2. RAP Implementation Management:** The PMU has extended the services of the Social Development Specialist and has hired a Social Development Advisor as discussed earlier. The PMU plans to adopt an alternative strategy to ensure effective and timely implementation of the RAP for P-04 in view of the delay in hiring the INGO. It wishes to hire a few social mobilization officers (SMO) and community counselors to strengthen the in-house RAP implementation capacity and also extend the services of the Nodal NGO for providing facilitating support for implementing the RAP for P-04. The other Phase-II roads may require preparation and implementation of abbreviated RAPs in view of their lesser impacts, which can also be addressed through this arrangement. The proposed arrangement is in line with the discussions held with the SLEC during the last mission and is agreeable to the Bank. The PMU is advised to prepare ToRs for hiring these staff and for extending the contract with the NNGO with due approval from the SLEC and ensure hiring of qualified social development professionals for the purpose. This will be the key to early initiation of the consultation process required for kick starting the RAP implementation for P-04. In view of the critical challenge of having to relocate about 4000 PAP families for P-04, the PMU has decided to assign the monitoring task to the Head of its Social

and Environmental Management Unit (SEMU). Replacing the Special Land Acquisition Officer (SLAO) transferred out of the PMU earlier remains a critical issue which requires urgent attention, in view of the fact the SLAO played a critical role in the R&R process.

**3. Independent Safeguards Review:** The PMU has commissioned an independent consultant for carrying out the independent safeguards review of the RAP implementation in the Phase-I roads, who will commence work soon. The Mission requests that the Consultant be present for discussions during the upcoming Bank mission.

**4. Progress in LA and R&R for Phase-I Roads:** The LA and the R&R process is progressing gradually for the Phase-I roads, and requires acceleration. The finalization of the eligibility list of the remaining PAPs for P-03 is on a critical path and requires early resolution in view of the fact that the bid process has already started for this road. The PMU is advised to depute an officer exclusively for monitoring LA and R&R for P-03 as well as one the other two Phase-I roads. It was observed during the last mission that the payment of site allowance for shops and squatter residences was delayed due to a lack of clarity. In P-02 and P-03, a few additional shops and residences were affected due to proposed junctions. The PMU needs to finalize the PAP lists for these with the help of Local Resettlement Committees (LRCs) constituted at select locations for coordinating R&R.

**5. Social Screening for Other Phase-II Roads:** Of the eight Phase-II roads, where initial surveys and impact footprints were prepared, the PMU has prepared and submitted the Social Screening Report for the Pipli-Nimapada-Konark road. The Bank has reviewed the Screening Report and has shared the comments with the PMU. As the Screening Report categorizes the project as Category B, the PMU is advised to survey the impact with the help of a revenue surveyor and social mobilizers, reconfirm if any private land is required beyond the road shoulders (reported as agricultural encroachment), list out the affected structures, carry out a few consultations and prepare an abbreviated RAP for disclosure providing the entitlements for PAPs and measure for mitigating temporary impacts.

**OSRP Entitlements Framework 2012**  
**Table 3.1: R&R Entitlement Framework for OSRP**

	<b>Type of Loss</b>	<b>Unit of Entitlement</b>	<b>R&amp;R Entitlement Framework</b>
1.	Agricultural land	Titleholder Family	<p>1.1 Compensation for loss of land as per LA Act.</p> <p>1.2 A rehabilitation grant at Rs 75,000 per acre of un-irrigated and Rs 150,000 per acre of irrigated land with a minimum of Rs 2,500 per affected family irrespective of <b>the loss<sup>1</sup></b>., provided that</p> <p>If alternate land is provided, the cost of land will be deducted from the compensation amount and the rehabilitation grant will be proportionately reduced</p> <ul style="list-style-type: none"> <li>•1.3 At least 3 months' notice in advance of crop harvest; or Compensation for crop lost, if notice is not served in advance</li> <li>•1.4 In case of debottar/community land, the rehabilitation grant will be paid to be cultivator as per footnote to 1.2</li> </ul>
		Share cropper	1.5 An affected share cropper will get a sum equal to the unexpired lease period
2	Homestead (or non-agril. land)	Titleholder	<p>2.1 Compensation as per LA Act for the loss of homestead land</p> <p>2.2 If more than one-third of the structure is lost, such affected people will be categorized as 'displaced' and shall be eligible for R&amp;R benefits as provided at 2.4 below.</p> <p>2.3 Those <b>affected but not displaced</b> will get compensation for the portion of land and structure affected by the project (with extra 25% towards repair and restoration) and permission to salvage construction material.</p> <p>2.4 Those <b>displaced</b> will get</p> <ul style="list-style-type: none"> <li>2.4.1 Compensation for the structure affected (part or full) computed at BSR without deducting depreciation</li> <li>2.4.2 Permission to salvage construction</li> </ul>

<sup>1</sup> This assistance will be provided only to the owner cultivators, and in case of absentee land owners or co-owners, this shall go to the actual cultivator as certified by the Local Resettlement Committee, facilitating NGO and the local representative and duly approved by the PMU.

	Type of Loss	Unit of Entitlement	R&R Entitlement Framework
			<p>material</p> <p>2.4.4 2.4.3 Alternate house site (1/10th of an acre in rural areas and 1/25th of an acre in urban areas) or cash equivalent of Rs.75,000.A house construction assistance of Rs 224,000</p> <p>2.4.5 A maintenance allowance of Rs.3000 per month for a period of one year from the date of vacation</p> <p>2.4.6 An assistance of Rs 15,000 towards temporary shed 2.4.7 A transportation allowance of Rs 3,000</p>
		Tenant / Lease holder	<p>2.5 Only displaced tenant will get:</p> <p>2.5.1 A sum equal to two months of rental allowance in consideration of disruption caused or Rs. 5000 whichever is higher 2.5.2 Transportation allowance of Rs. 3,000 towards shifting household materials.</p>
3.	Land under commercial use	Titleholder (owner and occupier)	<p>3.1 Compensation for the loss of land.</p> <p>3.2 Compensation for the affected structure (part or full) at BSR without deducting depreciation</p> <p>3.3 Permission to salvage construction material</p> <p>3.4 If more than one-third of the structure is lost, the affected business/work place will be categorized as 'displaced'.</p> <p>3.5 Those <b>affected but not displaced</b> will get compensation for the portion of land lost and the structure (at BSR without depreciation) affected by the project with extra 25% of affected structure value for repair and restoration..</p> <p>3.6 Those <b>displaced*</b> will get3.6.1 An alternate site of 1 decimal OR cash equivalent in lieu thereof to a minimum of Rs.30,000 in rural and Rs. 50,000 in urban areas.</p> <p>3.6.2 A construction assistance of Rs 100,000</p> <p>3.6.3Alternatively, if alternate shop/work place is allotted by the project, the displaced will not be eligible for alternate site and construction</p>

	<b>Type of Loss</b>	<b>Unit of Entitlement</b>	<b>R&amp;R Entitlement Framework</b>
			assistance. 3.6.4: A maintenance grant at par with that for the residential structure losers as spelt out at 2.4.5 3.6.5 A transportation allowance of Rs 2,000
4		Titleholder (absentee landlord of residential/ commercial property)	4.1 He/she will receive only compensation for both land and structure 4.2 Permission to salvage materials from the demolished structure. 4.3 Compensation for the loss of rental income for six months or Rs 10,000 whichever is higher.
5		Legal Tenant / Lease holder	Only displaced tenant will get: 5.1 Two months rental allowance in consideration of disruption caused or Rs. 5000 whichever is higher. 5.2 Transportation allowance of Rs. 2,000 towards shifting. 5.3 Maintenance grant of Rs 2000 for six months
6.	Other assets	Owner affected family	6.1 Loss of other assets will be compensated equivalent to the replacement value of the assets. 6.2 Rs 15000 as livelihood assistance for the loss of a functional cattle shed.
7.	Encroachers (Agril. land)	Family	7.1 If the public land is occupied for agril. purpose for the last 3 years, and if the affected person is dependent on this land for the livelihood and belongs to 'vulnerable' groups he/she will get assistance to take up self-employment activities either by providing an assistance of Rs 25,000 to take up Income Generation Activity as certified by the LRC and approved by the PMU, . This will be provided as special assistance to the affected tribal families losing land or structure or both in view of their depressed socio-economic status.
	Encroachers (Non-agril. land)	Family	7.2 If encroached land is used for housing and/or commercial purpose and if the affected person loses more than one-third of the built up structure (including one's own portion) will

	<b>Type of Loss</b>	<b>Unit of Entitlement</b>	<b>R&amp;R Entitlement Framework</b>
			be given the same R&R assistance (except compensation for the encroached land) that is available to those 'displaced' by losing privately owned land and structure
8	Squatters (for homestead purpose)	Family	<p>8. If the public land is occupied for homestead purpose for the last 3 years, and if the affected person has no other housing, he/she will be categorized as 'displaced' and will get:</p> <p>8.1 Notice to remove the structure</p> <p>8.2 Alternate housing from the government housing program or equivalent cash in lieu thereof</p> <p>8.3 If no housing is provided, pay compensation for the structure at BSR without deducting depreciation and right to salvage material from affected property</p> <p>8.4 An alternate house site or cash in lieu thereof to a minimum of Rs. 25,000 in rural and Rs. 40,000 in urban areas.</p> <p>8.5 A transportation assistance of Rs 3,000</p> <p>8.6 A maintenance allowance of Rs 1500 per month for 6 months</p> <p>8.7 In case of absentee owners of squatter residential structure, he/she will get advance notice, compensation for structure, right to salvage material.</p> <p>8.8 Tenants living in squatter residential structures will get advance notice to vacate, transportation allowance, and rental allowance for 2 months or Rs 5000 whichever is higher.</p>
9.	Squatters (for commercial)	Family	<p>9. If the public land is occupied for commercial purpose for the last 3 years, and has no other place he/she will be categorized as 'displaced' and will get:</p> <p>9.1 Notice to remove the structure</p> <p>9.2 Alternate shopping place or equivalent cash in lieu thereof</p> <p>9.3 If no alternate shopping place is provided, compensation for the structure, permission to salvage construction material</p> <p>9.4 An alternate site of 10 sq. mts. or cash in lieu thereof to a minimum of Rs. 20,000 in</p>

	Type of Loss	Unit of Entitlement	R&R Entitlement Framework
			<p>rural and Rs. 30,000 in urban areas.</p> <p>9.5 A transportation assistance of Rs 2,000</p> <p>9.6 A maintenance allowance of Rs 2,000 for 3 months</p> <p>9.7 In case of absentee owners of squatter residential structure, he/she will get advance notice, compensation for structure, right to salvage material, and transportation assistance.</p> <p>8.8 Tenants of squatter commercial structures will get advance notice to vacate, transportation allowance, rental allowance for 2 months or Rs 5000 whichever is higher.</p>
	Mobile and ambulatory vendors	Vendor (Actual occupant)	<p>Ambulatory vendors licensed for fixed locations will be considered as kiosks and each affected vendor who is actually doing business will get</p> <ul style="list-style-type: none"> <li>• A sum of Rs.5000 to relocate a kiosk &amp; re-start business</li> <li>• The absentee owners of the Kiosk will get an assistance of Rs. 2,500 towards the loss of rental income.</li> </ul> <p><b>NOTE:</b> Vendors in groups (of more than 50) will be considered for relocating in a commercial complex, if developed by the project.</p>
	Common infrastructure and common Property Resources	Community	<ul style="list-style-type: none"> <li>▪ Community properties will be replaced in consultation with the community</li> <li>▪ Civic infrastructure would be replaced in consultation with the affected community and the District/Urban/Rural administration</li> </ul>
	Any Unforeseen Impact	Affected community / persons	Any unforeseen impact would be mitigated/enhanced as per the Orissa Resettlement and Rehabilitation Policy 2006.

The proposal to enhance site allowances is with Government. The letter is attached as annexure 3.2.

