



**Khyber Pakhtunkhwa
Irrigated Agriculture Improvement Project (KPIAIP)**

RESETTLEMENT POLICY FRAMEWORK

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**Directorate of On-Farm Water Management
Government of Khyber Pakhtunkhwa**

Executive Summary

The Project Development Objective of the Khyber Pakhtunkhwa Irrigated Agriculture Improvement Project is to improve the livelihoods of the people through increased water, crop and livestock productivity in the Khyber Pakhtunkhwa province. Among the three on-the-field components defined under the project (irrigation infrastructure improvement, on-farm water management improvement, horticulture and crossbreeding), there may be activities that involve civil works requiring land acquisition from local people, possibly affecting their livelihoods. Small parcels of land may be acquired for water storage and/or farm products storage. In most cases land needs will be met through Community or Voluntary Land Donations (VLD), the procedures for which have been laid out in this Resettlement Policy Framework. Certain interventions may involve minor temporary impacts on livelihoods (due to restricted access; temporary dislocation) which could require small scale compensation. However, the impacts are not expected to be large scale. Based on the same, World Bank OP 4.12 on Involuntary Resettlement has been triggered.

As a result this Resettlement Policy Framework (RPF), has been prepared, consulted upon, and disclosed publicly on the client's website (in-country) and by the Bank prior to appraisal. Any land acquisition will comply with the Land Acquisition Act of 1894 (LAA), relevant provincial laws and rules, and Involuntary Resettlement Policy of the World Bank (OP 4.12), which requires establishment of a Resettlement Policy Framework (RPF).

The Land Acquisition Act 1894 regulates the land acquisition process and enables the federal and provincial governments to acquire private land for public purposes and for companies through the exercise of the right of eminent domain. Land acquisition is a provincial responsibility and each province has its own interpretation of the Act is the *de-facto* legal instrument governing resettlement and compensation.

World Bank Policy on Involuntary Resettlement Operational Policy 4.12 is for preventing and mitigating undue harm to the environment and people from involuntary resettlement. One of the overall objectives of the Involuntary Resettlement Policy is to avoid involuntary resettlement where feasible, or to minimize, exploring all viable alternative project designs. Where it is not feasible to avoid resettlement, related activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced to benefit from the project. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. Displaced persons should be assisted 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.

Grievance Redress Mechanism (GRM) will be set up for all subprojects to address grievances arising from project impacts, including land acquisition and resettlement. This RPF determines the structure, roles and functions of the GRM, which should be further specified in the Resettlement Action Plan (RAP) for each

subproject. The purpose of the GRM with regard to land acquisition and resettlement is to receive, review and resolve grievances from physically and economically displaced persons, and thereby facilitate implementation of this RPF as well as related subproject ARAP and RAP.

Preparation and implementation of Plans on land acquisition and resettlement are the responsibility of the Project Implementation Unit (PIU). When the scope of a subproject is identified based on its technical designs, the PIU that implements the subproject becomes responsible for social assessment of the target area. If the designs are changed, social assessment must be undertaken anew. If impacts are found to be significant, a resettlement action plan will be prepared for each subproject. The PIU will be responsible for ARAP and RAP: preparation; implementation; financing and supervision of all relocation and resettlement; social development; and interagency coordination.

Land for Land Compensation has significant advantages of reducing the chance of displaced people spending their compensation on items that will not provide them with an alternative economic livelihood. Therefore, preference will be given to land-based resettlement strategies for displaced persons whose livelihoods are land based. The strategies may include resettlement on public land or 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 is 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 should be provided in addition to cash compensation for land and other assets lost. The lack of land must be demonstrated, documented, and approved by the World Bank.

Full replacement cost as compensation is the basic principle guiding the allocation of **entitlements**, with special provisions for: improvement of livelihoods of vulnerable displaced persons; sharing of project benefits; and unanticipated impacts. The entitlements will be specific to the types of impacts, losses and eligible persons occurring in a project, while the provisions made in this RPF include a wider range of the possible cases which may arise under the project. Each individual PAP will be eligible for a combination of entitlements specific to his/her particular losses and relationship to the lost assets.

A **Project Implementation Unit** (PIU) will be established and be responsible for resettlement functions, including preparation, implementation, financing and supervision of all relocation and resettlement, social development tasks and cross-agency coordination. The PIU will have the ultimate responsibility to prepare and implement a Resettlement Action Plan and to coordinate with relevant Khyber Pakhtunkhwa government agencies. It will also receive and review quarterly reports and address all queries from agencies involved in the subproject. It will coordinate with all other project stakeholders at the same level as the PIU.

The World Bank will review and approve all Resettlement Action Plans (RAP) prepared under this Project, to ensure their compliance with the World Bank's safeguards requirements, specifically OP 4.12. In cases

where a Plan do not meet the World Bank's requirements, additional assessment will be undertaken to improve the Plan. The World Bank will also conduct periodic social safeguards reviews, to verify that resettlement planning and implementation is being carried out as agreed in this RPF and/or RAP.

To ensure that activities and commitments described in the approved Resettlement Action Plans are implemented fully and timely, **monitoring and evaluation** of the Plan implementation will be conducted by the PIU. While monitoring of the Plan aims to collect, on a regular basis, information reflecting the Plan implementation results, the evaluation of Plan implementation aims to analyze the information collected from monitoring process, to assess the extent to which the Plan is executed in accordance with the agreed schedule, methods, and procedures that satisfy the World Bank's OP 4.12. In case where gaps between planned and actual implementation are identified, corrective measures will be proposed by PIU. Monitoring will be done both internally and externally to provide feedback to PIU and to assess the outcome of Plan implementation. Internal and external monitoring and reporting will continue until all land acquisition and resettlement activities have been completed.

The Project Implementation Unit will be responsible for using/transferring the **budget for land acquisition and resettlement as per guidelines of OP 4.12 and Government of KP**; the funds allocated for the compensation disbursement to the district treasury where necessary, and determining the annual inflation rates to be applied to all cash entitlements.

Consultations on Resettlement: The consultations with the stakeholders revealed that none of them thought resettlement would be necessary; in case it is deemed inevitable for project implementation, utmost care must be taken to explain why and obtain support. Participatory approach to subproject formulation is the most effective means for fostering ownership, support and approval of the project among the local stakeholders, including resettlement.

Compensation and Grievance Redress: In the province, *riwaj* or tradition is strong and binding. The compensation conditions should be tailored to the traditions, while satisfying the World Bank requirements. Resolution of local issues are handled by *jirga*, or tribal assembly, in accordance with the tradition. The Resettlement Policy Framework stipulates that *jirga* forms the foundation of the grievance redress mechanism.

خلاصہ

خیبر پختونخوا آبپاشی شدہ زراعت کی بہتری کے منصوبے کے ترقیاتی منصوبے کا مقصد خیبر پختونخوا صوبے میں پانی، فصل اور لائیوسٹاک کی پیداوار میں اضافے کے ذریعے لوگوں کے روزگار کو بہتر بنانا ہے۔ منصوبے کے تحت تعریف کئے گئے تین عملی اجزاء میں (آبپاشی، انفراسٹرکچر کی بہتری، فارم پر پانی کے انتظام کی بہتری، باغبانی اور مختلف نسلوں کا آپس میں ملاپ) کھالہ جات کے انتظام پر سرگرمیوں میں تعمیراتی سرگرمیاں شامل ہیں جس میں مقامی لوگوں سے زمین کا حصول درکار ہو سکتا ہے جو ان کے روزگار کو ممکنہ طور پر متاثر کر سکتا ہے۔ زمین کے حصول کے لئے لینڈ ایکوزیشن ایکٹ 1894 (LAA)، متعلقہ صوبائی قوانین اور ضوابط اور عالمی بینک کی غیر رضاکارانہ دوبارہ آبادکاری کی پالیسی (OP 4.12) کی تعمیل کرنا ہو گی جس کے لئے دوبارہ آبادکاری کی منصوبہ بندی کے فریم ورک (RPF) کا قیام درکار ہے۔

دی لینڈ ایکوزیشن ایکٹ 1894 زمین کے حصول کے عمل کو ریگولیٹ کرتا ہے اور وفاقی اور صوبائی حکومتوں کو نمایاں ڈومین کے حق کے استعمال کے ذریعے سرکاری مقاصد اور کمپنیوں کے لئے نجی زمین کے حصول کے قابل بناتا ہے۔ زمین کا حصول صوبائی ذمہ داری ہوتی ہے اور ہر صوبے کی ایکٹ کی اپنی تشریح ہوتی ہے جو کہ درحقیقت دوبارہ آبادکاری اور معاوضے کی ادائیگی کے لئے قانونی طریقہ ہوتا ہے۔

غیر رضاکارانہ دوبارہ آبادکاری کی آپریشنل پالیسی 4.12 پر عالمی بینک کی پالیسی ترقیاتی عمل میں ماحول اور لوگوں کو بے جا نقصان سے بچاؤ اور تخفیف کے لئے ہے۔ غیر رضاکارانہ دوبارہ آبادکاری پالیسی کے مجموعی مقاصد ہیں: (i) غیر رضاکارانہ دوبارہ آباد کاری کو جہاں ممکن ہو گریز کرنا چاہیے یا کم سے کم کرنا چاہیے اور منصوبے کے تمام قابل عمل متبادل ڈیزائن تلاش کئے جانے چاہئیں۔ (ii) جہاں دوبارہ آباد کاری سے گریز ممکن نہ ہو وہاں دوبارہ آباد کاری کی سرگرمیوں کو پائیدار ترقیاتی پروگرامز کے طور پر تصور اور عمل درآمد کیا جانا چاہیے اور کافی سرمایہ کاری کے وسائل کی فراہمی سے منصوبے سے بے گھر ہونے والے افراد کو منصوبے کے فوائد میں شامل کرنے کے قابل بنایا جائے۔ بے گھر افراد سے بامعنی مشاورت کی جانی چاہیے اور انہیں دوبارہ آبادکاری کے پروگرامز کی منصوبہ بندی اور عمل درآمد کے مواقع میں شریک کیا جانا چاہیے۔ (iii) بے گھر ہونے سے پہلے کی سطحوں یا منصوبے پر عمل درآمد کے آغاز سے پہلے کی موجودہ سطحوں، جو بھی زیادہ ہو، بے گھر افراد کو ان کی کوششوں میں معاونت فراہم کی جانی چاہیے تاکہ وہ اپنے روزگار اور رہنے کے معیار کو بہتر بنا سکیں یا کم از کم انہیں حقیقی معنوں میں بحال کیا جاسکے۔

شکایت کو دور کرنے کا طریقہ کار (GRM) تمام ذیلی منصوبوں میں قائم کیا جائے گا تاکہ منصوبے کے اثرات بشمول زمین کا حصول اور دوبارہ آبادکاری سے پیدا ہونے والی شکایات کو دور کیا جاسکے۔ یہ دوبارہ آبادکاری کی منصوبہ بندی کے فریم ورک (RPF) شکایت دور کرنے کے طریقہ کار (GRM) کے سٹرکچر، کردار اور افعال کا تعین کرتا ہے جو ہر منصوبے کے لئے دوبارہ آبادکاری کے ایکشن پلان (RAP) کی مزید وضاحت کی جانی چاہیے۔ زمین کے حصول اور دوبارہ آباد کاری سے متعلق شکایت دور کرنے کے طریقہ کار (GRM) کا مقصد جسمانی اور اقتصادی طور پر بے گھر افراد کی شکایات وصول کرنا ان کا جائزہ لینا اور حل کرنا ہے اور اس طرح اس دوبارہ آبادکاری کی منصوبہ بندی کے

فریم ورک (RPF) اور اس سے متعلقہ ذیلی منصوبے زمین کے دوبارہ آبادکاری کے ایکشن پلان (RAP) پر عمل درآمد کے لئے سہولت دینا ہے۔

زمین کا حصول اور دوبارہ آبادکاری کے منصوبوں کی تیاری اور عمل درآمد، منصوبے کے عملدرآمدی یونٹ (PIU) کی ذمہ داری ہے جب کسی ذیلی منصوبے کی اس کے تکنیکی ڈیزائنز پر مبنی دائرہ کار کی نشاندہی ہوجاتی ہے تو ذیلی منصوبے پر عمل درآمد کرنے والا منصوبے کا عملدرآمدی یونٹ (PIU) نشان زدہ علاقے میں سماجی تخمینے کے لئے ذمہ دار بن جاتا ہے۔ اگر ڈیزائنز تبدیل ہوجاتے ہیں تو ازسر نو سماجی جائزے کرنا لازمی ہیں۔ اگر اثرات نمایاں پائے جاتے ہیں تو ہر ذیلی منصوبے کے لئے دوبارہ آباد کاری کا ایکشن پلان تیار کیا جائے گا۔ منصوبے کا عملدرآمدی یونٹ (PIU) دوبارہ آبادکاری کے ایکشن پلان (RAP) کے لئے ذمہ دار ہوگا: تیاری؛ عمل درآمد؛ تمام نقل مکانی اور دوبارہ آباد کاری کے لئے فنانشنگ اور نگرانی؛ سماجی ترقی؛ اور اداروں کے درمیان روابط

زمین کے بدلے زمین کے معاوضے کے نمایاں فوائد بے گھر لوگوں کو اپنا معاوضہ ایسی ایشیا پر خرچ کرنے کے امکان کو کم کر دیتا ہے جو انہیں متبادل اقتصادی روزگار مہیا نہیں کرے گا۔ اس لئے زمین پر مبنی دوبارہ آبادکاری کی حکمت عملی کو ترجیح دی جائے گی ان بے گھر افراد کے لئے جن کا روزگار زمین کی بنیاد پر ہے۔ حکمت عملی میں دوبارہ آباد کاری کے لئے خریدی گئی یا حاصل کی گئی سرکاری زمین یا نجی زمین پر دوبارہ آبادکاری شامل ہو سکتی ہے۔ جب بھی متبادل زمین کی پیشکش کی جاتی ہے بے گھر افراد کو ایسی زمین مہیا کی جاتی ہے جس کی پیداواری صلاحیت، مقامی فوائد اور باقی عوامل کا مجموعہ لی گئی زمین کے فوائد کے کم از کم مساوی ہوتے ہیں۔ اگر زمین بے گھر افراد کی ترجیحی پسند نہیں ہے یا مناسب قیمت پر کافی زمین دستیاب نہیں ہے تو زمین اور دوسرے نقصان شدہ اثاثوں کے لئے اضافی طور پر نقد معاوضے کے ساتھ روزگاریا خود روزگار کے لئے غیر زمینی آپشنز پر مبنی موجود مواقع مہیا کئے جانے چاہیں۔ عالمی بینک کی جانب سے زمین کی کمی کی وضاحت، تحریری طور پر دستاویز اور منظوری ہونی چاہئے۔

معاوضے کے طور پر پوری متبادل قیمت بنیادی اصول ہے جو مختص استحقاق کی رہنمائی کرتا ہے اور مخصوص شرائط کے ساتھ کمزور بے گھر افراد کے روزگار کی بہتری؛ منصوبے کے فوائد میں شراکت؛ اور غیر متوقع اثرات کے لئے ہے۔ استحقاق اثرات کی اقسام، نقصانات اور منصوبے میں آنے والے افراد کے لئے مخصوص ہوگا جبکہ منصوبے میں اٹھنے والے ممکنہ کیسز کی وسیع رینج دوبارہ آبادکاری کی منصوبہ بندی کے فریم ورک میں دی گئی شرائط میں شامل ہیں۔ پی اے پی کا ہر فرد اپنے نقصانات اور خود سے متعلق کھو جانے والے اثاثوں کے مخصوص استحقاق کے مجموعے کا اہل ہوگا۔

پرو جیکٹ عملدرآمدی یونٹ (PIU) تین مرکزی اجزاء میں سے ہر ایک کے لئے قائم کیا جائے گا اور دوبارہ آبادکاری کے افعال کے لئے ذمہ دار ہو گا جس میں تمام نقل مکانی اور دوبارہ آبادکاری کی تیاری، عمل درآمد، فنانشنگ اور نگرانی، سماجی ترقی کے کام اور اداروں کے درمیان روابط شامل

ہیں۔ پروجیکٹ عملدرآمدی یونٹ زمین کے حصول اور دوبارہ آبادکاری کے پلان اور دوبارہ آبادکاری کے ایکشن پلان کی تیاری اور عمل درآمد اور خیبر پختونخوا کے متعلقہ اداروں کے ساتھ روابط کا حتمی ذمہ دار ہوگا۔ یہ سہ ماہی رپورٹس بھی وصول کرے گا اور جائزہ لے گا اور ذیلی منصوبے میں شامل تمام اداروں کے تمام مسائل حل کرے گا۔ یہ پروجیکٹ عملدرآمدی یونٹ کے طور پر اسی سطح پر منصوبے کے تمام دوسرے فریقوں سے روابط قائم کرے گا۔

عالمی بینک تمام زمین کے حصول اور دوبارہ آبادکاری کے پلانز اور دوبارہ آبادکاری کے ایکشن پلان کا جائزہ لے گا اور منظوری دے گا اور عالمی بینک کے تحفظات کی ضروریات پر عمل درآمد کو یقینی بنائے گا۔ اس صورت میں جہاں پلان عالمی بینک کی ضروریات پوری نہیں کرتا پلان کو بہتر بنانے کے لئے اضافی جائزہ لیا جائے گا۔ عالمی بینک متواتر سماجی تحفظات کے جائزے بھی منعقد کرے گا تاکہ اس بات کی توثیق ہو سکے کہ دوبارہ آبادکاری کی منصوبہ بندی اور عمل درآمد سے متعلق دوبارہ آبادکاری کی منصوبہ بندی کے فریم ورک (RPF) یا دوبارہ آبادکاری کے ایکشن پلان (RAP) میں طے شدہ معاہدے عمل پورے ہوں۔

یقینی بنانے کے لئے کہ زمین کے حصول اور دوبارہ آبادکاری کے پلانز اور دوبارہ آبادکاری کے ایکشن پلانز کی منظوری میں بتائی گئی سرگرمیوں اور وعدوں پر مکمل طور پر اور بروقت عمل درآمد ہو رہا ہے عمل درآمد کرنے والے پی ایم یو کی جانب سے منصوبے پر عمل درآمد کی نگرانی اور تشخیص کی جائے گی جبکہ منصوبے کی نگرانی کا مقصد، ایک باقاعدہ بنیاد پر، منصوبے پر عمل درآمد کے نتائج کی عکاسی کے لئے معلومات کا حصول ہے، منصوبے پر عمل درآمد کی تشخیص کا مقصد نگرانی کے عمل میں حاصل کی گئی معلومات کا تجزیہ کرنا ہے تاکہ اس بات کا اندازہ لگایا جاسکے کہ عالمی بینک کی آپریشنل پالیسی 4.12 کو مطمئن کرنے کے لئے طے شدہ شیڈول کے مطابق، طریقے، اور طریقہ کار پر کس حد تک عمل درآمد کیا گیا ہے۔ اس صورت میں جہاں منصوبہ بندی شدہ اور حقیقی عمل درآمد میں خلا کی نشاندہی ہو پی ایم یو کی جانب سے درستگی کے اقدامات تجویز کئے جائیں گے۔ اندرونی اور بیرونی دونوں جانب سے نگرانی کی جائے گی تاکہ پی ایم یو کو رائے فراہم کی جاسکے اور پلان پر عمل درآمد کے نتائج کا اندازہ لگایا جاسکے۔ تمام زمین کے حصول اور دوبارہ آبادکاری کی سرگرمیوں کی تکمیل تک اندرونی اور بیرونی نگرانی اور رپورٹنگ جاری رہے گی۔

عمل درآمدی پروجیکٹ منیجمنٹ یونٹ زمین کے حصول اور دوبارہ آبادکاری کے لئے بجٹ کی منتقلی کا ذمہ دار ہوگا۔ ضلعی خزانے کو معاوضے کی ادائیگی کے لئے فنڈز۔ اور تمام نقد حقداروں پر لاگو سالانہ افراط زر کی شرح کا تعین پی ایم یو منصوبے کی سرگرمی پر عمل درآمد کے دوران اثاثوں کے اضافی نقصانات کی نشاندہی بھی کرے گا اور سرگرمی سے متاثر افراد کے لئے ان کا استحقاق تجویز کرے گا۔ عمل درآمد کرنے والا پی ایم یو خیبر پختونخوا کی حکومت اور عالمی بینک کی توثیق کے ساتھ بجٹ پر نظر ثانی کی منظوری دے گا۔

دوبارہ آبادکاری پر مشاورت۔

تمام دوسرے فریقوں سے مشاورت سے پتہ چلتا ہے کہ ان میں سے کسی نے دوبارہ آبادکاری کی ضرورت کو محسوس نہیں کیا اگر اسے منصوبے پر عمل درآمد کے لیے ناگزیر سمجھا جاتا ہے تو اس کی وضاحت انتہائی احتیاط کے ساتھ کی جانی ضروری ہے اور معاونت حاصل کرنی چاہیئے۔ ذیلی پروجیکٹ بنانے کا شراکتی نقطہ نظر مقامی فریقوں کے درمیان ملکیت، معاونت اور منصوبے کی منظوری بشمول دوبارہ آبادکاری کو فروغ دینے کے لیے سب سے مؤثر ذریعہ ہے۔

معاوضے کی ادائیگی اور شکایت کا ازالہ۔

صوبے میں رسم و ریاات بہت مضبوط اور مربوط ہیں۔ عالمی بینک کی ضروریات کو تسلیم کرتے معاوضہ کی شرائط روایات کے مطابق ہونی چاہئیں۔ مقامی مسائل کا حل روایت کے مطابق جرگہ، یا قبائلی اسمبلی کرتی ہے۔ بحالی کے منصوبے کے ڈھانچے کے مطابق جرگہ شکایت کے ازالے کے لیے بنیادی طریقہ کار کی تشکیل کرتا ہے۔

Acronyms

BoR	Board of Revenue
CPID	Consultation, Participation and Information Disclosure
DPAC	District Price Assessment Committee
FGD	Focus Group Discussion
GRC	Grievance Redress Committee
KPIAIP	KP Irrigated Agriculture Improvement Project
LAA	Land Acquisition Act, 1894
LAC	Land Acquisition Collector
OPL	Official Poverty Line
PAP	Project Affected Persons
PAPC	Project Affected Persons' Committees
ARAP	Abbreviated Resettlement Action Plan
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework

Definition of Terms

Displaced Household: All members of a subproject affected household residing under one roof and operating as a single economic unit, who are adversely affected by the project or any of its components; it may consist of a single nuclear family or an extended family.

Displaced Persons: In the context of involuntary resettlement, displaced persons are those who are physically displaced (i.e., have been subject to relocation, loss of residential land, or loss of shelter) or economically displaced (i.e., have been subject to loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of: (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Compensation: Payment in cash or in kind of the replacement cost of the acquired assets.

Cut-off-Date: The last date for establishing the eligibility of persons displaced by the project for receiving compensation and resettlement assistance. It is determined according to the procedures of the borrower government: usually the completion date of the census of project-displaced persons. In absence of such procedures, it is the borrower who will establish a cut-off date.

Encroachers: People who occupy the land beyond what they legally own. OP 4.12 provides guidelines for compensating such groups of people. Loss of built-up structures, trees, crops and other assets could be compensated.

Entitlement: Range of measures applied to displaced persons to restore their economic and social base: compensation, income restoration, transfer assistance, income substitution, and relocation.

Economic Displacement: Loss of land, assets, access to assets, income sources, or means of livelihood because of: (i) involuntary acquisition of land; or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Involuntary Resettlement: Land or asset loss, which negatively impacts livelihood. These losses have to be compensated for so that no person is worse off than they were before the loss of land and/or assets caused by the project.

Physical Displacement: Relocation, loss of residential land, or loss of shelter a result of: (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Rehabilitation: Compensatory measures provided under the World Bank Operational Policy 4.12 on Involuntary Resettlement and other than the payment of replacement cost of acquired assets.

Replacement Cost: Compensation for acquired housing, land and other assets that is calculated at full replacement costs based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Depreciation of structures and assets should not be taken into account.

Resettlement Impact: The nature and value of livelihood loss caused by the acquisition of land or assets

Significant Impact: Impact experienced by 200 people or more, involving: (i) physical displacement from housing; or (ii) loss of 10% or more of their productive assets or income generating activities.

Squatters: People who unlawfully occupies land or a structure. If the occupation is well established before the dissemination of project details and the cut-off date and the occupying people are found vulnerable, they are eligible for compensation for loss of any structure, trees, crops and other assets that they will lose access to because of project implementation.

Vulnerable Groups: Households below the poverty line, women, children, elderly, people without legal title to assets (including land) and indigenous people.

Meaningful Consultation: A process that: (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, sharing of development benefits and opportunities, and implementation issues.

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1 INTRODUCTION

The Project Development Objective is to improve the livelihoods through increased water and crop productivity in the Khyber Pakhtunkhwa province. Among the three on-the-field components of the project (improvement of community irrigation systems; introduction of innovative technologies for efficient water use; and enhancement of agricultural productivity, value addition and diversification), the activities on irrigation systems will involve civil works and may require land acquisition from local people. Small parcels of land may be acquired for water storage and/or farm products storage. In most cases land needs will be met through Community or Voluntary Land Donations (VLD), the procedures for which will have been laid out in this document (Section 5.2, Annex B). Certain interventions e.g. rehabilitation of existing water courses, may involve minor temporary impacts on livelihoods (due to restricted access; temporary dislocation) which could require small scale compensation. However, the impacts are not expected to be large scale. Hence World Bank OP 4.12 on Involuntary Resettlement has been triggered.

As per guidelines of the Policy, a Resettlement Policy Framework (RPF), has been prepared, consulted upon, and disclosed publicly on the client's website (in-country) and by the Bank prior to appraisal. Efforts will be made by the provincial government and the Project Implementation Unit through alternative technical designs to avoid land acquisition and resettlement which will incur adverse impacts on the local population and their livelihoods. In case it becomes inevitable, land acquisition and displacement will be minimized and compensated for, including loss of income as a result of land acquisition.

Social screening for each subproject, using the Involuntary Resettlement Screening Checklist (attached as Annex A) will indicate whether there would be social impacts from land acquisition and resettlement, their type and likely magnitude as well as who could be impacted. In case the project affects the indigenous peoples, an Indigenous Peoples Plan must be formulated and implemented according to the Indigenous Peoples Planning Framework prepared separately for this Project.

For each subproject requiring land acquisition and resettlement, different Plans may be required depending on the corresponding resettlement impacts; an Abbreviated Resettlement Action Plan (ARAP) or a Resettlement Action Plan (RAP). A RAP must detail compensation and rehabilitation related to land acquisition before project activities commence on the land in question.

2 LEGAL FRAMEWORK

Land acquisition will comply with the Land Acquisition Act of 1894 (LAA), relevant provincial laws and rules, and Involuntary Resettlement Policy of the World Bank (OP 4.12), which requires establishment of a Resettlement Policy Framework (RPF) and RAP if need arises. Compensation stipulated in the Law has not always been adequate to provide for equal or enhanced living status to resettled persons affected by projects. Although LAA lays down detailed procedures for acquisition of private properties for public

purposes and compensation, it does not cover resettlement and rehabilitation of persons required by the World Bank. The Framework provides measures to resolve any gaps between the two sets of instruments, national and the World Bank's. Compensation payments and other financial supports will be provided according to the principles set forth in this Framework.

2.1 Constitution of the Islamic Republic of Pakistan ¹

The Article 24 of the Constitution of Pakistan (1973) clearly addresses the protection of property rights by stating that “no person shall be compulsorily deprived of his property save in accordance with law” and “no property shall be compulsorily acquired or taken possession of save for a public purpose, and save by the authority of law which provides for compensation”. However, it neither fixes the amount of compensation nor specifies the principles and manner in which compensation is to be determined and given. Further, Article 4, sub-clause (2) (a) reiterates the legislative right of people; “no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law”.

2.2 Land Acquisition Act 1894 ^{2 3}

The Land Acquisition Act regulates the land acquisition process and enables the federal and provincial governments to acquire private land for public purposes and for companies through the exercise of the right of eminent domain. Land acquisition is a provincial responsibility and each province has its own interpretation of the LAA manifested in implementation regulations and rules. In the absence of a national resettlement policy, the Land Acquisition Act of 1894 is the *de-facto* legal instrument governing resettlement and compensation.

The LAA establishes the right to acquire land for public purposes and specifies a systematic approach for acquisition and compensation of land and other properties for development projects. It covers notifications, surveys, acquisition, compensation and apportionment awards, along with disputes resolution, penalties and exemptions. Surveys for land acquisition are to be disclosed to the displaced persons. Most notably, only legal owners and tenants registered with the Land Revenue Department or with formal lease agreements are eligible for compensation or livelihood support under the LAA. No laws exist in Pakistan either at federal or at provincial level that consider non-titleholders for compensation, thereby excluding the poor, vulnerable groups, and the severely affected, such as tenants, encroachers and squatters. The LAA neither provides for rehabilitation of losses in income or livelihood nor for

¹ Iqbal (undated).

² Pakistan Land Acquisition Act 1894.

³ Mahaboob (undated).

resettlement costs. A brief explanation and salient features of different sections of LAA is given in **Table 2-1**.

Table 2-1: Salient Features of Land Acquisition Act 1894

Section	Feature
4	Publication of preliminary notification and power for conducting survey.
5	Formal notification of land needed for a public purpose. Section 5a covering the need for enquiry.
6	The Government makes a formal declaration of intent to acquire land.
7	The Land Commissioner shall direct the Land Acquisition Collector (LAC) to take order the acquisition of the land.
8	The LAC has to direct that the land required to be physically marked out, measured and planned.
9	The LAC gives notice to all displaced persons that the Government intends to take possession of the land and if they have any claims for compensation then these claims are to be made to him at an appointed time.
10	Delegates power to the LAC to record statements of affected people in the area of land to be acquired or any part thereof as co-proprietor, sub-proprietor, mortgagee, and tenant or otherwise.
11	Enables the Collector to make enquiries into the measurements, value and claim and then to issue the final "award." The award includes the land's marked area and the valuation of compensation.
16	When the LAC has made an award under Section 11, he will then take possession and the land shall thereupon vest absolutely in the Government, free from all encumbrances.
17	In cases of urgency, whenever the Government can take possession of any land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government, free from all encumbrances:
18	In case of dissatisfaction with the award, affected people may request the LAC to refer the case onward to the court for a decision. This does not affect the Government taking possession of the land.
23	The award of compensation for the owners for acquired land is determined at its market value plus 15% in view of the compulsory nature of the acquisition for public purposes.
28	Relates to the determination of compensation values and interest premium for land acquisition.
31	The LAC can, instead of awarding cash compensation in respect of any land, make any arrangement with a person having an interest in such land, including the grant of other lands in exchange.

Source: Land Acquisition Act 1894 .

The LAA contains provisions for acquisition of land and assets on an emergency basis. If a project of public purpose has to be implemented urgently, the requesting department may ask the revenue department to acquire land, which, as per the LAA, determines the nature of emergency and accordingly applies the law. In Khyber Pakhtunkhwa, for example, valuation is done through District Price Assessment Committees (DPAC) and approval of the price rests with Khyber Pakhtunkhwa Board of Revenue. The LAA and its Implementation rules require that, following an impact identification and valuation exercise, land and crops are compensated in cash at the current market rate to titled landowners. The LAA mandates that land valuation is to be based on the last 3 to 5 years average of registered land sale rates. However, in several recent cases the median rate over the past 1 year, or even the current rates, have been applied with an added 15% Compulsory Acquisition Surcharge in accordance with the law.

2.3 Land Classification

In terms of application of this RPF, identifying the type of land affected will be an important step in determining eligibility for compensation. Generally, it is either the People's Local Government Ordinances (1972) or the Land Revenue Act (1967) that determines the classification of land: rural or urban. People's Local Government Ordinances contain broad definitions of rural and urban land, but the classifications have been changed by the Collector of Revenues and provincial governments over time.

Rural land includes irrigated land and un-irrigated land and is governed principally by the Land Revenue Act. Rural land falls under the jurisdiction of revenue districts. Land, other than rural land, is urban and governed by various regulations and ordinances, including the People's Local Government Ordinance. Urban land falls under the jurisdiction of municipal and local government authorities. However, there have been cases where both are applied for jurisdiction and classification and others where neither is applied. In other words, we do not have a universal classification system or legislation that could be used for the project.

The initial step in RAP preparation will require that departments work with the *Patwari* (registrar or keeper of land records) to identify the regulations that govern the land within the subproject area and determine the classification of that land accordingly.

2.4 Resettlement Ordinance 2001

The government of Pakistan prepared an ordinance entitled "Project Implementation and Resettlement of the affected Persons Ordinance 2001," which establishes that the resettlement of involuntary displaced persons is done as a matter of right and not by way of charity. It stipulates that affected persons (APs) shall be accepted as a special group, who in the interest of the country have accepted involuntary displacement. The Ordinance has not yet proclaimed, but this RPF will abide by its content.

2.5 World Bank Policy on Involuntary Resettlement Operational Policy 4.12 ⁴

The World Bank has established Operational Policy to prevent and mitigate undue harm to the environment and people in the development process. The overall objectives of the Involuntary Resettlement Policy are:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- Displaced persons should be assisted 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.

The Policy defines the requirement of preparing a resettlement plan (when the project site/s is/are clearly known) or a resettlement policy framework (where exact site is not known), in order to address involuntary resettlement. This policy includes safeguards to address and mitigate the impoverishment risks. During the site selection, settlements are generally avoided, but crops along the watercourses and other civil works may be damaged during the project.

The OP requires that a resettlement plan (RP) be developed within the Framework, if the environmental and social impact assessment of the project indicates that the project will, if unmitigated, give rise to severe economic, social, and environmental risks: destruction of production systems; impoverishment of the local population through loss of productive assets or income sources; relocation of the local population to environments where their productive skills may be less applicable and the competition for resources greater; weakening of community institutions and social networks; dispersal of kin groups; and loss of cultural identity, traditional authority, or potential for mutual help. The key World Bank Involuntary Resettlement Policy Principles are:

- Screen the project early at the planning stage;
- Build the project on meaningful consultation;
- At the minimum restore livelihood levels to what they were before the project;
- Improve the livelihoods of affected vulnerable groups;
- Prompt compensation at full replacement cost and provision of displaced people with adequate assistance;

⁴ World Bank (2013).

- Eligibility of displaced people, without statutory rights to the land that they are occupying, for resettlement assistance and compensation for the loss of non-land assets; and
- Disclosure of all reports.

2.6 Land Acquisition Act and World Bank Involuntary Resettlement Operational Policy

The Land Acquisition Act 1894 and the World Bank Involuntary Resettlement Policy OP 4.12 principles are compared in **Table 2-2**.

Table 2-2: Land Acquisition Act and World Bank Involuntary Resettlement Operational Policy

Topic	Land Acquisition Act	World Bank Involuntary Resettlement Policy
Screening and Scoping	<ul style="list-style-type: none"> • No equivalent requirement. 	<ul style="list-style-type: none"> • Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. • Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
Consultations, Communication, Vulnerable Groups, Grievance Redress Mechanism, High impacts and Risks	<ul style="list-style-type: none"> • No specific requirement. • The decisions regarding land acquisition and the rate/amount of compensation to be paid are published in the official Gazette which is notified in accessible places so that the people affected are informed. • The rate/amount of compensation is established under LAA through the formal land acquisition process or through appeals to the court. • Land Acquisition Collector (LAC) is the pre-land award authority to make decision on objections. 	<ul style="list-style-type: none"> • Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. • Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. • Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. • Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. • Where involuntary resettlement impacts and risks are highly complex and

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		sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
Improvement or Restoration of Livelihoods	<ul style="list-style-type: none"> • No equivalent requirement. 	<ul style="list-style-type: none"> • Improve, or at least restore, the livelihoods of all displaced persons through: (i) land based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods; (ii) prompt replacement of assets with access to assets of equal or higher value; (iii) prompt compensation at full replacement cost for assets that cannot be restored; and (iv) additional revenues and services through benefit sharing schemes where possible.
Physical and Economical Assistance to Displaced Persons	<ul style="list-style-type: none"> • No equivalent requirement 	<ul style="list-style-type: none"> • Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation and, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
Standards of Living of the Displaced Vulnerable Groups	<ul style="list-style-type: none"> • No additional support to vulnerable households 	<ul style="list-style-type: none"> • Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. • In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

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Transparency, Consistency and Equitable Land Evaluation	<ul style="list-style-type: none"> • Equivalent negotiation responds to displaced persons' requested price, but no clear procedure is given. 	<ul style="list-style-type: none"> • Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
Rights of Displaces Persons without Formal Titles to Land	<ul style="list-style-type: none"> • Land compensation is only for titled landowners or holders of customary rights. 	<ul style="list-style-type: none"> • Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
Establishment of Resettlement Plan	<ul style="list-style-type: none"> • No resettlement plan is required. 	<ul style="list-style-type: none"> • Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time bound implementation schedule.
Disclosure of Resettlement Plan	<ul style="list-style-type: none"> • No resettlement plan is required. 	<ul style="list-style-type: none"> • Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before Project appraisal, in an accessible place and a form and language/s understandable to affected persons and other stakeholders. • Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
Conception and Implementation of Resettlement Plan	<ul style="list-style-type: none"> • No equivalent requirement. 	<ul style="list-style-type: none"> • Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. • For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation. • Implement the resettlement plan under close supervision throughout project implementation.

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Compensation and Other Entitlements.	<ul style="list-style-type: none"> • No equivalent requirement. 	<ul style="list-style-type: none"> • Pay compensation and provide other resettlement entitlements before physical or economic displacement.
Monitoring of Resettlement Plan Implementation	<ul style="list-style-type: none"> • Monitoring reports not required 	<ul style="list-style-type: none"> • Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

Based on: RPF for Karachi Neighborhood Improvement Project Feb 2017 of World Bank and LARF for Tarbela Hydropower Extension Project 2016 of Asian Development Bank.

The LAA and OP 4.12 are not incompatible, rather the latter is more rigorous. The Khyber Pakhtunkhwa government has elaborated this RPF to follow the World Bank Operational Policy where LAA gives no consideration. As detailed in the OP 4.12, the content and complexity of a RAP will vary depending on the scale and severity of a subproject's impacts. Severely affected households will be eligible for participating in the Livelihood Restoration Program: a program to assist affected households---vulnerable before the project or made vulnerable because of the project---in promptly restoring their livelihoods which had been impacted due to lost land/business/crops or physical relocation.

3 PROCEDURES OF LAND ACQUISITION AND RESETTLEMENT: OVERVIEW⁵

Avoidance, Minimization and Mitigation of Land Acquisition: All subprojects will avoid, minimize or mitigate involuntary land acquisition and resettlement (LAR) leading to physical and/or economic displacement. Displaced persons and other stakeholders will be consulted and informed as well as given an opportunity to participate in LAR planning in a form accessible and understandable to them. A grievance redress mechanism with representation of all stakeholders will be established at the time of project inception.

Screening: Early screening needs to be undertaken to select subproject sites where land acquisition and consequent involuntary resettlement can be avoided. If this is not possible, the sites will be selected so as to minimize land acquisition and involuntary resettlement, and options assessment with relevant data must be presented in each resettlement plan that will be required. Sites that bring impacts on indigenous people will not be selected. All efforts will be made to select unencumbered government land.

⁵ The World Bank- Involuntary Resettlement Sourcebook Planning and Implementation in Development Projects, (2004)

Resettlement Category and Compensation: The level of detail and comprehensiveness of the resettlement plan must be commensurate with the significance of the potential impacts and risks. If the negative impact is minimal or none, a Social Due Diligence Report will be required. If the negative impact is larger, national laws and the World Bank Operational Policy become relevant, and a Resettlement Action Plan or Land Acquisition and Resettlement Plan, needs to be established based on Social Impact Assessment.

Preparation of Resettlement Action Plan: A comprehensive Resettlement Action Plan will be prepared for each Category A and B subproject based on the environmental and social assessment in relation to the resettlement. In particular, comprehensive assessment of social impacts will be carried out, which includes: (i) a census of all displaced persons, and an inventory of their lost assets; (ii) a socio-economic survey of a sample comprising of at least 10 percent of displaced persons; (iii) a detailed measurement survey and valuation of all lost assets; and (iv) an assessment of lost incomes. Every RAP revision (i.e., draft, updated and final versions) will be submitted to the World Bank for review and approval, endorsement by the borrower/client and disclosed on the World Bank website.

Land Acquisition: A Resettlement Action Plan must describe the procedures followed, including the requirements detailed in the OP 4.12 for negotiated purchases of land. To determine the price of land, the following would be considered: (i) the price paid for land recently acquired including in the vicinity; (ii) the price paid in private transactions as discoverable from the register of mutations and the record of the registration department; (iii) all other information available including instructions provided in the LAA; and (iv) the committee may consult respectable people who are disinterested with regard to the value of the land.

Eligibility for Compensation: An eligibility cut-off date will be declared and formalized on the date of completion of social impacts assessment and census of persons affected by the subproject (PAPs). All titled and non-titled PAPs occupying land to be acquired by the project before the cutoff date will be eligible for compensation, relocation and rehabilitation measures, regardless of whether the impacts are permanent or temporary, full or partial. Non-titled PAPs without legally recognizable claims to land will be eligible for all compensation, relocation and rehabilitation measures, except land. The full eligibility of non-titled PAPs extends to those who are temporarily or partially affected.

Compensation Valuation Principle: Compensation of land and structures will be done at full replacement value as stipulated by the World Bank OP 4.12, either through the replacement of land or structures of equivalent or higher value and quality or through cash compensation. Qualified valuation experts will be engaged to assess the value of all lost assets according to the principles of Pakistan's LAA and the World Bank Land Acquisition and Resettlement Policy Principle 10. Full replacement cost involves fair market value, transaction costs, interest accrued, transitional and restoration costs and other applicable payments without depreciation. For replacement of land or structures all transaction costs will be paid by

the project or included in compensation payments to the PAPs. The value of structures will not be depreciated for age.

Conditions for Compensation: All PAPS will be provided opportunities to share the development benefits of the subproject as much as possible. Relocated PAPs will receive secure tenure to replacement land, better housing, transitional support and access to civic infrastructure and services. PAPs will not be physically or economically displaced before compensation has been paid, other entitlements have been provided and an income and livelihood program is in place.

Special Cases of Compensation: All civic and community infrastructure lost will be either restored or newly provided at relocation sites. Incomes and livelihood sources lost, including but not restricted to crops and trees or interruption of business activities and employment, will be fully compensated at replacement cost. PAPs who will permanently lose incomes and livelihood sources as well as the poor and vulnerable are entitled to credit, training and employment assistance to maintain or improve their livelihoods.

Vulnerable households and impacts on their livelihood from land acquisition and resettlement will be identified by the social assessment and the census to be integrated in RAP. The vulnerable persons to be displaced will be consulted so that the safeguard measures are best fit to their needs. Vulnerable persons and households for the project are defined as those who satisfy at least one of the following conditions:

- (i) Monthly per capita income equal to or less than poverty line.
- (ii) Female headed household with income equal to or less than poverty line.
- (iii) Elderly headed household.
- (iv) Disabled persons.

Monitoring of RAP: The implementation of RAP and the impacts of its measures on the livelihoods of the PAPs will be monitored and evaluated during and after RAP implementation.

4 GRIEVANCE REDRESS MECHANISM

4.1 Grievances on Land Acquisition and Resettlement

A Grievance Redress Mechanism (GRM) will be set up for all subprojects to address grievances arising from project impacts, including land acquisition and resettlement. This RPF determines the structure, roles and functions of the GRM, which should be further specified in Resettlement Action Plans (RAP) for each project. The purpose of the GRM with regard to land acquisition and resettlement is to receive, review and resolve grievances from physically and economically displaced persons, and thereby facilitate implementation of this RPF as well as related subproject ARAP and RAP.

In order to prevent grievances, the subproject should as a first step avoid, minimize and mitigate negative impacts to the local population through subproject design and implementation with full participation of and consultation with the population that may be affected. Consultations will also be carried out throughout RAP preparation and implementation as well as compensation. To that end, comprehensive communication and coordination are required among the community, the PIU for the component, the Deputy Commissioner/District Collector and the local government. Persons who may be affected by the project will be fully communicated on: the rights under the Land Acquisition Act 1894 and World Bank Policy on Involuntary Resettlement; the procedures for addressing complaints whether verbally or in writing; and LAA notifications and other resettlement information, including a summary of draft RAPs.

In case land acquisition and resettlement are unavoidable, the PIU will prepare and implement RAPs in accordance with this RPF; they will identify and resolve potential issues and problems through intensive consultations with and participation of the locals as well as information disclosure strategy. If problems cannot be resolved through these actions, PAPs require an accessible and effective GRM. Each subproject will put in place its GRM structure at its design stage once the intervention area is tentatively determined.

GRM is likely to address issues on: (i) location of the subproject so as to avoid specific affected assets; (ii) omission of some PAPs in a census; (iii) identification, measurement and valuation of losses; (iv) assessment and disbursement of compensation relative to entitlements stipulated in a RAP; (v) disputes about ownership of affected assets; (vi) delays in compensation payments, relocation activities or livelihood restoration measures, (vii) design and completion of relocation sites and facilities; or (viii) adequacy and appropriateness of income restoration measures. Special care will be taken to make the GRM accessible to vulnerable persons, including the poor, elderly, handicapped, female heads of households, as well as women and members of ethnic minorities in general. Each RAP will indicate specific mechanisms to ensure accessibility for specific groups of PAPs.

4.2 Objectives

See Section 8.9.1 Objectives of the Environmental and Social Management Framework.

4.3 Structure

See Section 8.9.2 Structure of the Environmental and Social Management Framework.

4.4 Resolution Process

See Section 8.9.3 Resolution Process of the Environmental and Social Management Framework.

4.5 Legal Process

See Section 8.9.4 Legal Process of the Environmental and Social Management Framework.

5 PLAN ON LAND ACQUISITION AND RESETTLEMENT: PREPARATION AND IMPLEMENTATION

When the scope of a subproject is identified based on its technical designs, the Project Implementation Unit (PIU) to implement the subproject becomes responsible for social assessment of the target area. If the designs are changed, social assessment must be undertaken anew. If impacts are found to be significant, a resettlement action plan will be prepared for each subproject. The PIU will be responsible for ARAP and RAP: preparation; implementation; financing and supervision of all relocation and resettlement; social development; and interagency coordination.

5.1 Screening

A subproject that is to be considered will be screened and prioritized based on technical and socio-economic criteria agreed between the PIU and the World Bank. A subproject will have to be evaluated using the Involuntary Resettlement Checklist (Annex A). The checklist provides the preliminary information on involuntary resettlement that will aid the implementing agency and the World Bank to decide whether or not a subproject is worth pursuing: preliminary estimate of the scale and magnitude of involuntary resettlement; assessment of the capacity and preparedness of the implementing agency to address adverse social impacts.

5.2 Voluntary Land Donation

Whenever additional land is required, the PIU will interact with the landowners and facilitate voluntary donation of land required for subprojects. This use of voluntary donation option will be limited to small pieces of land for demonstration plots. In case of KPIAIP, it is anticipated that small parcels of land may be required in construction of water ponds, or other small scale infrastructure to support OFWM activities. In such cases, VLD will be the preferred option. Given that, under no circumstances, shall the titleholder be subjected to any pressure, directly or indirectly, to part with the land. These actions are expected to minimize adverse impacts on the local population and allowing project benefits to reach all sections of community. The process of voluntary donation of land must be meticulously documented to avoid confusions, misunderstandings, and litigations at a later stage. Original copies of all documentation of voluntary donation of land will be kept with the PIU. Complete documentation along with a copy of the final document will be sent to EAs Directorate for records and for inspection at a later date. Annex B indicates the complete process of voluntary land donation and Annex C contains the form required.

5.3 Impact Category

The categorization of sub-projects with respect to resettlement and corresponding safeguards required are as indicated in **Table 5-1**.

Table 5-1: Subproject Categorization for Resettlement

Category	Resettlements Foreseen	Safeguards Required
A - Significant	Two hundred or more persons will experience impacts, involving: (i) physical displacement from housing; or (ii) loss of 10% or more of their productive assets or income generating activities.	<ul style="list-style-type: none"> • Compliance with national law and the World Bank OP 4.12. • Establishment of Resettlement Action Plan, based on Social Impact Assessment
B – Less Significant	Less than two hundred persons will experience the impacts listed above.	<ul style="list-style-type: none"> • Compliance with national law and the World Bank OP 4.12. • Establishment of an Abbreviated Resettlement Action Plan based on Social Impact Assessment.
C – Minimal or No Impact	No involuntary resettlement.	<ul style="list-style-type: none"> • Elaboration of a Social Due Diligence Report.

Source: World Bank Involuntary Resettlement Source Book

The outlines of Resettlement Action Plan (RAP) and Abbreviated Resettlement Action Plan (RAP) are provided in Annex D and E respectively. Elaboration of a Resettlement Action Plan and compensation disbursement cannot be realized without: (i) project design; (ii) impact assessment; (iii) valuation of land and assets including community assets; or (iv) identification and verification of owners/occupants and updated land records. If relevant land records have been lost or damaged, they need to be re-created. The process is more than often time consuming, and the implementing agency will be required to collaborate with the provincial Board of Revenue.

5.4 Assessment of Impacts from Land Acquisition and Resettlement

In the preparation of RAP or ARAP for each subproject, a detailed assessment of land acquisition and resettlement as well as their social impacts will be carried out. The assessment will include:

- initial screening and categorization of impacts;
- census of PAPs with an inventory of lost assets, a socio-economic survey; and
- detailed measurement survey and valuation of lost assets.

If insufficient technical design of the project is available, a draft RAP will be prepared. If detailed engineering design is available, comprehensive measurements of impacts will be undertaken and a final

RAP will be prepared. The results of the LAR impact assessment will be presented in the annex of the Plan, in the aggregate and for each household. The details of the survey are found in Annex E.

5.5 Eligibility

Eligibility for compensation, relocation and livelihood rehabilitation entitlements under this RPF is established by: (i) the presence on the subproject site prior to the cut-off date; and (ii) physical or economic displacement due to permanent or temporary loss of land, structures or livelihood, whether full or partial, as a consequence of land acquisition. Examples are:

- Owners of land or structures, including those recognized as legally titled or legalizable on the basis of claims recognizable under national law;
- Lessees (leaseholders) of state or private land, whether long-term or short-term;
- Sharecrop tenants with or without formal legal registration according to national law;
- Non-titled occupants of land, such as squatters or encroachers;
- Business owners, whether registered under national law or informal;
- Employees of private or public businesses or enterprises, whether registered under national law or informal;
- Cultivators of crops or trees, irrespective of legal status of property relation to land;
- Vulnerable persons, including households headed by women, elderly or disabled persons, and households in local context with per capita incomes at or below the poverty line;
- Mobile vendors and others who may be drawing livelihoods from the project area.
- Any other group identified as per guidelines of OP 4.12

Persons without formal legal rights nor recognizable claims to lands will be compensated for their non-land assets. Eligibility extends to those who are temporarily or partially affected by the project.

5.6 Cut-off Date

Eligibility for entitlements under this RPF is limited by a cut-off date, which is the time of social impacts assessment, census of project affected persons inventory of losses and socioeconomic baseline survey.

The cut-off date under LAA 1894 is the date when Section 4 of LAA is issued; buying and selling of land in the notified area becomes impossible until the land is acquired. However, due to the lengthy process of land acquisition and timeline between different sections of LAA (from Section 4 to land award), the date of census of people affected by the subproject is usually considered as the cut-off date for this project. The PIU will establish the cut-off date and communicate to the local population through appropriate media sources, consultative meetings, focus group discussions and field surveys. The establishment and communication of the date will be formalized through documentation and disclosure of reports.

5.7 Entitlements

Full replacement cost as compensation is the basic principle guiding the allocation of entitlements, with special provisions for: improvement of livelihoods of vulnerable displaced persons; sharing of project benefits; and unanticipated impacts. The entitlements will be specific to the types of impacts, losses and eligible persons occurring in a project, while the provisions made in this RPF include a wider range of the possible cases which may arise under the project. Each individual PAP will be eligible for a combination of entitlements specific to his/her particular losses and relationship to the lost assets. The entitlements are detailed in this subsection and summarized as entitlement matrix in Annex F.

5.7.1 Land and Non-Land Assets

Agriculture Land: Agricultural land, partially or fully affected, will be compensated at full replacement costs: fair market value plus all transaction costs, such as applicable fees, taxes and other applicable payments. Qualified land valuation expert will determine the replacement cost. If the compensation determined by the Board of Revenue (BOR) is found to be less than full replacement cost, the project will pay the price differential to the affected persons. For PAPs losing more than 10% or more of their productive resources, severe agricultural land impact allowance equal to market value of the gross annual yield of lost land for one year will also be paid.

Non-Titled Users of Agricultural Land: Persons without traditional rights (or squatters), who will lose informal use of agricultural land, will be provided with income rehabilitation allowance in cash equal to the net market value of yearly harvest income based on relevant cropping pattern and cultivation record (in addition to standard crop compensation) and compensation for any irrigation infrastructure and other improvements made to the land (but not for the land) at full replacement cost. Other appropriate rehabilitation measures will be defined in the RAP based on the specifics of the subproject and PAP consultation.

Leaseholders or Tenants on Government Land: Leaseholders or tenants on government land will be entitled to either renewal of the lease in other plots or cash compensation equivalent to the market value of net yield of the affected land for the remaining lease years (in addition to standard crop compensation and up to a maximum of three years).

Sharecroppers: Sharecroppers will share the crop compensation with the land owner based on the sharecropping contract. Compensation in cash will be equivalent to the market value of the gross yield of lost harvest according to crop compensation (if impact is temporary) plus one additional crop compensation (if the land is lost permanently).

Agricultural Laborers: Agricultural laborers with contracts to be interrupted, will be provided with compensation equal to their salary (or daily wage) or minimum wage (or official poverty line), whichever higher for the remaining agreement/contract period. In case there is no contract, opportunity cost will be calculated for the loss of work up to a maximum period of one month.

5.7.2 Residential, Commercial, Public and Community Land

Partial Loss: Taking into account the functional viability of the remaining plot, for partial loss of an owned plot, owners---defined as titleholders or legalize-able users---will receive cash compensation at replacement cost according to the quantity and quality of the land lost, including all transaction costs. Lessees or rental tenants will receive a cash refund at the rate of the rental fee proportionate to the size of the affected plot and the duration of the remaining lease period. Non-titled land users squatting or encroaching on affected land will not receive compensation for the partial loss of land, but will be provided with access to land through a rent, as under the entitlements for agricultural land.

Full Loss: For full loss of an owned plot, owners may choose between either: (i) land for land compensation through the provision of a fully titled and registered replacement plot of comparable value, quantity and quality as the lost plot at a relocation site for the displaced community or another location agreeable to the PAP; or (ii) cash compensation at replacement cost according to the quantity and quality of the land lost. In either case all transaction costs, such as applicable fees and taxes, will be borne by the project. Lessees or rental tenants will receive a cash refund at the rate of the rental fee for the duration of the remaining lease period for the entire lost plot. Nontitle land users squatting or encroaching on affected land will not receive compensation for the loss of land, but will be provided with access to land through a rent, as when land loss is partial.

5.7.3 Temporary Occupation of Land

Temporary occupation of land is required in the short term for civil works. Owners, lessees and tenants affected by temporary land occupation by the subproject will receive a rental fee commensurate with current local land rents for the period of occupation of the land. All PAPs so affected will have guaranteed access to their land and structures located on their remaining land, and their land will be restored to its original state immediately after the completion of the civil works.

5.7.4 Structures

Partial Loss: Taking into account the functional and economic viability of remaining or unaffected part, for the partial loss of structure of a residential, agricultural, commercial, public and community structure or its alteration, the owners---including non-titled land users---will receive cash compensation for the lost parts of a structure at replacement cost and for the repair of the remaining structure at the market rate for materials, labor, transport and other incidental costs, without deduction of depreciation for the age of the structure. They have the right to salvage all usable materials from the lost structures. Lessees and rental tenants receive a cash refund at the rate of the rental fee proportionate to the size of the lost part of the structure and the duration of the remaining lease period.

Full Loss: For the full loss of a residential, agricultural, commercial, public and community structure/percent of the total structure, the owners---including non-titled land users,---may choose between either: (i)the provision of a fully titled and registered replacement structure of comparable value,

quantity and quality, including payment for all transaction costs (such as applicable fees and taxes), at the location site or another location agreeable to the PAP; or (ii) cash compensation at replacement cost, including all transaction costs for self-relocation (such as applicable fees and taxes) without deduction of depreciation for age. If the market value of a replacement structure is below that of the lost structure, the owner will be paid cash compensation for the difference in value without deduction of depreciation for age. If the market value of the replacement structure is above that of the lost structure, no further deductions will be made. In either case the owners have the right to salvage all usable materials from the lost structures.

Minor Structure: If minor structures---such as fences, sheds or latrines---need to be moved, their owners or the lessees and tenants, depending on the arrangements between owners and tenants, may either: (i) receive cash compensation for self-relocation of the structure at the current market rate for the cost of labor, materials, transport and other incidental costs, without deduction of depreciation for age, or (ii) the structure may be relocated by the project.

Structures of Street Vendors: For stalls and kiosks of street vendors, whether titled or licensed or not, alternative sites comparable in business potential to the lost location will be provided and the vendors will receive cash compensation for self-relocation of their structures at the current market rate for the cost of labor, materials, transport and other incidental costs, without deduction of depreciation for age.

5.7.5 Crops

Cultivators of affected crops will be paid cash compensation for the loss of a crop at the current market rate proportionate to the size of the lost plot, based on the crop type and the highest average yield from among the past three years from the date of assessment. The parties to a share cropping arrangement will distribute this compensation between the landowner and the tenant according to the legally stipulated or the traditionally or informally agreed share.

5.7.6 Trees

Cultivators of affected trees will receive cash compensation for perennial tree crops at the current market rate of the crop type and average yield which is multiplied: (i) for immature non-bearing trees, by the years required to grow such a tree back to productivity; or (ii) for mature crop bearing trees, by the average years of crops forgone. In addition, the cost of purchase of seedlings and required inputs to replace these trees will be paid. For timber trees, cash compensation will be paid at the current market rate of the timber value of the species at current volume, in addition to the cost of purchase of seedlings and required inputs to replace the trees. The rates and valuation methods will be determined using the accepted methodology in use at the Department of Agriculture and Department of Forestry, Environment and Wildlife.

5.8 Resettlement & Relocation

5.8.1 Land for Land Compensation

Land for land compensation has significant advantages of reducing the chance of displaced people spending their compensation on items that will not provide them with an alternative economic livelihood. Therefore, preference will be given to land-based resettlement strategies for displaced persons whose livelihoods are land based. The strategies may include resettlement on public land or 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 is 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 should be provided in addition to cash compensation for land and other assets lost. The lack of land must be demonstrated, documented, and approved by the World Bank.

5.8.2 Relocation Assistance

Where applicable, the PAPs will be provided with logistical support for the identification as well as purchase or rental of replacement plots or structures, or the construction of new structures. The project will also support them with respect to related administrative tasks. The physically displaced persons will be relocated to a site chosen by the project or will self-relocate to sites and structures of their own choice.

5.8.3 Security of Tenure

Tenure to the replacement land and structures, according to the level of eligibility of each PAP, will be ensured.

5.8.4 Transport Allowance

All PAPs to be relocated due to loss of land or structures---including residences, business premises or agricultural land---are entitled to receive a cash allowance to cover the cost of transport of people and their movable property (furniture, household items, personal effects, machinery, tools, etc.) and of setting up at the new premises at the current market rate for labor, vehicle hire, fuel and incidental costs. A lump sum amount of compensation to cover expenditures above will be provided to the PAPs.

5.8.5 Transition Allowances

To facilitate moving and settling process, a transition allowance of 3-6 months of the official minimum wage (or official poverty level, whichever is greater) is paid in addition to any income loss compensation. If relocation sites with completed housing and full facilities are not available in time, the PAPs will be provided with transition arrangements, either in the form of adequate transition housing or a standard

comparable to the lost housing, or with a rental allowance permitting the rental of housing at such a standard and covering the entire transition period.

5.9 Income Restoration

5.9.1 Loss of Agriculture-based Livelihood

Partial Loss: In case of a partial loss of agricultural land without replacement land available, but the remaining land is viable, the displaced owner, lessee, sharecrop tenant or non-titled user of land will be provided with financial support for investments in productivity enhancing inputs, such as land leveling, terracing, biological, erosion control, sprinkler/drip irrigation, composting tools and agricultural extension services, in addition to cash compensation for the loss of land as indicated above. Additional financial support in the form of grants and microcredit will be available, if the compensation for partial land loss is insufficient to allow for adequate investments to maintain the PAP's livelihood.

Full Loss: For the full loss of viable agricultural land without alternative land, the displaced owner, lessee, sharecrop tenant or non-titled user of land will be provided with training, job placement, financial support in the form of grants and microcredit for investments in equipment and buildings, as well as with organizational and logistical support to establish the PAP in an alternative income generation activity, in addition to cash compensation for the loss of land as indicated above. If possible, the PIU will coordinate and cooperate with governmental and non-governmental initiatives on income generation and microenterprise development.

5.9.2 Maintenance of Access to Means of Livelihood

The PIU will ensure that the agricultural fields, business premises and residential structures in the project area remain accessible, by either avoiding the obstruction of access or by including special provisions for access in the technical design of the subproject. The ARAP or RAP for the subproject will reflect specific anticipated impacts and outline measures to ensure access.

5.9.3 Businesses

Temporary Loss: For temporary loss of business income due to LAR or civil works under the subproject, the owner of a business will receive cash compensation equal to the lost income during the period of business interruption up to 3-6 months, based on the tax records or, in their absence, comparable rates from registered businesses of the same type with tax records. However, if tax-based lost incomes are unknown, official poverty line (inflation adjusted) will be the minimum rate of compensation per family per month.

Permanent Loss: For permanent loss of business due to LAR without the possibility of establishing an alternative business or re-establishing the lost business at a new location, the owner will be compensated with: (i) cash compensation equal to the lost income for 6-12 months, depending on the monthly income

generated by each business, based on the tax records or, in their absence, comparable rates from registered business of the same type with tax records; and (ii) training, job-placement, financial support in the form of grants and microcredit for investments in equipment and buildings, as well as organizational and logistical support to establish the PAP in an alternative income generation activity.

For cash compensation, if tax based lost incomes are unknown, then official poverty line (inflation adjusted) will be the minimum rate of compensation per family per month. For additional support, coordination with relevant programs, governmental and non-governmental, will be sought.

5.9.4 Employment

Temporary Loss: Temporary loss of employment due to LAR or civil works under the subproject will be compensated through cash compensation equal to the lost wages during the period of employment interruption up to 3 months, based on the tax records or registered wages, or, in their absence, comparable rates for employment of the same type. As may be required under Pakistan's labor laws, regulations and codes, the compensation for lost income from employment will be paid to the employer to enable him/her to fulfill applicable legal obligations to provide compensation payments to laid-off employees. An arrangement of payment disbursement between employer and laid-off employees needs to be documented, verified and made part of the RAP. If, however, tax based lost incomes are unknown, then official poverty line (inflation adjusted) will become the minimum rate of compensation per family per month. Prompt and full payment of compensation to the employees is required and is subject to verification by an authorized official of the PIU.

Permanent Loss: For the permanent loss of employment due to LAR with the possibility of re-employment in a similar sector and position in or near the area of lost employment, the laid-off employees will be paid cash compensation equal to the lost wages for 3-6 months, based on the tax records or registered wages, or, in their absence, comparable rates for employment of the same type, as may be required by Pakistan labor laws, regulations and codes. The compensation for lost income from employment will be paid to the employer to enable him/her to fulfill applicable legal obligations to provide compensation payments to laid-off employees. An arrangement of payment disbursement between employer and laid-off employees needs to be documented and verified; it must figure in the RAP.

If, however, tax based lost incomes are unknown, then official poverty line (inflation adjusted) will become the minimum rate of compensation per family per month. All possibilities will be explored to provide training, job-placement, financial support (if required) in the form of grants and microcredit for investments in equipment and buildings, as well as organizational and logistical support to establish the PAP in an alternative income generation activity. Coordination and cooperation with relevant programs, governmental and non-governmental, will be sought. Prompt and full payment of compensation to the employees is required and is subject to verification by an authorized official of the PIU and an external monitoring agency.

5.9.5 Public Services and Facilities

Public services and facilities interrupted or displaced due to LAR will be fully restored and re-established at their original location or a relocation site. All compensation, relocation and rehabilitation provisions stated in this RPF are applicable to public services and facilities. These include schools, health centers, community centers, local government administration, water supply, and graveyards.

5.10 Special Provisions

5.10.1 Vulnerable Persons Affected by the Subproject

Universal Compensation for the Vulnerable: All vulnerable persons affected by the subproject are entitled to livelihood restoration/improvement support in the form of cash and/or training, job-placement, grants and microcredit for investments in business or re-employment related equipment and buildings, as well as organizational and logistical support to establish the PAP in an alternative income generation activity. Training and support in a viable and suitable income generation activity selected by the PAP is eligible for support; it could be in agriculture, manufacturing or services. To facilitate the process of training and establishment of a new income generation activity, a subsistence allowance of 3-6 months of the official minimum wage (or official poverty level, whichever is greater) is paid in addition to income loss compensation and transition allowance. Coordination and cooperation with relevant programs, governmental and non-governmental, will be sought. The vulnerable PAPs receive preferential consideration in the selection of project related employment, including civil works and operation and maintenance of the facilities constructed under the project.

The Vulnerable Affected by Land Loss: The vulnerable PAPs affected by loss of land will be assisted with the identification and purchase or rental of a new plot and/or structure, as well as the administrative process of land transfer, including cadastral mapping and registration of their property titles. Assistance will also be provided on the preparation of compensation, relocation and rehabilitation agreements with the executing agency or authorized government agency.

The Vulnerable Affected by Structure Loss: The vulnerable PAPs affected by the loss of a structure will be assisted with the construction of a new structure or the identification and purchase or rental of a new structure. Further assistance will be given on: administrative process of registration of the new property; transition to the relocation site; and preparation of compensation, relocation and rehabilitation agreements with the PIU or authorized government agency.

The Vulnerable Affected by Temporary Occupation of Land: Temporary occupation of properties owned or occupied by vulnerable persons will be avoided. If it is deemed absolutely necessary for the benefits of wider population, works at these sites will be completed as quickly as possible to minimize the time of land occupation. For disabled and elderly persons, suitable access to their land and residences will be ensured.

Both the LAA 1894 and the World Bank OP 4.12 require that PAPs are compensated before displacement. At the same time, they require that a mechanism is established for dealing with legal and administrative impediments in terms of disbursement of compensation payments to PAPs, provided that good-faith is sufficiently demonstrated in: (i) contacting, notifying and assisting PAPs; and (ii) delivering compensation payments.

5.10.2 Women

To ensure a clear understanding and due consideration of LAR impacts on displaced women and to safeguard their livelihoods, specific provisions for women will be adopted for the LAR process, including: (i) enumeration of all women and, if applicable, of their status as heads of household or otherwise vulnerable persons; (ii) collection of gender and age disaggregated socioeconomic data; (iii) consultation of women in joint *and* separate meetings; (iv) due consideration of grievances lodged by women; and (iv) provision of compensation and/or new titles to women if they are titled or recognized owners of lost assets, and (v) provisions of rehabilitation measures to women, if households are female headed or women's livelihood is directly concerned. ARAP/RAP will detail the scope of LAR impacts on women, and where required, gender action plans will be prepared, implemented and monitored within or outside the Plan. Gender and Social Protection Checklist (Annex H) may be used for this purpose. The details of entitled compensation and any additional plans will also be disclosed in a culturally appropriate way.

5.11 Approval of Plan on Land Acquisition and Resettlement

The Resettlement Action Plan prepared for the subproject or the project must be in accordance with this RPF. Once the RAP document is finalized, it should be sent to the World Bank for review and endorsement via a No Objection Letter. After the endorsement, the government of Khyber Pakhtunkhwa will be responsible for the approval of ARAP or RAP and all resettlement related issues, as well as implementation of ARAP or RAP in accordance with the RPF. The World Bank shall not approve any civil works contracts to be financed by the loan unless the compensation payment and provision of rehabilitation measures in the respective sections have been satisfactorily completed, in accordance with the project's RPF.

5.12 Disclosure of Plan on Land Acquisition and Resettlement

During project preparation, the Resettlement Action Plan will be disclosed after approval by the World Bank on the Bank's website in English and at subproject sites in local language(s) so that the Bank can precede project appraisal. Both the World Bank and government of Khyber Pakhtunkhwa will disclose the final version of ARAP or RAP.

5.13 Updating of Plan on Land Acquisition and Resettlement

If there are modifications in technical design during project implementation, leading to changes in impacts, then the ARAP/RAP should be updated and submitted to the World Bank for review prior to implementation of new design. The updated ARAP or RAP, once approved by government of KP and accepted by the Bank, will be disclosed on Bank's website in English and on project site in local language(s).

Updating of ARAP or RAP concerns the following parts of the Plan:

- Detailed measurement survey;
- Socioeconomic survey, in case there are changes in technical design which change the number of affected households;
- Public consultation with affected households, particularly on the resettlement options and livelihood restoration program that affected households prefer.
- Gender based consultation on impacts introduced by the design modifications.
- Replacement costs survey.

The PIU will submit the updated RAP to the Bank for review and for a No Objection Letter. The RAP approved by the World Bank will be disclosed on the Bank's website in English and locally at subproject sites in local language(s) prior to implementation of the updated RAP.

5.14 Implementation of Resettlement Action Plan

The PIU will be responsible for effective implementation of the Resettlement Policy Framework. The responsibilities in this regard will include: (i) screening of each subproject for resettlement impacts; (ii) determining the appropriate resettlement plan to be prepared for each subproject – Abbreviated Resettlement Action Plan (ARAP) or Resettlement Action Plan (RAP); (iii) preparing the terms of reference for elaboration of ARAP or RAP; (iv) engaging consultants to prepare ARAP or RAP; (v) reviewing and approving ARAP or RAP; (vi) supervising consultants in implementation of ARAP or RAP; (vii) ensuring adequate and timely availability of funds for compensation payments; (viii) ensuring formulation and effective functioning of the grievance redress mechanism (GRM); (ix) engaging and supervising monitoring-and-evaluation agency (or a group of third-party monitoring consultants) who monitor implementation of ARAP or RAP; and (x) ensuring timely preparation and dissemination of reports on implementation of ARAP or RAP.

The basic steps for land acquisition and resettlement are summarized in **Table 5-2** below; the requirements of the LAA and the World Bank policy can be followed in a single sequence. The Deputy Commissioner/District Collector will constitute an independent committee comprised of the district collector and representatives of the acquiring department and persons affected by the project. If the land acquisition negotiations are successful, the Collector proceeds with registering the deed of sale between

the parties. A Resettlement Action Plan must describe the procedures to be followed, including the requirements detailed in the OP 4.12 for negotiated purchases of land.

To determine the price of land, the committee described above would consider the following: (i) the price paid for land recently acquired including in the vicinity; (ii) the price paid in private transactions as discoverable from the register of mutations and the record of the registration department; (iii) all other information available including instructions provided in the LAA; and (iv) the committee may consult respectable people who are disinterested with regard to the value of the land.

Table 5-2: Process for Land Acquisition and Resettlement

Step Number	Task	Responsible Party
A. Project Preparation		
1	Set up grievance redress committee.	Project Implementation Unit (PIU)
2	Start and continue consulting the local population, especially the persons who are likely to be affected, until project activities are completed.	PIU
3	Deliver proposal to Revenue Department with brief description of project, including land acquisition and resettlement.	PIU
4	Transfer nominal funds to Board of Revenue.	PIU
5	Publish a notice expressing intent to acquire land for the project under Section 4 of the LAA.	PIU
6	Complete feasibility study for the subproject.	PIU and consultants
7	Complete detailed design for the subproject.	PIU and consultants
B. Preparation of Plan on Land Acquisition and Resettlement		
8	Prepare forms for impact assessment, census and socioeconomic survey. Train impact assessment and valuation teams, and establish coordination with relevant local government agencies.	PIU and consultants
9	Update: revenue records, land use, land and structure ownership and cadastral map.	Revenue Department and PIU
10	Prepare inventory of losses, census, socioeconomic survey, social and gender analyses.	PIU and Consultants
11	Conduct land valuation. Determine land price.	Revenue Department and PIU
12	Conduct non-land asset valuation: structures; crops; trees.	Revenue Department, assisted by PIU, Department of Agriculture and Department of Forestry, Environment and Wildlife
13	Deposit of budget with the PIU personnel responsible for land acquisition and resettlement.	PIU
14	Publish LAA Section 5.	Revenue Department
15	Issue LAA Section 5A.	Revenue Department
16	Facilitate disclosure to affected persons of survey and census.	PIU and consultants
17	Conduct public consultations on the survey findings, recommended rates and options on compensation/resettlement/rehabilitation.	PIU and consultants
18	Determine which plan to prepare (ARAP or RAP) based on the above public consultation.	PIU and consultants

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19	Integrate baseline impacts and results of consultations into ARAP or RAP.	PIU and consultants
20	Notify according to LAA Section 6.	Revenue Department
21	Notify and inquire according to LAA Sections 9 and 10.	Revenue Department
22	Announce award according to LAA Section 11.	Revenue Department
23	Finalize Resettlement Action Plan.	PIU and consultants
24	Disclose draft ARAP or RAP to affected persons.	PIU and consultants /IA
25	Submit ARAP or RAP to the World Bank for review and approval.	PIU and consultants
C. Implementation of Plan on Land Acquisition and Resettlement		
26	Set up monitoring and evaluation mechanism for internal and external monitoring.	PIU and consultants
27	Start internal monitoring and reporting.	PIU and consultants
28	Disburse compensation for loss of land and other assets.	PIU and consultants
29	Provide assistance on rehabilitation of lost livelihood.	PIU and consultants
30	Implement all other measures in ARAP or RAP.	PIU and consultants
31	Obtain confirmation of complete and satisfactory implementation of ARAP or RAP	PIU and consultants
D. Initiation of Project Activities		
31	Issue contractor notice to proceed.	PIU, consultants and the World Bank
32	Commence project activities.	PIU and consultants

6 REVISION OF RESETTLEMENT POLICY FRAMEWORK

For unanticipated impacts/affected groups identified during project implementation and not covered under the eligibility and entitlement provisions of this Resettlement Policy Framework, additional eligibility and entitlement provisions will be determined in accordance with the involuntary settlement safeguards requirements of World Bank OP 4.12 and the applicable legal framework of Pakistan. The standards agreed and established for the eligibility and entitlement provisions of this RPF shall be maintained and may be raised, but not lowered in the updated RPF, ARAP or RAP.

In such a case, this Framework will be amended, endorsed by the borrower, and reviewed and cleared by the World Bank before redisclosure on their website. Abbreviated Resettlement Action Plan or Resettlement Action Plan will be updated with new eligibility and entitlement provisions to take into account unidentified impacts and losses. The persons to be displaced will be consulted for the formulation and implementation of the Plan.

7 CONSULTATION, PARTICIPATION AND INFORMATION DISCLOSURE ⁶

⁶ World Bank Consultation, Participation & Disclosure of Information, October (2017)

7.1 Disclosure of No Impact

In case there is no impact related to land acquisition and resettlement, the PIU will make disclosure of impact assessment, census, socioeconomic survey and the conclusion that no land or structure will be affected by any activities of this subproject. The final Plan will be translated into local languages and disclosed through public notices posted at the PIU offices and posted on the World Bank's website.

7.2 Stakeholder Analysis

Resettlement Action Plan will provide a stakeholder analysis of all persons who are directly or indirectly involved in the project---including affected local persons, project and related government staff, and host communities---and determine the need for consultation, participation and information disclosure. The consultation, participation and information disclosure (CPID) for land acquisition and resettlement is a process which starts with field investigations for the design of the subproject, through preparation of draft Plan, Plan implementation and monitoring, and ends after the final evaluation of Plan implementation. The persons to be affected will be informed about their rights and obligations, institutional arrangements, required procedures, and grievance redress mechanism (GRM).

7.3 Consultations

Each Plan will be prepared and implemented in close consultation with the stakeholders and will involve focus group discussions and meetings, particularly with the affected persons. The people to be affected will be closely consulted in resettlement site selection and livelihood restoration as relevant. In order to ensure meaningful consultations, the views and concerns of the local population will be fully taken into account and appropriate steps taken to resolve them. Formal consultation meetings will be held with all persons to be affected by the project, PIU and consultants, district revenue officials as well as representatives of civil society organizations or non-governmental organizations and other pertinent stakeholders. The exchanges of opinions and decisions made during consultation meetings will be recorded, and these records will indicate the responsibility and timeline for implementing the decisions. Consultations will include women and vulnerable households; they will be consulted separately in addition to general consultations.

7.4 Ad hoc Consultations and Field Inspections

Individual meetings and focus group discussions will be held formally and informally, as and when the opportunity or need arises during field activities, such as census, socioeconomic survey, and valuation of lost assets. The PIU will arrange joint field inspections of affected land and structures as well as of relocation sites. It will be participated by affected persons, project staff, relevant government staff and other stakeholders to physically inspect and verify impacts, and to ascertain the state of suitability and

readiness of relocation sites. Individual negotiation meetings will be held with affected persons, as necessary, to resolve any disagreements.

7.5 Documentation and Disclosure

The drafts of Resettlement Action Plan will be prepared based on the results of consultations and impact surveys in the field and disclosed to the public. During a Plan preparation, resettlement information will be disclosed to all persons who may be affected in their own language; the official eligibility cut-off date will be announced at every meeting with the persons may be affected. Their views and opinions will be taken into consideration in finalizing the Plan. Each Plan will document all public consultations held in addition to disclosure of resettlement information. Leaflets in local languages will also be used to communicate the cut-off date and other information on land acquisition and resettlement to the persons who may be affected and other stakeholders in the subproject area. The leaflets will be made available at project and relevant government offices.

The Resettlement Policy Framework as well as draft and final Resettlement Plans will need to be translated into Urdu and disclosed to the persons who may be affected. They must be in a form understandable to the persons who could be affected and other stakeholders---including the PIU and union offices---and placed in places accessible to them. Since many persons to be affected are likely to be illiterate, the Plan will be explained to them in separate groups in their languages. Every revision of the draft Plan requires a new disclosure and consultation meeting with the persons who may be affected. Any critical issue and complaint will be raised, discussed and resolved, if possible, at these meetings.

The RPF, ARAP and RAP will also be disclosed in English and Urdu on the websites of the World Bank and the agency of the PIU before appraisal of the subproject. Any corrective action plan, if required, prepared during the project implementation as well as internal and external monitoring reports of the Plan implementation will also be disclosed in the same manner.

All detailed information on displaced persons and their households will be kept anonymous in publicly disclosed documents; PIU will maintain a computerized database of subproject-specific LAR impacts and lists of all the affected persons with inventory of losses by types. This computerized database will be updated and maintained in a retrievable system and made available to the third-party Plan monitoring agency and the World Bank to enable monitoring and ensure transparency.

7.6 Information Booklet on Land Acquisition and Resettlement

The PIU and consultants will prepare a Land Acquisition and Resettlement Information Booklet for all persons who may be affected. The Booklet will be prepared in the local language(s) with concise information on all of the key aspects of the LAR process of a subproject, such as:

- Brief project description;
- Legal framework;
- Institutional arrangement, especially responsible for land acquisition, resettlement and information dissemination;
- Grievance redress procedure
- Assessment of impacts (social and environment; permanent and temporary);
- Consultation and communication mechanism;
- General eligibility and entitlement provisions;
- Compensation, resettlement and rehabilitation program strategy;
- Monitoring and evaluation requirements;
- Implementation schedule of Plan on land acquisition and resettlement;
- Timing of LAR activities.

The Booklet will be distributed at the first public meeting and will be made available at project and relevant government offices, as with leaflets. The Booklet will be updated whenever Plan is updated.

8 IMPLEMENTATION ARRANGEMENTS

8.1 Project Implementation Unit

A Project Implementation Unit (PIU) will be established and be responsible for resettlement functions, including preparation, implementation, financing and supervision of all relocation and resettlement, social development tasks and cross-agency coordination. The PIU will have the ultimate responsibility to prepare and implement an Abbreviated Resettlement Action Plan and Resettlement Action Plan and to coordinate with relevant Khyber Pakhtunkhwa government agencies. It will also receive and review quarterly reports and address all queries from agencies involved in the subproject. It will coordinate with all other project stakeholders at the same level as the PIU. Other project supervision issues are covered under 3.4 Institutional and Implementation Arrangements.

8.2 Resettlement Specialist

A Resettlement Specialist will be hired under the Project Implementation Unit to be engaged in resettlement issues arising from subprojects. The work of the Specialist includes:

- Screening of subprojects in term of involuntary resettlement;
- Determination of the type of resettlement planning document based on impact assessment (ARAP or RAP);
- Elaboration of terms of reference for preparing a Plan for each subproject;
- Engaging and supervising consultants for the preparation of a Plan for each subproject;

- Providing comments on draft Plans prepared by the consultants;
- Reviewing and approving the final Plan of each subproject
- Disclosure of the approved Plan;
- Establishing the grievance redress mechanism to address and resolve resettlement related complaints;
- Supporting PIU for engaging the monitoring and evaluation consultants;
- Preparing quarterly progress reports on resettlement and other related safeguard aspects in cooperation with two other Specialists (one Environmental and other social) to be hired for the project;
- Supporting PIU in planning and implementing consultations with stakeholders;
- Maintaining liaison with key stakeholders, including regulatory agencies and the World Bank;
- Elaborating a project closure report on resettlement aspects.

8.3 Grievance Redress Committee

A Grievance Redress Committee will be established by the PIU for addressing conflicts, concerns and grievances regarding eligibility and entitlements related to resettlement activities. Its procedure must be easily accessible to the persons who may be affected, including women and other vulnerable persons. The Government of Khyber Pakhtunkhwa has a Grievance Redress System for generic purposes, and incompatibilities with the System should be avoided.

8.4 Province and District Agencies

District based agencies have jurisdiction over land acquisition and compensation activities. Land acquisition functions rest with the Deputy Commissioner (formerly known as District Revenue Office), which is a provincial Boards of Revenue represented at the district level. Other staff members of the Revenue Department are to identify titles and verify ownership. Functions pertaining to compensation of non-land assets rest on provincial line agencies and their District level offices. Compensation for houses and other structures considered part of housing pertains to the Department of Housing; productive trees compensation to the Department of Agriculture; and the compensation for wood trees losses to the Department of Forestry, Environment and Wildlife.

8.5 Project Affected Persons Committee

The persons affected by each subproject will be encouraged by PIU to organize themselves to form a Project Affected Persons Committee and select representatives. This mechanism will facilitate effective communication among affected persons and with other stakeholders. The representatives will closely liaise with Grievance Redress Committees to be established by PIUs. In large subprojects with a relatively high number of persons who may be affected, more than one Committee will be formed, with several representatives from: various subsections of the areas impacted by resettlement; different types of impact;

different social and ethnic groups; and among men and women. The Committee will meet monthly or as required by its members, in response to resettlement planning and implementation issues. The PAPs members may elect from among themselves a representative to the GRC.

8.6 World Bank

The World Bank will review and approve all Resettlement Action Plans to ensure their compliance with the World Bank's safeguards requirements. In cases where a Plan do not meet the World Bank's requirements, additional assessment will be undertaken to improve the Plan. The World Bank will also conduct periodic social safeguards reviews, to verify that resettlement planning and implementation is being carried out as agreed in this RPF and the ARAP or RAP.

9 MONITORING AND EVALUATION

9.1 Objectives

To ensure that activities and commitments described in the approved Resettlement Action Plans are implemented fully and timely, monitoring and evaluation of the Plan implementation will be conducted by the PIU. While monitoring of the Plan aims to collect, on a regular basis, information reflecting the Plan implementation results, the evaluation of Plan implementation aims to analyze the information collected from monitoring process, to assess the extent to which the Plan is executed in accordance with the agreed schedule, methods, and procedures that satisfy the World Bank's OP 4.12. In case where gaps between planned and actual implementation are identified, corrective measures will be proposed by PIU. Monitoring will be done both internally and externally to provide feedback to PIU and to assess the outcome of Plan implementation. Internal and external monitoring and reporting will continue until all land acquisition and resettlement activities have been completed. Monitoring and Evaluation for the entire subprojects or project will be carried out as described in 3.4 Institutional and Implementation Arrangements.

Indicators for monitoring and evaluation of a Plan will include the following:

- Socioeconomic conditions of the affected persons in the post-resettlement period;
- Communications and reactions from affected persons on entitlements, compensation, options, alternative developments and relocation timetables;
- Changes in housing and income levels;
- Rehabilitation of squatters, severely affected people, and different vulnerable groups;
- Valuation of property;
- Ability to replace lost assets;
- Disbursement of compensation and other entitlements;
- Quality and frequency of consultation and disclosure; and

- Grievance procedures including complainant satisfaction.

9.2 Internal Monitoring

Internal monitoring indicators will relate to process, outputs and results, and information will be collected directly from the field to be reported monthly to the PIU, which will assess the implementation process and adjust the work plan if necessary. Individual and focus group meetings with the affected persons will be organized to record the process and impact of Plan implementation for each subproject. Internal monitoring is conducted to meet the following goals:

- Compensation and other entitlements are computed at rates and procedures as provided in the approved Plan, with no discrimination according to gender, vulnerability, or any other factor irrelevant to land acquisition and resettlement;
- Affected households are paid their compensation and other entitlements as per approved latest Plan, ensuring that all entitlements are delivered as planned and agreed, including compensation in cash or in kind, allowances, replacement land, resettlement sites developed, and move to the developed sites;
- Livelihood restoration programs are designed and delivered---including adjustment to local specificities, additional cash and in-kind assistance---to the participating affected households as and when necessary.
- Public information, public consultation and grievance redress procedures are followed as described in the approved and latest Plan.
- Affected public facilities and infrastructure are restored promptly; and
- The transition between resettlement and commencement of project activities is smooth and that sites are not handed over for the project until affected households have been satisfactorily compensated and resettled.

9.3 External Monitoring

The main objective of external monitoring is to provide an independent periodic review and assessment of: (i) achievement of resettlement objectives; (ii) changes in living standards and livelihoods; (iii) restoration and/or improvement of the economic and social base of the affected people; (iv) effectiveness and sustainability of entitlements; and (v) the need for further mitigation measures. For all projects with LAR impacts of Category A, the external monitor will repeatedly carry out individual and focus group meetings as well as quantitative surveys. An external monitoring agency will be recruited by the PIU prior to any updating of a Plan on land acquisition and resettlement.

The external monitoring agency in the shape of third-party monitoring consultants, will monitor compliance with the Plan during its implementation through the following:

- Review and verify internal monitoring reports prepared by PIU;
- Review baseline information from socioeconomic survey, census, and inventory of losses of pre-displaced persons and update the baseline data if needed;
- Monitor updating and implementation of the Land Acquisition and Resettlement Plan or Resettlement Action Plan;
- Identify any discrepancy between the World Bank OP 4.12 requirements and actual implementation of resettlement.
- Monitor resolution of complaints and grievances of affected households;
- Provide recommendations for improving resettlement updating and implementation;
- Review compliance with regard to use of the World Bank funds for land acquisition and resettlement.
- Ensure that measures for women and other vulnerable groups in the Plan are adhered to during implementation;
- Issue certification that each affected person has received the full entitled payment;
- Carry out resettlement audit; and,
- Assess resettlement efficiency, effectiveness, impact and sustainability.

The agency will also assess the reporting of affected vulnerable groups such as female-headed households, disabled, elderly, landless, and families below the poverty line. If the external monitor's report finds significant issues, a corrective action plan will be prepared by PIU, reviewed and approved by the World Bank and disclosed to affected persons.

10 BUDGET FOR LAND ACQUISITION AND RESETTLEMENT

The Project Implementation Unit will be responsible for transferring the funds allocated for the compensation disbursement to the district treasury and determining the annual inflation rates to be applied to all cash entitlements. The PIU will also identify additional losses of assets during implementation of project activity and propose entitlements for persons affected by the activity. The budget revisions will be approved by the PIU, Government of Khyber Pakhtunkhwa with the endorsement of the World Bank.

The PIU will ensure that the land acquisition and resettlement funds are delivered on time to the District Collector. It will also ensure that funds for entitlements under the Resettlement Action Plans are fully provided to the affected persons prior to commencement of project activity.

Detailed implementation procedural guidelines will be required to implement the Plan at the field level. The implementation guideline will contain details of management aspects and monitoring mechanism: definition of various resettlement terms; entitlements; detailed procedure for identification of eligible persons for relocation and/ or resettlement entitlements of the Plan; preparation of losses and entitlement files of individual person affected; processing of payments; effecting their disbursement and

documentation. The PIU will prepare the implementation procedural guidelines.

All payment to the displaced persons will be paid by crossed bank cheques. Vouchers on payment will be prepared in triplicate. The Deputy Project Director will sign the vouchers. Payments will be made and their records maintained as per approved implementation guidelines. Any changes in cost will need to be approved by the World Bank.

The cost of implementation of the present RPF has been estimated to be USD 265,000 approximately, the breakdown is presented in the table below. This cost does not cover the resettlement and land acquisition costs which will be calculated as part of the sub-project specific RAPs.

Table 5-3 RPF Implementation Budget

S.No.	Description	Unit	Quantity	Unit Rate PKR	Total PKR	Total USD*
1	Resettlement Specialist (PIU)	Years	4	250,000	9,600,000	68,571
2	RAP Consultants (For preparation of Resettlement Plans)	Resettlement Plans	5	1,000,000	5,000,000	35,714
3	External Monitoring (8 Biannual reports, 1 inception and 1 end project evaluation report)	Reports	10	1,000,000	10,000,000	71,428
4	Trainings (1 training per quarter)	Training Sessions	16	200,000	3,200,000	22,857
		Total Estimated Cost			27,800,000	198,570

*1 USD = 140 PKR

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ANNEXES

Annex A: Involuntary Resettlement Screening Checklist

Project/Subproject Title:

Implementing Agency: Processing Stage:

Valley/Village: _____ UC _____ Tehsil _____

District _____ Province _____ Pakistan

Categorization Status: New project/subproject Revision of project/subproject Other

Name of Enumerator: _____ Date: _____

Subproject Categorization: A ___ B ___ C ___

Key Concerns	Not Known	Yes	No	Remarks or identified problems, if any
Land Acquisition				
Does the subproject require land acquisition?				
If land acquisition is required, what is the quantity? (specify in the Remarks column)				
If acquisition of land is required, is it government or state-owned land, free of occupation (agriculture or settlement)?				
If acquisition of non-governmental/state land is required, is it:				
• Residential land?				
• Commercial land?				
• Agricultural land?				
• Communal land?				

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If acquisition of land is required and the type of that land is none of the above, specify in the Remarks column.				
If acquisition of private land is required, what are the names of owners (specify in the Remarks column)?				
If acquisition of private land is required, what is the type of ownership document (specify in the Remarks column)?				
Structures on Land for Acquisition				
If acquisition of land is required, is there any:				
<ul style="list-style-type: none"> Residential structures on that land? 				
<ul style="list-style-type: none"> Commercial structures on that land (specify what kind in the Remarks column)? 				
<ul style="list-style-type: none"> Community structures on that land (specify what kind in the Remarks column)? 				
<ul style="list-style-type: none"> Agricultural structures on that land (specify what kind in the Remarks column)? 				
<ul style="list-style-type: none"> Public utilities on that land (specify what kind in the Remarks column)? 				
If acquisition of land is required and the type of the structures on that land is none of the above, specify in the Remarks column.				
Impacts on Agriculture				
If the agricultural land is to be acquired:				
<ul style="list-style-type: none"> What are the crops, including vegetables, on the land (specify in the Remarks column)? 				
<ul style="list-style-type: none"> What are the trees on the land (specify in the Remarks column)? 				
<ul style="list-style-type: none"> What are the other agricultural products/assets on the land (specify in the Remarks column)? 				
Affected Persons				
Will any person be displaced through land acquisition?				
If anyone is to be displaced through land acquisition what is the number of:				
<ul style="list-style-type: none"> people thus affected (specify in the Remarks column)? 				

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<ul style="list-style-type: none"> women thus affected (specify in the Remarks column)? 				
<ul style="list-style-type: none"> men thus affected (specify in the Remarks column)? 				
<ul style="list-style-type: none"> titled land owners thus affected (specify in the Remarks column)? 				
<ul style="list-style-type: none"> tenants and sharecroppers thus affected (specify in the Remarks column)? 				
<ul style="list-style-type: none"> leaseholders thus affected (specify in the Remarks column)? 				
<ul style="list-style-type: none"> Encroachers and squatters thus affected (specify in the Remarks column)? 				
<ul style="list-style-type: none"> Vulnerable persons (women, minors and aged, disabled, elderly and poor) thus affected (specify the number and the vulnerability in the Remarks column)? 				
<ul style="list-style-type: none"> others thus affected (specify in the number and the group in Remarks column)? 				
Voluntary Land Acquisition				
Will land be donated voluntarily?				
If yes, does the owner been made aware of the nature and procedure of voluntary land donation?				
Has the landowner agreed to sign the relevant documents?				
Can the owner produce land title deeds/documents of ownership?				
Are there any tenants on the land?				
If there are tenants on the land: <ul style="list-style-type: none"> What is the number of tenants, gender, type of tenancy and length of residence (specify in the Remarks column)? 				
<ul style="list-style-type: none"> Are tenants willing to move? 				
<ul style="list-style-type: none"> Will there be adverse impacts on tenants (specify the impacts in the Remarks column)? 				
Are there people using the land for livelihoods or cultural activities?				

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<p>If there are people using the land for livelihoods or cultural activities;</p> <ul style="list-style-type: none"> • What is the number of people, gender, type of activity and length of use (specify in the Remarks column)? 				
<p>How will voluntary land donation effect otherwise the people using the land (specify in the Remarks column)?</p>				

Annex B: Process and Application for Voluntary Land Donation

Voluntary Land Donation (VLD) is only suitable for community driven projects where the landowner and/or community wish to 'gift' land parcels or small areas for small-scale community infrastructure that will be of direct benefit to the donor's community.

Conditions for Voluntary Land Donation

For Voluntary Land Donation the following conditions should be met:

- Alternatives and the viability of other locations or sites have been considered;
- The titleholder should not belong to the vulnerable sections. i.e. households as per provincial poverty line for rural/urban areas(with a valid proof), households without a proof of the same and belonging to the following social categories, women headed households with women as sole earner, minority, handicapped persons.
- The titleholder should not be subject to loss of: land holding; shelter, or source of livelihood.
- The titleholder should be holding more than the minimum prescribed land.
- The impacts must be minor; the voluntary donation should not be more than 10 percent of the area of that particular holding of the titleholder.
- Donation should not require any physical relocation of the titleholder.
- The land for donation must be jointly identified by the Revenue Department, Project Affected Committee, Directorate Representatives or project authorities.
- The project technical authorities should ensure that the land is appropriate for subproject purposes and that the subproject will not invite any adverse social, health, environment, safety related impacts by procuring this land.
- The land in question must be free of squatters, encroachers, or other claims or encumbrances.
- Verification of the voluntary nature of land donations must be obtained from each of the persons donating land. This should be in the form of notarized witnessed statements.
- In case of any loss of income or physical displacement is envisaged, verification of voluntary acceptance of community devised migratory measures must be obtained from those expected to be adversely affected.
- The titleholder donating land should have made to understand that they will have equal access to the infrastructure built on the donated land like any other community member and that they cannot claim any priority treatment.
- Grievance Redress Mechanism is available.
- The donation and the process followed is documented, monitored and reflected in the monitoring reports.

VLD is not applicable under the following scenarios:

- Inadequate consultation with potential donors results in lack of understanding about the terms and conditions of the donation;
- Formal procedures for land acquisition do not exist;
- Donor property owners, landowners or customary rights holders do not support, or will not directly benefit from, the project;
- Conflicts over land exist, including customary collective ownership;
- Conflicting land titling exists, making it difficult to establish with certainty who has a right to own, donate and use a specific parcel of land;
- Donors did not provide their informed consent and were subject to political or social pressure and coerced into making the donation.

Process for Voluntary Land Donation

It is necessary to follow a clear process for the donation, and to prepare and maintain documents that demonstrate such process. Each step set out below should be addressed in the context of the specific project.

1. Determine and document that Voluntary Land Donation is appropriate in the circumstances of the project.

The team should record the reasons why donation of land is appropriate for the project. In certain cases, only some of the land that the subproject requires will be donated or alternatives to land donation exist. The project team should identify in as much detail as possible the following:

- What the land will be used for;
- How much land the project will require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way);
- The terms of the donation;
- The identities of the parties who intend to donate;
- The beneficiary of the donation; and
- Any details that are relevant to why donation may be appropriate.

2. Verify the requirements to transfer, and formalize the transfer of the land

It is important to understand the process that should be followed to transfer the land, and appropriate ways to formalize the transfer so as to achieve certainty for both the transferee of the land and the project. An important consideration will be how transparent the process and the decision-making process actually is, and what can be done to enhance the process.

3. Conduct due diligence on who owns and uses the land

Given the specific issues surrounding land ownership, it is important that the project team carries out careful due diligence to understand the type of land rights that exist in the project area, and to identify any particular issues relating to land ownership and use. Thereafter, a more specific due diligence must be conducted on each parcel of land proposed for donation to identify: the following:

- The owner or owners of the land;
- The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);
- Any competing claims of ownership or use;
- Structures and assets on the land;
- Any encumbrances on the land.

4. Disclose and Consult

The decision to donate must be taken on the basis of a full understanding of the project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the project is disclosed.

There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

5. Establish Informed Consent and Grievance Redress Mechanism

It is crucial that the project team is confident that the decision to donate was taken in circumstances of informed consent or power of choice, i.e. that the owner(s) or user(s) of the land understand the following issues:

- What the land is going to be used for, by whom and for how long;
- That they will be deprived of the ownership or right to use the land, and what this really means;
- That they have a right to refuse to donate the land;
- Whether there are alternatives to using this land;
- What they will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);

- The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.
- The exact demarcation of land boundary for the project's use;
- Whether there are proposals which would allow other land to be used;
- What they will need to do to donate the land;
- The intergenerational effect of the donation on their family, what they can do if they (or their family or heirs) want the land back.

The terms and conditions of the land donation must be mutually agreed upon and detailing in a written agreement. A grievance redress mechanism must be in place as detailed in Section 4.

6. Document

It is necessary to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. The format is attached below

Annex C: Format for Voluntary Donation of Land

(Voluntary Donation of Land on PKR. -----/- Stamp Paper)

1. This deed of voluntary donation is made and executed on day of between Mr.S/o W/ Mr. ----- AND the Government of Khyber Pakhtunkhwa to render public service to (subproject title and Location), on the other part and shall mean and include his successors –in office, nominees and assignees etc., hereafter called the “Recipient” and denotes “for and on behalf of Project Implementation Unit, Khyber Pakhtunkhwa Irrigated Agriculture Project.”
2. Whereas, the details of the Location of the, land are given below:

Location Details

Land record No	Location/Village
Tehsil/Union Council	District
Title Holder/Details	
Name and Father/ Husband’s Name CNIC No,	Status: Title Holder
Age: occupation: Residence:	Gender:

Land in Question

Area	Location
North Boundary	East Boundary
West Boundary	South Boundary

Note: Detailed Map to the scale is appended.

3. Whereas the Title Holder is presently using/ holds the transferable right of the abovementioned piece of land in the village mentioned above. Whereas the encroacher does not hold any transferable rights of the abovementioned piece of land in the village mentioned above but has been a long-standing encroacher, dependent on its usufruct hereditarily.
4. Whereas the Title Holder testifies that the land is free of Tenants, squatters or encroachers, not subject to other claims/ claimants and does not obstruct access to other people’s land or livelihoods.
5. Whereas the Title Holder hereby voluntarily surrenders the land/structure without any type of pressure, influence, coercion or payment what so ever directly or indirectly and hereby surrender all

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his/her subsisting rights in the said land with free will and intention. He/she will transfer the property to the Project office its ownership and use.

6. Whereas the Recipient shall construct and develop infrastructure facilities under the project KPIAIP and take all possible precautions to avoid damage to adjacent land/ structure/ other assets.
7. Whereas both the parties agree that the infrastructure so constructed/developed shall be for public purpose.
8. The land donated does not constitute more than 10% of the entire landholding of the donor/donors.

Signatories

Title holder		Tehsildar	
Name		Name	
NIC No.		Official Seal	
		Transfer registration No	
Witnesses			
Union Council Chairman	Name		Signature
	CNIC		
Village Number	Name		Signature
	CNIC		
Directorate Representative	Name		Signature
Director/ Deputy Director	CNIC		

Annex D: Outline of Resettlement Action Plan

The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

1. *Description of the project.* General description of the project and identification of the project area.
2. *Potential impacts.* Identification of
 - (a) the project component or activities that give rise to resettlement;
 - (b) the zone of impact of such component or activities;
 - (c) the alternatives considered to avoid or minimize resettlement; and
 - (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.
3. *Objectives.* The main objectives of the resettlement program.
4. *Socioeconomic studies.* The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including
 - (a) the results of a census survey covering
 - (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
 - (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
 - (iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;
 - (iv) information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made; and

- (v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- (b) Other studies describing the following
- (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
 - (ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
 - (iii) public infrastructure and social services that will be affected; and
 - (iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

5. Legal framework. The findings of an analysis of the legal framework, covering

- (a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;
- (c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- (d) laws and regulations relating to the agencies responsible for implementing resettlement activities;
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to

legal rights to land--including claims that derive from customary law and traditional usage (see [OP 4.12, para.15 b](#)).

6. *Institutional Framework*. The findings of an analysis of the institutional framework covering
 - (a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
 - (b) an assessment of the institutional capacity of such agencies and NGOs; and
 - (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.
 7. *Eligibility*. Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.
 8. *Valuation of and compensation for losses*. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.[1](#)
- packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.
9. *Site selection, site preparation, and relocation*. Alternative relocation sites considered and explanation of those selected, covering
 - (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
 - (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
 - (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and
 - (d) legal arrangements for regularizing tenure and transferring titles to resettlers.
 10. *Housing, infrastructure, and social services*. Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services);[2](#) plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

11. *Environmental protection and management.* A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement³ and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
12. *Community participation.* Involvement of resettlers and host communities,⁴
 - (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;
 - (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
 - (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries);⁵ and
 - (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
13. *Integration with host populations.* Measures to mitigate the impact of resettlement on any host communities, including
 - (a) consultations with host communities and local governments;
 - (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;
 - (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and
 - (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.
14. *Grievance procedures.* Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

15. Framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.
16. *Implementation schedule.* An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.
17. *Costs and budget.* Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.[6](#)
18. *Monitoring and evaluation.* Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Annex E: Surveys Required for Resettlement Action Plans

<p>Census of Displaced Persons</p>	<p>At the beginning of the preparation of the census the project staff and consultants tasked with land acquisition and resettlement (LAR) planning will work closely with the design engineers in the field to minimize LAR impact as much as technically feasible. The concerned project staff, in cooperation with the concerned land administration officials, will also prepare LAR Impact maps showing the alignment of project facilities and, based on cadastral maps, the boundaries of properties so the affected land and structures can be identified. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> • Using a questionnaire, a census enumerates all physically and economically displaced persons in a project, including all displaced households, and, if applicable, displaced enterprises. • Displaced community assets will also be recorded by interviewing the officials or persons in charge. • The census questionnaire will query the size and members of a displaced household, its project affected assets (land, structures) with estimated sizes and associated property status. • The income sources (business, crops, employment). In addition, a limited number of socioeconomic characteristics of the displaced households, such as ethnicity, gender, age and education of its members, head of household, total income and its sources, as well as vulnerability in terms of poverty, age, disabilities and gender of household head, will be recorded. • The census will also inquire into the compensation preferences and expectations of each displaced household. • The data on affected assets will be used to prepare a quantitative inventory of lost assets (ILA) as part of the LAR impact database, including land, immovable property (buildings and other structures), and income losses. • The ILA will be corroborated or updated with information from relevant government sources, such as offices in charge of land administration and property registration.
<p>Socio-economic survey (SES)</p>	<p>The socioeconomic survey (SES) will collect information from a sample of all Affected Households (AHs), disaggregated by gender and ethnicity. The purpose of the socioeconomic survey is to provide baseline data on AHs to assess resettlement impacts, and to be sure</p>

	<p>proposed entitlements are appropriate, and to be used for resettlement monitoring. The scope of data to be collected includes:</p> <ul style="list-style-type: none"> • Household head: name, sex, age, livelihood or occupation, income, education and ethnicity; • Household members: number, livelihood or occupation, school age children and school attendance, and literacy, disaggregated by gender; • Living conditions: access to water, sanitation and energy for cooking and lighting; ownership of durable goods; and • Personal property and access to other basic services.
<p>Detail measurement Surveys and inventory of lost assets (ILA)</p>	<p>The detailed measurement survey (DMS) of lost assets will collect data on the affected assets from 100% of APs following detailed engineering design. The data collected during the DMS will constitute the formal basis for determining AP entitlements and levels of compensation. For each AP, the scope of the data will include:</p> <ul style="list-style-type: none"> • Total and affected areas of land, by type of land assets; • Total and affected areas of structures, by type of structure (main or secondary) • Legal status of affected land and structure assets, and duration of tenure and ownership; • Quantity and types of affected crops and trees; • Quantity of other losses, e.g., business or other income, jobs or other productive assets; estimated daily net income from informal shops; • Quantity/area of affected common property, community or public assets, by type; • Summary data on AHs, by ethnicity, gender of head of household, household size, level, whether household is headed by women, elderly, disabled, poor or indigenous peoples; • Identify whether affected land or source of income is primary source of income. • AP knowledge of the subproject and preferences for compensation and, as required, relocation sites and rehabilitation measures. • The data on affected assets will be used to prepare a quantitative ILA as part of the LAR impact database, including land, immovable property (buildings and other structures), and income losses.

	<ul style="list-style-type: none"> The data from the census and ILA will be presented in the section on the scope of LAR impacts in aggregate form, and for each individual household or legal entity in the annex of each RAP.
<p>Replacement Cost Survey</p>	<p>The replacement cost survey (RCS) will be done in parallel with DMS and SES activities by collecting information from both secondary sources and primary sources (direct interviews with people in the affected area, material suppliers, house contractors, local governments), and from both those affected and those not affected. Compensation rates will be continuously updated to ensure that APs receive compensation at replacement cost at the time of compensation payment.</p>

Annex F: Entitlement Matrix

Type of Loss	Specification	Eligibility	Entitlements
1. LAND			
Impact on and land-based livelihoods	All land losses	All persons whose land-based livelihoods are affected	<ul style="list-style-type: none"> • Preference given to land-based resettlement strategies that include resettlement on public or private land acquired or purchased for resettlement with secure tenure. • If land is not the preferred option of affected 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 at full replacement costs for land and other assets lost. The lack of land will be demonstrated to the satisfaction of the World Bank. The following entitlements will apply if replacement land is not available or is not the preferred option of the affected persons:
Permanent impact on arable land	All land losses independently from impact severity	Owner (titleholder, or holder of traditional rights)	<ul style="list-style-type: none"> • Cash compensation at full replacement cost (RC) including fair market value plus 15% compulsory acquisition surcharge all transaction costs, applicable fees and taxes and any other payment applicable. • If Board of Revenue compensation falls below RC, the project will pay the differential as resettlement assistance to affected persons to restore livelihoods. • Additional compensation to be worked out in consultation with the affected persons if the loss is 10% or more of productive resources including land.
		Leaseholder titled/untitled	<ul style="list-style-type: none"> • Compensation commensurate to lease type and duration to be defined in RAP. Production based on relevant cropping pattern/cultivation record (additional to standard crop compensation as defined below) and other appropriate rehabilitation, to be defined in the RAPs based on project situation and AP consultation.
		Sharecropper/tenant (titled/untitled)	<ul style="list-style-type: none"> • Cash compensation equal to gross market value of crop compensation (see below) to be

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			shared with the land owner based on the sharecropping
		Agriculture laborers	<ul style="list-style-type: none"> • Cash indemnity based on their salary (including portions in kind). • Income rehabilitation allowance in cash equal to net value of annual crop production based on relevant cropping pattern/cultivation record (additional to standard crop compensation and other appropriate rehabilitation to be defined in the RAPs based on project situation and PAP consultation).
		Squatter, encroacher.	<ul style="list-style-type: none"> • No compensation for land loss. • IN addition to standard crop compensation, income rehabilitation allowance in cash equal to net value of annual crop production and other appropriate rehabilitation to be defined in the RAPs based on project specific situation and PAP consultation. • Compensation for any infrastructure and other improvements made to the land (but not for the land) at full replacement cost.
Residential/commercial land	All land losses independently from impact severity	Titleholder, or holder of traditional rights	<ul style="list-style-type: none"> • Cash compensation at full replacement cost (RC) including fair market value plus 15% compulsory acquisition surcharge all transaction costs, applicable fees and taxes and any other payment applicable. • If BoR compensation falls below RC, the project will pay the differential as resettlement assistance to the affected persons to restore affected livelihoods. • Additional compensation to be worked out in consultation with the affected persons if the loss is 10% or more of productive resources including land.
		Lessee, tenant	<ul style="list-style-type: none"> • Cash refund/payment at the rate of lease or house rent for remaining lease period or house rent.
		Renter/ leaseholder	<ul style="list-style-type: none"> • Rent allowance in cash equivalent to 3-6 months' rent to be decided in consultation meetings with Affected persons.
		Non-titled user without	<ul style="list-style-type: none"> • No compensation for land loss.

		traditional rights (squatters)	<ul style="list-style-type: none"> • Self-relocation allowance in cash equivalent to 3-6 months livelihood based on official poverty line (OPL), or as assessed based on income analysis. • Where required, additional support required ensuring improved standard of living to be determined through the social impact assessment.
Temporary land occupation	Land temporarily required during civil works	Owner, lessee, tenant	<ul style="list-style-type: none"> • Lease agreements to be signed between the affected households and the contractor for the period of occupation of land. • Rental fee payment for period of occupation of land, as mutually agreed by the parties. • Restoration of land to original state. • Guarantee of access to land and structures located on remaining land.
		Non-titled user	<ul style="list-style-type: none"> • Restoration of land to original state. • Guarantee of access to land and structures located on remaining land
2. STRUCTURES			
Residential, agricultural, commercial, public, community	Partial Loss of structure	Owner (including non-titled land user)	<ul style="list-style-type: none"> • Cash compensation for affected structure (full or partial taking into account functioning viability of remaining portion of partially affected structure) at full replacement cost and repair of remaining structure at market rate for materials, labor, transport and other incidental costs, without deduction of depreciation. • Right to salvage materials (without deduction) from lost structure. • For vulnerable households, provide legal and affordable access to adequate housing to improve their living standard to at least national minimum standard. • Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.
		Lessee, tenant	<ul style="list-style-type: none"> • Cash refund at rate of rental fee proportionate to size of lost part of structure and duration of remaining lease period already paid. • Any improvements made to a structure by a tenant will also be taken into account in the

			calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings.
	Full loss of structure and relocation	Owner (including non-titled land user)	<p>The PAP may choose between the following alternatives:</p> <ul style="list-style-type: none"> • Compensation through provision of fully titled and registered replacement structure of comparable quality and value, including payment of all transaction costs, such as applicable fees and taxes, at a relocation site or a location agreeable to the PAP. • Any improvements made to a structure by a tenant will also be taken into account in the calculation of compensation at full replacement cost payable to the owner and any apportionment due to the tenant as agreed at consultation meetings. • If the market value of the replacement structure is below that of the lost structure, cash compensation for the difference in value without deduction of depreciation. • If the market value of the replacement structure is above that of the lost structure, no further deductions. <p>or</p> <ul style="list-style-type: none"> • Cash compensation at full replacement cost, including all transaction costs, such as applicable fees and taxes, without deduction of depreciation for age, for self-relocation. In any case, PAP has the right to salvage the affected structure. • Severity assistance to all losing structures permanently.
	Moving of minor structures (fences, sheds, latrines etc.)	Lessee, tenant	<ul style="list-style-type: none"> • Cash refund at rate of rental fee proportionate to duration of remaining lease period
		Owner, lessee, tenant	<p>The PAP may choose between the following alternatives:</p> <ul style="list-style-type: none"> • Cash compensation for self-relocation of structure at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age) <p>Or</p>

			<ul style="list-style-type: none"> Relocation of the structure by the Project.
	Stalls, kiosks	Vendors (including titled and non-titled land users)	<ul style="list-style-type: none"> Allocation of alternative location comparable to lost location, and Cash compensation for self-relocation of stall/kiosk at market rate (labor, materials, transport and other incidental costs, as required, without deduction of depreciation for age)
3. Crops	Affected crops	Cultivator	<ul style="list-style-type: none"> Cash compensation at current market rate proportionate to size of lost plot, based on crop type and highest average yield over past 3 years. Additional compensation to be worked out in consultation with affected persons if the loss is 10% or more of productive resources including land.
		Parties to sharecrop arrangement	<ul style="list-style-type: none"> Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/ informally agreed share
4. Trees		Cultivator	<ul style="list-style-type: none"> Cash compensation for perennial crop trees at current market rate of crop type and average yield (i) multiplied, for immature non-bearing trees, by the years required to grow tree to productivity or (ii) multiplied, for mature crop bearing trees, by the average years of crops forgone; plus cost of purchase of seedlings and required inputs to replace trees. Cash compensation for timber trees at current market rate of timber value of species at current volume, plus cost of purchase of seedlings and required inputs to replace trees.
		Parties to sharecrop arrangement	<ul style="list-style-type: none"> Same as above and distributed between land owner and tenant according to legally stipulated or traditionally/ informally agreed share
5. RESETTLEMENT AND RELOCATION			
Relocation Assistance	All types of structures affected	All titled/untitled persons and their families requiring to relocate as a result of losing	<ul style="list-style-type: none"> The project will provide logistic support to all eligible persons in relocation of affected structures whether project based relocation or self-relocation as opted by the affected persons. If project based relocation, affected persons will be provided with fully functional public services and facilities including school, health

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		land and structures	centre, community centre, electricity, water supply and sewage and irrigation facility with their long term operation and maintenance planned and agreed.
Security of tenure	Replacement land and structures	All affected tenants and their families needing to relocate to project relocation sites.	<ul style="list-style-type: none"> If affected persons are required to relocate to project relocation sites, they will be provided with secure tenure to the replacement land and structures.
Transport allowance	All types of structures requiring relocation	All affected persons required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> Provision of allowances to cover transport costs on actual cost basis at current market rates. Compensation (in cash or kind as agreed with affected persons) to all eligible affected persons, tenants' squatters and encroachers. For residential and commercial structures, the project developer will pay the amount depending upon the situation on ground as per its value. The need for support during the transitional period will be assessed through the SIA and included in the RAP.
House rent	All types of structures requiring relocation	All affected persons required to relocate as a result of losing land and structures	<ul style="list-style-type: none"> A lump sum amount, as agreed between the PAP and project team, to assist the affected persons in renting house for a negotiated period of time.
Transition allowance	All types of structures requiring relocation	All affected persons required to relocate	<ul style="list-style-type: none"> On a case to case basis, transitional allowance equal to 6 months of recorded household income or equal to inflation adjusted official poverty line, whichever is higher.
Arable, residential and commercial land and structures	All types of structures	All affected persons, titled/untitled, losing land & structures	<ul style="list-style-type: none"> Additional cash compensation of 15% as solatium over and above the BOR compensation price. Payment of any price differential or top-up, based on replacement cost study.
6. INCOME RESTORATION			
Permanent loss of agriculture	Partial loss of agricultural land with	Owner, lessee, sharecrop	<ul style="list-style-type: none"> Provision of support for investments in productivity enhancing inputs, such as land leveling,

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based livelihood	viable land remaining	tenant, non-titled land user	terracing, biological, erosion control, sprinkler/drip irrigation, composing, tools and agricultural extension, as feasible and applicable; additional financial support if land compensation is insufficient to allow for adequate investments to maintain livelihood.
	Full loss of viable agricultural land without availability of alternative land	Owner, lessee, sharecrop tenant, non-titled land user	<ul style="list-style-type: none"> • Provision of re-training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish PAP in alternative income generation activity.
Maintenance of access to means of livelihood	Avoidance of obstruction by project facilities	All affected persons	<ul style="list-style-type: none"> • Provide un-interrupted access to agricultural fields, business premises and residences of persons in the project area.
Businesses	Temporary business loss due to LAR or civil works	Owner of business (registered, informal)	<ul style="list-style-type: none"> • Cash compensation equal to lost income during period of business interruption up to 3-6 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or at least inflation adjusted OPL.
	Permanent business loss due to LAR without possibility of establishing alternative business	Owner of business (registered, informal)	<ul style="list-style-type: none"> • Cash compensation equal to lost income for one 6-12 months based on tax record or, in its absence, comparable rates from registered businesses of the same type with tax records, or at least inflation adjusted OPL And • Provision of re-training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish PAP in alternative income generation activity
Employment	Temporary employment loss due to LAR or civil works	All laid-off employees of affected businesses	<ul style="list-style-type: none"> • Cash compensation equal to lost wages during period of employment interruption up to 3 months based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type, or at least inflation adjusted OPL. • If required by Pakistan's labor laws and regulations/codes, the compensation will be paid to the employer to enable him/her to fulfill legal obligations to provide compensation

			payments to laid-off employees, to be verified by EA/relevant government official.
	Permanent employment loss due to LAR without possibility of reemployment in similar sector and position in or near area of lost employment	All laid-off employees of affected businesses	<ul style="list-style-type: none"> • Cash compensation equal to lost wages for 3-6 months, based on tax record or registered wage, or, in its absence, comparable rates for employment of the same type, or at least inflation adjusted OPL. • If required by the applicable labor code, compensation will be paid to employer to enable him/her to fulfill legal obligations to provide severance payments to laid-off employees, to be verified by government labor inspector <p>And</p> <ul style="list-style-type: none"> • Provision of re-training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish PAP in alternative income generation activity
7. PUBLIC SERVICES AND FACILITIES			
Loss of public services and facilities	Schools, health centers, administrative services, infrastructure services, graveyards etc.	Service provider	<ul style="list-style-type: none"> • Full restoration at original site or re-establishment at relocation site of lost public services and facilities, including replacement of related land and relocation of structures according to provisions under sections 1 and 2 of this entitlement matrix.
8. SPECIAL PROVISIONS			
Vulnerable Affected Persons	Livelihood improvement	All vulnerable affected persons including those below the poverty line, the landless, the elderly, women and children, and indigenous peoples.	<ul style="list-style-type: none"> • Provision of training, job-placement, additional financial grants and micro-credit for equipment and buildings, as well as organizational/logistical support to establish PAP in alternative income generation activity. • Subsistence allowance equal to 3-6 months of official poverty line, and other appropriate rehabilitation to be defined in the RAPs based on income analysis and consultations with affected persons. • Preferential selection for project related employment.
	Loss of land	All vulnerable affected persons	<ul style="list-style-type: none"> • Assistance in identification and purchase or rental of new plot

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			<ul style="list-style-type: none"> • Assistance with administrative process of land transfer, property title, cadastral mapping and preparation of compensation agreements
	Loss of structure	All vulnerable affected persons	<ul style="list-style-type: none"> • Assistance in construction of new structure • Assistance in identification and purchase or rental of new structure. • Assistance with administrative process of registration of property and preparation of compensation agreements • Assistance with transition to relocation site
	Temporary land acquisition	All vulnerable affected persons	<ul style="list-style-type: none"> • Preferential treatment to avoid or mitigate as quickly as possible • Provision of access to land and residence suitable to disabled and elderly affected persons
	Loss of livelihood	Female livelihood losers directly affected	<ul style="list-style-type: none"> • Compensation paid directly to female livelihood loser

Annex G: Gender and Social Protection Checklist

Gender and Social Protection Checklist

A. Project/Subproject Profile

Project/Subproject Title:

Implementing Agency: Processing Stage:

Valley/Village _____ UC _____ Tehsil _____

District _____ Province _____ Pakistan

Categorization Status: New project/subproject Revision of project/subproject Other

B. Identification of Impacts in Project/Subproject Area

Key Concerns	Not Known	Yes	No	Remarks or identified problems, if any
Gender				
Does the project/subproject take gender issues explicitly into account?				If negative, exclude from financing.
Does the background/context analysis of the project/subproject examine: <ul style="list-style-type: none"> • The difference in the situations of women and men; and, • The impacts of the project/subproject on different social groups. 				If negative, exclude from financing.
Are women/gender-focused groups, associations or organizations consulted for the project/subproject?				
Does the project/subproject ensure that both women and men can participate in project activities – from planning, implementation to monitoring and evaluation?				

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Are outcomes, outputs and activities designed to meet the different needs and priorities of women and men?				If negative, exclude from financing.
Does the results framework include gender responsive indicators, targets and baselines?				If negative, exclude from financing.
Will the project/subproject collect and use age and sex disaggregated data and qualitative information to analyze and monitor gender issues?				
Does the project/subproject include gender sensitization activities for male and female stakeholders?				
Does the project/subproject management has an adaptive mechanism to address gender issues as they emerge?				
Have adequate financial resources been allocated to the proposed gender activities?				
Has a gender expert been recruited for the project/subproject?				
Will all project management members and technicians be sensitized on gender?				
Is the project/subproject personnel balanced in terms of gender?				
Will the monitoring and evaluation of the project/subproject cover gender issues and monitor behavioral changes towards gender equality?				
Will any project/subproject activity demand women's time without reducing the time required for their household responsibilities?				
Will there be any impact on women that may hinder their mobility and safekeeping?				If negative, exclude from financing.
Will there be impacts on women's opportunities to earn cash income?				If negative, exclude from financing.
Does the project/subproject lessen constraints on women's access to various resources?				If negative, exclude from financing.

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Does the project/subproject provide opportunities for women to build their capacities to access information and to make decisions?				
Social Protection				
How many workers (male/female) will be employed under the project/subproject?				
Will the enterprise chosen by the project/subproject hire workers (male/female) from the local community?				
If workers from outside are indispensable, how many will move to live in the community?				
<p>If workers from outside are indispensable, will the community members be involved in deciding:</p> <ul style="list-style-type: none"> • where they would live; • where they would be allowed to set their feet; • where they would obtain the resources needed for their everyday life (water, fuel, food); • how they would dispose of their waste; and, • how they communicate with the community members. 				If negative, exclude from financing.
Will the enterprise chosen by the project/subproject ensure that its contractor agree, monitor, and comply with the national and provincial labor policy and laws?				
Will the enterprise chosen by the project/subproject and its contractor establish a reliable two-way communication channel with the community members?				If negative, exclude from financing.
Does the enterprise chosen by the project/subproject and its contractor have a policy on women's rights and gender equality?				

C. Anticipated Project Impacts on Women and Social Protection

Project Activity and Output	Anticipated Positive Impact	Anticipated Negative Impact
1.		If negative, exclude from financing.
2.		If negative, exclude from financing.
3.		If negative, exclude from financing.
4.		If negative, exclude from financing.
5.		If negative, exclude from financing.
6.		If negative, exclude from financing.

D. Decision on Categorization and Required Actions (Please Tick)

After reviewing the answer above, the Project Implementation Unit agrees that the project:

Should be categorized as a project/subproject with high negative impacts; it should not be financed as is.

Should be categorized as a project/subproject with moderate negative impacts; a gender analysis, a gender action plan and a community participation plan are required.

Should be categorized as a project/subproject with little or no negative impact; specific actions that empower women and other vulnerable groups and a community participation plan, are required.

Project Team Comments:

Proposed by Project Implementation Unit of
the relevant Component:

Reviewed by Project Consultant

Project Director for the Component

Social Safeguard Specialist, World Bank

Date:

Date:

Reviewed by Project Implementation Unit of
another Component:

Project Director for the Component

Date:

Reviewed by Project Implementation Unit of
the other Component:

Project Director for the Component

Date:
