

Resettlement Policy Framework

Final (Modified) Version-01/May 2011

Bihar Panchayat Strengthening Project

Bihar Gram Swaraj Yojana Society
Department of Panchayati Raj
Government of Bihar

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Abbreviations

BGSYS – Bihar Gram Swaraj Yojna Society
BPSP – Bihar Panchayat Strengthening Project
BLARRP - Bihar Land Acquisition, Resettlement and Rehabilitation Policy, 2007
BPMU – Block Project Management unit
BPRO – Block Panchayat Raj officer
BPM – Block Project manager
BRT – Block Resource team
DPM – District Project manager
DPRO – District Panchayat Raj officer
DPMU – District Project Management unit
DoPR - Department of Panchayati Raj
EA – Executing agency
ESMF – Environment and Social Management framework
GP – Gram Panchayat
GoB – Government of Bihar
GDP – Gross Domestic Product
GRC – Grievance Redressal Committee
NRRP – National Resettlement and Resettlement and Rehabilitation Policy, 2007
PRI – Panchayat Raj Institutions
RTI – Right to Information
RP – Resettlement Plan
RPF – Resettlement Policy framework
R&R – Resettlement and Rehabilitation
PAF – Project affected family
PD – Project Director
PSB – Panchayat Sarkar Bhavan
SPMU – State Project Management unit
SA – Support agency
SR – Schedule of Rate
SDS – Social Development Specialist
SC/ST – Schedule cast/ schedule tribes
SIA – Social Impact Assessment
SPM – State Project Manager
v and m – vigilance and monitoring
WB – World Bank
LAA - Land acquisition Act, 1894

Important Definitions – For the purposes of this framework the terms used therein will have following meaning and definition :

"Affected family" means:

- (i) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for project or involuntary displacement for any other reason; or
- (ii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land (including plot in the abadi or other property) in the affected area or otherwise, has been involuntarily displaced from such land or other property; or -
- (iii) any agricultural or non-agricultural labourer, landless person (not having homestead land¹, agricultural land, or either homestead or agricultural land), rural artisan, small trader or self-employed person; who has been residing or engaged in any trade, business, occupation or vocation on the date of recci survey, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reason;

"Affected area" means the land identified for construction of Panchayat Sarkar Bhavan or any other sub-project under Panchayat performance award.

"Agricultural labourer" means a person primarily resident of the village where the affected area is located and does not hold any land in the affected area but who earns his livelihood principally by manual labour on agricultural land therein immediately before the census and socio - economic survey and who has been deprived of his livelihood;

"Family" includes a. person, his' or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood; and includes "nuclear family" consisting of a person, his or her spouse and minor children;

"Land acquisition" or "acquisition of land" means acquisition of land under the Land Acquisition Act, 1894 (1 of 1894), as amended from time to time, or any other law of the Union or a State for the time being in force;

"Marginal farmer" means a cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to half hectare;

"Title holders" means those who have formal legal rights to land or those who have claims to such land on the date census begins, provided such claims are recognized under the law of the country.

"Non Title holders" means those who do not have recognizable legal right or claim to the land they are occupying on the date of census socio – economic survey, these include squatter and encroachers.

¹ *The dwelling house and its adjoining land where a family resides.*

“Squatter” means those who are wholly or partly occupying the Government land required for the Project and who do not have any other land ownership in the village.

“Sub Project” Each Panchayat Sarkar Bhavan and each construction activity conceived for utilizing award money will be considered as sub project.

“Census and Socio – economic survey” means enumeration by BPSP team or representative to identify the family(ies) who will be affected by the Project

“Cut-off date” means the date of notification u/s 4(1) of LAA for title holder and the date of reconnaissance (reci, in short) survey of the affected area for non title holder occupants. People moving in the project affected area after the cut-off date will not be entitled to any assistance.

“Encroachers” means those who are wholly or partly occupying the Government land required for the Project and who have land ownership adjoining affected area or anywhere in the same village

“Vulnerable persons” such as disabled, destitute, orphans, widows, BPL , landless, SC, ST, red/ yellow card holder abandoned women or persons above fifty years of age; who are not provided or cannot immediately provided with alternative livelihood, and who are not otherwise covered as part of a family.

“Replacement cost” means the method of valuation of asset that helps determine the amount sufficient to replace lost assets and cover transaction cost. In applying this method of valuation, depreciation of structures and assets are not to be taken into account.

“Reconnaissance (Recci) survey ” means a survey by circle officer or BPSP representative to make a preliminary survey for identification of any resettlement issue or Environment issue in prescribed “Social Screening Format”.

Resettlement Policy Framework

1. INTRODUCTION

1.1 Background:

The 73rd Amendment of the Constitution, in the year 1993, made formation of a three-tier system of PRIs a mandatory practice, the State Governments were unwilling to honor this provision for several years, possibly because of an apprehension that the new centers of self-governance would weaken the state-level leadership. Bihar was one of the few Indian states where PRIs were introduced in the early years after independence and first elections after 73rd amendment were held in 2001 and after its term, the next elections were held in 2006. The elected GP members face many challenges in executing their responsibilities. First of all, low education level and limited awareness of their responsibilities, rules and resources make them unprepared for their jobs. Second, they have very limited human resources at their disposal to navigate and manage a complex set of government schemes. They lack basic office infrastructure and right now approximately 32 % of GPs do not have an office and in rest of the GPs offices are in depilated state. Work that normally is required to be conducted in GP offices is more likely conducted in the Mukhiya's residence or in the Sachiv's "mobile office."

The Government of Bihar proposed a World Bank supported project to strengthen the Panchayat Raj Institutions as units of self governance capable of planning and implementing developmental schemes, promoting community life, generating employment opportunities and providing justice at doorsteps. This project is commonly known as "**Bihar Panchayat Strengthening Project**" (BPSP) and its objective is as under

Project Development Objective

"To strengthen State Government capacity in promoting inclusive, responsive and accountable Panchayati Raj Institutions in six Districts"

1.2 Components of the BPSP :

The proposed Project components include:

- 1. Panchayat Sarkar Bhavans**
- 2. Gram Panchayat Capacity Building**
 - 2.1 Institutional Strengthening**
 - a) Core institutional capacity [v and m, standing committees, regular meetings, holding gram sabhas, scheme literacy, results based planning]**
 - b) Community Engagement (social audits, mobilization, citizen trainings on RTI, accountability, scheme literacy, grievance redress etc.)**
 - c) Communications and Mass Media**
 - d) Financial Management**
 - 2.2 Strengthening Development Capacity of Panchayats**
 - a) Sanitation**

- b) Water Quality
 - c) Nutrition
 - d) Natural Resource Management
3. State-level Policy Environment for Decentralization
 4. Panchayat Performance Award
 5. Project Management Coordination [including M and E]

1.3 Construction of Panchayat Sarkar Bhavans

Currently Gram Panchayats in the state suffer a severe shortage of infrastructure. Around 32% of Panchayats do not have Panchayat Bhavans and that in many others are in depilated state. Lack of functional Panchayat Bhavans constraints the ability of GPs to function effectively as there are no appropriate places to store records, hold meetings, working space, receive citizen's complaints/applications etc. Further these buildings are also expected to function as temporary shelter and co-ordination centers in emergencies and disasters like flood, earthquakes and so on. Hence, Government of Bihar (GoB) intends to construct Panchayat Sarkar Bhavan in each GP. One of the main activities under Bihar Panchayat Strengthening Project is construction of Panchayat Sarkar Bhavans in about 300 GPs out of 1312 GPs. Further the Project intends to support the Panchayats through Panchayat performance awards worth USD 30 million which can be utilised for developmental activities such as construction, operation and maintenance, replacement of local publicly-owned infrastructure (road, drain, Ponds, other public buildings, water tanks etc.)

1.4 Social Setting-

Bihar is located in the eastern part of the country, mid-way between the West Bengal in the east and Uttar Pradesh in the west. It is bounded by Nepal in the north and by Jharkhand in the south. The Bihar plain is divided into two unequal halves by the river Ganga that flows through the middle from west to east. As on March 2001, according to Census (2001), Bihar, with an area of 94,163 sq kms approximately, had a population of 8,28,78,796 persons of which the number of males were 4,31,53,964 and females were 3,97,24,832. The state of Bihar now contains 8.07 percent of the country's population according to the population results. It is the third most populous state in India accounting for one seventh of India's population below poverty line. As per 2001 Census the literacy rate in Bihar is 47.53%.

Bihar is one of the largest and poorest states in India. Per capita income is about one-third of the national average. Out of its 83-million population, 70% live in rural areas. According to the latest data from 2004-5, poverty incidence is over 40% among the rural population and people living in small and medium towns, comparable to the highest in the developing world. Agriculture employs 80% of Bihar's labor force and contributes to 40% of the state GDP. However, despite fertile land and abundant water resources, agricultural productivity is low. Land distribution is very unequal with a large proportion of landless or marginal farmers. The percentage of population dependant on agriculture in Bihar is estimated to be 81%, which is much higher than the national average. Nearly 42 per cent of GDP of the state is derived from this sector.

The presence of caste dominance goes a long way toward explaining the long history of development failure in Bihar. Among the rural population, 28% belong to Scheduled Castes and

Scheduled Tribes (SC/ST), who typically live in deeper poverty. Poverty incidence is 64% among the SC population and 56% among the ST population. Median land ownership for an SC/ST household is 0.03 ha. 60% of SC/ST households are engaged in agricultural labor. 70% of the heads of SC/ST households are illiterate. While the past two decades have seen the political rise of backward castes, SC/ST continues to face social oppression and have limited economic opportunities. Within contexts where structural inequalities are pervasive, issues such as honor and voice become central because of the prevalence of social exclusion, humiliation and subjugation.

Map Showing Project Districts (Dark shade)



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The Ganga River divides state of Bihar in two regions commonly known as North Bihar and South Bihar. The Project Districts are located in two clusters –one in North Bihar and the other in South Bihar. The Koshi Division, an administrative unit located in North Bihar, comprise of three Districts Saharsa, Madhepura and Supaul. The Patna division, another administrative unit located in South Bihar, comprise of Patna, Bhojpur, Nalanda, Rohtas, Buxer & Kaimur Districts. The first three Districts namely Patna, Bhojpur and Nalanda have been taken up in the Project .

All the Project Districts have agriculture as major occupation. In the Sothern Districts the major crops are rice and wheat. In eastern portion of Patna District, the Tal lands prevent crop cultivation in Kharif season due to water logging. The Project three Koshi Districts of Sharsa, Supaul and Madhepura are extremely fertile with crops of Maize, Mustard, Jute and Sugarcane. This part is prone to floods.

Table 1: Bihar: Key Demographic and Socio-economic Indicators of Districts										
S n	Districts	Area in Sq. Km	Population (in lakhs)			BPL(%)	SC (%)	ST(%)	Sex Rati o	Literacy Rates
			Rural	Urban	Total					
1	2	3	4	5	6	7	8	9	10	11
1	Saharsa	1701.65	13.83	1.251	15.08	14.2	16.1	0.3	910	39.1
2	Supaul	2410.35	16.44	0.88	17.32	74.6	14.8	0.3	920	37.3
3	Madhepura	1788.00	14.58	0.67	15.26	55.4	17.1	0.6	921	48.0
4	Nalanda	2367.00	20.16	3.53	23.70	53.8	20.0	0.0	914	53.2
5	Patna	3202.00	27.57	19.61	47.18	48.1	15.5	0.2	873	62.9
6	Bhojpur	2474.17	19.30	3.12	22.43	55.3	15.3	0.4	902	59.0
	Bihar	94163	74.31	8.681	82.87	46.2	15.07	0.9	919	47.53

1.5-Land Acquisition and need for resettlement planning

Hunnarshala Foundation is supporting the DoPR to develop appropriate alternative design options in place of approved design for Gram Panchayat Bhavans. Hunnarshala has developed two alternative designs, With estimated land requirement of about 0.5 acres. Workshop in Patna, Saharsa and several round of meetings with other department were conducted to get feedback on the designs by Department of Panchayati Raj, Government of Bihar with Hunarshala foundation. One of the key concerns raised by the stakeholders, in particular Panchayat Mukhya/Pramukhs, was non availability of such large parcels of encumbrance free land for the construction of Bhavans in all 1312 GPs.

DoPR initially wishes to construct few Panchayat Bhavans in about 300 GPs of the project Districts depending upon availability of encumbrance free land. The Project intends to utilize the available Government land as far as possible. In order to assess the land availability, DoPR has already initiated action with the District administration for the purpose of identification of encumbrance free land as per the general guidelines of the Revenue Department, GoB, for construction of Panchayat Bhavans in the Gram Panchayats. So far a list of 172 sites (Gairmajurwa Aam category – under full occupancy of the Panchayats) has been received from Project Districts. It is also likely that in some villages the community members may donate land for the purpose. The RPF guidelines also provides for an option of private land donation.

Out of the list of available government land from Nalanda District field visit to randomly selected proposed seven sites revealed that the sites would not require any significant displacement. It was also observed that there is broad community acceptance for construction of Panchayat Bhavans and was unanimously reported to be beneficial for the community and functioning of Panchayat. However, at two sites it was noticed that people were using the land for cowshed and cultivation purposes. Further in some GPs the currently proposed site are low areas serving as natural collection point for all the waste water of the habitation and are likely to

require filling and drainage management. In one site the available government land is surrounded by private land and would require acquisition of land for providing access road.

Further, discussions with the Panchayat officials in Saharsa revealed that getting encumbrance free government land is likely to be a constraint in some villages. Although priority can be given to identify suitable Gairmajurwa (common Government land) in the target villages, Government may also require to explore other options for obtaining suitable land such as land purchase and acquisition as last option which may lead to involuntary resettlement in some cases.

In light of the above situation and to mitigate any possibility of involuntary resettlement, a Resettlement Policy Framework is being suggested at this stage of the Project since the list of sites for Panchayat Bhavans has not yet been finalized. This identification covers a preliminary step in the entire selection process. The actual selection will be subject to further deliberations and Panchayat Bhavan specific technical assessment reports. Gram Sabha endorsement will also play a key role in the final Panchayat selection. Since the selection of GPs in the 6 project Districts for the purpose of construction of Panchayat Sarkar Bhavan is not yet complete, the necessity to prepare a resettlement framework to guide the preparation of GP specific Resettlement Plans (RPs) is felt.

1-6 Scope and Objective of Resettlement Policy framework (RPF)

The aim of this Resettlement Plan (RPF) is to mitigate all such unavoidable negative impacts caused due to the Project and resettle the displaced persons. This Resettlement Policy framework has been prepared on the basis of consultation with various stakeholders. The RPF complies with National, State Resettlement policy & WB Safeguard Policy. The issues identified and addressed in this document are as follows:

- Type and extent of loss of land/ non-land assets, loss of livelihood, loss of common property resources and social infrastructure;
- The requirement of land, if any, for Panchayat Sarkar Bhavan, or supporting infrastructure facilities such as access road, drain outlet, water pipelines, water tanks, etc. and for construction activity (termed as sub-project) under Panchayat Performance Award will be met through the process described under RPF.
- Public consultation and peoples participation in the Project ;
- Existing legal and administrative framework and formulation of resettlement policy for the Project ;
- Preparation of entitlement matrix, formulation of relocation strategy and restoration of businesses/income;
- The Project cost estimate include Resettlement cost including provision for fund and;
- Institutional framework for the implementation of the RPF, including grievance redressal mechanism, monitoring and reporting.

1-7 Socioeconomic Information

The EA will conduct socioeconomic surveys and a census, with appropriate socioeconomic baseline data to identify all persons who will be displaced by the Project and to assess the Project's socioeconomic impacts on them. These surveys will also identify past, present and future potential social impacts, income and livelihood of displaced persons and gender-disaggregated information pertaining to the economic and socio-cultural conditions of displaced

persons. The Project's potential social impacts and risks will be assessed against the requirements presented in this RPF and applicable laws and regulations of the jurisdictions in which the Project operates that pertain to involuntary resettlement matters.

The EA will prepare a resettlement plan (RP) in case of involuntary resettlement impacts. The resettlement plan will be based on the social impact assessment and through meaningful consultation with the persons likely to be affected. A resettlement plan will include measures to ensure that the persons likely to be displaced are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives.

1-8 Likely Impacts of resettlement (if and when any involuntary displacement occurs)

Meaningful consultations were held regarding socio economic condition, land availability status, rules/policy and other with the PRI representatives. Mukhiya, Panchayat members and other functionary at block and District level along with some of the officials/ person were consulted while preparing Policy and guideline. Their views and opinions have been duly considered and incorporated in the RPF.

The likely impacts are associated with site selection with respect to resettlement or livelihood related impacts on communities.

Some of the generic impacts associated with location of construction activities either by acquiring additional land and / or vacating land encroached by residents are as below:

- Removal of encroachments and squatters leading to loss of livelihood and / or shelter
- Land acquisition leading to loss of private land, house, tress and other immovable assets and loss of livelihood
- Project affected Vulnerable persons would be further impacted by the pressure of relocation as well as loss of income and their removal

2-Objective and Principles of Resettlement Policy Framework

2-1- Project Components requiring Resettlement .

All the project components mentioned in chapter-1 are beneficial to community as they support the capacity building activities which are felt necessary for decentralization process to produce positive outcomes. The first component is construction of “Panchayat Sarkar Bhavan” and the requirement of land for this purpose may have some undesirable impacts in form of involuntary settlement. The fourth component “Panchayat performance Award” provides for cash awards to performing Panchayats based on objective criteria laid down in PIP; the Panchayats can use this award money for construction activities which may in some cases have involuntary resettlement impacts. The other project components are not likely to have any adverse social impacts. Each Panchayat Sarkar Bhavan and each construction activity conceived for utilizing award money will be considered as subproject under this framework. As the precise location and extent of these subprojects cannot be determined at this stage, therefore, this resettlement policy framework is provided to guide in preparation of Resettlement Plans with respect to each of the subprojects having adverse social impact. Thus the RPF has been developed in order to address the resettlement issues that may arise as a result of

- Construction of Panchayat Sarkar Bhavans including provision of supporting infrastructure facilities such as access road, drain outlets, water pipeline, water tank, etc..
- Any other construction work to be taken up under the Project.

2-2-Objectives of Resettlement Framework:

The RPF has been formulated to guide the preparation of subproject Resettlement Plans (RP). This policy identifies the broad scope of the Project and outlines the policy procedures and institutional arrangements for preparation and implementation of subproject RPs. The BGSYS will be responsible for conducting the social assessment and formulating RPs for all subprojects as per procedure outlined in this framework. The main objectives are :

- To Ensure integration of social safeguards into the planning process² at the GPs including that of land requirement for Panchayat Sarkar Bhavans
- To describe the procedures to ensure compliance with the applicable regulatory, and policy obligations described earlier in the report.
- To describe the role and responsibilities of the concerned institutions and the capacity building requirements to enable effective management of the potential environmental and social impacts.

2-3-Guiding principles of resettlement policy framework

² to prevent and mitigate undue harm to people in the development process

- The involuntary resettlement will be avoided wherever possible or minimized as much as possible by exploring all possible alternatives. Site selection in all cases will be endorsed through a Gram Sabha resolution.
- In no case, shall any person be relocated without her/his full, prior, information and written consent in situation of voluntary displacement.
- The Project or all sub Projects under the program will be screened to identify past, present, and future involuntary resettlement impacts and risks by the concerned Project officer and the scope of resettlement planning will be determined through a socio - economic survey census of persons likely to be displaced/affected, including a gender analysis, specifically related to resettlement impacts and risks.
- The date of recci survey shall be the cut-off date for entitlement for Project Affected Families/Persons. People moving in the Project Area after the cut-off date will not be entitled for any assistance under the Project.
- Consultations with persons likely to be displaced/ affected, host communities, and concerned non-government organizations will be carried out and all of them will be informed of their entitlements and resettlement options through Gram Sabha. Community participation in planning, implementation, and monitoring and evaluation of resettlement programs will be ensured and documented.
- Particular attention will be paid to the needs of vulnerable groups, /persons as per definition.
- Preference will be given to land-based resettlement strategies for displaced persons who loose shelter and livelihoods. These strategies may include resettlement on public land, or on private land acquired or purchased for resettlement. Whenever replacement land is offered, displaced families are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. However, this is subject to availability of suitable land.
- Provide all compensation and entitlements before physical displacement.
- Entitlement measures for addressing the impacts shall not be less than what is provided under any scheme or program of the Central or State Government in operation in the area.
- Prepare a time bound resettlement plan elaborating quantum and category of affected families, type of impact, entitlements, livelihood restoration strategy, institutional arrangements, monitoring and reporting arrangements, Budget.

2-4 – Purchase of Land and Voluntary Donation

In line with the guiding principle to avoid involuntary resettlement wherever possible or minimized as much as possible by exploring all possible alternatives, BGSYS will first explore the possibility of availability of encumbrance free Government land in the Gram Panchayat. If such land is not available or not suitable from point of view of construction of Panchayat Sarkar Bhavan, next priority will be to go for voluntary land donation and if this is also not possible then go for purchase of land. If any of these options are not available or feasible then only process of acquisition will be resorted and here too preference will be for acquisition by consent rather than totally involuntary acquisition.

2-4-1 Voluntary Land Donation - Individuals may elect to voluntarily contribute land, provided the persons making such contributions do so willingly and are well informed that they have the

right to refuse such contributions. It will be ensured that all donations are voluntary and freely given, donor is the legitimate owner of the land, he is fully aware about the consequences of the donations, and the land is free of encumbrances. The consent of Gramsabha for accepting this land for the purpose of Construction of Panchayat Bhavan will be mandatory, a resolution in this regard will be considered adequate for the purpose. The donor will be required to provide a duly registered donation deed in favour of the Bihar Government. The maximum land that can be accepted as voluntary donation would be limited to 0.5 acres and in no case donation would be accepted from those whose land holding after such donation would be reduced below the limits defined for marginal farmer.

This entire process of voluntary donation will be properly documented & monitored, which will involve:

- i. Disclosing the nature and consequences of voluntary donation and that s/he would be free to withdraw her/his offer, if after understanding the consequences s/he desires.
- ii. Checking from the revenue authorities the status of legal ownership and the total quantum of land owned by the donor.
- iii. Certifying that after donation of the required land (limited to maximum size of 0.5 acres), the remaining land doesn't become unviable so as to make the donor fall into category of marginal farmer.
- iv. Obtaining his written consent in presence of two independent witnesses, if found eligible to donate.
- v. Place the written consent of the donor before the Gram Sabha for acceptability of proposed site/land for the purpose of construction of Panchayat Sarkar Bhawan.
- vi. Finally get the deed registered in favor of Government of Bihar.

2-4-2 Purchase of land : In case Voluntary Land donation is also not available, this option may be exercised by the project subject to mutual agreement on price. The other requirements will be that the seller is the legitimate owner of the land and the land is free of encumbrances. The consent of Gramsabha for accepting this land for the purpose of Construction of Panchayat Bhavan will be mandatory, a resolution in this regard will be considered adequate for the purpose. The donor will be required to provide a duly registered deed in favour of the Bihar Government. All expenses for purchase and registration fee, etc. will be borne by the project.

2-5- Involuntary Resettlement Support Principles

As a last resort the acquisition process may be initiated by the project and here too all efforts will be made to acquire land by free consent of the title holder. The BGSYS will ensure timely provision of compensation and resettlement assistance to the project affected persons/families. The land acquisition process will be a transparent and negotiated process.

All land proposed to be acquired under this Project will be compensated as per replacement cost. A socio – economic survey to determine compensation rates will be conducted for assessment of market value. The actual land use as on the date of census and socio-economic survey will be taken into consideration while determining the current land use. The compensation package provided in BLARRP-2007 meets the requirement of replacement cost. The EA will facilitate determination of compensation package as per BLARRP-2007. After notification for acquisition u/s 4(1) of LAA,1894, the EA will negotiate with PAFs for voluntarily agreeing for acquisition of their land and ensure payment of compensation package as provided in BLARRP-2007.

2-5-1 Compensation for Land : The BLARRP 2007 provides for a liberal method of estimation of market value of land and thereafter provision for an additional amount equivalent to 50% of estimated market value is taken into account for determining the rate of land to be acquired. The final compensation package will include an additional amount in form of solatium at the rate of 60 % over and above rate determined for acquisition when acquisition is voluntary.

2-5-2 Compensation for Structures : The latest Schedule of Rates prescribed by PWD will form the basis of calculation of structures. The policy also provides for compensation to squatters, who may have constructed temporary Kaccha structures for which PWD has not prescribed any Schedule of Rates, for this kind of situation the cost of structure will be determined on basis of estimation of different materials and labour required for such structure by taking into account market rate of materials and prevalent minimum wage rate. The project will take help of Government Engineer for determining the value of structure.

2-5-3 Compensation for trees and crops : Compensation for loss of timber trees will be based on species and size and rates prescribed by forest department will be considered for estimating market value, the assistance of forest department will be taken for the purpose. The compensation for the loss of fruit bearing trees will be calculated as value of wood plus expected production for next 15 years based on the annual yield and current market rate; assistance of Horticulture department will be taken for the purpose. For loss of standing agricultural crops which cannot be harvested, compensation will be calculated as per estimated yield and market rate of the crop; project will take help of agriculture department for the purpose.

2-6 Eligibility for Benefits The Project will recognize two types of Affected Families/persons (i) title holder, i.e., families/persons with formal legal rights to land lost in its entirety or in part; and (ii) non title holders, i.e., families/persons who lost the land they occupy in its entirety or in part who do not have formal legal rights to such land, these are squatters and encroachers. For title holders notification u/s 4 (1) of LAA and for non titleholder occupants the date of recci survey of the Project area will be the cut-off date. People moving in the Project area after the cut-off date will not be entitled to any assistance.

2-6-Entitlement Matrix:

Type of loss		Unit of entitlement	Entitlement	Details
A Loss of Land				
1	Loss of Agricultural land	Title holder	Compensation at "replacement cost" And Special provision for vulnerable group	<p>a) Cash compensation at replacement cost as determined according to BLARRP 2007, or replacement of land, if available.</p> <p>b) If the residual plot(s) is (are) not viable i.e. the AP becomes a marginal farmer³ any of the following two options are to be given to the AP, subject to his acceptance:</p> <p>I. Compensation and assistance are to be provided for the entire plot including residual part, if the owner of such land wishes that his residual plot should also be acquired by the EA, the EA will acquire the residual plot and pay the compensation for it.</p> <p>II. If AP is from vulnerable group⁴, compensation for the entire land by means of land for land will be provided if AP wishes so, provided that land of equal productive value is available.</p> <p>c) All fees, stamp duties, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the EA.</p>
2.	Loss of residential or commercial land	Title holder	Compensation at "replacement cost".	<p>a) Cash compensation at replacement cost as determined according to BLARRP-2007 or replacement of land if available.</p> <p>b) All fees, stamp duties, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the EA.</p>
B Loss of structures (Residential commercial and others)				
3.	Loss of Residential or Commercial	Titleholder	Compensation at "replacement cost" And	<p>a) The EA will compensate the lost structure (partial/full) in accordance with the PWD's current Schedule of Rates for new construction of similar quality without depreciation. PAF whose structures are partially affected shall be eligible</p>

³ As defined in definition section of the RPF document

⁴ As defined in the definition section of the RPF document

	structures		Shifting Assistance	for assistance for repairing/ strengthening cost of remaining structure. When schedule of rates are not available for kachha & other structure the estimation will be based on market rate of material and wage component as determined by Government Engineer as detailed in para 2-5-2 of this policy. b) Shifting assistance of Rs. 10000/- c) Right to salvage material from demolished structure and frontage etc.
4	Loss of Residential / commercial structure constructed by squatter	AF(s) of Squatter(s)	<ul style="list-style-type: none"> • Compensation for structure • Shifting assistance • House in lieu of house for vulnerable category 	a) Squatters will be notified and given one month time to remove their assets. b) Compensation for loss of structure at replacement cost(as detailed in B.3 above) c) Shifting assistance of Rs 10000/- d) Right to salvage material from demolished structure. e) In case loss of house of a vulnerable PAF, a house shall be offered in lieu of the acquired house
5.	Loss of Residential / Commercial structure constructed by encroachers	AF(s) of Encroacher(s)	No compensation	a) Encroachers will be notified and given one month time to remove their assets. b) Right to salvage materials from the demolished structure
C	Loss of Livelihood			
6.a	Livelihood impact due to loss of primary source of income	Agricultural labourer /share cropper	Rehabilitation assistance	a) Assistance is to be paid as per the prevailing local wage rates for 200 days. b) Job card under MGNREGA
6.b		Wage earning employees indirectly affected due to	Rehabilitation assistance	a) This is valid for persons indirectly affected due to the employer having being displaced, on case-by-case, based on local wage rates for three months. b) Job card under MGNREGA

		displacement of commercial structure		
6.c		Non title holders namely squatters and vulnerable encroachers losing primary source of income	Rehabilitation assistance	<ul style="list-style-type: none"> • Training Assistance will be provided for income generating vocational training and skill up gradation options as per AP's choice at the rate of Rs. 4000 per affected household to those households losing their primary source of income • Job card under MGNREGA
6.d		Title holders losing income through business	Rehabilitation assistance	<ul style="list-style-type: none"> ▪ Title holders losing their business establishment due to displacement will be provided with lump sum transitional allowance of Rs 9000/-⁵.
6.e		Title holders losing income through Agriculture	Rehabilitation assistance	<ul style="list-style-type: none"> • Training Assistance will be provided for income generating vocational training and skill up gradation options as per AP's choice at the rate of Rs. 4000 per affected household to those households losing their primary source of income.
D	Loss of Trees and Crops			
7.	Loss of trees	A) Land Holders B) Share Croppers C) Lease Holders	Compensation at current market value to be computed with the assistance of horticulture/forest department	<ul style="list-style-type: none"> • Advance notice to PAFs to harvest fruits and remove trees • For fruit bearing trees compensation at average fruit production for next 15 years to be computed at current market value • For timber trees compensation at market value based on kind of trees (species and size)
8.	Loss of crops (agricultural)	a) Land Holders b) Share Croppers c) Lease Holders	Compensation at current market value to be computed with the assistance of agriculture department	<p>a) Advance notice to PAFs to harvest crops.</p> <p>b) In case of standing crops cash compensation at current market values to be calculated of mature crops based on average production.</p>
E	Additional support to vulnerable groups.			

⁵ This rate has been fixed based on the estimates of average income for a period of three months.

9.	Additional Assistance to vulnerable groups	Vulnerable family/person	Special Assistance	a) One time lump sum assistance of Rs. 10000 to vulnerable family/person. This will be over and above any other assistance as per this framework.
F LOSS OF COMMUNITY INFRASTRUCTURE/Common PROPERTY RESOURCES				
10	Loss of Common property resources ⁶	Community	Reconstruction / Cash Compensation at replacement cost	a) Cash compensation at replacement cost or reconstruction of community structure in consultation with the affected community
G Other unanticipated impacts				
11.	Temporary construction related impacts (Damage to adjacent structures and access or blocking of access.)	Community/Individual	Compensation as per mutual agreement between contractor and the community	<ul style="list-style-type: none"> • The contractor shall bear the cost of any impact on structure or land due to movement/ establishment of machinery during construction. • All temporary use of land outside proposed site will be through written agreement between landowner/community and contractor.
12.	Unforeseen Impacts if any		Mitigation	a) Any unforeseen impact(s) due to the Project will be documented and mitigated based on the spirit of the principles agreed upon in this policy framework.

⁶ Such as hand pumps, temple, community hall, drain, road, waste dumping site, etc.

3. Social Impact and Resettlement Planning :

Government of Bihar recognizes the need to assess the potential social impacts of the Projects and is committed towards responsible management of the same. These guidelines have been developed to assist BGSYS staff in the management of resettlement issues in planning and execution of BPSP.

3.1 Process of Site Selection

The following steps and processes will be accomplished through appropriate engagement of the Project staff at all levels.

STEP-I: Reconnaissance (Recci) Survey and Social Screening

The list of sites available for subproject will be inspected by concerned Circle Officer and he fill the Social Screening Check list (**Annexure-1**) and if the Government land for construction of Panchayat Sarkar Bhavan is found to be encumbrance free he will certify the same in the check list. In case the said land is not encumbrance free he will mention this fact along with nature and extent of encroachment, etc. in the prescribed check list. The date of recci survey will be the cut-off date for the purpose of entitlement under this framework. On basis of this checklist the site will be categorized into three categories : S-1, S-2 & S-3 as detailed described below :

S-1 category : Subprojects are **those that will require land acquisition** and will require a detailed Social Impact Assessment Report including a Resettlement Action Plan.

S-2 category: Projects are **those in which no land acquisition is required but household is physically displaced or affected.** In this case a Social Management Plan (SMP) is required that would include an abbreviated resettlement plan.

S-3 category: Projects, on the other hand **will not have any households affected at all i.e, either the land identified is not under any individual or public use or the land has been offered voluntarily** for the Project through donation or sale. Such sub Projects can be classified as 'socially benign'.

STEP-II: Gram Sabha Resolution

This step will be necessary in all categories. The BPMU will assist the process of convening Gram Sabha with special attention to ensuring its inclusiveness by encouraging men & women of the marginalized section of the society to adequately and actively participative in the Gram Sabha. The Mukhiya of GP will be responsible for calling Gram Sabha meeting for considering the selected site and passing resolution for construction of GP Bhavan on the selected site and submit the same to BPM along with following:

- a) Minutes of Gram Sabha Meeting
- b) Details of land with copy of Khesra and Khatauni.

- c) Map of the site showing approach road and neighboring plots with their ownership.

The BPMU, BPRO and CO will provide necessary help for (a) and (b) above. In case of category S-3 site, the next step will be STEP-VI and in case of other two categories STEP-III will follow.

STEP-III: Census and Social Economic Survey and Preparation of Resettlement Plan

This step will be required in case of S-1 and S-2 categories and detailed procedure and methodology as detailed in sec 3-2 will be applicable. Abbreviated Resettlement Plan will be prepared in case of S-2 and Resettlement Plan will be made in case of S-1 category.

STEP-IV : Approval of RP by District level Coordination Committee

DPMU will place ab.RP/ RP proposal before the District Level Coordination Committee under the chairmanship of DM for final Approval, which after satisfaction approves it and recommends it to the SPMU.

STEP-V : Approval of RP by SPMU

SPMU will consider the RP including social and cost implications and take suitable decision.

STEP-VI : Design Adaption

In case of category S-3 after step – II and in case of category S-1 & 2 after step-V, SPMU will send the list of sites to construction agency for design adoption. This step may not be required in case of subprojects other than Bhavans. The design unit conducts detailed survey and adopts the design for the site, prepares site specific estimate, get necessary approvals before preparing bid documents.

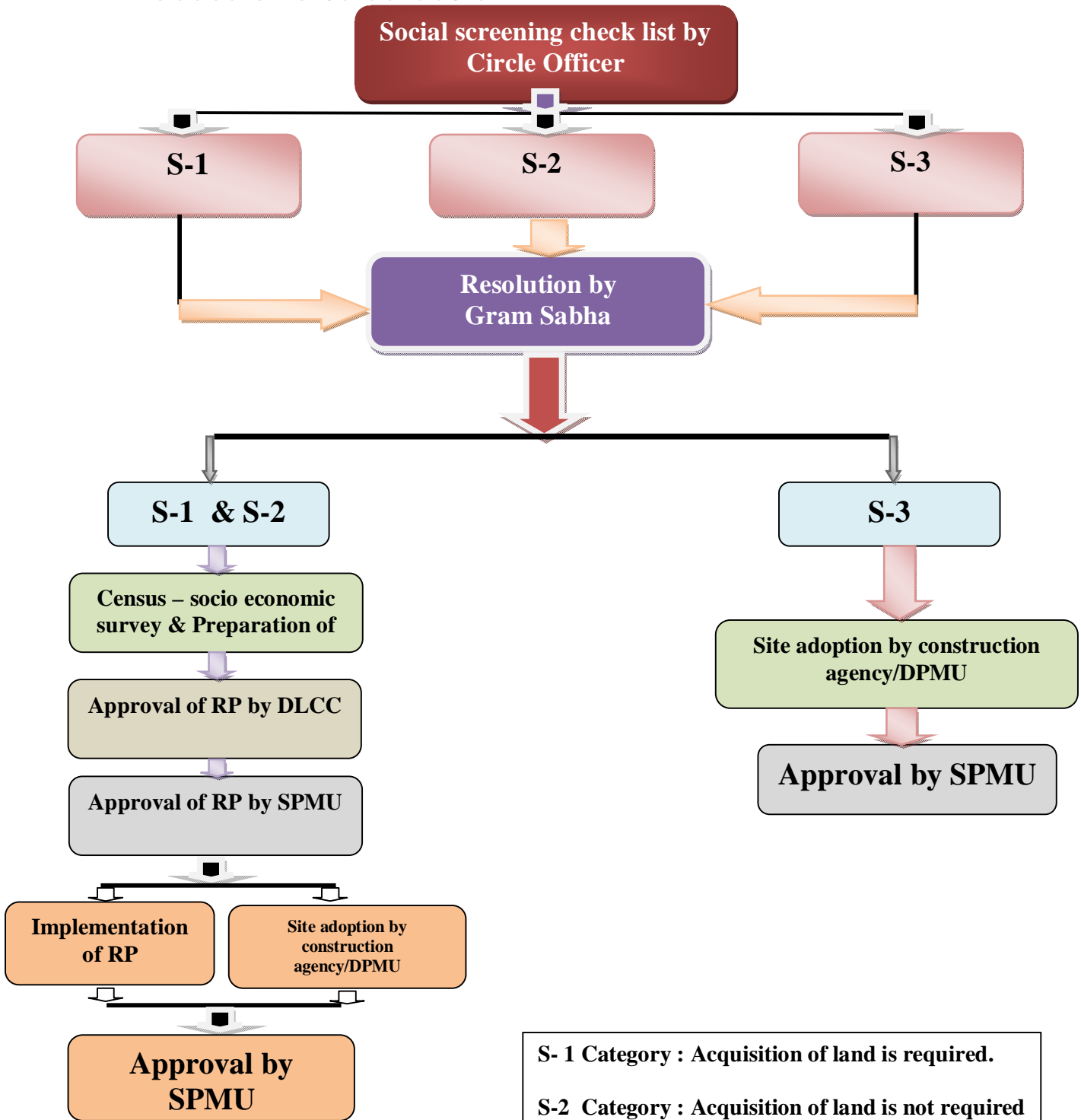
STEP-VII: Implementation of Resettlement Plan :

DPMU will implement the RP through BPMU and after implementation it will place the report before the District Coordination Committee under the chairmanship of DM, which after satisfaction approves it and recommends for construction of subproject at selected site to the SPMU.

STEP VIII: Approval of subproject by SPMU

In case of category S-3 after step VI and inn case of category S-1 & S-2 after step – VII, the SPMU will consider the RP implementation report and ensure that it is implemented well. Further SPMU will report compliance on this to BGSYS through the CEO for its satisfaction on quality of implementation. After obtaining approval from BGSYS, SPMU will inform the construction agency to let it initiate the bidding process.

Process of Site selection



S- 1 Category : Acquisition of land is required.

S-2 Category : Acquisition of land is not required but household is physically displaced or affected.

S -3 Category : Neither Acquisition is needed, nor, any physical displacement is required. In short no Affected Family.

3.2 Procedure for Census and Socio Economic Survey

This will be needed in category S-1 and S-2 subprojects in order to assess the Socio Economic impact of the proposed site. The detailed procedure for the Census and Socio Economy Survey is described below :

- 1) Census and Socio – economic survey of families occupying/dependent on the land will be undertaken. The procedure to be used is one to one structured interview with the head of the household. The detailed format is enclosed as Annexure-2 of this policy document.
- 2) The census and socio - economic survey will form the basis for assessment of resettlement requirements for the affected families and same will be used in preparation of an abbreviated Resettlement Plan (Resettlement Plan) in case of S-2 category (S-1 category) along with detailed budget estimate as per resettlement framework. The District Social Development Coordinator will be responsible first prepare a Resettlement Plan or abbreviated Resettlement Plan as the case may be. The draft RP or ARP will be prepared in consultation with the affected families.
- 3) The draft RP or ARP will be made known locally by wide publicity in the affected area and the resettlement area (or areas) in such manner as may be appropriate for the community to understand/read.
- 4) The draft rehabilitation and resettlement scheme or plan shall also be discussed with concerned AFs and their concern will be addressed.
- 5) The final RP or ARP will be prepared on basis of above consultations and feedback from stakeholders. The DSD coordinator will submit the final RP or ARP to DPM for approval.

3.3 Outline of SubProject Resettlement Plan

The Resettlement Plan, for the sub Project shall include:

- Details of Social Assessment procedures adopted including
 - Social screening
 - Consultation
 - Social impact Statement
- Resettlement and Rehabilitation Plan with budget
- Institutional arrangements
- Capacity building strategy for implementation and livelihood loss
- Monitoring arrangements
- Disclosure Plan

3.4 Implementation of Resettlement Plan :

The implementation will be taken up after approval and release of funds by SPMU. The details of implementation procedure are as under :

- I. Inform that the site has been selected and shall be taken over for construction of Panchayat Bhavan in a manner that all affected are individually made aware of their impact and final entitlement and timing of receiving the same.
- II. Hold camp at the site for disbursement of entitlements.
- III. Land related issues have to be addressed and all compensation and R&R assistances must be disbursed before commencing any construction work in the selected land. However there might be a spillover of livelihood activities in the construction phase.
- IV. Implementation of Resettlement Plan for each sub Project shall be considered complete when:
 - All entitlement for the lost assets and livelihood to all affected persons is disbursed as per agreed resettlement framework.
 - All common property resources (CPR) lost due to the Project will be relocated or replaced/ compensated at Project Cost.

3-5 Consultation and Participation

In order to ensure participation of all stakeholders', consultations will be held with all stakeholder groups prior to planning and implementation of each new intervention under the Project. Also periodic consultations will be held with all stakeholder groups for monitoring the ongoing Project activities. Consultations should be held with the following groups at regular intervals- Project Affected Persons and Gram Panchayat members.

The main stages when consultations are required are during –

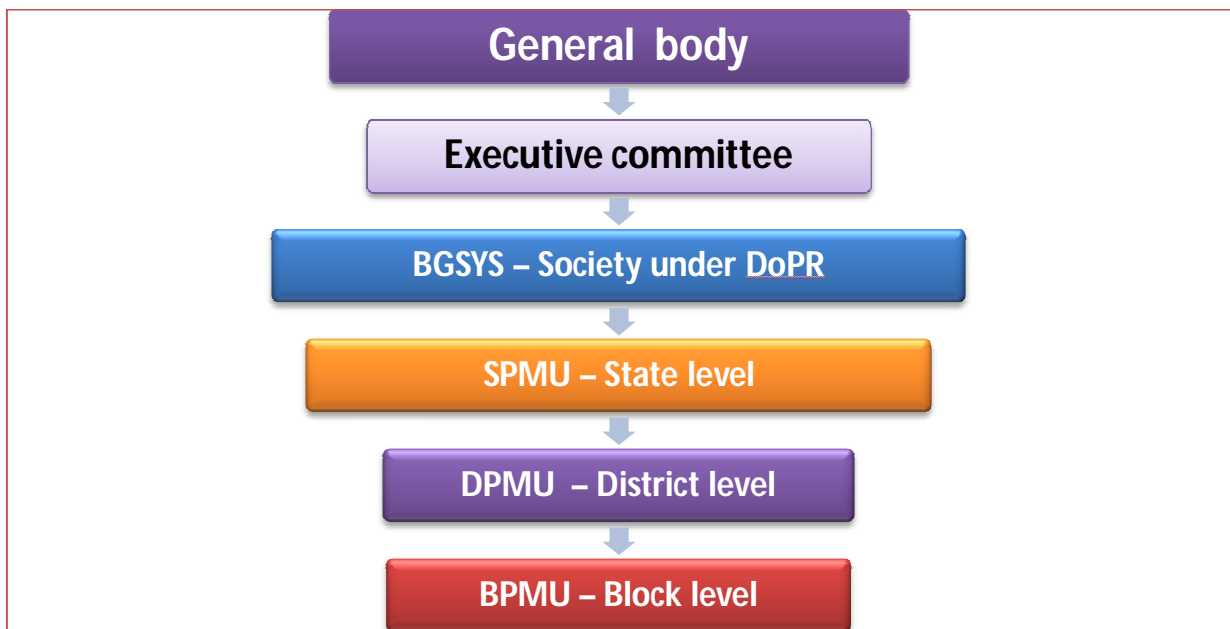
- Estimation of minimum land requirement (quantum, exact location, titleholder etc.) based on subproject.
- Identification and preliminary verification of Occupants.
- Census and Socio-economic survey for preparing the socio-economic baseline of the affected families.
- Motivation of titleholders and occupants to facilitate the Land Acquisition process. They will also provide support in execution of the communication plan (for the Project) for awareness creation in affected areas.
- Identifying livelihood support programmes for Project affected communities.
- Preparation of Draft RP or abbreviated RP, as the case may be, and finalization of it.
- Implementation of Resettlement Plan.

4.0 Implementation Arrangement

4.1 Institutional Setup

The Government of Bihar (GoB) has constituted "Bihar Gram Swaraj Yojna Society (BGSYS)" for the purpose of implementing World Bank funded Bihar Panchayat Strengthening Project under Panchayati Raj Department. The General body of the Society is the apex body headed by Development Commissioner, Government of Bihar and it consists of Principal Secretaries/Secretaries of Department of Finance, Planning and Development, Panchayati Raj, Rural development, Human Resource development, Social welfare, Health, Rural Engineering Works, Public Health Engineering Department, Director General BIPARD & Project Director BGSYS.

The executive committee of the Society is headed by the Principal Chief Secretary, Panchayati Raj department –cum- CEO and it comprises of Principal Secretaries/ Secretaries of the above said Departments or any officer not below the rank of deputy secretary can be nominated by them. The society will act as Project executing agency, primarily responsible for implementation of the Project by setting state Project Management unit (SPMU) at state level headed by Project Director.



BGSYS will have overall three level structure for implementing this Project : State level, District level and Block level management units. The detail functions of BGSYS and the Project management units at different levels are listed below:

4.1.1 Functions of Bihar Gram Swaraj Yojna Society (BGSYS)

- Formulate guidelines for implementation of the various programs of the state Society.
- Act as per Rules and "non-negotiable principles" of the Bihar Panchayat Strengthening Project and enforce the rules and guidelines for the implementation of the project.

- Creation and development of District Level Societies/District/Block Units, including coordinating and guiding their functioning.
- Enter into contracts without a requirement for government approval, other than by government representatives on the Executive Committee and undertake any legal action that may be necessary to ensure the fulfillment of contracts made between the State Society and others.
- Exercise overall responsibility for management of BGSYS on behalf of the Government of Bihar within the framework of project guidelines.

4.1.2 - State Project Management Unit (SPMU) —

- The day-to-day affairs of the State Society shall be conducted by the SPMU under the supervision, guidance and control of the State Project Director.
- There are three functional wings headed by Directors (i) Finance and administration (ii) Operation & communication (iii) Knowledge Management, at the SPMU.
- The SPMU has been constituted with various State Project Managers in disciplines like Institutional & Social Development, Natural resource management, Water and Sanitation, Nutrition, Procurement, HR & Capacity Building, Finance & Accounts, Project Management, Decentralization & Policy Formulation, Monitoring & Evaluation, Communication & IEC, public finance, engineers, Research and Development etc. and Project Manager in Documentation, MIS, Capacity building, with necessary supporting staffs.
- Subject to approval of the General Body of the State Society for creation of regular posts, the Executive Committee will authorize recruitment of employees of the State Society, required for the running of the SPMU/DPMU/BPMU and also for the implementation of various projects implemented by the State Society. For the purpose of administrative matters and disciplinary action, the State Project Director is the appointing authority in consultation with the President Cum CEO.
- The Society shall, subject to approval by the Executive Committee establish district Project Management Units & Block Project Management Units which will work as a unit of the BGSY Society.

4.1.3 - District Project Management Unit

- The day to day affairs of the District shall be conducted by the district unit under the Supervision, Guidance and Control of the State Unit and in Coordination with the District Coordination Committee having District Magistrate as the Chairperson and CEO, Zila Parishad as the Vice Chairperson.
- The District Project manager will be the overall in-charge of DPMU with three functional cells (i) Finance and administration (ii) capacity building (iii) monitoring and evaluation at DPMU.
- The District Unit would be managed by the District Project Manager who would also be the Convener of the District Coordination Committee and will report to Director Operations & Communication.
- The District Unit will have District coordinators in discipline like Finance Manger, Institution development, Social Development, Natural resource management, Water and Sanitation, Nutrition, Monitoring & Evaluation, Public finance with adequate number of support Staff to implement the Project as approved by the SPMU.
- The DPMU will coordinate with District administration and guide, plan and monitor activities of DPMUs

4.1.4 - Block Project Management Unit

- The day to day affairs of the Block shall be conducted by the block unit under the Supervision, guidance and Control of the District Unit and in Coordination with the Block Coordination Committee having Block Development Officer as Chairperson.
- The Block Unit would be managed by the Block Programme Manager who would also be the Convener and member Secretary of the Block Coordination Committee.
- The Block Unit will have coordinators/mangers in discipline like Institution & Social Development (3), Natural resource management; Water and Sanitation with support Staff to implement the Project as approved by the SPMU.

4.1.5 - District Level Coordination Committee

District Level Coordination Committee will be formed under the Chairmanship of the District Magistrate. The Committee will consist of following members-

The District Magistrate	Chairman
The CEO, Zila Parishad	Vice Chairman
District Panchayati Raj Officer	Member
District Planning Officer	Member
District Statistical Officer	Member
District Programme Officer	Member
Civil Surgeon	Member
District Education Officer	Member
Divisional Superintendent of Education	Member
Executive Engineer, PHED	Member
District Welfare Officer	Member
District Engineer, Zila Parishad	Member
District Programme Manager	Convener

District Magistrate can also appoint other officials in the DLCC as and when required. In addition to that DLCC can Co-Opt three PRI members, one from each tier of the Panchayat. Further DLCC can also appoint maximum three members from the Civil Society Organization/Social Activist working in the field of Panchayats in the District. In addition DLCC can invite experts from the different fields as and when required for specific guidance. DLCC will meet at least once in every quarter.

4.1.6 Functions of the Implementation agency (Panchayat Sarkar Bhavans):

The construction of Panchayat Sarkar Bhavans will be carried out by Building Construction wing of Public Works Department, i.e., it will act as the implementing agency for the construction of Panchayat Sarkar Bhavan and responsible for operationalisation of construction process on ground in close collaboration with BGSYS. The Agency will create a special cell at State Level consisting of two senior engineers, procurement specialists and support staff, it will have engineering cell at each district Hqr to implement the Bhavan Component. BGSYS will provide functional support in selection of the land for construction and will implement the RP in case of applicability. The major functions of the implementing agency are listed below:

- i) Design Adaption as per the available site

- ii) Preparation of bidding documents
- iii) Posting of tenders after implementation of RP, if required
- iv) Receipt and finalization of tenders for hiring contractors for Bhavan Construction.
- v) Implementation of works and Contract Management
- vi) Supervision of works and quality assurance.

4.2 Roles and responsibilities at various levels in context of RPF

The Project at different levels have two types of resources one is internal Project staff like comprising SPM - Institutional and social development, District Social Development coordinators, Block Project Managers and external staff, i.e., officers of relevant line department and other stakeholders including PRIs starting from Panchayat to State level. Different level officers and ERs will play important roles in whole process of RPF as described below:

4.2.1 Gram Panchayat level –

The Panchayat Bhavan or any other subproject taken up by Panchayat has to be come as initiative from Panchayat as it is for the Panchayat to take a decision for site and kind of subproject to be taken up. The details are provided to SPMU through proper channel and after preliminary examination the details will be sent to the District Administration for Recy Survey and Social Screening at the level of Circle Officer. The Circle Officer with the help of BPMU, Halka Karmchar, Mukhiya and other Panchayat members will conduct a Recy Survey of Site and fill Social Screening checklist in prescribed format. In case of issues of social impact, the AFs will also be consulted for submitting a report. The role of Gram Panchayat Mukhia is crucial for next step of calling Gram Sabha and passing resolution regarding site selection in case of Bhavan and other subprojects. The role of Panchayat level ERs and functionaries are as under :

- **Halka Karmachri** (village level representative from revenue department)
 - ✓ Provide revenue details (Map and Kahatautni) of identified land in the village for construction of Panchayat Bhavan
 - ✓ Focal person for GP when there is a need for R&R related financial implication come into picture.
- **Panchayat Sachiv** will provide all necessary help to Mukhiya in discharging his responsibilities listed below
- **Mukhiya** (Panchayat level elected representative)
 - ✓ Identify land in the village for construction of Panchayat Bhavan / Sub project in consultation with other ERs and villagers.
 - ✓ Identify the subprojects and their location for utilization of performance award.
 - ✓ Provide all coordination to BPMU and Circle officer in filling social screening checklist.
 - ✓ Calling Gram sabha Meeting and passing of resolution for selected site and subproject.
 - ✓ Facilitate & coordinate with Halka Karmachari, DPMU, District Social Development coordinator in Census & Socio Economic Census, RP planning and implementation.

4.2.2 Block Level Responsibilities

- **Circle officer** with the help of Government staff and Project staff will be responsible for the following:
 - ✓ **Recy Survey and filling of Social Screening Check List**
 - ✓ **On the basis of the findings he will recommend further course of action and categorization of land**

- **Block Project Manger**
 - ✓ Discussion on R&R framework in a GPs
 - ✓ Information dissemination to GPs on design alternative and its land requirement
 - ✓ Facilitate discloser of R&R framework at block level
 - ✓ Coordinating with Circle Officer, District Social Development Coordinator in all activities related to RPF.

4.2.3 District Level

- **District Project manager and Social Development Coordinator** shall be responsible at the District level to ensure the following:
 - ✓ Information dissemination to GPs on design alternative and its land requirement
 - ✓ Facilitate GP in preparation and approval of the proposal for Panchayat Sarkar Bhavan and other subprojects in Gram Sabha .
 - ✓ Site identification with minimum involuntary resettlement as per guidelines of Rural Development Department for construction of Panchayat Bhavan issued in 2002 and this policy framework.
 - ✓ Facilitate technical verification of site for feasibility from design requirements point of view and demarcation of site on ground
 - ✓ Facilitate preparation and approval of Resettlement Plan as applicable as per the Resettlement framework for the Project. At the District level District development coordinator shall seek approval of District Magistrate and forward to Project Director for approval and necessary Administrative Sanction.
 - ✓ Facilitate disclosure of Resettlement Framework and Plans at District level.
 - ✓ Report monthly progress on Social Screening Report and Resettlement Plans to SPMU.
 - ✓ Get approval of Resettlement Plan, if required, from DLCC
 - ✓ Quarterly reporting to SPMU regarding progress of implementation of RP
 - ✓ Again after implementation of RP place it before the DLCC for satisfaction of Committee and its consent

4.2.4 State Level :

- **SPM Institutional & Social Development**
 - ✓ Review the contents and budget of RP prepared and make suggestions to improve it.
 - ✓ Review and comment on Social Screening reports and prepare quarterly report
 - ✓ Monitor progress status of preparation and approval of Resettlement plans and prepare Quarterly progress report.
 - ✓ Review and comment on Implementation of Resettlement Plans to ensure compliance with agreed Resettlement framework - quarterly

- ✓ Prepare Annual Summary reports of Resettlement Plans on overview of actual impacts under the Project.
 - ✓ Conduct training of District Resettlement and Rehabilitation Officer, BPRO, BPM and Halka Karmcharis and GP representatives on Resettlement Framework requirements and process
 - ✓ Monitor progress of implementation of Resettlement Plans and prepare quarterly progress report
 - ✓ Facilitate coordination with land and other line departments for smooth preparation and implementation of Resettlement Plans
 - ✓ Ensure timely implementation of Resettlement Plan
- **Project Director** shall be responsible for
 - ✓ Ensuring disclosure of each of the Resettlement Plan at Project site, District level, state level and Society website
 - ✓ Take approval of RP from Executive Committee
 - ✓ Give necessary administrative sanction, budgetary sanction and requisition/directions to concerned line departments for implementation.
 - ✓ Ensure necessary availability of staff and budget for preparation and implementation of Resettlement Plans as per RPF.
 - ✓ Assess training and other capacity building needs for effective implementation of Resettlement framework and time to time delivery of the same.
 - ✓ Ensure independent monitoring and evaluation of implementation of Resettlement Plans as per RPF

4.3 Grievance redress mechanism

In order to ensure efficient grievance redress mechanism a Grievance Redress Committee (GRC) in each Project District will be constituted. It will be headed by Additional Collector at District level with District Project manager as its member secretary, who will be responsible to convene and coordinate such meetings. Other members of the committee will be District land Acquisition Officer, DPRO, Social Development Coordinator, four elected representatives of Gram Panchayats – at least one woman and one SC/ST, two representatives of local NGOs/ other interest groups, two representatives of PAF. GRC will meet at least once in a month and it will review grievances involving all resettlement benefit, compensation, relocation and other assistance as per the policy. It is to be clarified that dispute related to ownership rights will not come under the preview of this committee. The committee for GR will ensure that documentation and monitoring is integral part of its functioning which will document and monitor grievances and their redressal status.

The Project will respond to the provisions under Section 4 of the Right to Information Act, 2005 and disseminate and disclose all relevant information through publications, wall posters and writings and maintenance of a Project website.

4.4 Monitoring and Evaluation

Concurrent monitoring will be done by Project personal with officials from line department in very close coordination while an independent consultant shall be hired to review and

assessthe implementation of resettlement Framework and its effectiveness twice in the Project cycle.

- One at the end of second year of implementation or prior to second phase of Panchayat Bhavan construction
- Second at the end of Project implementation period.

4.5 Reporting:

At the GP level, each GP will include a section on RPF implementation in its half-yearly and annual reports that are presented to the Gram Sabha. The periodic report of overall Project progress prepared by the BPS cell will include information on implementation of the RPF under the Project in an agreed format.

4.6 Capacity Building Arrangements

Based on the preliminary findings of the social screening, stakeholder consultations and institutional analysis to manage R&R issues, the EA shall prepare a Capacity Building Plan to mainstream RP in the project activities. A detailed training plan shall be prepared to develop and strengthen planning and implementation capacities of relevant officers and staff in preparing and implementing the Resettlement plan as per agreed entitlement Framework.

Two levels of training Module shall be developed:

One module will target the SPM – Institutional and Social Development, Director – Operations and Communication and Social Development Coordinator at the District level, District Project manager, DPRO, Block Project Manager, Circle Officer, BPRO.

Second module will target Mukhiya, Panchayat members, Panchayat Sachiv, Halka Karmachari, and other field level officials.

4.7 Budget

The EA will provide adequate and appropriate replacement land and structures or cash compensation at full replacement cost for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance, as applicable according to the Entitlement Matrix. The EA will compensate to the non-title holders for the loss of assets other than land, such as dwellings, and also for other improvements to the land, at full replacement cost. The entitlements to the non-titleholders will be given only if they occupied the land or structures in the Project area prior to the cut-off date.

Preference will be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land, or on private land acquired or purchased for resettlement. Whenever replacement land is offered, displaced persons are provided with land for which a combination of productive potential, locational advantages, and other factors are at least equivalent to the advantages of the land taken. If land is not the preferred option of the displaced persons, or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment will be provided in addition to cash compensation for land and other assets lost. The lack of land will be demonstrated and documented to the satisfaction of WB.

Annex - 1

Social Screening Check list for the preliminary assessment for the construction of Panchayat Sarkar Bhavan

1. Name of District:
2. Name of Block:
3. Name of GP:
4. Type of Land & Ownership details;
5. Name of Village:
6. Thana/ Khata/ Khesra No.:
7. Area in acres
8. (a) Is there any water logging problem ? Yes/No
(b) If yes, then suggest corrective measures
9. (a) Do the identified site has approach road ? Yes / No
(b) if not, then suggest suitable arrangements
10. Is the location of Land identified for Panchayat Bhavan is suitable for fearless and comfortable visit by one and all, specially for Women, persons of Dalit and weaker sections Yes / No
11. (a)Is there any encroachment or any claim on land Yes/No
(b)If yes, from when and which kind
12. Is map of land site enclosed: Yes/No
13. Any other specific information related to land:

This is to certify that the field visits have been conducted by me on dated..... and found that the above information is best for my knowledge.

Name:.....

Place:.....

Date:.....

Designation: Circle Officer

Census and socio-economic Survey

Potential social Impact of Panchayat Bhavan Construction

(Inform at the start of the interview: The site has been proposed for the construction of Panchayat Sarkar Bhavan /subproject under world bank funded, Bihar Panchayat Strengthening Project. This interview is to collect any potential social impact/loss it may trigger for you. This interview is for initial information collection. This will not lead to any Police action. An Resettlement Policy Framework has been prepared for management of these issues. This information shared by you will help us in designing better support mechanism for you. Final decision on your displacement, if any will be taken in Gram Sabha. In case of any query or suggestion at any time of the project, please contact the social Development Officer, DPMU, xxx District. The contact details including mobile numbers will be shared.)

A. Location Information

Site Location Code

Plot No.

Village

Panchayat

Block

District

Type of land Gair Mazurwa/Private

Surrounding Plots N E S W

Surrounding landuse

B. Land Use Information

Current purpose of Landuse

Ownership of land

own/lease/Rent/encroachment/None

Area under Occupation

Any permission?

Any structure on the land?

Use of Structure

Type of Structure (Kutchha/Pucca/Semi Pucca)

Monthly Income derived from this land, if any?

B. Household Information

Name of Respondent

M/F

Name of the Head of Household

M/F

Literate (Y/N) Qualification

