

GOVERNMENT OF MEGHALAYA

WORLD BANK FUND



**PROJECT NAME : PREPARATION OF DETAILED PROJECT
REPORT (DPR) FOR ROADS IN (MEGHALAYA WEST) UNDER
MEGHALAYA INTEGRATED TRANSPORT PROJECT(MITP)**

SOCIAL IMPACT ASSESSMENT REPORT

VOLUME - II



ALL PURPOSE STRUCTURES

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Detailed Project Report for Roads in Meghalaya (West)
under Meghalaya Integrated Transport Project

Social Impact Assessment
Including
Abbreviated Resettlement Action Plan & Gender Equity and Social Inclusion
Plan

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ABBREVIATIONS

AE	Assistant Engineer
BSR	Basic Schedule Rates
CIG	Common Interest Group
PMC	Project Management Consultant
GoM	Government of Meghalaya
GRC	Grievance Redressal Committee
GRM	Grievance Redressal Mechanism
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
NGO	Non-Government Organization
PAHs	Project Affected Households
PAP	Project Affected Person
PD	Project Director
PIU	Project Implementation Unit
PWD	Public Works Department
R&R	Resettlement and Rehabilitation
ARAP & IPDP	Resettlement and Indigenous Peoples Development Plan
RFCTLARR	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
RoW	Right of Way
RRM	Resettlement and Rehabilitation Manager
SACS	State AIDS Control Society
SC	Scheduled Caste
SCHM	Suggestion and Complaint Handling Mechanism
SIA	Social Impact Assessment
SLAO	Special Land Acquisition Officer
ST	Scheduled Tribes

1. INTRODUCTION

1.1 Background

1. Meghalaya is a hilly state in north-eastern India, bounded by another state Assam in the North and the East, and Bangladesh in the South and the West sharing a 443 kms international border.

2. The Road transport is the backbone of the state's socio-economic development. More than 80 percent of freight and almost cent percent of passenger movement within the state depends on roads. Yet, about half of the habitations lack all-weather road access. Further, many semi-permanent timber bridges are in dilapidated condition, limiting maximum allowable axle load on them. The problem is further compounded by difficult terrain and extreme climatic condition, leading to high maintenance cost of the roads.

3. Similarly, rapid urbanisation has created a huge gap between demand and supply of urban services and infrastructure. It has been assessed that other than Shillong, urban mobility at other cities and towns of the state are less than satisfactory¹. In most of the towns due to narrow roads, lack of parking facilities and yearly growth of vehicles, traffic congestion is often evident. Further, in most cases the major highway passes through the city centre as a result of which regional traffic comes in conflict with the local traffic.

4. To overcome the abovementioned challenges in a holistic and all-inclusive manner, the Government of Meghalaya, with financing and technical support from the World Bank, is preparing a project titled "Meghalaya Integrated Transport Project". The objective of the project is to "provide a well-connected efficient, good quality and safe transport network on long-term basis in a cost-effective manner maximizing economic and social outcomes". This will involve taking a whole-of-the-state approach of the entire transport sector and introduce innovations, efficiency, and new ways of doing business at various stages of service delivery, ensuring value for money. This will involve:

- Integrating transport and development agenda thus resulting in more job-creation, better incomes, and realization of the SDGs;
- Integrating various modes of transport – such as roads, ropeways, waterways, and urban transport to operate as part of one system for optimal performance;
- Integrating climate resilience, green growth, asset management, and safety in the transport sector thus making the sector more resource efficient, reducing carbon footprint, minimizing GHG and contributing to health outcomes.

5. MITP is an ambitious project of the Government of Meghalaya (hereinafter refer to as GoM) under which it intends to strategically transform the Core Road Network of 2000 km road length. In the project, State Road Network roads of 650 km road length will be widened, and 1350 km road length will be provided periodic maintenance besides other institutional, development activities. The Project shall follow a Multiphase Programmatic Approach (MPA). Up-gradation of 266.82 km road length will be carried out in Phase-I. The Department of Economic Affairs (DEA) and The World Bank (WB) has accorded in-principle approval of Tranche-I of MITP for US\$ 110 million (loan assistance of US\$ 82 million and State Share of US\$ 28 million), under which State Road Network roads measuring 128 km length will be upgraded along with certain other institutional development activities. There are total 10 road sections selected under Phase-I, 5 road sections in East Meghalaya and 5 road sections in West Meghalaya.

¹ Planning Department, GoM, http://megplanning.gov.in/MSDR/urban_development.pdf

1.2 Scope of Assignment

6. The main objective of the proposed consultancy assignment is to carry out the Social Impact Assessment of 139.668 km of SH/MDR in West Meghalaya State under Phase-I of MITP (see table 1 below)..

Table 1: List of roads & bridges in Meghalaya West under the project

S.No.	District	Name of Road	Total Length (km)
1	North Garohills	Bajengdoba Resu Mendipathar Damra Road	35.860
2	West Garohills	Agia Medhipara Phulbari Tura (AMPT) Road (1st to 32nd kms)	31.955
3	East Garo Hills, West Garo hills	RongramRongrengreDarugre (RRD) Road	40.400
4	South Garo Hills	Parallel Road to existing Dalu Baghmara Road	20.853
5	North Garohills	RongjengMangsangAdokgre (44th to 55th km) IidekA'kong to A'dokgre	10.600
	Total		139.668km



Figure: Map Showing MITP Roads in West Meghalaya

7. This report presents Social Impact Assessment addresses social issues arising out of acquisition of land and other assets resulting in involuntary resettlement and displacement due to

project road sections. The SIA has been prepared in line with safeguard policy requirements of the World Bank, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015 (Meghalaya) and other related regulations.

1.3 Project Road Description

Name of Road	Description	Category
Bajengdoba Resu Mendipathar Damra Road	The proposed road is situated in the district of North Garo Hills having starting position at N25.903730°, E90.526138° and ending position at N25.932471°, E90.772469°. The Project Road traverses from West to East direction.	MDR
Agia Medhipara Phulbari Tura (AMPT) Road (1st to 32nd kms)	The proposed road is situated in the district of West Garo Hills having starting position at N 26.004103°, E 90.349760° and ending position at N 25.934650°, E 90.115447°. The Project Road traverses from East to West direction.	SH
RongramRongrenggreDarugre (RRD) Road	The proposed road is situated in the district of West and East Garo Hills having starting position at N 25.598940°, E 90.278922° and ending position at N 25.584105°, E 90.517994°. The Project Road traverses from West to East direction.	MDR
Parallel Road to existing Dalu Baghmara Road	The proposed road is situated in the district of South Garo Hills having starting position at N25.210652°, E 90.229767° and ending position at N25.163132°, E90.408398°. The Project Road traverses from West to East direction.	MDR
RongjengMangsangAdokgre (44th to 55th km) IldekA'kong to A'dokgre	The proposed road is situated in the district of North Garo Hills having the starting point at N 25.831817°, E 90.974265° and ending position at N25.877556°, E90.995038°. The Project Road traverses from South to North direction.	MDR

1.4 Land Acquisition and Social Impact Assessment

8. The proposed project road sections development is being executed by the Public Works Department, Government of Meghalaya. There are following villages/towns areas (Table-2) through which the proposed road sections pass.

Table 2: List of Villages under the Project road section

Name of the Road	Number of Blocks it is passing through	Number of villages it is passing through
Bajengdoba Resu Mendipathar Damra Road	1	21
Agia Medhipara Phulbari Tura (AMPT) Road (1st to 32nd kms)	1	22
RongramRongrenggreDarugre (RRD) Road	2	17
Parallel Road to existing Dalu Baghmara Road	2	8
RongjengMangsangAdokgre (44th to 55th km) IldekA'kong to A'dokgre	1	4
Total	7	72

9. The survey was carried out along the alignment of each project road section. It was found that proposed design has been accommodated within existing RoW of these proposed road sections. For the curve improvement locations, there will be normal widening along the existing alignment for which sufficient RoW is available.

10. However, 6 titleholder and 14 non-titleholder households in will be affected due to proposed improvement work.

1.5 Need for the Social Impact Study

11. Social Impact Assessment (SIA) is a tool for anticipating and mitigating the potentially negative impacts of projects, such as dams, roads, power projects, mining and other development projects. SIA alerts project planners (public and private bodies) as to the likely social and economic costs and benefits of a proposed project. The knowledge of the potential costs, when weighed against the likely benefits of a project, helps decision-makers in deciding whether the project should be carried out, with or without modifications, or abandoned completely. The agency carrying out the SIA also develops a mitigation plan to overcome the potential negative impacts on individuals and communities.

12. The purpose of this SIA is to ascertain whether a project proposed by MPWD is involve (a) additional land acquisition; (b) improvement proposals are limited up to existing right of way of the road; (c) impacts on private and community structures in existing RoW; and (d) address community concerns in project design and implementation. The SIA study and the Social Impact Management Plan based upon it, also attempts to ensure that all concerns of affected community in the project area are taken into consideration

2. OBJECTIVES AND STUDY METHODOLOGY

13. The main objective of this study is to map and understand potential social impacts associated with construction of facilities at the sites and to prepare, plan for management of the impacts. The Social Impact Assessment for these project road sections have been identified and accordingly mitigation measures have been proposed to address the adverse impacts.

14. The study began with the identification of social issues and stakeholders and communities, including socially and economically disadvantaged communities. The scope of the study, included the following:

2.1 Objective and Scope of Work

15. The assessment of social impacts as provided in this document, have been undertaken with the following objectives:

- i. to assess whether the proposed project involve land acquisition or not
- ii. to assess whether the proposed land acquisition for the project would serve public purpose;
- iii. to estimate the number of affected families, magnitude of land assets based on the actual holdings of the families and the number of families among them likely to be displaced physically or economically due to land acquisition;
- iv. identify the extent of lands, houses, settlements and other common properties likely to be affected;
- v. to examine whether the extent of land proposed for acquisition is the bare minimum necessity;
- vi. to find out whether an alternative site has been considered for the project;
- vii. to study the social impacts of the project by covering both direct land loser Family as well as the indirectly affected Family due to loss of common property resources (CPRs), socio-economic infrastructure etc. and the impact of these costs on the overall costs of the project vis-a-vis the benefits of the project;
- viii. to suggest remedial intervention measures by designing appropriate policies and programs through a social impact management plan or mitigation plan (SIMP).

2.2 Approach of the Study

16. For establishing the social baseline and undertaking the social impact assessment, a participatory approach was adopted. An attempt was made to integrate local community perspectives into the impact assessment process and identification of the mitigation measures. The participative approach allowed for:

- Collect details for assessing extent of loss of properties (land, structure and others) of individual as well as that of community and loss of livelihood;
- Based on the collected data, segregate properties and assets likely to be affected by type of ownership and construction, etc.;
- Carry out Free Prior Informed Consultations in a culturally appropriate manner
- Establish a baseline profile of affected population, sources of income, access to social services and facilities, etc.

17. Various activities that were carried out as part of the study are summarized as under.

2.2.1 Collection of Right of Way (ROW) Data

18. The existing formation width details provided by PWD is considered as the Right of Way of these project road sections. The land beyond existing formation limits if taken is considered as additional land across the entire stretch of the road sections for widening purposes.

2.2.2 Identification of affected land plots

19. A desk-based review and assessment of the available primary and secondary data and information relevant to the project area, and the administrative district has been completed. Information about the right of way of project road sections was requested and received from Public Works Department, GoM.

20. Land plots affected as per the design were identified with representative from PWD. Based on this identification, details related to the land and structure such as ownership, assets on land were collected.

2.2.3 Census and Socio-economic Survey

21. Based on the information of RoW and formation width for proposed design the baseline on socio-economic conditions of PAPs and assess extent of impacts a Census and socio-economic survey was conducted covering owners and tenants using an appropriately devised questionnaire. The baseline data would be used for monitoring the status of project affected persons during and after the implementation of project. The socio-economic questionnaire covered data generation on demography, education, occupation, sources of income, land holding, ownership of dwelling and other properties, consumer durables and consumer assets owned by the households, livestock holding, availability of basic facilities (drinking water, toilet, bath room, electricity, etc.) and their views on the project and option for resettlement and rehabilitation.

22. The survey team followed proposed formation width on both sides of the road sections for the data collection. It was carried out by a team of surveyors recruited locally under the overall supervision of a social expert. They carried out the survey amongst all PAHs and business units within the proposed ROW of the proposed road sections. The questionnaire was administered to Head of the Household and in his/her absence to an adult member of the household for response.

23. Structures and other properties likely to be affected within the proposed ROW, i.e. as per proposed formation width of the road section were identified. Dimension of structures likely to be affected were recorded. Simultaneously, names of owners and/or occupants of structures with or without valid patta/permits, tenants associated with the likely affected structures and properties were also noted. The data was recorded in a format and used to assess the project impacts.

2.2.4 Stakeholder Consultations

24. Consultations were held during screening as well as during survey stage. It was followed by Free Prior and Informed Consultations at villages level with potential Project Affected Persons (PAPs), Village community leader and other stakeholders, including PWD representatives and Social and Environment Consultant. The purpose of these consultations was to inform people about the proposed project and its features and also to understand and know their issues, concerns and perceptions. Further information on entitlements applicable for different categories of impacts were conveyed. In order to ensure significant participation village councils were informed in advance specifying date, venue and time. Design features of the road alignments were informed and explained. Expected benefits and likely anticipated adverse impacts were conveyed. Details on the existing livelihood opportunities, occupations currently pursued, on-going development activities, programs operated by NGOs in the area, were collected. Concerns, anxieties, fears and suggestions, if any were elicited and recorded. Overall Community support to the project was ascertained. Details of the stakeholder consultations are presented in Chapter 8.

2.3 Collection of Land Rates

25. The land rates would be as per the prevalent government rate and the structure rate would be as per the Basic Scheduled Rate of PWD. The compensation would be given as per the Entitlement Matrix developed, approved and adopted Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR).

3. SOCIO-ECONOMIC PROFILE

3.1 Introduction

26. The following sections provide briefly the socio-economic profile of Meghalaya state, Project Influence Area (PIA) and Direct Impact Zone (DIZ). The project influence area has been considered as the administrative boundaries of the district i.e East Garo Hills District, West Garo Hills & North Garo Hills districts, whereas Direct Impact Zone are the villages through which the project road sections traverse and upgrading of project road section are likely to affect land, structure and other properties.

3.2 Overview of Meghalaya

27. Meghalaya emerged as a full-fledged State within the Union of India on 21st January 1972. "Meghalaya" (not an indigenous name) meaning „abode of clouds" reflects the salubrity of its climate. The wettest places in the world are also located here. The state has an area of 22429 sq. km. and is located between 24° 57" North latitudes and 26° 10" North latitudes and 89° 46" and 92° 53" East longitudes. The temperature varies from 2 degrees Celsius to 35 degrees Celsius depending upon the altitude which varies in hills from 300 meters to 2000 meters above mean sea level. It has predominantly hilly terrain with foothills as plains and flood-prone areas. It is bounded by the Brahmaputra valley of Assam in the North and Northwest and Cachar area of Assam in the East; the Surma valley (Bangladesh) borders it in the South and partly in the Southwest. Meghalaya has about 443 km of international border with Bangladesh. The capital of Meghalaya, Shillong was also undivided Assam's capital from 1874 till January 1972. Shillong is located at an altitude of 1496 meter above mean sea level.

28. **Table 3: Demographic details of Meghalaya state**

Indicator	Meghalaya
Area (sq.m.)	22429
Households	546096
Population	2966889
Male%	50.28
Female%	49.72
Sex Ratio	989
Density per sq.km	132
Decadal Growth rate	27.95
Literacy Rate%	
	Overall
	74.43
	Male
	75.95
	Female
	72.89
Child Population 0-6 years	568536
SC%	0.58
ST%	86.15
Workers (% of total population)	39.96
Male (% of total workers)	63.53
Female (% of total workers)	36.46
Main & Marginal Workers	1185619
	Cultivators
	494675
	Agriculture
	198364
	Household
	20488
	Others
	472092
Marginal workers	264044
Non-workers	1781270

29. The state is predominantly inhabited by the Khasis, the Jantias, and the Garo tribal communities. The Khasi Hills and Jantia Hills, which form the central and eastern part of Meghalaya, is an imposing plateau with rolling grasslands, hills and river valleys. The southern face of the plateau is marked by deep gorges and abrupt slopes, at the foot of which, a narrow strip of plain land runs along the international border with Bangladesh. Principal languages in the state are Khasi and Garo, with English as official language.

	Population	Urban Population	Urban ST Population	Rural Population	Rural ST Population	Literacy	ST Literacy
Total	29,66,889	5,95,450	158358	23,71,439	2136891	74%	61.3%
Male	14,91,832	297572	75009	1194260	1070557	76%	63.5%
Female	14,75,057	2,97,878	83349	11,77,179	1066334	73%	59.2%

Source: Census of India Report, 2011

30. The State has a population of 2,966,889 as per the 2011 census of which 79.93% live in the rural areas and are largely dependent on agriculture for livelihood. The overall population density of 132 (382 all India) per sq. km. The sex ratio continuously declined from 1,036 in 1901 to 937 in 1961. Since then it shows an upward trend and stands at 989 in 2011. The five project roads pass through Garo districts hence the details below are from North, South, East and West Garo hill districts.

31. As the table below shows, the districts are pre-dominantly tribal, and Christianity is the predominant religion. Demographic characteristics of the districts further reveals that over 90 percent of the population of East Garo Hills and South Garo Hills comprises of Christians. The West Garo Hills (19.11%) also have a sizeable population of Hindus, whereas, 16.60 percent of the population in West Garo Hills constitute of Muslims.

Table 4: Demographic details of state and districts as per 2011 census

District	Area (sq. kms)	Total Pop.	S.T Male	S.T Female	Population Density (per sq. km)	ST population %
North Garo Hills	1,113	1,18,325	67205	65541	110	
East Garo Hills	2,603	317,917	67432	65801	122	41.90
South Garo Hills	1,887	142,334	62583	60485	75	86.46
West Garo Hills	3,677	643,291	152542	152105	175	47.55
South West Garo Hills	822	1,70,794	58182	57456	210	67.70

Table 5 Religious Representation in Districts

Sl. No.	Name of District	% Hindu	% Muslims	% Christians	% Sikhs	% Buddhist	% Jains	% Others
1.	East Garo Hills	5.43	1.06	91.13	0.02	0.32	0.01	1.77
2.	West Garo Hills	19.11	16.60	60.62	0.03	0.53	0.02	2.63
3.	South Garo Hills	4.94	0.74	93.43	0.02	0.23	0.01	0.25

Source: Census of India, 2011 Accessed from <http://www.census2011.co.in/data/religion/state/17-meghalaya.html>

Education

32. During the years 1951 to 2011, the state saw a considerable rise in its literacy rate through the collective support of the state government, the Christian missionaries and civil society

organisations and others. Substantial contributions in terms of infrastructure facility, access to quality education and connectivity has helped in its growth. However, in the rural areas, the quality of education seems inadequate even with government-run schools present. Higher education has not reached full penetration in the state, and many areas suffer due to this as the capability of the students to continue further education is hampered. Based on the information obtained from the Department of Education, GoM one can see that educational institutions are concentrated in the Khasi Hills, while the Garo Hills and Jaintia Hills lag behind. The colleges are mostly found in the urban areas and district headquarters with very little seen in other places. The Departmental data is mirrored by the data collected as part of the primary survey. The baseline survey corroborates that the Khasi Hills region has the most number of educational institutes. Further, the survey reveals the presence of at least one primary school in each village. While, secondary schools in the three regions are few and far, there are no higher secondary schools in the surveyed villages of Khasi and Jaintia Hills.

Table 6 Educational Institutes Present in the State

Sl. No.	Type of Educational Institution	Khasi Hills	Jaintia Hills	Garo Hills
1.	Higher Secondary	58	13	31
2.	Colleges	42	7	14
3.	Vocational/ Professional Institutions	3	1	1
4.	Institutes of National Importance	6	0	1
5.	Universities	9	0	2
<i>Source: Department of Education, Government of Meghalaya</i>				

Livelihood:

33. *Agriculture and allied activities:* The main occupation in the districts is agriculture and allied activities as the industrial sector in Meghalaya is still under-developed. It employs 70% of the population in Meghalaya and contributes 22% to the State GDP. Agriculture is heavily dependent on monsoon with irrigation potential being under-utilized. Primitive agricultural practices like shifting cultivation (*Jhum*) are indigenous to the region especially in the Garo Hills. The practice of *jhum* cultivation, however is low in productivity and detrimental to the environment and its ecological balance. A study done on cost benefit analysis of *Jhum* corroborates that all other land use system was better economically and financially than *Jhum* cultivation (Rasul & Thapa, 2007). Degrading landscapes due to practices like *Jhum* cultivation can be considered under the proposed project for rehabilitation and stabilization of land and soil.
34. *Livestock, Fisheries and other related activities:* The other economic sectors that add to the livelihood source of the people are livestock and poultry, pisciculture, apiculture, forestry, sericulture and weaving. The table above shows the gradual growth rate of livestock present in the state as compared to 2007 census.
35. Data on *Fish Seed Distribution* clearly indicates that engagement of population in fisheries and aquaculture in South Garo Hills districts is higher in comparison to other districts.

Table 7 Fish Seed Distribution: District Wise

District	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
1	2	3	4	5	6	7
East Garo Hills	271.0	482.4	898.4	446.0	25.9	75.0
West Garo Hills	431.7	321.5	531.9	1124.9	671.0	582.3
South Garo Hills	500.0	592.0	1102.0	1117.0	985.0	985.0
Meghalaya	2855.2	3754.4	6707.7	6593.9	4028.6	4740.8

Source: Directorates of Fisheries, Meghalaya.

4. PROJECT IMPACTS

4.1 Project Impact

36. Out of five proposed road sections in west Meghalaya under MITP, three roads namely Bajengdoba Resubelpara Mendipathar Damra Road; Parallel Road to existing Dalu Baghmara Road; and Rongjeng Mangsang Adokgre (44th to 55th km) Ildek A'kong to A'dokgre will require approximately 0.5 ha of private land. The project in all will impact 20 households across all five road corridors of which 14 are non-titleholders. Half of the affected households are from Bajengdoba Resu Mendipathar Damra Road in North Garo Hill district. A total of 80 persons will be impacted by the project in Meghalaya West of which 56 will be displaced. All 14 non-titleholders will be displaced.

37. The **cut-off date** for titleholders will be date of issuance of notification under Section 4(2) of RFCTLARR Act whereas for non-titleholders the cut-off date will be the start date of the Census and socio-economic survey i.e. 14th December 2019.

38. **Table 39: Project impacted assets**

Sl No	Name of the Project Road	Total Length in Km	District / Block	Total Households	Total PAPs
1	Bajengdoba Resu Mendipathar Damra Road	37	North Garo hills	10	37
2	Agia Medhipara Phulbari Tura (AMPT) Road (1st to 32nd kms)	32	West Garo hills	1	4
3	Rongram Rongrenggre Darugre (RRD) Road	42	East Garo Hills, West Garo hills	2	8
4	Parallel Road to existing Dalu Baghmara Road	20	South Garo Hills	4	20
5	Rongjeng Mangsang Adokgre (44th to 55th km) Ildek A'kong to A'dokgre	11	North Garo hills	3	11
	Total	142		20	80

Table 2a(1): Number of displaced persons will be 56				
Name of the Project road	Households		Persons	
	TH	NTH	TH	NTH
Bajengdoba Resu Mendipathar Damra Road		8		32
Agia Medhipara Phulbari Tura (AMPT) Road (1st to 32nd kms)		1		4
Rongram Rongrenggre Darugre (RRD) Road		2		8
Parallel Road to existing Dalu Baghmara Road		2		8
Rongjeng Mangsang Adokgre (44th to 55th km) Ildek A'kong to A'dokgre		1		4

4.1.1 Impacts on Land and Structure

As the table below shows, out of 20 affected households, 6 will be losing both land and structure and rest 14 will only lose structure. All these 14 households are non-titleholders. **Approximately 0.5 ha of private land** will be needed in Bajengdoba Resu Mendipathar Damra Road; Parallel Road to existing Dalu Baghmara Road; and Rongjeng Mangsang Adokgre (44th to 55th km) Ildok A'kong to A'dokgre.

Table 8: Details of project affected households and families

Type of Impact	Households			PAPs		Total
	TH	NTH	Total	TH	NTH	
Land						
Structure		14			56	56
			14			
Land & Structure	6				24	24
			6			
Others						
Total						80

39. The built-up properties likely to be affected due to the project road were enumerated using a pre-structured schedule. These affected properties include 3 permanent residential structures; 3 semi-permanent residential structures and 14 temporary commercial structures. The residential structures will be partially affected and will not require relocation but all the commercial structures will require relocation.

Affected Structures				
Road Name	Permanent structure		Semi-permanent or Temporary Structure	
	Residential	Commercial	Residential	Commercial
Bajengdoba Resu Mendipathar Damra Road	2			8
Agia Medhipara Phulbari Tura (AMPT) Road (1st to 32nd kms)	0			1
Rongram Rongrenggre Darugre (RRD) Road	0			2
Parallel Road to existing Dalu Baghmara Road			2	2
Rongjeng Mangsang Adokgre (44th to 55th km) Ildok A'kong to A'dokgre	1		1	1

4.1.2 Impact on Common Property Resources

Table 14: Road wise details of common property resources affected

Name of the Project road	School	Play ground	Temple	Church	Sacred sites	Community hall
Bajengdoba Resu Mendipathar Damra Road				1		
Agia Medhipara Phulbari Tura (AMPT) Road (1st to 32nd kms)		2				
Rongram Rongrenggre Darugre (RRD) Road	2			2		
Parallel Road to existing Dalu Baghmara Road	1					1
Rongjeng Mangsang Adokgre (44th to 55th km) Ildek A'kong to A'dokgre	1					1
Total	4	2		3		2

40. A total of 11 common property resources will be partially affected that includes boundary wall of 4 schools; part of 2 play grounds; boundary wall of 3 churches and two community hall. None of these common property needs relocation.

41. Broadly the impacts of Meghalaya West project roads can be summarized as follows in Table-42.

Table 42: Summary of project impacts

S.N.	Social Impacts	Comments
1	Impacts on Land	Private land around 0.5 hectare will be impacted
2	Impacts on structure	Total 20 structures (6 titleholders & 14 non-titleholder) will be impacted
3	Impacts on Income	Project will have direct impact on income of non-titleholder
4	Health Impacts	Since the habitation is quite away from the construction site no major health impacts on human being are anticipated
5	Impacts on Culture and Social Cohesion	Total of 11 CPRs will be affected.

4.2 Minimizing Impacts

4.2.1 Restricting the proposed widening within the ROW

42. In order to minimize adverse social impacts, the proposed road improvements to the extent possible have been restricted within the existing ROW which varies between 8m to 14 m. As a result, only 6 titleholders will lose part of their land, though 14 non-titleholders will be displaced.

4.2.2 Restricting the proposed widening within the ROW

43. The other measures taken by the project to reduce adverse impacts includes the following:

- Nearly 14500 m of toe wall; 4000 m of breast wall and 3500 m of retaining wall to avoid taking of private land.
- Project has also provided over 16,600 m of covered drain and nearly 31,000 m of open drain to avoid water logging in residential areas.
- The covered drains in urban areas will also serve as foot paths thus providing safety to pedestrians.
- There is provision of street lights in all urban areas.
- The bus stops provided along the project corridor has provision of toilets.

4.3 Socio-Economic Profile of PAPs

44. The project will impact 80 individuals of which 42 are male and 38 are women. Over half of the project affected persons comes in economically active age group of 18 to 58 years.

Table 9: Details of project affected persons (Titleholders)

Sl.No	Age Group	Male		Female		Total	
		No	%	No	%	No	%
1	0-5 Years	7	16.67	5	13.56	12	15
2	6-14 Years	4	9.52	4	10.53	8	10
3	15-18 Years	6	14.29	6	15.79	12	15
4	19-25 Years	9	21.43	8	21.05	17	21.25
5	26-35 Years	6	14.29	7	18.42	13	16.25
6	36-59 Years	7	16.67	6	15.79	13	16.25
7	60 and above	3	7.14	2	5.26	5	6.25
	Total	42	100	38	100	80	100

45. The survey revealed that 85 % of the affected households are ST and Christian by religion. Out of 20 affected households, 18 are nuclear family and 2 are joint family.

Sl No	Item	Description	Number	% to totals
1	Religious Group	Christian	15	75
		Hindus	2	10
		Islam	0	0
		Buddhism	0	0
		Other	3	15
		Total	20	100
2	Social group (Caste)	SC	1	5
		ST	17	85
		OBC	0	0

		Gen	2	10
		Total	20	100
		Joint	1	5
		Nuclear	18	90
3	Family type	Individual	1	5
		Total	20	100

46. Over 90% of the PAPs are literate. There is not much difference in the literacy rate of men and women. Nearly one third are educated up to primary level. A small percentage of PAPs have attended university. The details are provided in Table-45.

Table 105: Literacy status of PAPs

Table-5: Gender wise Education levels among the Affected Population							
Sl. No	Literacy level	Male		Female		Total	
		No	%	No	%	No	%
1	Illiterate	3	7.14	3	7.89	6	7.5
2	Literate but no formal education	0	0	0	0	0	0
3	Primary School	15	35.71	11	28.95	26	32.5
4	Middle School	10	23.81	10	26.32	20	25
5	High School	6	14.29	7	18.42	13	16.25
6	Senior secondary/intermediate	5	11.9	5	13.16	10	12.5
7	Graduate	2	4.76	2	5.26	4	5
8	Post Graduate	1	2.38	0	0	1	1.25
9	Technical	0	0	0		0	0
	Total	42	100	38	100	80	100

47. Nearly half of the total PAPs are workers. Over one fourth of the total PAPs are engaged in agriculture either as cultivator or as agriculture labor. Little over tenth are working as non-agriculture labor and another 13% are either in government or private sector or self-employed. The details are given in Table-46.

Table 11: Occupational category of PAPs

Table-6: Occupational pattern of the Affected Population							
Sl. No	Occupation	Male	%	Female	%	Total	%
1	Agriculture	15	35.71	2	5.26	17	21.25
2	Agricultural labour	2	4.76	2	5.26	4	5
3	Non agricultural labour	7	16.67	2	5.26	9	11.25
4	HH Industries/Artisan activity	0	0	0	0	0	0
5	Government service	2	4.76	0	0	2	2.5
6	Private service	1	2.38	1	2.63	2	2.5
7	Trade& Business	2	4.76	4	10.53	6	7.5
8	Self employed	0	0	0	0	0	0

Non workers above 15 years							
9	Unemployed	1	2.38	1	2.63	2	2.5
10	Household work	1	2.38	9	23.68	10	12.5
11	Student	11	16.19	17	44.74	28	35
12	Old/retired	0	0	0	0	0	0
Total		42	100	38	100	80	100

48. The land holding pattern of the affected persons shows that out of 80, 36 owns land and 21 of them own less than one hectare.

Table-7: Land Holding Details											
Sl. No	Name of the Project Roads	Land holding (Ha)								Total	
		<0.5		0.5 to 1		1 to 2		> 2			
		No	%	No	%	No	%	No	%	No	%
1	Bajengdoba Resu Mendipathar Damra Road	2	20	13	35.14	9	24.32	2	20	10	100
2	Agia Medhipara Phulbari Tura (AMPT) Road (1st to 32nd kms)	0	0	0	0	1	100	0	0	1	100
3	Rongram Rongrenggre Darugre (RRD) Road	1	50	1	50	0	0	0	0	2	100
4	Parallel Road to existing Dalu Baghmara Road	1	25	1	25	1	25	1	25	4	100
5	Rongjeng Mangsang Adokgre (44th to 55th km) Ildek A'kong to A'dokgre	1	33.33	1	33.33	1	33.33	0	0	3	100
Total											

49. The asset holding shows that only 3 households own permanent houses. All households though have electricity connection and own ration card. More than half uses fuel wood as medium for cooking and 90% are below poverty line.

Table-8: Ownership of House and Availability of Other Amenities				
Sl. No	Item	Description	No of HH	% to total
1	Type of house	Pucca	3	16.74
		Semi pucca	7	33.48
		Kutchha	10	49.78
		Total	20	100.00
2	Electricity connection	Yes	20	100.00
		No	0	0.00
		Total	20	100.00
3	Cooking facility	LPG	9	43.44
		Kerosene	0	1.36
		Fuel wood	11	55.20

		Total	20	100.00
4	Dirking water facility	Piped water supply	0	0.00
		Public tap	0	0.00
		Streams/nala	1	4.98
		Natural spring	19	95.02
		Total	20	100.00
5	Ration card	Yes	20	100.00
		No	0	0.00
		Total	20	100.00
		BPL	18	88.69
		APL	2	11.31
		RED (Anthoyadaya)	0	0.00
		Total	20	100.00

50. The annual income of affected households was calculated broadly on various available economic sources. The average annual income of the affected households is INR 52,750. 80 percent of the households earns less than INR 100,000. Though each household has multiple source of income, agriculture remains major source of income for 90% of the households. Trading remains primary source of income for 14 households those who will be displaced. The details are given in Table-47.

Table 12: Annual income of PAHs

Table-12: Annual Income levels of the affected households			
Sl.No	Category (Rs/annum)	No of HH	%
1	Up to 15,000	1	5
2	15000 to 25,000	2	10
3	25000 to 40,000	7	35
4	40000 to 75000	4	20
5	75000 to 100000	2	10
6	100000 to 200000	2	10
7	200000 to 400000	1	5
8	Above 400000	1	5
9	Average household income (Rs)	52,750.00	

Table 11: Sources of income for the affected households

Sl. No	Source	Number	%	Total annual income (Rs)	% to total income	Average per HH (Rs)
1	Agriculture	18	90	12,60,000	26.03	70,000
2	Animal husbandry	6	30	0	0	0

3	Farm wage labour	2	10	1,20,000	2.48	60,000
4	Non- farm wage/casual labour	2	10	1,20,000	2.48	60,000
5	HH Industries	0	0	0	0	0
6	Artisan Activity (carpenter/gold smith etc)	0	0	0	0	0
7	Shop keeping/ Trade / Business	14	70	21,00,000	43.39	1,50,000
8	Professional activities	0	0	0	0	0
9	Government service	2	10	6,00,000	12.4	3,00,000
10	Private service	0	0	0	0	1,80,000
11	Contractor	0	0	0	0	0
12	Remittance/rent/lease etc	0	0	0	0	0
13	Fodder selling	0	0	0	0	0
14	Fruits selling	4	20	6,40,000	13.22	1,60,000
15	Pensioners	0	0	0	0	0
Total				48,40,000		

The average household expenditure is INR 52,000. Nearly one fourth of the total income is spent on food and another 23% on health. Little over 10% is spent on education.

Sl. No	Expenditure	Amount (Rs)	%
1	Food	12469.6	23.98
2	Clothing	9432.8	18.14
3	Health	11705.2	22.51
4	Education	5304	10.2
5	Social functions	6011.2	11.56
6	Agriculture/Animal husbandry	4716.4	9.07
7	Others	2360.8	4.54
Total		52000	100

4.4 Compensation and Rehabilitation

51. During survey, communities indicated multiple positive benefits of the project. Among these key benefits indicated were: increase in business and employment opportunities, faster movement, better access and increase in land prices. The key adverse impacts perceived included loss of land, structures and increase in road accidents due to enhanced vehicle speeds. The affected households indicated that they will donate the land and will prefer cash compensation structure. The displaced non-titleholder household prefers self-relocation and requested that project should construct another market for the affected shop owners.

4.5 Need for Data Update and Mechanism to Conduct Update

52. Since there will be gap between the census and socio-economic survey and implementation, it is suggested that partnering NGOs entrusted with the responsibility of ARAP implementation along with PWD, should conduct a Core Rapid Appraisal to update the ARAP data.

53. R&R Coordinator from PWD will supervise the entire exercise and this document would serve as revised baseline information for the PAPs finally getting affected by the project. However non-title holders the day of census survey (conducted during the preparation stage of the project) will remain as cut-off date. The mechanism to conduct update is given below.

Table: Core Rapid Appraisal Mechanism

S. No.	Technique	Method	Group Size	Staff Required	Time
1	Key Informant interview	Interview selected local with special knowledge or experience	5-10 per group	Interviewer observer & moderator	Selection plus 3 hours interview per village
2	Focus group	Specific topic discussed in open-ended group sessions	5-10 per group	Interviewer observer & moderator	2 hours per group per village
3	Community Interview	Open public meeting with prepared questionnaire	Large number (more than 10)	At least 2 interviewer	1 day per village
4	Structured direct observation	Observation of people and things plus individual or group interviews if desired	Large or small numbers	Team of 4 or 5	Several days
5	Informal surveys	Non probability sampling with open ended questionnaires	Sample size of 10-20 respondents	Team of 4 or 5 surveyors	One day per village

5. STAKEHOLDERS CONSULTATION

5.1 Stakeholders Consultation

54. Public participation was undertaken to make explicit the social factors that will affect the development impacts of planned highway improvements and mediate project results. Through public participation, stakeholders and key social issues were identified and strategy was formulated. It included socio-cultural analysis and design of social strategy, institutional analysis and specifically addressed the issue of how poor and vulnerable groups may benefit from the project. Participation is a process, through which stakeholder influence and share control over development initiatives and the decisions and the resources, which affects them. The effectiveness of R&R program is directly related to the degree of continuing involvement of those affected by the project. Comprehensive planning is required to assure that local government, NGOs, host population and project staff interacts regularly, frequently and purposefully throughout all stages of the project. Participation of persons directly affected by projects is a primary requirement in development of R&R, if its programs are to be suited to the needs of the resettled population. Their involvement vastly increases the probability of their successful resettlement and rehabilitation.

55. As part of the Social Impact Assessment process, detailed consultations were conducted with all stakeholders. The main objectives of the consultation program were to minimize negative impact in the project corridors and to make people aware of the project. During the process efforts were made to ascertain the views and preferences of the people. The community consultation aimed to understand views of the people affected with respect to the impacts of the road and to identify and assess all major economic and sociological characteristics of the village to enable effective planning and implementation.

56. The consultation held include personal interviews with key informants, focus group discussions and meetings. Discussions were held with the following key stakeholders:

- Heads of households likely to be impacted
- Household members;
- Community members in affected villages
- Government Agencies and Departments;

57. Particular effort was made to ensure that women and other vulnerable groups like senior citizens, members of working group etc. were represented in these discussions.

5.2 Summary of Public Consultation State Level Workshop

A state level workshop on the ESMF was held in the state headquarter on October 23, 2019 chaired by the Secretary, P.W.D.(R&B). Public Works Department explained the objectives of ESMF and provided information on the proposed project. The role of other concerned Departments and how that will be coordinated was also explained. The department also informed that in certain places community is willing to donate their land for widening of roads and are more concerned with the provision of footpath especially in school and market junction. Others who are having agricultural land and paddy fields, are demanding proper drainage and retaining walls. Community has also demanded that existing temporary market to be replaced with permanent sheds and for long stretch of roads, community toilets cum bus shed be provided and these toilets will be maintained by the women members of the community. PWD informed that these requirements will be incorporated in the DPR

accordingly. The participants agreed with the process adopted and provisions made in the ESMF. Specifically, they raised the following issues:

- The Forest Department informed that ESMF should clearly mention that in case road is passing through forest land, forest land needs to be diverted and in case the alignment falls within the private land, permission for felling of trees has to be obtained from the department.
- The Agriculture Department informed the members that if the alignment of the road falls within the paddy field of the private party, the department is to be informed so that assessment of crops can be done by the Agriculture Department for compensation to the party affected. However, for voluntary donation of land, no provision of assessment is required to be done by Agriculture Department.
- The Transport department raised the issue of coordination said for handing over of land belonging to Urban Affairs for construction of Helipad to Transport Department may be initiated at the earliest so that construction process of the same can be taken up by the PWD(Roads).
- Where acquisition of land is necessary for widening of Roads, Revenue Department informed that department will carry out assessment of land and identify land owners.
- MeECL and PHED requested for early submission of estimates for shifting of utilities.

Local level Consultation.

The consultation meetings were organized basically for two important purposes, i.e., (1) to share project objectives and proposed project interventions with the identified stakeholder groups and (2) to consult with the stakeholders and document their concern, with particular reference to social and environmental impacts of the proposed project interventions.

Sl No.	Division	Name of Road	Category	Total Length in Km	Length Proposed in Km	Date of Consultation
Meghalaya West (Garo Hills)						
6	Resubelpara	Bajengdoba - Resubelpara Mendipahar Damra road (0-14th km upto Bajengdoba to Resubelpara)	MDR	37.00	37.00	21.10.2019
		Rongjeng Mangsang Adokgre (44th to 55th km) Ildok A'kong to A'dokgre	MDR	11	11	21.10.2019
7	Barengapara	Parallel Road to existing Dalu Baghmara road	MDR	18.00	18.00	23.10.2019

8	Rongsak	Rongram Rongrenggre Darugre (RRD) road	MDR			24.10.2019
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The key concerns and or opinion of the stakeholders captured during consultation is presented here.

58. **Road Safety** – As most of the road passes through villages, villagers consulted reflected on the safety issues and requested for segregation of traffic at residential and commercial areas. The area having infrastructures such as schools, playgrounds, PHCs adjoining the roads should be treated as safety zones and proper signage should be implanted. Some of the villagers suggested to upgrade those infrastructures along with road project and move the entrance to such infrastructure offsetting the road. This will reduce road-safety conflicts.
59. **Provision of Footpath and street lighting** – Community thus consulted has also raised the importance of both-side footpath and adequate street lighting along the roads passing through residential and commercial areas. At the rural areas of the State, people walk to the common areas such as market places, often located adjoining the roads. In absence of footpath and street lighting often road-safety issues arises. Thus, villagers requested for keeping space for footpath and acquire land if need be. Similarly, to avoid conflict at night, the residential and commercial areas should be adequately illuminated with proper signage. Few of the community members also suggested improvements of blind curves to avoid accidents and for overall betterment of the area.
60. **Market Places** – Most of the roads under the project leads to weekly market *huts*. In absence of adequate space within the legal structure of the market area, many of the vendors are forced to lay their stall on the road-side, thus blocking the road and creating road-safety issues. Thus, it was requested by many villagers to create adequate market places, taking account of increased agri-production and consumption pattern of the area. Some of the villagers suggested that in absence of land, two-storey market place can be created to accommodate all.
61. **Parking Places** – Most the market place, whether in villages and or in urban areas, are devoid of adjoining parking facilities. This is same as in front of NEGRIMS, one of the largest public health infrastructures for the north-eastern states of the country. Thus, people often park their private vehicles and goods van on the road, leading to temporary road blockage and disturbing the traffic flow in those stretches. Thus, the commuters and market suppliers request for additional parking place to be created as part of the project.
62. **Community Toilets** - Some of the roads cover long length, often connecting the neighbouring states and or connecting two national highways. Thus, it is expected that the people traveling on those roads may travel long distance and require public amenities. Thus, few of the head-men echoed the need for community toilets (bio-toilets) adjoining the roads. Some of them suggested that same facilities thus created can be managed by the women of the areas and earnings can be utilized for community development.
63. **Eligibility for Compensation** – During each consultation, communities attending the discourse volunteered to gift their land for widening and or improving road alignment. Infact, few of the headmen in different consultation areas pointed out that through-out history communities have been donating land for creating of public facilities. Compensating through one project could create unnecessary dispute among community and a feeling of being deprived in other project areas where compensation is not possible. People are of the opinion that person/ family whose house gets affected should only be compensated to construct another house. Private land-holders in the state are likely to have huge portion of land under their name, and therefore it is easier to volunteer land for them for creation of public facilities.
64. Communities were informed about the compensation matrix being available at all PWD office for their reference and awareness.

5.3 Continuation of Public Consultations

65. The effectiveness of the R&R program is directly related to the degree of continuing involvement of those affected by the project. Participation of PAPs has been emphasised in the development of RAP to assure that its components are suited to the needs of the impacted and resettled population. Their continued involvement and participation during RAP implementation will both increase the probability of their successful resettlement and rehabilitation and contribute to the overall project success.
66. During the preparation stage, consultations were held at local level. Several additional rounds of consultations with PAPs have been planned in the action plan through partnering NGO during RAP implementation. Consultations during RAP implementation will involve agreements on compensation and assistance options and entitlements with PAPs and completion of a PAP identity card indicating the accepted entitlement package. The other round of consultations will occur when compensation and assistance are provided and actual resettlement begins.

Plan for Continued Participation

67. The following set of activities is required for effective implementation of ARAP. This will also help in timely execution of ARAP.

Information Disclosure

68. For the benefit of the community in general and PAPs in particular, ARAP and R&R policy will be translated in local language and kept at
- Public Libraries of the districts
 - Libraries of various colleges in the district.
 - PWD offices in project districts
 - Schools of the villages affected, and
 - Any other public place along the highway
69. A copy of ARAP and R&R policy will also be placed at the office of Chief Engineer, PWD and MIDFC in Shillong and respective PWD circles and divisions.

Public Information Dissemination

PWD offices located along the Project Corridors will provide actual information and policies and other rehabilitation actionplan to the people in continuous manner. For this, following are proposed

- The NGOs involved in the implementation of ARAP will organise Public meetings and will appraise the communities about the progress in the implementation of limited works.
- The NGO will organise public meetings to inform the community about the payment and assistance paid to the community. Regular update of the program of resettlement component of the project will be placed for public display at the PWD office.

Community Participation

For effective implementation of ARAP, it is essential to provide scope of involving communities and PAPs in the process. The mechanism of involving communities is suggested below :

Table 5.1: Core Rapid Appraisal : Mechanism for Continued Participation

Project Stage	PAPs	NGOs	Hosts	Project & Local Officials
Planning	<ul style="list-style-type: none"> • Participate in public meetings • Identify alternatives to avoid or minimise displacement 	<ul style="list-style-type: none"> • Assist in impact assessment • Assist in census and SE survey • Participate in coordination 	<ul style="list-style-type: none"> • Provide information or various aspects of host communities • Assist in data collection and 	<ul style="list-style-type: none"> • Provide information on PAP skills etc. • Suggest ways to minimise impacts • Indicate local

Project Stage	PAPs	NGOs	Hosts	Project & Local Officials
	<ul style="list-style-type: none"> • Assist in developing and choosing alternative options for relocation and income generation • Help to choose resettlement sites. • Participate in survey • Participate in meeting with host population • Provide inputs to entitlement provisions • Assist in preparation of action plan • Suggest mechanism for grievance redressal conflict resolution and participate in grievance redressal • Participate in coordination committees 	<p>committee</p> <ul style="list-style-type: none"> • Participate in group meetings • Design and implement an information campaign • Support group formation, problem identification and planning for PAPs and hosts, • Design and Participatory process • Suggest mechanism for grievance redressal of conflict resolution. • Assist in preparation of action Plan 	<p>design</p> <ul style="list-style-type: none"> • Provide inputs to site selection • Identify possible conflict areas with PAPs • Identify social and cultural facilities needed at resettlement sites • Assist in identification of IG schemes • Provide inputs for design of IG schemes • Help develop a process of consultation between hosts and PAPs. • Suggest mechanism for grievance redressal and conflict resolution. 	<p>staff and budget capacity for relocation.</p> <ul style="list-style-type: none"> • Assist NGO in information dissemination • Participate in consultations • Examine the feasibility of IG schemes and discuss with PAPs. • Help document and consultations.

Project Stage	PAPs	NGOs	Hosts	Project & Local Officials
Implementation	<ul style="list-style-type: none"> • Participate in implementation support activities • Participation in local decision making activities. • Decide on management of common properties • Participate in grievance redressal mechanism. • Monitor provision of entitlements • Labour and other inputs of site • Labour and other inputs at site • Credit and other group scheme management • O&M of sites and project inputs • Members of implementation committee 	<ul style="list-style-type: none"> • Provide ongoing information for PAPs and hosts • Provide support in group management • Monitor entitlement provision by implementation of IG schemes. • Assist implementing live depts. • Provide support to ARAP implementation . • Training to eligible PAPs • Support to vulnerable groups • Evaluate community process and social preparation • Provide advice on grievance redressal. • Be an interface between PAPs and PWD for grievance redress, especially for vulnerable groups, and those with low levels of literacy. 	<ul style="list-style-type: none"> • Assist APO in relocation • Manage common property at site • Participate in local committees. • Assist PAPs in integration with Hosts. • Assist PAPs in use of new production system. • Use established mechanisms for grievance redressal. 	<ul style="list-style-type: none"> • Process IG proposals • Participate in grievance redressal • Provide assistance under local schemes. • Participate as member of Implementation committee.
M&E	<ul style="list-style-type: none"> • Participate in grievance tribunals • Report to project on IG schemes • Report on service quality of sites 	<ul style="list-style-type: none"> • Provide information to project staff on vulnerable groups • Act as M&E agency for project • Act as external monitors for project (where not previously involved) 	<ul style="list-style-type: none"> • Provide inputs to M&E of R&R 	<ul style="list-style-type: none"> • Ongoing interaction with PAPs to identify problems in IG programme. • Participants in correctional strategies. •

6. LEGAL FRAMEWORK

6.1 Applicable World Bank Policies

The applicability of World Bank's social safeguard policies, particularly relating to Indigenous People (OP 4.10) and Involuntary Resettlement (OP 4.12) were examined in the context of this project. The applicability of the same was examined via field visits and extensive consultations with client and beneficiaries.

Table 2: Safeguard policies and their applicability to the project

Safeguard Policies	Applicability	Explanation	Relevance/Implications for SMF
Indigenous Peoples OP/BP 4.10	Yes	The policy is triggered. As 86% of the state's population is tribal, a comprehensive Social Management Framework cum Indigenous People's Development Plan will be prepared. W	Road specific Social Assessment will be carried out and IPDP will be prepared if required. SMF includes IPPF.
Involuntary Resettlement OP/ BP 4.12	Yes	OP 4.12 on Involuntary Resettlement is triggered as small parcels of land may be required for road improvement. However, the project will duly engage in appropriate land management activities and be cognizant of cases where any loss of livelihood occurs. In that case appropriate measures will be taken through livelihood compensation.	The SIA and ARAP will include standard mitigation methods and procedures, along with appropriate institutional arrangements for screening and reviewing sub-projects and monitoring the implementation of mitigation measures to prevent adverse impacts. The SMF includes RPF.

6.2 Formal Laws and Policies for Natural Resources

3.2.1 Land

Legal institutions pertaining to land tenure system and land ownership in Meghalaya can be classified into two broad categories- traditional and non-traditional institutions. The ADC constitutes the non-traditional institution which governs land related matters along with formal laws applicable to the state.²While traditional institutions (by customary practices and conventions), have the authority to preside over land ownership/disputes or such related matters, their decisions are however, not fully binding as per law as they are non-constitutional authorities and are accountable to the ADCs and are under their regulation. The Government of Meghalaya has also enacted a number of law related to land, two of which, i.e. *The Meghalaya Transfer of Land (Regulation) Act, 1971* and the *Cadastral*

²The Sixth Schedule of the Constitution as per Article 244(2) and 275 (2), has provided for the establishment of the Autonomous District Councils (ADCs)

Survey and Preparation of Records of Rights Act, 1980 have been cited as imperative in dealing with land rights in Meghalaya. Following are the list of central and state laws applicable to land related matters in Meghalaya.

Table 3: Formal laws and policies pertaining to land and their applicability to the project

Act/Policy	Year	Objective	Applicability	Authority
The Jaintia Hills Autonomous District (Establishment and Administration of Town Committees) Act and the Jaintia Hills Autonomous District (Establishment, Administration of Town Committees) Rules	1975 (Act 1 of 1976)	Provide for establishment and administration of town committees in the township of the Jaintia Hills Autonomous District. The duties and functions of the town committees have been clarified in the Act that include construction, maintenance and improvement of water supply and water ways.	Clarity of roles and responsibilities of stakeholders to mitigate conflict over authority.	District Council Affairs Department District Council (Executive & Legislative Department)
The Garo Hills District (Jhum) Regulation	1954 (Regulation II of 1954)	As per the regulation, no area shall be selected or allotted for jhum nor shall any person be slowed to practice jhum or cut any forest within a distance of 400 meters of any water source or catch area declared as such by an order of the executive committee.	In case land parcels under Jhum is impacted.	District Council Affairs Department District Council (Executive & Legislative Department)
The Garo Hills District (Transfer of Land) Act	1955 (Act IV of 1955)	Provides for the transfer of land in the GHAD where land includes benefits which arise out of land and things attached to the earth.	Under this project, proper documentation, management plans and mapping of land may be done, which has not yet been completed in the state.	District Council Affairs Department District Council (Executive & Legislative Department)
The Garo Hills District (Administration of Town Committees) Act and the Garo Hills District (Administration of Town	1956 (Act I of 1957) 1957	Provide for the establishment and administration of town committees in GHAD. The duties and functions of the town committees include construction, maintenance, repair and improvement cleaning of tanks, <i>ghats</i> , wells and channels and	Clarity of roles and responsibilities of stakeholders to mitigate conflict over authority.	District Council Affairs Department District Council (Executive & Legislative

Committees) Rules		arrangement of water supply of water.		Department)
The Garo Hills District (Constitution of Village Councils) Act	1958 (Act I of 1958)	They provide for the constitution and development of local self-government in the rural areas of GHADC. The duties and functions of the village councils include construction, maintenance, repair and improvement of public wells and tanks for supply of water to the public for drinking, washing and bathing purpose and of waterways.	Project activities include consultations with village councils who manage community land.	District Council (Executive & Legislative Department)
The Meghalaya Transfer of Land (Regulation) Act	1971	The Act states that no land (includes immovable property of every descriptions and any rights in or over such property) in Meghalaya can be transferred by a tribal to a non-tribal or by a non-tribal to another non-tribal except with the previous sanction of the competent authority.	Under this project, proper documentation, management plans and mapping of land may be done for the project roads, if not yet completed for the project roads.	Revenue and Disaster Management Department District Council (Executive & Legislative Department)
The Cadastral Survey and Preparation of Records of Rights Act	1980	The Act provides for a cadastral survey of lands and the preparation of land records in the state. The Act was amended in 1991 to enable the ADCs to undertake the cadastral survey with the financial and technical assistance of the State government.	Enable the PIU to carry out cadastral survey to update land records and map out areas of cultural and social significance.	Revenue and Disaster Management Department District Council (Executive & Legislative Department)
Jhum Regulations Act	1954	Put in place in order to legitimize the exploitation of forests by tribal, who have turned into professional timber contractor and traders measures have been provided for the selection and allotment of jhum lands, restriction of jhum watershed areas, fixation of jhum cycle and other restrictive practices.	In case project impacts any land parcel under Jhum, consultation with the ADC is must.	District Council Affairs Department District Council (Executive & Legislative Department)
The Scheduled Tribes and Other Traditional Forest Dwellers	2006	Provides for recognition of forest rights to Scheduled Tribes in occupation of the forest land prior to other	The project ensures effective participation of Indigenous	Department of Environment and Forests

(Recognition of Forest Rights) Act		traditional forest dwellers who are in occupation of the forest land for at least 3 generations i.e. 75 years, up to maximum of 4 hectares. These rights are heritable but not alienable or transferable.	Peoples in the preparation of environmental and social impact assessments to assess risks and opportunities and to improve the understanding of the local context and affected communities. The project activities shall lead to strengthening of their traditional cultural values and customary use of natural resources and livelihood opportunities.	District Council Affairs Department District Council (Executive & Legislative Department)
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3.2.2 RFCTLAR&R Act, 2013

The Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation (RFCTLAR&R) Act, 2013, enacted by the Government of India is the latest legislation. This is in force and supersedes all other old acts for land acquisition and to determining R&R activities throughout the country. Meghalaya too has adopted the same. Apart from this, for land acquisition, Government of Meghalaya has published gazette notification “Meghalaya Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation (RFCTLAR&R) Rules, dated 25th September, 2017 which will also be applicable in suitable cases. The act shall apply, when the Government acquires land for its own use, hold and control for public purpose.

The act specifies that the process of obtaining the consent shall be carried out along with the Social Impact Assessment (SIA) study. The act also has the provision that no land shall be transferred by way of acquisition, in the Scheduled Areas in contravention of any law (including any order or judgment of a court which has become final) relating to land transfer, prevailing in Scheduled Areas.

The act defines (1) "affected area" as such area as may be notified by the Government for the purposes of land acquisition; (2) “affected family" includes a family whose land or other immovable property has been acquired; a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land; (3) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006** due to acquisition of land (4) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes

gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land.

The act further specifies that a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition; and a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land.

Table 4: Gap in RFCTLAR&R Act 2013 and the World Bank policy on involuntary resettlement

Topics/ Issues/ Areas	World Bank OP4.12	RFCTLAR&R	Remarks / Measures taken to address in ESMF
Application of LA	Direct economic and social impacts that both result from Bank-assisted investment projects. Applies to all components of the project that result in involuntary resettlement, regardless of the source of financing.	Section 2 Applicable to projects where government acquires land for its own use, hold, and control, including PSU and for public purpose;	In line with bank OP 4.12
Principle of avoidance	Involuntary resettlement should be avoided where feasible or minimized, exploring all viable alternative project design	Alternatives to be considered as Act in chapter II, point # 4 (d) says "extent of land proposed for acquisition is the absolute bare minimum needed for the project; and (e) says land acquisition at an alternate place has been considered and found not feasible.	In line with bank OP 4.12
Linkages with other projects	OP 4.12 applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are(a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and(c) carried out, or planned to be carried out, contemporaneously with the project.	No such provision	The RPF will be applicable for all components of the project or any linked project necessary to achieve its objective.
Application of R&R	Same as above	In addition to the above, Section 2(3) land purchased	Provision of OP 4.12 to apply.

		by private company as prescribed by Govt. or when part acquired by govt	
Affected area	Involuntary take of land resulting in loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood	Section 3(b): Area notified for ‘acquisition’	Provisions of OP 4.12 will be applicable as Act only notifies for titleholders of private land
Family	All adversely affected people whether have formal legal rights or do not have formal legal rights on land	Section 3(m) includes a person, his and her spouse, minor children, minor brothers, and sisters dependent. Widows, divorcees, abandoned women will be considered as separate families.	The definition of family given in the RFCTLAR&R Act 2013 will be followed for both titleholders and non-titleholders.
Affected family for eligibility		Section 3 (a): whose land and other immovable property acquired. (b)&(e): Family residing in affected areas such as labourers, tenants, dependent on forest and water bodies, etc whose primary source of livelihood is affected due to acquisition (c) Scheduled tribes and other forest dwellers whose rights recognized under the Forest Dwellers Act 2006. (f) Family assigned land by state or central government under any schemes (g) Family residing on any land in an urban area that will be acquired or primary source of livelihood affected by acquisition.	The Act does not support non-titleholders on government land, hence provision of OP 4.12 will prevail. The gap has been addressed in the entitlement matrix of RPF in ESMF.
Cut-Off date Notice to affected person	Date established by the borrower and acceptable to the Bank. It is the date of the census.	Section 3 c (ii), (iv) (vi): Families residing for preceding 3 years or more prior to “acquisition of land”. Section 21 (1) The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the government intends to take possession of the land. and that claims to compensations and	Provisions of OP 4.12 will be followed as RFCTLAR&R Act has no such provision for people living on public land. Moreover, RFCTLAR&R Act requires proof of residing in the project area at least three years prior to

		rehabilitation and resettlement for all interests in such land may be made to him.	initial notice on LA.
Non-application of Chapter II	Stand-alone SIA for all investments	Section 6(2): Irrigation projects where EIA is required under other laws, provisions of SIA not applicable.	The provision of OP 4.12 will be followed.
Consultation – Phase I during preparation	Consultation a continuous process during planning and implementation	Section 4(1) date issued for <i>first consultation</i> with PRIs, Urban local bodies, Municipalities, etc to carry out SIA. Section 5: Public hearing of SIA in the affected area. Provide adequate publicity of date and time.	Provisions of OP 4.12 will be followed. The draft and final SIA will be disclosed in public as per the provision given in RFCTLAR&R Act, 2013.
Time duration to prepare SIA and SIMP	Draft Social Assessment, Resettlement Action Plan and or Social Management Framework prepared before appraisal.	Section 4 (2): <i>within six months</i> from the date of its commencement.	No gap found. RFCTLAR&R Act specifies a timeframe which is followed by the client.
Disclosure – Stage I	To be disclosed before appraisal.	Section 6(1): Translated in local language available in PRI institutions and local urban government bodies; district administrative offices and websites of concerned government agency.	No gap found.
Formation of Expert Group to appraise SIA and SIMP	Appraised by Bank staff	Section 7(1): Constitute a multi-disciplinary Expert Group includes members of decentralized govt Institutes (PRIs, ULBs).	No gaps found.
Time stipulated for Group to submit its report	Before the decision meeting for appraisal	Section 7(4): Submit its report <i>within two months from the date of its constitution</i>	No gaps found.
Scope of work of the Expert group	Social Assessment, resettlement action Plan reviewed and appraised by Bank staff and approved by Regional safeguard advisor	Section 7 (4) (a&b): assess whether it serves any public purpose or not; if social costs outweigh potential benefits then should be abandoned; Section 7 (5) (a&b): if serves a public purpose, then it has considered minimum land acquisition and alternate options to minimize displacement; potential benefits outweigh social costs	No gap found.
Consultation – Phase II	In practice, consultation workshops are organized in	Section 2 (2): Prior consent of 80% and 70% of land owners	No gap found.

during appraisal	project affected areas at district and state levels.	in PPP and where private company has approached the govt to acquire balance land has been obtained,	
Disclosure Stage II –	Information dissemination through the planning and implementation	Section 7 (6): recommendations of the expert group under 7(4&5) to be made public in local language in district and block administrative office and PRIs	No gap found.
Minimize impact on multi-crop land	Select a feasible design that has minimal adverse impact.	Section 10: In case multi-crop land is to be acquired under exceptional circumstances, the area to be acquired cannot exceed the aggregate of land of all projects in district or state. The area to be acquired cannot exceed the total net sown area of the district or state. Wasteland equivalent to twice the area acquired will be developed.	No gap found.
Information dissemination of preliminary notice	Continuous part of the preparation and participation	Section 11 (1), (2) & (3): Notice published in local language and meetings called of gram sabhas, municipalities to provide full information about the purpose of the project, summary of SIA and particulars of administrator appointed for R&R’ summary of R&R scheme	No gap found.
Updating land records	To be part of ARAP	Section 11 (5): Once established that the land is required for public purpose, accordingly notice to be issued <i>under section 19 following which land records to be updated within two months</i>	No gap found.
Census and preparation of R&R schemes	To be part of ARAP including both titleholders and non-titleholders	Section 16 (1) (2): carry out a census of affected people and their assets to be affected, livelihood loss and common property to be affected; R&R scheme including time line for implementation.	RFCTLAR&R Act takes only titleholders into account. Provision of OP 4.12 to be followed.
Information dissemination and Public hearing - Stage III	Consultation throughout the process is mandatory	Section 16(4) & (5): mandatory to disseminate information on R&R scheme including resettlement area and organize a public hearing on the Draft R&R scheme in	Provisions of OP 4.12 to be followed.

		each Gram Sabha, Municipality and consultations in Scheduled area as required under PESA.	
Approval of R&R Scheme	As part of ARAP prior to appraisal	Section 17 & 18: Draft R&R Scheme to be finalized after addressing objections raised during the public hearing and approved.	No gap found
Final declaration of R&R Scheme	Approved ARAP including budgetary provisions to implement it	Section 19 (2): Only after the requiring body has deposited the money will the govt issue the notice along with 19(1) .	No gap found.
Time period stipulated.	Included in ARAP - Time line synchronized with Government's procedures or adopts innovative methods to reduce the time which is based operated on the principles of participation and transparency.	Section 19 (2): the entire process to update land records disseminate information, preliminary survey, census, hearing of objections, preparation of R&R schemes and approval, deposit of money must complete within 12 months from the date on which section 11, the preliminary notice issued. Section 19 (7): If the final declaration not made within 12 months of section 11 (1), the process will lapse, except under special circumstances.	No gap found.
Preparation of land acquisition plans	Included in ARAP.	Section 20: Land marked, measured for preparation of acquisition plans.	No gap found.
Hearing of claims		Section 21(1) (2): Notices issued indicating govt's intension to take possession of land and claims on compensation and R&R can be made not less than one month and not more than six months from the date of issue of section 21(1).	
Time period stipulated for declaring the award		Section 25: It is required to announce the award within 12months of issue of Section 19 (final declaration to acquire land, approved R&R scheme) after completing land acquisition plans, hearing of objection, settling individual claims for declaration of the award. If award not made within the stipulated time, the entire proceedings will lapse.	

LA Act 1984 deem to lapse and RFCTLAR& R is applicable		Section 24: where award is not declared under section 11, or where made five years ago but land not taken in possession or where award declared but money not deposited in the account of the majority of beneficiary.	No gap found.
Methodology for determining market value for land	Full replacement Cost	Section 26 and First Schedule: Recognizes 3 methods and whichever is higher will be considered which will be multiplied by a factor given in Schedule First; compensation given earlier will not be considered; if rates not available floor price can be set; steps to be taken to update the market value.	No gap found.
Valuation of structures	Full Replacement cost	Section 29 (1) without deducting the depreciated value.	Provisions of OP 4.12
Solatium and interest		Section 30(1) 100% of the compensation amount Section 30(3): 12% per annum on the market rate from the date of notification of SIA to the date of ward or land taken over	No gap found.
R&R Award	Total cost included in ARAP to resettle and rehabilitate the affected persons and assist in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	Section 31, Second Schedule: A family as a unit will receive R&R grant over and above the compensation and those who are not entitled to compensation. Second Schedule: Homeless entitled to constructed house, land for land in irrigation projects in lieu of compensation, in case of acquisition for urbanization 20% of developed land reserved for owners at a price equal to compensation' jobs or onetime payment or annuity for 20 years' subsistence grant, transportation, land and house registered on joint name husband and wife, etc	No gap found
Transparency		Section 37(1): Information of each individual family including loss, compensation awarded, etc will be available	No gap found.

		on the website.	
Possession of land	Taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.	Section 38(1): Land will be taken over by the government within three months of compensation and 6 months of R&R benefits disbursed; infrastructure facilities at resettlement sites will be completed within 18 months from the date of award made under section 30 for compensation; in case of irrigation and hydel projects R&R completed six months prior to submergence.	No gap found.
Multiple displacement		Section 39: Additional compensation equivalent to compensation determined will be paid to displaced	No gap found.
Acquisition for emergency purpose	Not permeable in bank funded projects	Section 40 (5): 75% additional compensation will be paid over and above the compensation amount	Provisions of OP 4.12 will be followed.
Prior consent before acquisition and alienation	Affected persons to be consulted.	Section 4: Public disclosure of SIA and R&R Plan is mandatory.	No gap found.
Development plans for SC and ST	Indigenous Peoples' Development plan required along with ARAP. Land for land is an option across all sectors.	Section 41: Separate development plans to be prepared, settle land rights before acquisition; provision of for alternate fuel fodder, non-timber produce on forest land to be developed within 5 years; 1/3 rd compensation amount to be paid as first instalment and rest at the time of taking possession; ST to be resettled within Scheduled area; land free of cost for community purpose; land alienation will be null and void and ST and SC considered for R&R benefits; fishing rights restored in irrigation and hydel projects; if wish to settle outside the district additional benefits to be provided in monetary terms; all rights enjoyed under other laws will continue. Second Schedule: additional provisions for SC&ST for land for land in irrigation	No gap found.

		projects, additional sum over and above the subsistence grant,	
Institutional arrangement	Institutional arrangement must be agreed upon and included in the ARAP	Section 43-45: Appointment of administrator, R&R Commissioner, when more than 100 acres of land is to be acquired, R&R Committee will be formed at project level, social audit to be carried out by Gram Sabha and Municipalities.	Provisions of OP 4.12 will be followed
Change of land use	Compensation and R&R assistance should be disbursed before taking physical possession of land.	Section 46(4): Land will not be transferred to the requisitioning authority until R&R plan is not fully implemented.	No gap found.
Monitoring and Evaluation	Indicators and monitoring system included in ARAP	Section 48-50: Set up National and State level Monitoring Committee to review and monitor progress	The Act does not specify indicators. Provisions of OP 4.12 will be followed.
Authority to settle claims		Section 51-74: The Authority will be set up to settle any legal disputes that arise from acquisition and R&R, the aggrieved party can move to the high court thereafter.	No gap found
Exempt from tax and fee	Project to bear all taxes and other expenses if new assets are purchased by the PAP	Section 96: Compensation and agreements will not be liable to tax	No gap found
No change in the status of land acquired		Section 99: Once the land is acquired for a particular purpose, its purpose cannot be changed	No gap found
Return of unutilized land		Section 101: If the acquired land remains unutilized for 5 years, then it will be returned to the original owner, heir or included in land bank	No gap found
Distribution of increased value of land transferred		Section 102: 40% of the appreciated value of acquired land will be distributed to owners provided no development has taken place.	No gap found
Grievance Redress Mechanism	Appropriate and accessible grievance mechanisms are established	Section 15: Any person interested in any land which has been notified under subsection of section 11 as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification,	Since there is no provision for local level grievance mechanisms, the provision of this ESMF will be followed.

		has the right to object. The person can approach the Administrator of R&R and if not satisfied can to Commissioner R&R. The aggrieved person has the right to approach the judiciary as well.	
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3.2.3 Village Employment Council

In absence of a Panchayati Raj Institution (PRI) or local councils/authorities, Meghalaya had to explore its own institutional arrangement resembling the PRI for the implementation of *Mahatma Gandhi National Rural Employment Guarantee Act, 2005* (NREGA). With the support of traditional institutions, Village Employment Council (VEC) and Area Employment Councils had been formed for planning, monitoring and implementation of the Act at the village level. Each VEC is vested with powers and functions of the Gram Sabha and a Community Coordinator, who is responsible for identification and supervision of such work. The VEC is considered to be inclusive, transparent and accountable than the traditional institutions. VEC mandates 1/3rd representation of women in its executive body. Further, in terms of decision making, it seeks participation from all strata of the community. VEC as part of the Audit of Scheme Rules, 2011 were responsible for conducting bi-annual social audits. Following the amendments to the state scheme, the role of conducting the social audit has now been assigned to the AEC. However, due to inexperience and absence of capable persons, instead of the AEC, Non- Government Organisations are engaged as Social Audit facilitators. Under this project, VEC will be one of the principal authority for environment and social impact assessment and implementation of management plans. The project will focus on building their capacity for management of social risks and impacts pertaining to natural resources viz. land, forest and water resources, to the extent possible.

3.1 Applicable Labour Laws

- **Payment of Wages Act, 1936:** It lays down as to by what date the wages are to be paid, when it will be paid and what deductions can be made from the wages of the workers.
- **Minimum Wages Act, 1948:** The employer is to pay not less than the Minimum Wages fixed by appropriate Government as per provisions of the Act if the employment is a scheduled employment. Construction of buildings, roads, runways are scheduled employment.
- **Equal Remuneration Act, 1979:** The Act provides for payment of equal wages for work of equal nature to male and female workers and for not making discrimination against female employees in the matters of transfers, training and promotions etc.
- **Contract Labour (Regulation & Abolition) Act, 1970:** The Act provides for certain welfare measures to be provided by the contractor to contract labour and in case the contractor fails to provide, the same are required to be provided, by the principal employer by law. The principal Employer is required to take Certificate of Registration and the contractor is required to take license from the designated Officer. The Act is applicable to the establishments or contractor of principal employer if they employ prescribed minimum (say 20) or more contract labour.
- **Payment of Gratuity Act, 1972:** Gratuity is payable to an employee under the Act on satisfaction of certain conditions on separation if an employee has completed the prescribed minimum years (say, five years) of service or more or on death the rate of prescribed minimum days (say, 15 days) wages for every completed year of service. The Act is applicable to all establishments employing the prescribed minimum number (say, 10) or more employees.

- **Employees P.F. and Miscellaneous Provision Act, 1952:** The Act provides for monthly contributions by the employer plus workers at the rate prescribed (say, 10% or 8.33%). The benefits payable under the Act are:
 - Pension or family pension on retirement or death, as the case may be.
 - Deposit linked insurance on the death in harness of the worker.
 - Payment of P.F. accumulation on retirement/death etc.
- **Payment of Bonus Act, 1965:** The Act is applicable to all establishments employing prescribed minimum (say, 20) or more workmen. The Act provides for payments of annual bonus within the prescribed range of percentage of wages to employees drawing up to the prescribed amount of wages, calculated in the prescribed manner. The Act does not apply to certain establishments. The newly set-up establishments are exempted for five years in certain circumstances. States may have different number of employment size.
- **Maternity Benefit Act, 1961:** The Act provides for leave and some other benefits to women employees in case of confinement or miscarriage etc.
- **Child Labour (Prohibition & Regulation) Act, 1986:** The Act prohibits employment of children below 14 years of age in certain occupations and processes and provides for regulations of employment of children in all other occupations and processes. Employment of child labour is prohibited in building and construction industry.
- **Inter-State Migrant Workmen's (Regulation of Employment & Conditions of Service) Act, 1979:** The Act is applicable to an establishment which employs prescribed minimum (say, five) or more inter-state migrant workmen through an intermediary (who has recruited workmen in one state for employment in the establishment situated in another state). The Inter-State migrant workmen, in an establishment to which this Act becomes applicable, are required to be provided certain facilities such as Housing, Medical-Aid, Travelling expenses from home up to the establishment and back etc.

Applicability: Though small-scale activities, civil work contractors would be required to execute multiple sub-projects involving mostly local labor drawn from neighboring villages. The project will ensure that bid document for civil works include commensurate provisions to ensure compliance with existing labor laws.

3.2 Traditional Norms for Land Management in Meghalaya

As mentioned earlier, the land tenure system and land ownership in Meghalaya mainly follows the traditional system wherein they are governed in accordance with the customary norms and practices of the people. Although many changes in the pattern of landholding have occurred over the years, the principle of transmission of rights of ownership has largely remained the same. The land tenure system and ownership involve both traditional and non-traditional institutions. The traditional institutions function on the basis of local customary laws and traditions and traditions which have not been codified. The non-traditional are codified and enforced by constitutional bodies such as the Autonomous District Councils.

3.4.1 Mapping of Practices of Benefit Sharing, Ownership, Management -Land

Among all three major tribes of Meghalaya viz. Garo, Jaintia and Khasi, there exists an indigenous practice of benefit sharing, ownership and management of land. Even though there has been a paradigm shift in the pattern of landholding over the years, the principal of transmission of rights of ownership has largely remained the same. Meghalaya is predominantly a matrilineal society which follows a system of inheritance wherein landed property and its ownership are mostly vested with the female member of the household. Ownership and management of land among the three tribes is traditionally very similar.

Amongst the **Garos**, community and clan ownership of land is the practice among all although private ownership also exists in some pockets, particularly in areas where terrace cultivation and horticulture are prevalent.³Nokma is the guardian and nominal proprietor of the communal or *a-king* land within its jurisdiction. All inhabitants of the village are entitled to cultivate anywhere on that land upon paying a nominal tribute. Certain land title practices are also followed in Garo Hills wherein a-king land becomes individual private property. An annual *patta* is issued by the District Council with consent of the *Nokma* of the particular *a-king* on application. Once the *patta* is issued the land goes out of the *a-king*, out of the control of the *Nokma* and clan members and becomes individual private property.

While, in the **Jaintia Hills** land is basically classified into two types, namely *Hali* land and High land. Hali lands are the permanently cultivated terraced wet rice land and are of two kinds; the difference being in the method of irrigation. Whereas, High lands are government and private lands. Hali lands on the other hand include raj lands (previously under the British Raj), service land, village puja lands, private lands and patta lands.

The land tenure system amongst the **Khasis** is classified into two main heads – Ri Raid and RiKynti. Ri Raid is generally community owned land or ‘public’ land wherein no individual has propriety over it. The land is free to use for all and is under the Village Council and the Syiem who has the authority to allot the land for use and occupancy to individuals. The individual may sell the produce from the land but cannot sell the land. While RiKynti land is private lands which are in absolute possession of the owners. It can be sold, mortgaged, leased and disposed of in any manner they deem fit. These lands are demarcated by boundary stones and landmarks. In certain cases, the Syiem, *Sordar* or Village Councils have no rights over these lands but if they want to sell, mortgage or transfer such lands, consent of the owners, locality, and community is required.

In the existing land tenure and ownership structure, it is difficult to establish if the land is privately owned or belongs to the community, as no land survey has been carried out within the state. Through this project, documentation and mapping of land may be done bearing in mind traditional practices of benefit sharing, ownership and management of land. Furthermore, existence of dichotomy in land governance has brought to fore the need to understand the complexities that subsist in ownership, benefit sharing and management of land. The overlay of government policies with the role of traditional institutions has resulted in their gradual weakening as agents of development. The project aims to address these weaknesses by strengthening the capacity and capabilities of the traditional institutions in good governance practices. Overall, understanding the existing customary norms, laws and policies of state is essential to ensure that there are no conflicts while undertaking any developmental work in the state. The project activities will be planned and implemented keeping in view the traditional socio-economic and cultural systems of local governance. Other formal laws and regulations pertaining to natural resources will also be adhered to. The project activities will hopefully lead to strengthening of their traditional cultural values and customary use of natural resources and livelihood opportunities.

Table 5: Traditional Classification of Land in Garo Hills

Classification of Land		Benefit Sharing	Ownership	Management
<i>A-king</i> land	This is communal property	Can be used by all upon paying a nominal tribute.	Community land	Managed by the <i>Nokma</i>
<i>A-mate</i> land	This is assigned land. Plot of land acquired by an individual		Private Property	

³In 1928, a few sections of the Assam Land Revenue Regulation, 1886 were brought into force in the Garo Hills. However, it became relevant only to the plains portion of the Garo Hills. In the hilly portion, the perennial customs continue though the District Council has passed some Acts and Regulations in certain matters. These prevail over more than 94 % of the total area which is hilly and 6% are plain areas over which this Act prevails.

	by purchase or through gift. Some of a-mate a-king lands acquired are: <i>Jongmegre a-king</i> land purchased for Rs 100/ and two <i>gongs</i> . <i>Wa-gaesi a-king</i> land			
A-jinma or A-joma land	Land owned by the community. It is the common land of one motherhood.	Only for people belonging to the same clan.	Community Land	Managed by the <i>Mahari</i>
A-jikse land	This is common for both the husband and the wife. This land comes into existence through the system of common inheritance and through unity by a bond of inter clan relationship.	Used by members of the two motherhoods of the husband and wife.	Private land	Through joint deliberation of the two motherhoods of the husband and wife.
A-milam land	This particular land lies in between the two a-king unclaimed by anyone. In other words it is “no-man’s land”	May be used by all members of the community	Community land	Referred to as ‘cursed’ land cannot be claimed by any <i>Nokma</i>

Table 6 Classification of Land in the Jaintia Hills

Classification of Land		Benefit Sharing	Ownership	Management
High Land	The High lands which are private can be bought, sold or mortgaged at the will of the inheritors	Used by the family	Private property under the name of a female	Managed by the family, that is the maternal uncle
Raj Lands	property of the erstwhile syiems/rajas which became the property of the government which leased it to private individuals in accordance with customary laws	Used by individual households	Government Land	By private individuals in terms of lease of 3 years.
Service Lands or Rek Lands	Land that was given rent free to Dolois, Pators Chiefs and other officials as remuneration for the services provided by them.	Used by Dollois, Pators and Chief	Government Land	Managed by Dollois, Pators, and Chiefs.
Village Puja Land	consists of the lands held by the <i>Lyngdohs</i> or the <i>Dolois</i> who performs the <i>pujas</i> of the <i>doloiships</i>	Held by and cultivated by the headmen and the yield is utilized for meeting expenses	Owned by the LyngdohDallois	Managed by the LyngdohDallois for worship.

		connected with religious ceremony.		
Private Land	Lands held by private individuals and can be transferred, mortgaged and sold or otherwise at the will of the owners.	Used by the individuals	Owned by female	Managed by the maternal uncle
Patta Land -	Encompasses lands that were allotted or transferred to individuals or institutions by the British during their administration, whose power has now been substituted by the Autonomous District Councils.	Used by the individuals	Owned by ADC	Managed by Institutions or Individuals only with respect to paddy fields.

Table 7 Type of Ri Raid in the Khasi Hills

Classification of Land		Benefit Sharing	Ownership	Management
RiShnong	This is part of the village which villagers can use for cultivation and to occupy but not transfer	All members of the community have access to this type of land	Community land	Managed by the Village Durbar
RiLyngdoh	Land which has been set aside for the support of Lyngdohs who perform religious rites and ceremonies.	Members of the Lyngdoh clan in a particular village have access to this type of land	Lyngdoh clan, with a female head.	Managed by the maternal uncles of the Lyngdoh clan
Ri Bam Syiem	Land which has been set aside for the ruling chiefs.	Used by the Syiems.	Syiem clan of a particular area under a female head.	Managed by maternal uncles of the Syiems of a particular area.
RiBamlang	Community land which has been set aside for the use by the community.	Can be used by all	Community land	Managed by the Village Durbar
RiLehMokutduma	Land acquired through litigation	Can be used by individual/community	Community land	Managed by the Village Durbar
RiAiti Mon or RiNongmei-Nongpa	Land that has been donated or gifted willingly by the owners	Can be used by individual/community	Community land	Managed by the Village Durbar/Clan

		for use by the public			
RiRaphlang– RiBamduh		Barren land which anyone can use	Can be used by all	Community land	Managed by the village durbar
RiDiengsai Diengjin	–	Forests area that is covered with vegetation between the uplands and low lying areas of the lands	Can be used by all	Community land	Managed by the village durbar
RiSamla		Land acquired by an unmarried person who has the right to dispose off as one likes	Used by all	Community	Reverts back to the village
RiUmsnam		Land acquired through wars	Used by all	Community owned	Managed by the Village Council

Table 8 Type of RiKynti (Private Property)

Type of RiKynti (Private Property)		Benefit Sharing	Ownership	Management
RiNongtymmen	Land that has been inherited from generations to generations.	Used by the decedents of one mother	By the youngest daughter.	Managed by the maternal uncle or brothers
Ri Maw	Land that has been acquired through purchase or through the right of apportionment.	Used by the members or decedents of one mother	Owned by the youngest daughter	Managed by the maternal uncle or brothers
Ri Seng and RiKhain	Undivided family owned land	Used by members of one family or decedents of one mother	Owned by the youngest daughter	Managed by the maternal uncle or brothers
RiKhurid	Land that has been purchased or bought over which the purchaser has the propriety, heritable and transferable rights over land.	Used by members of the one family	Owned by the female	Managed by the family
RiBitor	Land that has been acquired on receipt of a ceremonial bottle of liquor	Used by members of one family or decedents of one mother	Owned by the youngest daughter	Managed by the maternal uncle or brothers
RiDakhol	Land that has been obtained by the right	Used by members of one	Owned by the youngest	Managed by the maternal uncle or

	of occupation	family or decedents of one mother	daughter	brothers
RiShyieng	Portion of land that has been given to the youngest daughter of a clan for meeting the expense on performance of religious rites and ceremonies.	Used by the youngest daughter of the family	Owned by the youngest daughter	Managed by the maternal uncle or brothers
RiPhniang	Part of the land of Ri Kur or RiNongtymmenthat has been given to female members who acts as custodian and assists in the preparation of religious ceremonies or for looking after them in times of trouble.	Used by the youngest daughter of the family	Owned by the youngest daughter	Managed by the maternal uncle or brothers
RiIapduh	Land of a family or a clan that has become extinct which is kept as Ri Raid or Ri Bam Syiem	Used by the Syiem clan	Owned by the female head of the Syiem clan of a particular region	Managed by the maternal uncle or brothers
RiShiak	Land that has been acquired by the husband and the wife which is given to the clan.	Used by the members of the family	Owned by the female head.	Managed by the husband and on his demise by his son.

3.3 Institutional Capacity to Manage Social Development Aspects

3.5.1 Meghalaya Basin Development Authority

The MBDA⁴ was formed in 2012 with the aim to preserve the state's natural resources, give voice to the economically vulnerable and to help them attain a sustainable livelihood. Some of its aims are to:

1. Sustainably develop river basin resources which shall ultimately lead to promoting the sustainable livelihood and employment for residents of river basins.
2. To increase sustainable income generation cultivation systems and establish micro/small scale/medium scale bio-industrial units.
3. Enable people's participation to select livelihood activities.

⁴ MBDA is Society Registered under Meghalaya Societies Registration Act 1983. It is a policy supporting, supervisory and regulatory body that channelizes funds and support implementation of Externally Aided Projects (EAPs) and other developmental initiatives of the Government of Meghalaya. EAPs are implemented by Meghalaya Basin Management Agency (MBMA) which is a Section 8 company registered under Indian Companies Act, 2013. MBDA and MBMA work at arm length as former is the supervisory body and latter is an project implementing body.

4. To address the needs and priorities of women and increase their participation in local institution and decision-making process.

The MBDA functions through Framework programs and one of its central frameworks is knowledge management which seeks to promote a union of traditional knowledge and science. The MBDA also tries to fill in critical gaps which exist between the functioning of different government departments and addresses issues regarding sustainable natural resources use by strengthening the capacity of the concerned stakeholders particularly, the farmers and other entrepreneurs who are directly depending on the natural resources for earning their livelihoods. The MBDA tries to bring in convergence of these government departments' schemes and thus provide integrated services. This is done through institutes such as the Meghalaya Institute of Entrepreneurship (MIE), the Meghalaya Institute of Governance (MIG) and Meghalaya Institute of Natural Resources (MINR).

3.5.2 Autonomous District Councils

As mentioned earlier, ADCs were established under the Sixth Schedule of the Constitution of India (Articles 244(2) and 275(1)) with a view to preserve and protect tribal institutions. It is a system of local administration to give greater autonomy to tribal societies, to preserve and safeguard tribal groups' traditional practice and to act as a conduit between the formal state government and the informal grassroots tribal institutions. Moreover, the powers for the regulation and management of natural resources have been conferred on the Councils. Despite the fact that the District Councils manage and control the land, water and forest, the management of these resources is a weak link of the Councils. Due to their decisive role in local governance, the project aims to build their capacity in sustainable management and safeguarding of state's natural resources. The project will offer technical assistance, skill-development and financial resources to the ADCs, with the aim to empower them.

There are, at present, three ADCs in the state of Meghalaya, Khasi, Jaintia and Garo Hills Autonomous District Councils. They are constitutional bodies and all laws, rules and regulations made by them are enforceable. The ADC has the right to constitute village councils or courts for the trial of suits and cases between the parties all of whom belong to Scheduled Tribes within their own jurisdiction and may appoint suitable persons to be members of such village councils or presiding officers of such courts, and may also appoint such officers as may be necessary for the administration of the laws of the Sixth Schedule. They may also act as courts of appeal from the decisions made by village councils. As per paragraph 8 of the Sixth Schedule, the ADC also has the power to assess and collect revenue in respect of all lands within the district except those lands which are in the areas under the authority of regional councils, if any, in accordance with the standard followed by the State government. It also has the power to levy and collect taxes on lands and buildings, and tolls from persons, falling within their jurisdiction. The ADCs also has the power to make laws on matters such as inheritance of property, marriage and divorce as well as on social custom. Notwithstanding the power and authority extended to the ADCs by the Constitution, in the matters as mentioned earlier, they are however, bounded by paragraph 12(A) of the Schedule. This paragraph gives onus to the State laws over that of the laws made by the ADC. It states that if any law made by the ADC is repugnant to any provision of a law made by the State Legislature, then the formers' will be void and the State law will prevail.

3.5.3 Grassroots Institutions

The third centre of authority is the grassroots tribal institutions and practices. In the Khasi and Jaintia Hills, these are powers that rest at the village level's elected members to govern the village. The members mainly belong to the ruling clan called *Ki Bakhrav*. The elected members organise themselves into a village council or *Dorbar Shnong* that is headed by a Chief. The council has significant power and legitimacy rooted in the un-codified customary laws and practices. The primary function of the *Dorbar Shnong* is to undertake development works and to manage local assets. It also

functions as a court trying petty cases such as land disputes. The decisions of the *Dorbar* are considered legitimate and are usually adhered to.

In the Garo Hills, there is the institution of the *Nokma*. The *Nokma* holds *a-king* (clan) land in the village as head of the motherhood. As head, the *Nokma* is to preserve the customs but the real owner of the *a-king* land is in his wife's name. The administration of the village is carried out through by the *Nokma*. In the Garo Hills there are 70 village courts with a *laskar*. If there is no *laskar* a member of the village council nominated by the District Council. The *laskar* of the village is the ex-officio president of the Village Court. The President and Vice-President is elected by the members of the council from amongst themselves by a majority of votes. The *Nokmas* and the *laskar* try all cases connected to customary laws. The community led project will provide training and capacity building to all the traditional institutions and stakeholders based on traditional laws and the existing government Acts for the protection and management of land, water and forest.

Entitlement Matrix for PAPs/ PAFs

The project has developed an Entitlement Matrix based on RFCTLAR&R Act 2013 and World Bank OP 4.12. The Entitlement Matrix summarizes the types of losses and the corresponding nature and scope of entitlements. The following entitlement matrix (Table -53) presents the entitlements corresponding to the tenure of the displaced persons

Table 9: Entitlement Matrix for PAPs/ PAFs

S. No.	Application Definition of Entitlement	Entitled Unit	Details
A. Loss of Private, Agricultural or Commercial Land			
1	Land for the Project	Titleholder of the land/family/ families with legal holding rights and or traditional Land Rights	<p>In case of voluntary consent to gift land to the State for public purpose</p> <p>In case of voluntary donation of land through mutual understanding, then a gift-deed on stamp-duty will be executed between the titleholder and State PWD.</p> <p>Subsistence allowance of Rs. 36000 as one-time grant</p> <p>In case of compensation for loss of land providing livelihood</p> <p>In such cases the title holder will be offered "land for land" if available and a gift-deed on stamp-duty will be executed between the titleholder and State PWD. The land if allotted will be in the same name. For a household it will be allotted to both husband and wife.</p> <p>Compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules of the RFCTLARR Act 2013</p> <p>Refund of stamp duty and registration charges incurred for replacement land to be paid by the project; replacement land must be bought within a year from the date of payment of compensation to project affected persons.</p> <p>Subsistence allowance of Rs. 36000 as</p>

				<p>one-time grant</p> <p>One-time grant of Rs. 500,000 or annuity</p> <p>Compensation at market value for loss of crops if any</p>
			In case consented to part with the land at market value.	In case the titleholder of the land provides consent to give the land in lieu of “cost of the land to be paid”, then market value ⁵ of the land will be paid to the concern person/ family.
	Residual land (in case only part of land requires to be acquired for the project)	Titleholder family and families with traditional land Right	Compensation in accordance with the First Schedule of the RFCTLARR Act 2013	<p><i>In case residual land is found to be economically unviable, PAPs/ PAFs have the choice of:</i></p> <p><i>a) selling off the residual land at the market value to the project</i></p> <p><i>b) take 25% of the compensation value and retain the land parcel.</i></p>
B. Loss of Private Structures (Residential/Commercial)				
2	Loss of Structure	Title Holder/ Owner	Compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules of the RFCTLARR Act 2013	<ul style="list-style-type: none"> • A cash compensation for the loss of structure will be offered at market value which would be determined as per as per section 29 of the RFCTLARR Act 2013. • If a housing unit is lost in rural area, then a a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area. • The house if allotted will be in the name of both husband and wife. • The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and

⁵ The market value of the land will be determined in following manner: The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:—

- (a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
- (b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or
- (c) consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher.

Provided that the date for determination of market value shall be the date on which the notification has been issued under section 11.

In case it is a rural land, the final value of the land will be determined by multiplying the value of land with a factor of two(2).

				<p>which has been involuntarily displaced from such area.</p> <ul style="list-style-type: none"> Any affected family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees. Any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house. Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees. Each affected family having cattle or having a petty shop shall get one-time financial assistance to a minimum of twentyfive thousand rupees for construction of cattle shed or petty shop as the case may be Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been involuntarily displaced from the affected area due to land acquisition, shall get one-time financial assistance to a minimum of twenty-five thousand rupees Each affected family shall be given a one-time —Resettlement Allowance of fifty thousand rupees only.
3	Structure	Tenants/ Lease Holders	Resettlement Rehabilitation Assistance	<p>&</p> <ul style="list-style-type: none"> Registered lessees/ tenants will be entitled to compensation payable to structure owner in case the lessee has erected any of the structure as per applicable local laws. b) A three months vacating notice will be provided along with one-time Resettlement Allowance of fifty thousand rupees only.
C. Loss of Trees and Crops				
4	Standing Trees, Crops	Owners and beneficiaries (Registered/ Un-registered tenants, contract cultivators, leaseholders & sharecroppers	Compensation market value	<p>at</p> <ul style="list-style-type: none"> Three months advance notice to project affected persons to harvest fruits, standing crops and removal of trees. Compensation to be paid at the rate estimated by: <ul style="list-style-type: none"> The Forest Department for timber trees The State Agriculture Extension Department for

				<ul style="list-style-type: none"> ○ crops ○ The Horticulture Department for fruit/flower bearing trees. • Registered tenants, contract cultivators & leaseholders & sharecroppers will be eligible for compensation for trees and crops as per the agreement document between the owner and the beneficiaries. • Un-registered tenants, contract cultivators, leaseholders & sharecroppers will be eligible for compensation for trees and crops as per mutual understanding between the owner and the beneficiaries.
D. Loss of Residential/ Commercial Structures to Non-Titled Holders				
5	Structures on Government land	Owners of Structures or Occupants of structures identified as per Project Census Survey	Resettlement & Rehabilitation Assistance	<ul style="list-style-type: none"> • Non-titleholder shall be given three months' notice to vacate occupied land and provided with cash assistance at replacement cost for loss of structures as described in section 29 of the RFCTLARR Act 2013. • All squatters (other than kiosk) will be eligible for one-time grant of rupees thirty-six thousand as subsistence allowance and rupees fifty thousand as shifting allowance. • Each affected person who is a rural artisan, small trader, kiosk owner or self-employed person assistance' of Rs 25,000/- for construction of working shed or shop.
E. Loss of Livelihood				
6	Families living within the project area	Title Holders/ Non-Title holders/ sharecroppers, agricultural labourers and employees	Resettlement & Rehabilitation Assistance	<ul style="list-style-type: none"> • Subsistence allowance of rupees thirty-six thousand as one-time grant. • Training Assistance of rupees ten thousand for income generation per family. • Temporary employment in the project construction work to project affected persons with particular attention to vulnerable groups by the project contractor during construction, to the extent possible and preference in the employment of semi-skilled and unskilled jobs in the project with adequate training for the job.
F. Additional Support to Vulnerable Families				
7	Families within project area	As per definition of vulnerable	Resettlement & Rehabilitation Assistance	One-time additional financial assistance of rupees fifty thousand.
G. Loss of Community Infrastructure/Common Property Resources				
8	Structures & other resources (e.g. land, water, access to structures etc.) within the project	Affected communities and groups	Reconstruction of community structure and common property resources	Reconstruction of community structure and Common property resources in consultation with the community.

area				
H. Temporary Impact During Construction				
9	Land & assets temporarily impacted during construction	Owners of land & Assets	Compensation for temporary impact during construction e.g. damage to adjacent parcel of land / assets due to movement of vehicles for transportation of equipment's, machinery and construction activities for infrastructure development.	Compensation to be paid by the contractor for loss of assets, crops and any other damage as per prior agreement between the 'Contractor' and the 'Affected Party'.
I. Resettlement Site				
10	Loss of residential structures	Displaced titleholders and non-titleholders	Provision of resettlement site/ vendor market	<ul style="list-style-type: none"> Resettlement sites will be developed as part of the project, if a minimum of 25 project displaced families opt for assisted resettlement. Vulnerable PAPs will be given preference in allotment of plots/flats at the resettlement site. Plot size will be equivalent to size lost subject to a maximum of provision given in RFCTLARR Act 2013. Basic facilities shall be provided by the project at resettlement site as per the provisions given in the Third Schedule of RFCTLARR Act 2013. Similarly, if at least 25 displaced commercial establishments (small business enterprises) opt for shopping units, the Project Authority will develop the vendor market at suitable location in the nearby area in consultation with displaced persons. Basic facilities such as approach road, electricity connection, water and sanitation facility, will be provided in the vendor market by the project. Vulnerable PAPs will be given preference in allotment, of shops in vendor market. One displaced family will be eligible for only one land plot at resettlement site or shop in the vendor market.

6.3 Methods for Assessment of Replacement Cost

70. The methods for assessment of replacement cost and determination of compensation for loss of land, structure, and other assets are discussed in the notes provided below:

Note 1

- (i) Compensation would be determined by the Special Land Acquisition Officer (SLAO), Project Implementation Unit (PIU), PWD. The SLAO, while awarding the compensation shall consider recent sales and transfer of title deeds and registration certificates for similar type of land in the village and urban areas, as the case may be;

- (ii) A Special Committee has already been constituted by Govt. Notification dated 23rd August 2013 to determine replacement cost of lands, structures and other properties. The replacement value for the land and properties to be acquired will be calculated on either of the following methods: (a.) Taking into consideration 20 times of the annual value of gross production of the concerned land, averaged over preceding 3 years;

OR

- (b.) Fixing up market value of land will be based on any transaction that may have taken place or the value assessed by considering the topography and accessibility of basic requirements.

71. The replacement value to be fixed up by the Special Committee shall be the higher one of the two amounts arrived at by the aforesaid two alternate methods. In case replacement value is higher than the market value determined by SLAO, the difference shall be paid in the form of assistance. The replacement value of the houses, buildings and other immovable assets will be determined as per current year BSR without depreciation. In case of partial impact, if the residual structure is rendered structurally unsafe or unviable the entire structure shall be considered affected and compensated accordingly. Similarly, for plants and trees the replacement costs will be determined by taking into consideration the current year "Rates of Compensation for Crops/Plants". In case, BSR and "Rates of Compensation for Crops/Plants" are not updated, the Special Committee shall determine the replacement value of all items affected and the difference will be paid as assistance.

6.3.1 Other processes to be followed

72. Compensation for the common properties e.g. shifting jhum land which are acquired for the project will be provided in accordance with **Note 1 (ii) under 9.5**. The amount will be utilized for the development of the village land in consultation with the community.

- Preparation of Micro Plan: Project Authority shall ensure that identity cards are prepared and handed over to all the PAPs as soon as the verification of PAPs is over by the ARAP & IPDP implementation support agency. Micro plans shall be prepared for all PAPs and common property resources based on the extent of impacts and the Entitlement Framework. The micro plan shall contain information on extent of loss for each category, status of affected and due entitlements as per the eligibility criteria. The micro plan will be prepared by the ARAP & IPDP Implementation support Agency and submitted to Project Authority for approval. The Project Authority will approve the micro plan for disbursement of assistance to entitled persons. The assistance will be disbursed by cheque or by direct transfer to PAPs bank account. Assurances below the threshold amount of Rs. 5000/- shall be paid directly to the PAPs in the form of cash in the presence of Village Council President (VCP)/ members. Any grievances reported by the PAPs regarding their eligibility, replacement cost of affected assets and any other entitlements shall be addressed through the Grievance Redressal Committee (GRC). The structure and process of the committees is provided under Institutional arrangements.
- Compensation and eligible assurances shall be paid before taking possession of the land/properties. The PDPs and PAPs shall hand over the land and other properties acquired to the Govt. free from all encumbrances such as mortgage, debt, etc. However, in case of outstanding government loans on such acquired lands and properties that remain unadjusted as per the information furnished by the PAPs or by the loaner agency, then such amounts shall be deducted out of the compensation.

6.4 Land Acquisition by Negotiated Settlement Method

73. The process of Land Acquisition (LA) by Negotiated Settlement would offer the following advantages.

- The time taken would be considerably reduced as compared to the normal time taken under the LA Act;

- Being participatory in nature and therefore reduce the likelihood of any objection, grievance and reference to court;
- In addition to being financially lucrative it also shall ensure payment of the entire compensation amount in a single instalment to the affected landholders;
- Further, it shall facilitate smooth and quick acquisition of land leading to an early commencement of construction works.

74. The following process would be followed:

- a) The Special Committee constituted by the Government Order/ Gazette Notification for determining the replacement value of land, structures and other properties and assets shall also be empowered to undertake and finalise negotiations with affected land holders for land required for the project.
- b) Duration of three months (90 days) shall be provided for concluding the negotiations with the landholders and signing of agreement between parties.
- c) The negotiations shall be conducted village-wise, involving groups in order to maintain transparency.
- d) The negotiations shall begin by offering a minimum of 1.5 times of the registered value or stamp duty value/circle rate (whichever is higher) in order to make the propositions financially attractive to the land holders. If the registered value/stamp duty or circle rates are more than a year old at time of negotiations, a premium @ 10% per annum will be added to bring the rates to current levels. In addition, land holders shall be entitled to 30% solatium of the negotiated cost. Land holders shall also be eligible for additional assistance equivalent to revenue paid in order to acquire the status of a Settlement holder/ land holder.
- e) A maximum of 3 rounds of negotiations shall be conducted with the land holders.
- f) After every round of negotiation, minutes of negotiations would be prepared and submitted to the Head Office – PIU, PWD for information.
- g) If land acquisition by negotiation is finalized, the agreement shall be signed within 15 days from the date of final negotiations at land holders place. The agreement will be read out aloud for the benefit of land holders in presence of villagers and VCP.
- h) The Executive Engineer/ SDE of the concerned district and SLAO will sign the agreement for PWD.
- i) All necessary process for sell/purchase or transfer of land from land holders to PWD shall be carried out by the PWD at project cost.
- j) Entire negotiated amount including solatium and taxes shall be paid to land holders within 30 days from the date of signing of agreement between the parties (land holders and PWD).
- k) Interest @ 9% will be paid by the PWD for any delays in the payment of negotiated amount beyond three months from the date of signing of agreement between the parties.
- l) In addition to negotiated amount, the land holders (EP) shall be eligible for Resettlement and Rehabilitation benefits as mentioned in the entitlement matrix.
- m) In case of negotiated settlement, agreement shall include a clause prohibiting landholders to take recourse to court with regard to the negotiated amount.
- n) Land holders shall have an option to surrender residual land plot to PWD/project authority and be compensated on similar basis. Only when the residual land is no longer viable for taking up any other economic activities.
- o) All land measurements shall be as per site conditions.
- p) In case of failed negotiations, record of cases and reasons for failure shall be maintained for future reference.
- q) In parallel, notifications under the LA Act, 1894 shall be issued so as to avoid time delays in acquisition process in the event of failure of negotiations.

10. INSTITUTIONAL ARRANGEMENT

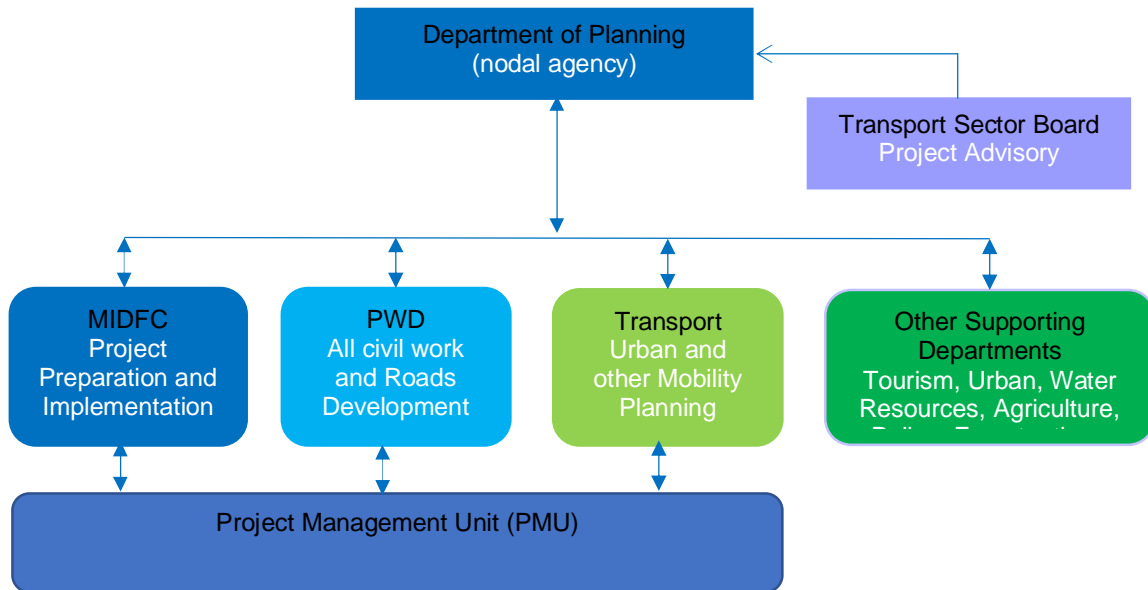
10.1.1 Project Implementation Arrangement

75. The project activities will be implemented by agencies: Public Works Department (PWD), Urban Affairs (UA) Department, Department of Tourism, Transport Department and Community and Rural Development Department. Each of the mentioned departments, will depute a Project Director (PD) preferably at the level of a Chief Engineer/Superintending Engineer along with the required supporting staff with the overall responsibility for project implementation with the involvement of the various field divisions and other units at the head-quarters (HQ – Shillong).

76. PDs will work under the overall guidance and oversight of a Project Advisory Committee headed by the Secretary of the respective departments. In addition, nodal officers will be deputed from the beneficiary departments like Tourism, Agriculture, Police, Health, Education and C&RD. All civil works component will be implemented mainly by PWD, and involvement UA and Transport departments will be mainly for the technical assistance and pilot projects on improving mobility. When functional, the Transport Sector Board will also be constituted to provide high level policy guidance and oversight for project implementation.

77. Meghalaya Infrastructure Finance Development Corporation (MIFDC) set up under the Planning Department will be responsible for overall planning, coordination, implementation and monitoring of the project along with various departments. It will also be responsible for mobilizing private sector finance for the development works. The State Planning Department will be the nodal department for the Project. MIDFC will be responsible for overall planning and implementation of the entire project. It will ensure that ESIA is conducted and ESMPs are prepared and that the ESMF is followed during project implementation. Additionally, a project management unit (PMU) will be mobilized under MIDFC to support the implementing agencies during project preparation and subsequent implementation. The overall institutional arrangement for the implementation of the project is outlined in the following figure.

Figure 1: Institutional arrangement for implementation of the project



10.2 Project Management Unit (PMU)

78. The Project Management Unit (PMU) primarily will be set up in MIDFC and will also be represented by PWD and Transport department. PMU will engage a consulting firm, as Project Management Consultant (PMC) for providing technical support to the project and facilitate implementation of project framed activities. The experts of the PMC will assist MIDFC in preparing and updating ESIA (including ARAP and IPDP). The PMC will also assist MIDFC in preparing semi-annual safeguards monitoring reports. Specific roles of the PMC with regard to ESMF implementation would include the followings.

➤ Preparatory Stage (for phase II roads):

- (i) Initial field visit to project sites and assessment of environmental and social aspects of project activities;
- (ii) Discussion with different stakeholders, including implementing agencies on safeguard measures and their expected role;
- (iii) Preparing / finalizing assessment framework in line with the Environment and Social indicators;
- (iv) Finalizing TOR of the contractors incorporating safeguard measures to be taken;
- (v) Facilitate / organize training / workshops on safeguard measures for the stakeholders;
- (vi) Designing study / assessment tools for periodic assessment, its piloting and finalization.

➤ Implementation Stage:

- (i) Conducting periodic site visits and observe the measures taken as per the safeguard norms;
- (ii) On the spot guidance to contractor/s / implementing agencies on safeguards;
- (iii) Preparation of site specific reports and sharing with MIDFC;
- (iv) Documentation of learning cases for sharing and dissemination;
- (v) Visual documentation of site specific safeguard measures;
- (vi) Tracking activity specific environmental and social monitoring indicators;
- (vii) Organizing / facilitating refresher training courses for stakeholders;
- (viii) Monthly and quarterly progress report preparation and submission to MIDFC.

➤ Post-Implementation Stage:

- (i) Consolidation of periodic monitoring reports;
- (ii) Support in conducting environment and social audit;
- (iii) Consolidation of good practice documents and its submission to MIDFC;
- (iv) Final sharing workshop on environment and social safeguard practices and its outcome.

79. The PMU shall have one environmental expert and one social and gender expert for implementation of ESMF and ARAP.

80. **Social cum Gender Expert:** The Social cum Gender Expert at the PMU will guide the overall process related to social and gender aspects. The district / sub-district level implementing agencies will execute and monitor the social / gender components in consultation with the said Expert. She / he will be associated in the screening process of such activities that require acquisition of land and/or involvement of women and/or need special focus on tribal involvement. She/he will monitor the social processes followed in execution of the planned activities and realisation of the social / gender inclusion parameters. She / he will be looking after social / gender aspects of the project, including monitoring of social / gender indicators and coordinating with different agencies / institutions. The expert will be guided by the Project Director from MIDFC and reporting to the Project Director directly.

81. Institutional arrangements to manage and implement Resettlement & Indigenous Peoples Development Plan (ARAP & IPDP) will be set up at PMU (State) and project road levels. Institutional

arrangement includes augmenting the capacity of PIU, PWD with regard to land management, and implementation of ARAP & IPDP and management of other social issues

10.3 PIU (State) Level

82. The Project Director, PWD, Govt. of Meghalaya will be overall responsible for the implementation of ARAP & IPDP. He/she will have delegated administrative and financial powers for the implementation of the project including ARAP & IPDP implementation.

83. Institutional arrangement includes augmenting the capacity of PIU, PWD with regard to land management, and implementation of ARAP & IPDP and management of other social issues. The Project Director will be assisted by a designated Assistant Engineer as Resettlement and Rehabilitation Manager (RRM), and a number of technical and secretarial staff. A Social Development Specialist (SDS) will be engaged either as individual consultant to assist the Project Director, PIU as IPDP are likely to be implemented for multiple roads simultaneously though AARAP will be implemented only for one road having adverse impact. The PIU will be responsible for ensuring training, guidance, policy and implementation. The SDS will provide policy and strategic assistance to the PIU on social issues including land acquisition and rehabilitation and resettlement. The Project Director with assistance from SDS, and designated RRM will ensure the social safeguards compliance. The roles and responsibilities of the SDS would broadly include the following:

- facilitate and assist and Land Acquisition for each project road through negotiated settlement preferably.
- Ensure consultation and stakeholder participation in finalisation of ARAP & IPDP.
- Ensure preparation and disclosure of ARAP & IPDP for the project road.
- Guide and supervise the ARAP & IPDP implementation agencies for resettlement and rehabilitation and rolling out HIV prevention activities.
- Interact with implementation agencies on a regular basis and undertake field visits and consultations with PAPs for first-hand information.
- Compile data related to resettlement and rehabilitation activities received from field offices and decide on suitable measures to be taken.
- Facilitate necessary help needed at site with regard to LA and R&R issues.
- Co-ordinate with government departments in matters related to implementation of ARAP & IPDP.
- Ensure budgetary provision for resettlement and rehabilitation of PAPs and relocation, rehabilitation and reconstruction of common property resources (CPRs) and implementation of ARAP & IPDP.
- Ensure timely release of budget for implementation of ARAP & IPDP.
- Monitor implementation of ARAP & IPDP carried out by the agencies through RRM.
- Perform other roles and responsibilities related to implementation of ARAP & IPDP as required from time to time.
- Ensure free, prior and informed consultation with PAPs and also ensure that sufficient supporting documentation is maintained.
- Facilitate third party audit of ARAP & IPDP implementation.

10.3.1 Land Acquisition

Land acquisition will be the responsibility of state government through revenue department. The compensation will be paid as per RFCTLARR Act of 2013 as demanded by the affected households.

10.3.2 Project road level

84. Site Offices shall be established for implementation of ARAP (for Shillong- Diengpasoh road)- & IPDP. One Assistant Engineer designated as Resettlement & Rehabilitation Manager (RRM) shall be posted at each site office. The designated RRM will be responsible for the implementation of ARAP & IPDP. RRM will assist Project Director at PIU in all matters related to resettlement and rehabilitation. The roles and responsibilities of the Resettlement and Rehabilitation Manager are as under:

- Ensure ARAP & IPDP implementation with assistance from implementation agency as per the time line agreed upon.
- Interact with ARAP & IPDP implementation agency on a regular basis.
- Undertake field visits with implementation agency from time to time.
- Facilitate necessary help needed at site with regard to LA and R&R, HIV issues to implementation agency.
- Co-ordinate with district administration and other departments in matters related to implementation of R&R.
- Ensure distribution of entitlement matrix to PAPs.
- Ensure preparation and distribution of photo identity cards.
- Ensure and attend meetings organised by implementation agency on thematic areas related to resettlement and rehabilitation, entitlements and HIV/AIDS awareness generation.
- Ensure inclusion of PAPs who could not be enumerated during census and socio-economic survey but have documentary evidence to be included in the list of PAPs.
- Ensure timely preparation of micro-plan from ARAP & IPDP implementation agency and approval from PIU.
- Ensure that the PAPs have received their entitlements.
- Ensure disbursement of resettlement and rehabilitation assistance in presence of village council members.
- Participate in meetings related to resettlement and rehabilitation issues.
- Facilitate in opening of joint account of PAPs.
- Prepare monthly progress report related to physical and financial progress of implementation of ARAP & IPDP & submit the same to PIU.
- Ensure release of compensation and assistance before taking over the possession of land for start of construction work.
- Ensure relocation, rehabilitation and reconstruction of CPRs before dismantling through proper mechanism.
- Ensure development of resettlement sites, if required.
- Attend and participate in Grievance Redress Committee meetings for redressal of grievances of PAPs and other committees involving R&R matters,
- Liaison with government and other agencies for inclusion of PAPs in employment and income generation programme/scheme.
- Carry out any other work related to resettlement and rehabilitation that may be entrusted from time to time related to R&R by the PIU.
- Provide all necessary information and data related to R&R on monthly basis to PIU through Executive Engineer.
- Ensure that PAPs, irrespective of social groups and gender get equal opportunity to participate during implementation and become overall beneficiaries in the project.

10.3.3 ARAP & IPDP Implementation support Agency/NGO

85. For the implementation of ARAP & IPDP in each project road, the PIU, PWD will engage the services of Non-Government Organisation (NGO) having experience in resettlement and rehabilitation issues as per standard bidding process. Terms of Reference (ToR) for engaging the

services of the implementation agency is annexed.. The implementation agency will work in close co-ordination with RRM and report to PIU. Financial matters related to services of the ARAP & IPDP implementation agency will be dealt by PIU, PWD. Broad roles and responsibilities of implementation agency would be as:

- The ARAP & IPDP implementation agency will be the main link between the PAPs and the PIU, PWD.
- Develop rapport with PAPs.
- Coordinate with the RRM to implement R&R activities.
- Verify PAPs as listed out in the ARAP & IPDP.
- Undertake public information campaign at the commencement of the ARAP & IPDP implementation along with RRM.
- Identify and include those PAPs who may have been missed out during the census and socio-economic survey.
- Include those PAPs based on verification of documents and certification from R&R Manager.
- Distribute pamphlets covering brief description of social safeguards, detailed Entitlement Matrix to PAPs, Village Councils, and concerned Govt. Offices in the project area, etc.
- Prepare and distribute identity cards to PAPs.
- Prepare micro-plan for entitled persons (EPs) and CPRs separately.
- Submit of micro-plan to RRM for verification and then approval from PIU.
- Facilitate in opening of joint account of PAPs.
- Assist PAPs in receiving disbursement of assistance in open village court.
- Assist PAPs in all matters related to compensation and R&R.
- Assist and facilitate aggrieved PAPs (for compensation and assistance) by bringing their cases to Grievance Redressal Committee (GRC).
- Organize consultations at regular interval with PAPs with regard to resettlement and rehabilitation.
- Assist PAPs to identify the alternate sites for residence, shop and agriculture plots.
- Assist PAPs on allotment of shops and residential plots, if any.
- Hold consultations with PAPs regarding the choice of resettlement (i.e. self or assisted), development of resettlement site, participation of women, etc.
- Assist in identification and development of rehabilitation site, if required.
- Generate awareness about the alternative economic livelihood and enable PAPs to make informed choice.
- Identify training needs of PAPs for income generation and institutions for imparting training.
- Organize training program for skill up gradation of the PAPs.
- Undertake outreach activities for HIV prevention for awareness and behaviour change as per ARAP.
- Consult Village Council and community with regard to relocation, rehabilitation, reconstruction of affected CPRs as well as provision of new facilities under the project.
- Participate in various meetings organised by PWD.
- Submit monthly progress report to RRM and copy to PIU.
- Any other activities that may be required for the implementation of ARAP & IPDP, etc.

10.4 Project Management Consultant

A Project Management Consultant (PMC) shall be appointed by the PIU, PWD for project roads for the execution of project execution. The PMC shall be based at site(s). In addition to project management, the PMC will also monitor the implementation of ARAP & IPDP. One of the key personnel of the PMC team will be an R&R expert. The monitoring of ARAP & IPDP will be done for each activity and against the corresponding time frame. In the event of delay of implementation of any activity the PMC would bring it to the notice of the PIU and suggest corrective measures. The PMC

shall submit monthly monitoring report for one year and subsequently quarterly monitoring reports for the remaining period of the project to the PIU, PWD.

11. DISCLOSURE, CONSULTATION AND PARTICIPATION PLAN

11.1.1 Information Disclosure

86. The Right to Information Act, 2005 provides for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commissions and for matters connected therewith or incidental thereto. The process for obtaining information and details of designated officials shall be posted on the PWD website.

87. The Draft ARAP & IPDP need to be disclosed by the PIU, PWD on the Government of Meghalaya. The Executive Summary of the draft ARAP & IPDP, along with the list of PAPs with the impacted assets shall be disclosed at concerned Village Council offices, PWD and District Administration offices. The documents will also be disclosed at the website of PWD, GoM and World Bank at least **four months** prior to the awards of the contracts/commencement of construction. Feedback received from stakeholders shall be incorporated in the final documents.

88. The Executive Summary of final ARAP & IPDP and other project related documents/ relevant information shall be translated in language and made available at Project Authority's state and project offices. The final documents in full will replace the draft documents in website of Project Authority's as well at World Bank's Infoshop. The list of eligible persons (PAPs) for disbursement of benefits shall be separately disclosed at concerned Village Council Offices/ Urban Local Bodies (ULBs) to ensure transparency. A copy of the list of eligible PAPs shall be put up at notice boards of the concerned District Administration Offices, project offices, and any other relevant offices, etc. The Social Management Framework, Executive Summary of ARAP & IPDP of each project road shall also be placed in English and Local language of the concerned District Administration Office.

89. During the project implementation phase the relevant information related to impacts, compensation measures, rehabilitation measures, etc. will be shared with the PAPs in appropriate language in the form of resettlement leaflet.

11.2 Consultation & Participation Plan

90. To ensure peoples' continued participation in the implementation phase and aiming at promotion of public understanding and fruitful solutions of developmental problems such as local needs of road users and problem and prospects of resettlement, various sections of PAPs and other stakeholders will be engaged in implementation. Key actions would be as follows:

- Communicating and informing PAPs and beneficiary households in the project area of resettlement policy provisions and grievance redress mechanism through village level public meetings;
- Holding one to one meeting with the PAPs to explain their eligibility;
- Placing of micro plan in affected villages for review and minimize grievances;
- Payment of R&R assistance to PAPs during public meetings to maintain transparency; and
- Household consultation to identify skill improvement training needs, counseling for usage of assistance amount and other activities towards livelihood restoration.

91. Information dissemination and participation would be ensured through *(a) printed leaflets/ information booklets* that are to be prepared by the ARAP & IPDP Implementation Support Agency in local language. These would be distributed to PAPs and also other village community members

within the immediate project influence area in advance so that people discuss issues among themselves and prepare themselves for meetings/discussions. On the day of public meeting, once again leaflets would be distributed to those present to ensure awareness about the project in case they did not get the leaflet/ information booklet. The booklet would provide:

- brief description of the project and its objectives;
- a summary of adverse impacts (including land acquisition, process of acquisition and impacts on common property resources, etc);
- act under which land has been acquired;
- resettlement & rehabilitation provisions of the project and specific benefits available to vulnerable households/groups;
- avenues for participation by local communities;
- expectations from local communities;
- role of ARAP & IPDP IA and RRO; and
- Grievance redressal mechanisms, Suggestion and Complain Handling mechanism, etc.

92. *(b) by organizing public meetings* at suitable locations with participation by PAPs, local communities, institutions and line departments with prior information on the date and time. Wide publicity for the meeting would be carried out by beating of drums and announcement through loud speakers in the adjoining areas. The Social Development Specialist & RRM with assistance from ARAP & IPDP implementation agency would describe all aspects of the project, importance of consultations and also seek their participation and co-operation in the project. In these public meetings various aspects of the project would be explained and also the status of the project (technical, social & environmental) would be conveyed. Opportunity would be provided to people in general and PAPs in particular, to provide suggestions and raise issues that concern them and also with a view to maintain good rapport with local community. SLAO, RRM, SDS and ARAP & IPDP Implementation Support Agency shall be present in these meetings. After the public meeting, Minutes of Meeting (MoM)/ resolution would: be prepared and read out to people present in the meeting; signed by the officials and participants present at the meeting; and kept in project file for documentation purpose.

12. GRIEVANCE REDRESSAL MECHNISM

12.1 Institutional Capacity to Manage Social Aspects

12.1.1 Autonomous District Councils

93. In the state, ADCs were established under the Sixth Schedule of the Constitution of India (Articles 244(2) and 275(1)) with a view to preserve and protect tribal institutions. It is a system of local administration to give greater autonomy to tribal societies, to preserve and safeguard tribal groups' traditional practice and to act as a conduit between the formal state government and the informal grassroots tribal institutions. Moreover, the powers for the regulation and management of natural resources have been conferred on the Councils.

94. There are, at present, three ADCs in the state of Meghalaya, Khasi, Jaintia and Garo Hills Autonomous District Councils. They are constitutional bodies and all laws, rules and regulations made by them are enforceable. The ADC has the right to constitute village councils or courts for the trial of suits and cases between the parties all of whom belong to Scheduled Tribes within their own jurisdiction and may appoint suitable persons to be members of such village councils or presiding officers of such courts, and may also appoint such officers as may be necessary for the administration of the laws of the Sixth Schedule. They may also act as courts of appeal from the decisions made by village councils.

95. As per paragraph 8 of the Sixth Schedule, the ADC also has the power to assess and collect revenue in respect of all lands within the district except those lands which are in the areas under the authority of regional councils, if any, in accordance with the standard followed by the State government. The ADCs also has the power to make laws on matters such as inheritance of property, marriage and divorce as well as on social custom. But if law made on matter by the State Legislature, then ADC's law will be void and the State law will prevail.

12.1.2 Grassroots Institutions

96. The third centre of authority is the grassroots tribal institutions and practices. In the Khasi and Jaintia Hills, these are powers that rest at the village level's elected members to govern the village. The members mainly belong to the ruling clan called Ki Bakhraw. The elected members organise themselves into a village council or Dorbar Shnong that is headed by a Chief. The council has significant power and legitimacy rooted in the un-codified customary laws and practices. The primary function of the Dorbar Shnong is to undertake development works and to manage local assets. It also functions as a court trying petty cases such as land disputes. The decisions of the Dorbar are considered legitimate and are usually adhered to.

12.2 Grievance Redressal Committee

97. The Grievance Redressal Mechanism involves formation of Grievance Redressal Committee. The main objective is to provide a step-by-step process of registering and addressing the grievances. It is expected that this mechanism will ensure redress of disputes through participative process.

98. An integrated system will be established with Grievance Redressal Cell (GRCs), with necessary officers, officials and systems at MIDFC. Grievances, if any, may be submitted through various mediums, including in person, in written form to a noted address, e-mail, or through direct

calls to concerned official/s. The Social and Environmental Expert within PMU shall be responsible for coordination of grievance/complaints received.

99. The grievance redress mechanism should be in place at the time of initiating the implementation of R&RAP and civil construction activities in the project area. A platform for grievance redressal should be organized and its regular meetings may be conducted so as to allow people to put forth their grievances. It will help the appropriate authority to find solutions and amicably address the issues. The project, apart from web-based mechanism, will have three-tier grievance redressal mechanism, i.e., (1) at the community level, (2) State level (PMU level) and (3) Judiciary level.

100. Level I: Under this project, the local VECs and community level organizations will serve as the first level mechanism to handle complaints and grievances. The local Headman will be the focal point who will receive, address, and keep record of the complaints and feedbacks. The grievance focal point will first review the grievances submitted. If grievances or disputes cannot be solved at the VEC's level within 30 days of the submission of the grievances, the issue will be brought to PMU level for mediation. PMU is expected to inform aggrieved persons or parties to disputes of the resolution in 30 days.

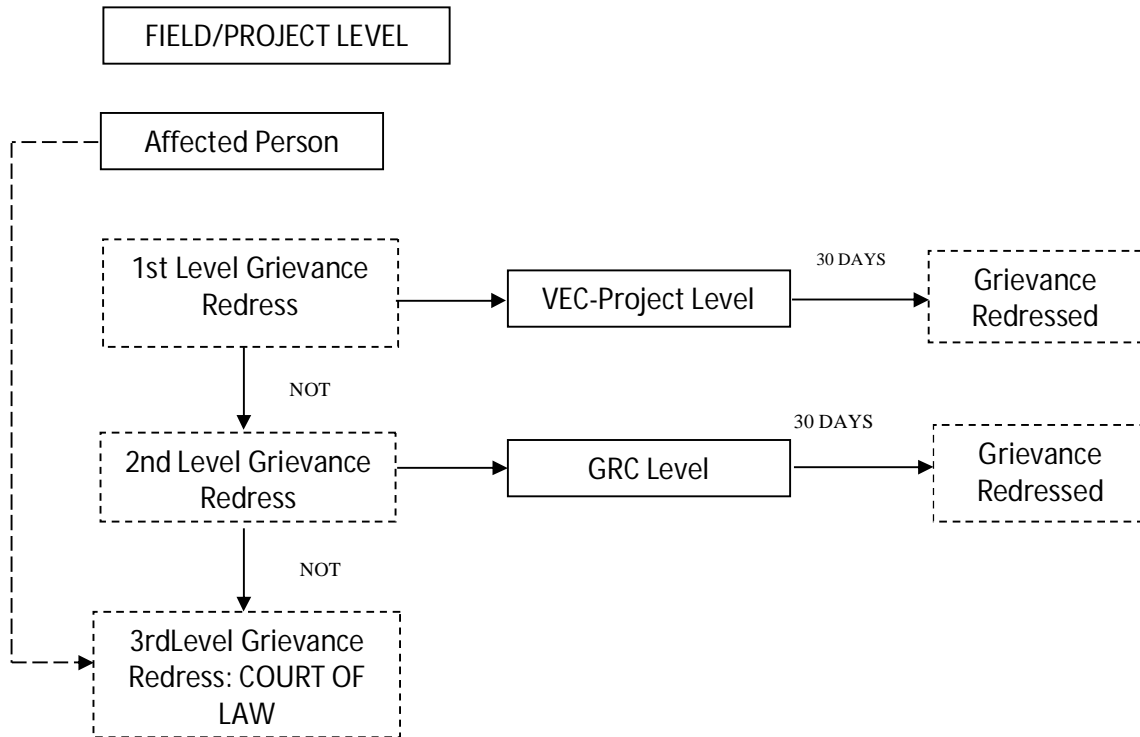
101. Level II: The second level cell will be under the Chairmanship of Secretary, Department of Planning. The other members will include Chief Engineer; Project Director and Social Expert of the Project. The second level of grievance cell will provide its view within 30 days of receiving the grievance.

102. Level III: Third level will be Judiciary system. Project will help the aggrieved person in all respect if person wants to approach the judiciary. This would include the District Commissioner and Legal courts. If the issue cannot be addressed or is outside the purview of the GRC, then it may be taken by the Office of the District Commissioner or a Legal Court.

103. Grievances of PAPs in writing will be brought to GRC for redressal by the ARAP & IPDP implementation agency. The ARAP & IPDP implementation agency will provide all necessary help to PAPs in presenting his/her case before the GRC. Grievances brought to the GRC shall be redressed within a time period of one month (30 days) from the date of receipt of grievance. The decision of the GRC will not be binding to PAPs i.e., decision of the GRC does not debar PAPs taking recourse to court of law. Broad functions of GRC are as under:

- Record the grievances of PAPs, categorize and prioritize them and provide solution to their grievances related to resettlement and rehabilitation assistance.
- The GRC may undertake site visit, ask for relevant information from other government and non-government agencies, etc in order to resolve the grievances of PAPs.
- Fix a time frame within the stipulated time period of 30 days for resolving the grievance.
- Inform PAPs through implementation agency about the status of their case and their decision to PAPs.

104. The Grievance Redressal Mechanism for the project is shown in Figure-5.

Figure 2: Grievance Redressal Mechanism

12.2.1 Integrated Grievance Redress Mechanism

105. The project implementation is expected to receive a wide range of enquiries, comments, and suggestions from PAPs, common people, road users, interest groups, village councils, government departments, contractors, consultants, NGOs, others. PWD will establish an integrated grievance redress mechanism (IGRM) to address and handle external and internal inquiries, suggestions and comments, and concerns/complaints/ grievances as well as improve accountability and service delivery under the project.

106. The overall responsibility for the operation and management of grievances will be of PIU, PWD, Govt. of Meghalaya. It will be handled at PIU level and site office level. Since all pre-construction and civil works will be implemented and managed by the PIU, majority of the enquiries, suggestions and complaints related to a specific road is likely to be received by the PIU. However, some of the enquiries, suggestions and complaints are also expected to be received by the site offices. A toll-free number and/or an email account will be set up at the PIU for this purpose. The toll-free number and email account would be displayed on the sign boards at the start and end of each project road. The bidding documents will have a requirement for the contractor to put in place signs at the start and end of the project road which will display the toll-free number and email account to submit enquiries, suggestions and complaints to the PIU, PWD. Similarly, inquiries, suggestions, or complaints related to specific road can also be submitted at site office in writing. Thus inquiries, suggestions, complaints, etc. submitted at site offices and PIU, a due recording and documentation will be carried out by the concerned offices.

107. The Project Director will assign the suitable officer at PIU and site offices to address and handle inquiries, complaints, grievances, etc. submitted at site offices and PIU. His/her responsibilities will include:

- To respond to as many inquiries/comments as possible
- To receive and sort concerns/grievances
- To forward them to appropriate authority for resolution

- To track/monitor complaint/grievance acknowledgement and resolution
- To review and report on complaint/grievance data and trends to the Govt. and the World Bank.

Channels

108. The following channels shall be established to receive inquiries/comments and concerns /grievances:

- Toll free phone
- Email
- On-line form
- Regular post/mail
- Suggestion box/Walk-ins

109. It is critical to assign a specific e-mail ID and a phone/fax number, and to set up an easy-to-access suggestion box and walk-in office. The project website will have a permanent sub-window that will contain an on-line form and facilitates grievance/complaint collection.

On-line Form for Suggestions and Complaints

The on-line form for suggestions and complaints will be provided on the PWD website. The form will contain limited entries as outlined below.

Subject: _____
 Project Road: _____
 Content: _____
 Your email: _____

110. Suggestions/complaints submitted through this on-line form will go directly to (a) the Project Director’s email account and (b) internal reporting system for IGRM (excel file).

Reporting Format

The internal reporting system for SCHM (excel file) will have the following entries/columns:

1. Date
2. Subject
3. Road
4. Content
5. Email (of the complainant)
6. Acknowledgment date (Date when PIU sent an email to the complainant to acknowledge that the email has been received, the issue will be handled within that period of time and the response/feedback will be provided to the complainant by that deadline)
7. Responsible Person
8. Deadline for Feedback
9. Actual Date for Feedback
10. Solution/Feedback on the Suggestion/Complaint
11. Additional Comment (e.g., if the person was unsatisfied with the feedback/solution provided and indicated that he/she will go to another authority to complain)

111. The entries 1-5 should be filled in automatically once an on-line form is submitted. The other entries will be entered manually by the PIU staff. All GRM-related reports will be consolidated by the PD, PIU.

13. MONITORING AND EVALUATION

13.1 Introduction

112. Monitoring and evaluation are important activities of any infrastructure development project particularly, those involving involuntary resettlement. It helps in making suitable changes, if required during the course of ARAP & IPDP implementation and also to resolve problems faced by the PAPs. Monitoring is periodical checking of planned activities and provides midway inputs, facilitates changes, if necessary and provides feedback to project authority for better management of the project activities. Evaluation on the other hand assesses the resettlement effectiveness, impact and sustainability of R&R activities. In other words, evaluation is an activity aimed at assessing whether the activities have actually achieved their intended goals and purposes. Thus, monitoring and evaluation of resettlement and indigenous peoples development plan implementation are critical in order to measure the project performance and fulfillment of project objectives. Indicators and benchmarks for achievement of the objectives proposed under the Resettlement and Indigenous Peoples Development Plan are of three kinds:

- i. Proposed indicators, indicating project inputs, expenditures, staff deployment, etc.
- ii. Output indicators, indicating results in terms of numbers of project affected persons compensated and resettled, training held, credit disbursed, etc,
- iii. Impact indicators related to the longer-term effect of the project on people's lives.
- iv. Complaints and Grievances received and resolved

113. The benchmarks and indicators are limited in number and combine quantitative and qualitative types of data. The first two types of indicators, related to process and immediate outputs and results, will be monitored to inform project management about progress and results, and to adjust the work programme where necessary, if delays or problems arise. Thus M&E would be carried out for regular assessment of both processes followed and progress of the ARAP & IPDP implementation.

114. Development project may have an adverse impact on the income of project-affected persons. The basic postulates of all developmental activities should be that no one is worse off than before the project. Restoration of pre-project levels of income is an important part of rehabilitating socioeconomic and cultural systems in affected communities. To achieve this goal, preparation of Income Restoration programs should be done in consultation with the affected persons and they should explicitly approve the program.

13.2 Monitoring

115. Process monitoring would enable the project authority to assess the whether the due process are being followed or not, whereas performance monitoring would mainly relate to achievement in measurable terms against the set targets. Monitoring report will also provide necessary guidance and inputs for any changes, if required during the course of the implementation.

13.1.1 Internal Monitoring

116. The internal monitoring will be carried out by the PIU, PWD with assistance from ARAP & IPDP Implementation Agency and RRM.

13.1.2 External Monitoring

117. PIU, PWD will engage an External agency (third party) will carry monitoring twice annually and Evaluations at the mid and end term for each project road by undertaking field visits and all other necessary activities including consultations. The Monitoring reports would:

- cover detailed information on process and progress of ARAP & IPDP implementation.
- would highlight issues, if any that need attention of the PIU, PWD and

- suggest corrective measures that may be followed for better implementation of ARAP & IPDP.

Table 10: Monitoring input & output indicators

Frequency	Prepared by	Submitted to	Key Indicators/information
Quarterly	NGO / RRM	PIU	<ul style="list-style-type: none"> • Compensation for land and structure for all three households disbursed. • R&R assistance for livelihood loss for one household disbursed • Number of locals given employment during construction stage by gender • Consultation: Number of consultation meetings held for IPDP implementation; number of women participants • Number of activities implemented. • Grievances: Number (%) and types of grievances received and resolved;
At the end of project	Impact Evaluation- Independent party	PIU/ World Bank	<ul style="list-style-type: none"> • LA and R&R- % of PAPs who have more income now compared to their before LA status; Growth in market areas; Good practices and lessons learned on LA and R&R. • Grievance- Success in conflict handling practices at different level of project implementation- Site Offices and PIU. • Consultations- Change in community consultation practices/behavior; Improvement in institutional coordination/consultations. • Gender- % increase in women's participation in community meeting; % decrease in gender gap in education, health, employment status. • Survey: A survey consisting both quantitative and qualitative will be applied, to verify or derive above mentioned information. • Accountability—how adequately the monitoring reports have been submitted to relevant authorities?

13.3 Evaluation

118. The external agency engaged by the Project Authority shall carry out at the end of ARAP and IPDP implementation possibly at the end of project implementation.. The End term evaluation would assess the impacts and outcomes of the ARAP & IPDP interventions and thereby achievement of the overall ARAP & IPDP objective. The independent evaluation will focus on assessing whether the overall objectives of the project have been met and will use the defined impact indicators as a basis for evaluation. Specifically, the evaluation will assess:

- i. the level of success (including the constraints and barriers) in land acquisition programme, resettlement plan, and income restoration of the PAPs after they have been displaced from the project affected area; and,
- ii. the types of complaints/ grievances and the success of the handling of grievances and public complaints towards the construction of project's infrastructures, means of redress for assets and lands and the amount of compensation, resettlement, and other forms of complaints.

119. The evaluation will be carried out under a set term of reference. The evaluation study would involve both quantitative and qualitative surveys and compare results before and after the implementation of the project. It may be noted that one of the key objectives of the project is improvement or at least restoration of economic status of the PAPs to the pre project level. It will focus on assessing whether the overall objectives of the project are being met and will use the defined impact indicators as a basis for evaluation. The evaluation study would undertake the following but not limited to:

- Review monthly progress report submitted by ARAP & IPDP Implementation Agency (ARAP & IPDP IA);
- Undertake consultations with PAPs in order to assess their point of view with regard to overall process;
- Intensity and effectiveness of information dissemination with regard to ARAP & IPDP implementation covering eligibility of different categories of PAPs, frequency of interactions by ARAP & IPDP IA personnel with PAPs, deployment of ARAP & IPDP IA staff, quality of rapport maintained by ARAP & IPDP IA personnel with PAPs, capability of ARAP & IPDP IA personnel, behavior of ARAP & IPDP IA staff, availability of ARAP & IPDP IA staff, level of satisfaction as regards the work of ARAP & IPDP IA, etc.
- Collect information about distribution of awareness generation materials, entitlements, distribution of identity cum entitlement card, adequacy of dissemination of information, consultations meetings with regard to policy and eligibility for entitlement, alternatives and relocation related issues, measurement and valuation of affected properties, understanding and use of grievance procedure, disbursement of assistance, and other R&R related issues, compliance of resettlement policy, etc.
- Conduct sample survey (25% of PAPs) for making comparative analysis substantiated by qualitative surveys and case studies, etc.

14. IMPLEMENTATION ARRANGEMENT AND SCHEDULE

14.1 Introduction

120. Involuntary resettlement is a sensitive matter to deal with and therefore engagement of experienced ARAP & IPDP Implementation Agency will be of utmost importance. Experience from projects involving resettlement issues indicates that good rapport with community in general and PAPs in particular help in smooth implementation. The implementation arrangement necessitates engagement of agency having experience in resettlement issues.

121. Upgrading of project road involves land acquisition, dismantling of structures, shifting of CPRs, etc. from the proposed right-of-way. Scheduling of ARAP & IPDP implementation is linked with construction works. The resettlement principles states that compensation and R&R assistances shall be paid before taking over the possession of land for clearing of proposed right-of-way. As per the standard conditions of civil contracts, land free from all encumbrances will be made available to the contractor after completion of the Land acquisition process including payment of compensation. Thus; one of the pre-requisites for the start of the construction works is handing over site to the contractor.

122. In the Project land acquisition is envisaged at two locations in the entire stretch. There are 3 structures are to be dismantled and removed. Disbursement of compensation and R&R assistance would have to be completed before issuing of notice for vacating the place. Mandatory notice period of two months would have to be synchronized with the disbursement and shifting. One of the activities in the process is submission of micro plan for approval and release of requisite funds. Based on the site conditions it is proposed that micro plan for all the structures to be affected can be prepared in three phases and submitted for approval so that certain encumbrance free section of the road can be handed for commencement of construction works.

123. The proposed period for ARAP & IPDP Implementation is 24 months considering the long rainy season prevalent in the project area and whole state. Approximately 6-7 months is not available for construction works. However; ARAP & IPDP implementation needs to be scheduled in a manner so that initial activities such as verification, measurement etc. can be completed during the dry period. The other activities such as preparation of micro plan, approval, disbursement and other necessary documentation can be completed during the rainy season. The mobilization of ARAP & IPDP Implementation Agency is coordinated with the mobilization of the contractor so that progress of civil works is not affected. Given the extent of impacts on land and structures it is proposed that ARAP & IPDP Implementation Agency is mobilized at site at least three months prior to mobilization of Civil Contractor at site. The contractor shall be asked to demarcate the land on the ground as per the design. Based on the demarcation, the Implementation Agency will verify the status of the project affected structures and other properties. Any likely inclusion & exclusion in the list of project affected households shall be initiated at this stage as per the established/defined procedure.

- Important aspects are as under:
- Concept of passholders, unauthorized occupants, etc,
- Social management plan with specific emphasis on entitlement matrix,
- Stages of land acquisition as per applicable act and disbursement of compensation,
- Preparation of micro plan,
- Payment of compensation and provision of assistances
- Institutional arrangements,
- Civil construction works vis-à-vis ARAP & IPDP Implementation

- Development of income restoration plan based on the survey carried out,
- Identification of relocation site for displaced persons, if any,
- Role of various other agencies particularly DCRD, Agriculture, Horticulture, Forests, PHED, Other utility agencies, SACS, etc.

14.2 Schedules for ARAP & IPDP Implementation

124. The implementation of ARAP & IPDP consists of following major activities:

- Deployment of required staffs (at PIU and Project road Level);
- Information dissemination activities by holding consultations, distributing leaflets containing salient features etc,
- Finalizing list of PAPs identified by the Environment and Social Consultant during the project preparation as per the markings on the ground by the DPR consultant;
- Confirming the status of PAPs (LSC, Periodic Patta, Village Pass and unauthorized occupant);
- Listing and measurement of property and assets affected and their estimation;
- Preparation of micro plan,
- Preparation and distribution of identity card,
- Opening of bank account in case not having an account;
- Disburse of R&R assistance to PAPs,
- Relocation and rehabilitation of CPRs,
- Preparation for relocation of PAPs, if any, etc.

125. ARAP & IPDP implementation activities to be carried and respective agencies likely to be involved are presented in Table 55. The implementation schedules lists and briefly describes the set of activities that are to be carried out.

Table 11: Implementation Schedule of ARAP & IPDP

S.No.	Activities	Month wise																							
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
A	Preparatory Activities																								
1	Collection and review of ARAP & IPDP Report & other relevant documents by the Contracted ARAP & IPDP Agency																								
2	Initial site visit, rapport building with community & district officials, establishment of site office																								
3	Orientation training of project staff on the ARAP & IPDP																								
4	Submission of Identification and Verification Report																								
5	Establishment of GRC																								
B	IEC and Awareness Campaign																								
6	Preparation and distribution of Social Impacts Management Plan provisions and entitlements to PAPs																								
7	Organize awareness campaigns for sharing information on ARAP & IPDP																								
8	Rapport building through participatory process																								
9	Consultation meetings with project staff, contractors and labours																								

15. LIVELIHOOD RESTORATION AND INCOME RESTORATION

126. The Socio-economic profile of the State, Social screening exercise and socio-economic survey of the PAPs impacted by the project indicates that the main sources of income in the project influence area are agriculture and small business enterprises. The population has limited capacity to benefit from the livelihood opportunities created under the development projects or any government sponsored program. One of the objectives of the ARAP & IPDP will be to improve, or at least restore livelihood conditions of the PAPs at pre-project level. In other words, under the project the main focus of restoration and enhancement of livelihood will be to ensure that PAPs are able to “regain their previous living standards”.

15.1 Income Restoration Options

127. During the survey PAPs were specifically asked about their preference for rehabilitation in case they are affected / displaced by the proposed project. Most of the affected PAPs opted for cash grant. However, educated PAPs demanded permanent employment either with PWD or contractors. Training for skill upgradation or activities allied had very few takers. In this category PAHs preferred the option of the assistance/ loan from other ongoing development scheme in top. Details are mentioned below in Table 56.

Table 12: Income Restoration Options

Preferred Option	Income Restoration Assistance
1	Assistance/Loan from other ongoing development scheme
2	Employment Opportunities in Construction Work
3	Vocational Training

128. The entitlement matrix provides for income restoration measures for those whose livelihoods are likely to be affected.

15.2 Local Trade and Production Enhancement Plan

129. While the road sections proposed under the project are expected to facilitate trade within district, these roads also seem to have the potential to boost local level trade and improving linkages of the villages in the interiors with the local and regional markets.

130. For better acceptance of the project, livelihood concerns of the villagers may need to be addressed. The project intends to create benefit sharing arrangements with communities along the project roads and build capacity for increasing the production and trade potential of Project Affected Communities specifically and the residents of Meghalaya more generally. Based on a rapid assessment of risks and opportunities, and strategy has been developed with the objective to make the community along the road as long-term beneficiaries of the project.

131. Based on careful considerations of the potential activities, the mandate of the PWD department (executing the road project), the complexity of implementation of the options, and the sustained effort that that may be required to make it viable, following activities have been selected. These include:

- i. Construction of market sheds along the road at a convenient location for each of the villages to sell their green products (i.e. vegetable and fruits) etc.
- ii. Promotion of backyard poultry and piggery
- iii. Organizing capacity building of the community institutions to take up the proposed activities

15.2.1 Construction of Market Sheds

132. Communities living in villages along the project road have agriculture produce that they normally sell along the road side either in open, on the ground or in temporary structures, particularly to road users. Inadequate infrastructure such as a market shed poses a serious constraint to these communities in marketing their produce particularly as intermittent rain often spoil the produce and makes the items easily perishable. Construction of small market sheds at a convenient location along the proposed road will be an important support that will help villagers sell their green produce mainly agricultural and fruit products.

133. As the present project shall rehabilitate and upgrade the existing roads to double/intermediate lane standards, improved connectivity and better access present an opportunity to provide this much needed infrastructure. Provision of a permanent market shed will prove highly beneficial to these village communities. This will not only support the project affected individuals and families but also supports the village at large, and hence can bring better acceptance of the project.

15.2.2 Piggery and Backyard Poultry for Livelihood Improvement

134. Chicken, eggs and pork meat forms the regular diet among local population. Shillong urban is net importer of eggs, chicken along with food grains, livestock and other products. It is common among rural Meghalaya and in the project area that many households rear desi (local breed) chicken for their own consumption but rarely doing it commercially. Given huge local demand, small marketing effort may work to the benefit of the producer.

15.3 Institutional Mechanism

135. At community level, Common Interest Groups (CIGs) will be formed to take up specific activities in each of the project villages in consultation with Village Council and will open and operate a joint a/c with R&R Manager.

136. Funds will be allocated in the Project for these production and trade promotion activities. PWD-PIU shall take lead in coordinating with the Department of Agriculture, Department of Horticulture, Rural Development and Department of Trade and Commerce to develop a detailed Plan and budget estimates for specific activities to be supported under the project.

137. PWD-PIU will be directly implementing all livelihood support programme and will take necessary support from respective Government departments and institutions such as Department of Horticulture, Department of Animal Husbandry & Veterinary, Handloom and Handicrafts Development Corporation Limited, Department of Community & Rural Development, and Krishi Vigyan Kendras (KVKs) of respective districts to provide necessary training and technical support to beneficiary groups through calling resource persons from the departments for specific activities. NGO consultant at PIU and R&R Manager will have the overall responsibility to implement the livelihood support programme and will report to the Project Director-PIU.

138. Capacity building and training of CIGs and beneficiary members will be done in all project affected villages under the proposed road. An adequate fund will be apportioned for the same. This will be supervised and monitored jointly by NGO consultant and the R&R Manager. An estimated budget for each road section for community development activities is given in Resettlement Budget.

16. GENDER EQUITY AND SOCIAL INCLUSION

16.1 Introduction

Mainstreaming gender equity and empowerment is already a focus area in the project. In the sub projects, activities related to livelihood restoration will address women's needs. A Gender Development Framework is being designed under the project as part of this SMF which will help in analyzing gender issues during the preparation stage of sub project and design interventions. At the sub project level, gender analysis will be part of the social assessment and the analysis will be based on findings from gender specific queries during the primary data collection process and available secondary data. The quantitative and qualitative analysis will bring out sex disaggregated data and issues related to gender disparity, needs, constraints, and priorities; as well as understanding whether there is a potential for gender based inequitable risks, benefits and opportunities. Based on the analysis, the specific interventions will be designed and if required gender action plan will be prepared. The overall monitoring framework of the project will include sex disaggregated indicators and gender relevant indicators.

The participation of beneficiaries and focus on poverty reduction are two other key determinants of the effectiveness and sustainability of any project. Any project must address the constraints on women's participation in project design, construction, and monitoring and evaluation (M & E). The project must also focus on the linkage between gender and poverty, by identifying, for example, households headed by females and those households' special needs. An adaptive, learning and process-oriented approach works better than a blue print approach; continuous dialogue between the project and the beneficiaries / PAPs is therefore important. Project beneficiaries are likely to have a stronger sense of ownership when the project gives them enough time, design flexibility, and authority to take corrective action. In this way, they find it easier to incorporate their earlier learning and negotiate with project staff and service providers. Therefore, a mechanism must be built into the project to allow such two-way interactions between the beneficiaries and the service providers.

In order to make the project more inclusive and participatory, it is required that women associate themselves in different activities which they find feasible. This approach of inclusion and equity, specifically involvement and engagement of women will be helpful to attain social justice and reduce marginalization of women and empower them to avail maximum benefit from the project.

Thus, incorporating gender and other social issues in the development projects helps to improve project performance and facilitate the achievement of the Bank's goal of poverty reduction. A gender approach in the overall project framework takes care of key gender issues and brings in parity in association and participation of women and minimizes the gap between males and females at the project level. A gender approach is also a way to comprehend the impacts on the women beneficiaries and ensures equality in project induced wellbeing.

During the social assessment, consultations will be organized with different stakeholders to understand gender issues and possible measures that can help women in ensuring their participation in the overall process. The assessment helped to identify certain key issues pertaining to women and their involvement in different livelihood activities as well as other activities which will directly or indirectly impact their lives.

16.2 Status of Women

The matrilineal system followed in all three major indigenous communities of Meghalaya has its share of limitations. The women have the privilege of lineage being passed on from their side and also have part ownership in inheritance and control of family property, however when it comes to decision making, women are not allowed to take part in the local

governance system. The decision-making power is thus mostly vested in their husbands or their maternal uncles when it comes to Khasis. The Garos whose head is a woman *Nokma*, leaves all the management to her husband. The Jaintias do not have claim over their husband or his property and are under the protection of their maternal uncles and brothers⁶.

The village administration is mainly headed by men and women can only act as a moral force behind it. They may give their view and suggestions to men on different issues, but it is the prerogative of the men to use it. It is only in the recent years that women have also started to attend and participate in the proceedings of a *dorbar* in a few urban localities.

This was also observed during the survey, where the majority of the respondents were male and the women's engagement in the discussions were very limited. There is therefore a need to provide women with a formal space to attend and compel their participation in the local governance system.

Despite having a matrilineal society, Meghalaya lags behind in several social indicators affecting women, such as poverty, illiteracy, unemployment, high drop-out rates, early marriages. It is only in the recent times that the female population have done considerably well in education and have come quite at par with its male counterpart. Besides this, women in Meghalaya by and large are free from many social taboos and constraints of the larger Indian society such as dowry, female feticide, neglect of girl child and other social evils.

Gender work participation rate: Women's participation in the workforce in Meghalaya is higher than the national average, whereas men's participation is seen to be lower than the national average. Based on the primary data, it was observed that a larger percentage of women are engaged in agricultural activities and small-scale trade. The Census of India, 2011 mirrors the findings of the primary data, which indicates that about 35% women in rural Meghalaya are in the labour force. Further, relatively more women in rural Meghalaya are marginal workers compared to their counterparts in the rest of the country. The all India figures of labour force participation are 53% and 30% respectively for men and women, which is lesser than the state figures. Interestingly, Working Participation Rates (WPR) of women has declined in rural Meghalaya from 39% in 1991 to 35% in 2011.

Table 13 Gender Work Participation Rates in Meghalaya

District	Rural			Urban		
	Person	Male	Female	Person	Male	Female
1991						
Garo Hills	46.18	51.50	40.67	28.63	40.83	15.03
Khasi Hills	43.15	49.76	36.29	33.06	47.60	17.03
Jaintia Hills	47.66	53.64	41.50	34.62	43.04	25.98
Meghalaya	45.04	51.02	38.85	32.30	46.01	17.22
2011						
Garo Hills	40.59	46.47	34.56	30.66	42.61	18.60
Khasi Hills	42.16	48.15	36.10	37.01	49.52	24.50
Jaintia Hills	39.13	45.42	32.89	37.58	43.10	32.46
Meghalaya	41.05	47.04	34.97	35.63	47.68	23.59
<i>**Note: The rates have been circulated by taking together main and marginal workers.</i>						

⁶Citation to be inserted

Source: Census of India, 1991 and 2011.

Table 14 Gender -wise occupational status from primary data in different regions

Region	No. of Villages	Total Work		Daily Wage		Petty Business		Foraging	Others
		Male	Female	Male	Female	Male	Female		
Khasi Hills	13	2591	2186	476	210	52	69	14	134
Jaintia Hills	8	3541	666	2259	1697	353	14		1101
Garo Hills	6	716	699	718	120	356	323	383	47

As per the 2011 census data, more men and women are engaged as cultivators and agricultural labours in the state, which is also reflected in the baseline survey. In 1991, 60% of women and 61% of men were cultivators; their percentage reduced in 2011 but there were more women cultivators (59.74%) than men cultivators (52.61%). Between the districts, the Garo Hills accounted for highest women cultivators (68.90%). Gender differences in the classification of rural workers is practically absent in Jaintia hills. But in Garo hills and Khasi hills, the proportion of male cultivators was lower than the proportion of female cultivators by almost 10 percentage points and accordingly the proportion of other workers is lower for females. Similar trends were noted during the baseline survey wherein the proportion of female cultivators was found to be relatively higher in Garo Hills and Khasi Hills, as compared to Jaintia Hills.

Table 15 State-wise Labour Force Participation Rate (per 1000) for persons aged 15 years & above

Sate	Rural			Urban			Combined		
	Female	Male	Person	Female	Male	Person	Female	Male	Person
Arunachal Pradesh	638	759	699	412	676	550	609	747	679
Assam	383	848	626	205	774	505	360	838	610
Manipur	546	746	647	481	722	602	526	739	634
Meghalaya	688	835	764	368	651	511	612	793	705
Mizoram	754	869	816	511	764	633	629	821	727
Nagaland	388	680	545	331	642	500	375	671	534
Sikkim	643	835	748	329	707	540	569	804	698
Tripura	386	828	605	181	800	493	349	823	585

Source: Employment-Unemployment Survey, Labour Bureau, Ministry of Labour & Employment (2013-14)
Note : the rate is according to Usual Principal & Subsidiary Status Approach(ps+ss)

It may be noted here that higher participation of women in the labour force may be looked at from two aspects and the work participation rate itself will not convey whether women's welfare is improved or not with higher participation. For poor and uneducated women, working or not working is not a choice. They have to work to support their families and their burden is actually more, since generally they have to attend to domestic chores as well. With high level of fertility, this burden is compounded along with the psychological burden of

seeing their children work and not attending schools. On the other hand, being a worker increases the independence and decision-making power of the women within their respective households. For educated women who can command higher wages in the labour market, higher participation in the labour force definitely increases their welfare and has a direct relation with women's empowerment⁷.

Gender differentiated work: Traditionally, women in Meghalaya engage in small-scale trade wherein they sell their produce in the local market and manage the income/profits accrued from the trade. Such practices are not prevalent in other areas of the Indian subcontinent, where visiting the market and especially selling produce in the market is the preserve of men. However, in most parts, women in Meghalaya like their counterparts engage in agricultural activities like sowing, weeding, harvesting and threshing while simultaneously looking after their families (cooking, cleaning, tending to the ill, caring for livestock, etc.).

Table 16 Percentage Distribution of Main Workers in Rural Meghalaya

Category	Garo hills		Khasi hills		Jaintia hills		Meghalaya	
	Male	Female	Male	Female	Male	Female	Male	Female
1991								
Cultivators	74.89	84.57	47.25	57.00	62.28	65.06	61.01	69.00
Agriculture Laborers	9.68	11.41	16.95	16.74	14.11	19.24	13.49	15.08
Livestock, Fishery, etc.	0.78	0.35	14.50	14.24	4.12	2.80	7.25	7.00
Mining & Quarrying	0.24	0.06	1.10	0.07	1.54	0.37	0.80	0.12
Household industry	0.45	0.47	0.29	0.43	0.13	0.26	0.33	0.42
Manufacturing	0.57	0.13	1.67	0.42	0.96	0.35	1.11	0.30
Construction	1.07	0.30	1.21	0.28	1.40	1.08	1.18	0.42
Trade & Commerce	2.76	0.36	2.74	3.87	4.66	4.82	3.03	2.66
Transport, storage & communication	0.31	0.00	1.44	0.12	1.78	0.12	1.02	0.07
Other services	9.25	2.34	12.85	6.56	9.02	5.90	10.79	4.82
Total	100	100	100	100	100	100	100	100
2011								
Cultivators	58.99	68.90	49.69	58.54	43.90	41.71	52.61	59.74
Agricultural Laborers	10.45	12.44	18.10	16.83	17.67	19.36	14.99	15.67
Household industry	1.58	12.50	1.03	1.45	0.93	1.68	1.24	1.85
Other workers	28.98	16.16	31.19	23.18	37.50	37.26	31.17	22.75
Total	100	100	100	100	100	100	100	100
<i>**Source: Census of India, 1991 and 2011</i>								

Gender Based Violence: Though no such issue was raised in the community consultations, NFHS 2015 data shows that 30% ever married women in urban areas and 22% in rural areas have experienced spousal violence.

⁷Meghalaya Human Development Report 2008, p-204. Planning Department, Govt. of Meghalaya, Shillong (2009)

16.3 Policy Provision

Directions in Constitution

The constitution of India provides provisions to secure equality in general and gender equality in particular. Various articles in the Constitution safeguard women's rights by putting them at par with men socially, politically and economically. The Preamble, the Fundamental Rights, Directive Principles of State Policies (DPSPs) and other constitutional provisions provide several general and special safeguards to secure women's human rights. The Preamble to the Constitution of India assures justice, social, economic and political; equality of status and opportunity and dignity to the individual. Thus, it treats both men and women equal.

The policy of women empowerment is well entrenched in the Fundamental Rights enshrined in our Constitution. For instance:

1. Article 14 ensures to women the right to equality;
2. Article 15(1) specifically prohibits discrimination on the basis of sex;
3. Article 15(3) empowers the State to take affirmative actions in favour of women;
4. Article 16 provides for equality of opportunity for all citizens in matters relating to employment or appointment to any office. These rights being fundamental rights are justifiable in court and the Government is obliged to follow the same.

Directive principles of State Policy also contains important provisions regarding women empowerment, and it is the duty of the government to apply these principles while making laws or formulating any policy. Though these are not justifiable in the Court but these are essential for governance nonetheless. Some of them are:

1. Article 39 (a) provides that the State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood.
2. Article 39 (d) mandates equal pay for equal work for both men and women.
3. Article 42 provides that the State to make provision for securing just and humane conditions of work and for maternity relief.

Fundamental Duties

Fundamental duties are enshrined in Part IV-A of the Constitution and are positive duties for the people of India to follow. It also contains a duty related to women's rights. Article 51 (A) (e) expects from the citizen of the country to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women.

Other Constitutional Provisions

Through the 73rd and 74th Constitutional Amendment of 1993, a very important political right has been given to women which is a landmark in the direction of women empowerment in India. With this amendment, women were given 33.33 percent reservation in seats at different levels of elections in local governance i.e. at Panchayat, Block and Municipality elections. Thus, it can be seen that these Constitutional provisions are very empowering for women and the State is duty bound to apply these principles in taking policy decisions as well as in enacting laws.

Specific Laws for Women

Some specific laws, which were enacted by the Parliament in order to fulfil the Constitutional obligation of women empowerment are;

1. The Equal Remuneration Act, 1976.
2. The Dowry Prohibition Act, 1961.
3. The Immoral Traffic (Prevention) Act, 1956.
4. The Maternity Benefit Act, 1961.
5. The Medical termination of Pregnancy Act, 1971.
6. The Commission of Sati (Prevention) Act, 1987.
7. The Protection of Women from Domestic Violence Act, 2005
8. The Prohibition of Child Marriage Act, 2006.
9. The Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.
10. The Sexual Harassment of Women at Work Place (Prevention, Protection and) Act, 2013.

Above mentioned and several other laws are there which not only provide specific legal rights to women but also give them a sense of security and empowerment.

International Commitments

India is a part of various International conventions and treaties which are committed to secure equal rights of women. One of the most important among them is the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), ratified by India in 1993. Other important International instruments for women empowerment are: The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the Platform for Action (1995) and the Outcome Document adopted by the UNGA Session on Gender Equality and Development & Peace for the 21st century, titled “Further actions and initiatives to implement the Beijing Declaration and the Platform for Action”. All these have been whole-heartedly endorsed by India for appropriate follow up.

National Policy for Woman

In the year 2001, the Government of India launched a National Policy for Empowerment of Women which was revised in the year 2016. The National Policy for Women, 2016 (draft) having the vision of “A society in which, women attain their full potential and are able to participate as equal partners in all spheres of life and influence the process of social change”. The objectives of the policy are

1. Creating a conducive socio-cultural, economic and political environment to enable women enjoy de jure and de facto fundamental rights and realize their full potential;
2. Mainstreaming gender in all-round development processes/programs/projects/ actions;
3. A holistic and life-cycle approach to women’s health for appropriate, affordable and quality health care;
4. Improving and incentivizing access of women/ girls to universal and quality education;
5. Increasing and incentivizing work force participation of women in the economy;
6. Equal participation in the social, political and economic spheres including the institutions of governance and decision making;
7. Transforming discriminatory societal attitudes, mindsets with community involvement and engagement of men and boys;
8. Developing a gender sensitive legal-judicial system;
9. Elimination of all forms of violence against women through strengthening of policies, legislations, programs, institutions and community engagement;
10. Development and empowerment of women belonging to the vulnerable and marginalized groups;
11. Building and strengthening stakeholder participation and partnerships for women empowerment;
12. Strengthen monitoring, evaluation, audit and data systems to bridge gender gaps.

World Bank’s Approach

The World Bank’s approach to promoting gender equality makes all staff responsible for ensuring that the Bank’s work is responsive to the differing needs, constraints, and interests of males and females in client countries. Gender equality is now a core element of the Bank’s strategy to reduce poverty. There is a clear understanding that until women and men have equal capacities, opportunities and voice, the ambitious poverty-reduction agenda set out in the Sustainable Development Goals will be difficult to achieve.

16.4 Gender Action Plan**16.4.1 Involvement of Women in Construction Activities**

139. A limited number of high-skilled labor forces will be required for the construction activities. The requirement of un-skilled labor forces will be met from the project influence area. Majority of un-skilled labor forces will be from the local area. It is important to mention that seasonal migration from the project influence area to other states take place for employment. Employment in road construction works will be taken by both men and women. Local labor forces are not likely to stay in labor camps as majority of them will be commuting from their home. Whereas women members of the skilled and semi-skilled laborers will be staying in the construction camps and some of them will also be directly/indirectly involved in the construction. The families of these labor forces include their

children also. There will be involvement of local women also in the local labor force. Foreseeing the involvement of women both directly and indirectly in the construction activities, certain provisions have been made for the welfare of women and children, in particular during the road construction work.

16.4.2 Provisions for Women in Construction Camp

140. Provisions for women in the construction camps include temporary housing, health care facilities, day-crèche facilities, appropriate scheduling of construction works. Details are presented in ensuing paragraphs.

- **Temporary Housing** - Families of laborers /workers shall be provided suitable accommodation during the construction work at labor camp site. The size of the room shall be as per the standard. In case of non-availability of standards, a design for the same will be prepared by the contractor. The design will be duly approved by the construction supervision consultant. Rooms for such families will be constructed as per the approved design.
- **Health Centre** - Health problems of the workers shall be taken care of by providing basic health-care facilities through health centers temporarily set up for the construction camp. The health centre shall have at least a visiting doctor, nurses, general duty staff, free medicines and minimum medical facilities to tackle first-aid requirements or minor accidental cases, linkage with nearest higher order hospital to refer patients of major illnesses and critical cases. The health centre should have MCW (Mother and Child Welfare) units for treating mothers and children in the camp. Apart from this, the health centre shall provide with regular vaccinations required for children.
- **Day Crèche Facilities** - It is expected that among the women workers there will be mothers with infants and small children at the construction site. Provision of a day crèche may solve the problems of such women who can leave behind their children in such crèche and work for the day in the construction activities. The crèche should be provided with at least a trained ICDS (Integrated Child Development Scheme) worker with 'ayahs' to look after the children. The ICDS worker, preferably women, may take care of the children in a better way and can manage to provide nutritional food (as prescribed in ICDS and provided free of cost by the government) to them. In cases of emergency, she, being trained, can tackle the health problems of the children and can organize treatment linking the nearest health centre.
- **Scheduling of Construction Works** - Owing to the demand of a fast construction work it is expected that 12 hours- long work schedule would be in operation. Women shall be exempted from late working hours.

141. The Civil Works Contractor shall be responsible for the above interventions.

Self Help Groups:

The project will form SHGs of women those who will be trained in road maintenance. These groups will then bid for regular road maintenance from PWD. Through convergence of schemes and programs having focus on formation and promotion of SHGs project will help in skill development for economic empowerment of women/SHGs. The SHGs will be promoted through awareness, training, up-gradation of skills, linkages with micro credit and banking sector. Project will also identify schemes/ programs that promote skill development leading to economic empowerment. Other activities will include:

- Skill development training and access to rural finance, knowledge services and information
- Training on enterprise and business
- Train/Engage them as Community Resource Persons

- Income generating activities and livelihood activities in clusters

(i) **Capacity Building:** In order to enhance participation of women in local governance, project will engage in capacity building of CBOs, Nokmas, local headman and NGOs and district level training and capacity building for gender related issues. This will ensure that community mobilization for any project related activity is gender inclusive.

16.5 Indigenous People's Development Plan

As per World Bank's O.P 4.10, projects with significant share of beneficiaries belonging to the Scheduled Tribe communities are expected to prepare a comprehensive Indigenous People's Development Plan (IPDP).

The principal objectives of TDF/IPDF are to:

- Avoid or to minimize to the extent possible, any kind of adverse impact on the tribal community
- and to suggest appropriate mitigation measures;
- Ensure that the project engages in free, prior and informed consultation with tribal people in
 - the entire process of planning, implementation and monitoring of project;
- Identify the views of tribal people regarding the proposed project and ascertain broad community support for the project;
- Ensure that project benefits are accessible to the tribal communities living in the project area

In case of Meghalaya, 86% of the state's population belong to ST communities, whereby all planned projects intervention will be benefitting the ST communities and there is no scope of exclusion. Therefore, the Social Management Framework is also an Indigenous People's Development Plan.

The project in addition will have the following key features to eliminate any scope of exclusion:

Awareness generation Activities and Informed Consultations: Any future activity in the project will ensure conducting FPICs, with tribal communities to generate awareness on the project and assess interest and demand for any project interventions. For this purpose, suitable culturally compatible IEC materials would be prepared/used. These would be undertaken at all stages of the project i.e. while preparing and later implementing for effectively reaching out to the communities. During these FPICs, broad community support to the proposed interventions will be documented.

Representation: Adequate representation for women and tribal would be ensured in any of institutions formed under the project. Also such representation would be ensured in any training, exposure visits, etc.

Construction of market sheds: During consultations, community demanded for sheds for local markets. Project is providing 10 such market sheds.

17. LABOUR MANAGEMENT PLAN

17.1 Overview of applicable Labour Laws and Policies

- Employees Compensation Act 1923: The Act provides for compensation in case of injury, disease or death arising out of and during the course of employment.
- Payment of Gratuity Act 1972: gratuity is payable to an employee under the Act on satisfaction of certain conditions on separation if an employee has completed 5 years' service or more or on death at the rate of 15 days wages for every completed year of service. The Act is applicable to all establishments employing 10 or more employees.
- Employees P.F. and Miscellaneous Provision Act 1952 (since amended): The Act provides for monthly contribution by the employer plus workers @ 10% or 8.33%. The benefits payable under the Act are:
 - Pension or family pension on retirement or death, as the case may be.
 - Deposit linked insurance on the death in harness of the worker.
 - Payment of P.F. accumulation on retirement/death etc.
- Maternity Benefit Act 1961: The Act provides for leave and some other benefits to women employees in case of confinement or miscarriage etc.
- Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013: This Act defines sexual harassment in the workplace, provides for an enquiry procedure in case of complaints and mandates the setting up of an Internal Complaints Committee or a Local Complaints Committee
- Contract Labour (Regulation & Abolition) Act 1970: The Act provides for certain welfare measures to be provided by the Contractor to contract labour and in case the Contractor fails to provide, the same are required to be provided, by the Principal Employer by law. The Principal Employer is required to take Certificate of Registration and the Contractor is required to take license from the designated Officer. The Act is applicable to the establishments or Contractor of Principal Employer if they employ 20 or more contract labour.
- Minimum Wages Act 1948: The Employer is supposed to pay not less than the Minimum Wages fixed by appropriate Government as per provisions of the Act if the employment is a scheduled employment. Construction of Buildings, Roads, Runways are scheduled employments.
- Payment of Wages Act 1936: It lays down the mode, manner and by what date the wages are to be paid, what deductions can be made from the wages of the workers.
- Equal Remuneration Act 1976: The Act provides for payment of equal wages for work of equal nature to male and female workers and for not making discrimination against Female employees in the matters of transfers, training and promotions etc.

- Payment of Bonus Act 1965: The Act is applicable to all establishments employing 20 or more employees. Some of the State Governments have reduced this requirement from 20 to 10. The Act provides for payments of annual bonus subject to a minimum of 8.33% of the wages drawn in the relevant year. It applies to skilled or unskilled manual, supervisory, managerial, administrative, technical or clerical work for hire or reward to employees who draw a salary of Rs. 10,000/- per month or less. To be eligible for bonus, the employee should have worked in the establishment for not less than 30 working days in the relevant year. The Act does not apply to certain establishments.
- Industrial Disputes Act 1947: the Act lays down the machinery and procedure for resolution of Industrial disputes, in what situations, a strike or lock-out becomes illegal and what are the requirements for laying off or retrenching the employees or closing down the establishment.
- Trade Unions Act 1926: The Act lays down the procedure for registration of trade unions of workmen and employers. The Trade Unions registered under the Act have been given certain immunities from civil and criminal liabilities.
- Child Labour (Prohibition & Regulation) Act 1986: The Act prohibits employment of children below 14 years of age in certain occupations and processes and provides for regulation of employment of children in all other occupations and processes. Employment of Child Labour is prohibited in the Building and Construction Industry.
- Inter-State Migrant workmen's (Regulation of Employment & Conditions of Service) Act 1979: The Act is applicable to an establishment which employs 5 or more inter-state migrant workmen through an intermediary (who has recruited workmen in one state for employment in the establishment situated in another state). The Inter-State migrant workmen, in an establishment to which this Act becomes applicable, are required to be provided certain facilities such as housing, medical aid, travelling expenses from home upto the establishment and back, etc.
- The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 and the Building and Other Construction Workers Welfare Cess Act, 1996 (BOCWW Cess Act): All the establishments who carry on any building or other construction work and employ 10 or more workers are covered under these Acts. All such establishments are required to pay cess at the rate not exceeding 2% of the cost of construction as may be notified by the Government. The Employer of the establishment is required to provide safety measures at the building or construction work and other welfare measures, such as Canteens, First – Aid facilities, Ambulance, Housing accommodations for workers near the work place etc. The Employer to whom the Act applies has to obtain a registration certificate from the Registering Officer appointed by the Government.
- Factories Act 1948: the Act lays down the procedure for approval of plans before setting up a factory engaged in manufacturing processes, health and safety provisions, welfare provisions, working hours, annual earned leave and rendering information regarding accidents or dangerous occurrences to designated authorities. It is applicable to premises employing 10 persons or more with aid of power or 20 or more persons without the aid of power.
- Weekly Holidays Act -1942

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

17.2 Labour Influx Management

142. According to preliminary estimates, approximately 50-150 workers would be required on the project road corridor, of which 30%-50% may be brought in from other states including Assam, West Bengal and Bihar. Migrant labor may be semi-skilled or may be brought in where requirement of labor is large. The contractor has to identify the location for the labor camp and need to be approval from PMC and State pollution control board before establishment and operation.

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

144. The basic issues related with migrant labour may include:

- Conflict amongst workers, and between workers and local community, based on cultural, religious or behavioural practices;
- Discontent amongst local community on engagement of outsiders;
- Mild outbreaks of certain infectious diseases due to interactions between the local and migrant

populations. The most common of these are respiratory (TB), vector borne (Malaria, Dengue), water borne (Stomach infections, typhoid) and sexually transmitted diseases (HIV, Syphilis and Hepatitis);

- Security issues to local women from migrant workforce;
- Use of community facilities such as health centers, churches/temples, transport facility etc. by migrant labour may lead to discontent with local community;
- In case contractors bring in unskilled migrant labour, there stands the risk of exploitation of a labourer. This can happen in the form of hiring underage labourers, low and unequal wage payments, forced labour and discrimination on basis of the basis of caste, religion or ethnicity.

17.3 Potential Adverse Impacts

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

a. Risk of social conflict

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

b. Increased risk of illicit behaviour and crime

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

c. Influx of additional population

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

d. Impacts on community dynamics

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

e. Increased burden on and competition for public service provision

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

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

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

g. Gender-based violence

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

h. Local inflation of prices

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

i. Increased pressure on accommodations and rent

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

j. Increase in traffic and related accidents

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

17.4 Labour Influx Assessment and Management Plan

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

- Screening and assessment of the type and significance of potential social and environmental impacts that may be generated by labor influx
- Assessment of the socio economic and cultural factors of the project road section and in Meghalaya and assessment of these factors in policy and legal framework of the project;
- Development of a management plan for social and environmental impacts in consultation with affected communities; Implementation of appropriate mitigation and monitoring programs, which includes development and implementation of a stakeholder engagement program;
- Establishment of a grievance redress mechanism (GRM) for workers and host community; and

- Monitoring and supervision, and, as needed, adaptive management actions.

147. For this assessment, data on labour requirements would be required. This can be obtained from the contractor's bid documents.

17.5 Mitigation Measures and Labour Law Compliance

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

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

CHECKLIST FOR TRACKING LABOUR-RELATED ISSUES

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

2. LABOUR PROFILE					
<i>This data is to be collected for each individual labourer working on the project, including temporary labour, labour hired through sub-contractors or labour contractors / groups</i>					
2.1	Number of labourers by sex	<i>Male</i>	<i>Female</i>		Total
2.2	Number of labourers by skill	<i>Skilled</i>	<i>Semi-skilled</i>	<i>Unskilled</i>	Total
2.3	Number of	<i>Local (same or</i>	<i>Other state</i>	<i>Other</i>	Total

	labourers by origin	<i>adjoining districts)</i>			<i>Country</i>	
2.4	Number of labourers by age	<i>14-18</i>	<i>18-25</i>	<i>25-50</i>	<i>Above 50</i>	<i>Total</i>
2.5	No. of labourers by Source	<i>Contractor</i>	<i>Subcontractor</i>	<i>Independent</i>	<i>Other</i>	<i>Total</i>

		3. WAGES		
3.1	Amount of wages paid per month (men)	<i>Skilled</i>	<i>Semi-skilled</i>	<i>Unskilled</i>
3.2	Amount of wages paid per month (women)	<i>Skilled</i>	<i>Semi-skilled</i>	<i>Unskilled</i>
3.3	Rate of wages below, equal to or more than Minimum Wage?			
3.4	Frequency of payment (daily/weekly/monthly)			
3.5	Deductions made, if any (with details)			
3.6	Mode of Payment (cash / Bank transfer / cheques)			
3.7	Is overtime paid, and if so, at what rate?			
3.8	Is Overtime Register maintained at work-spot as per Form IV of Minimum Wages Central Rules			
3.9	Is Muster maintained at work-spot as per Form V of Minimum Wages Central Rules			
3.10	Is Register of Wages maintained at work-spot as per Form X of Minimum Wages Central Rules			
3.11	Is Labor provided with Wage Slip as per Form XI of Minimum Wages Central Rules			
3.12	How many hours is the working day?			
3.13	How many leaves in a week does the labor get?			

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

5. FACILITIES					
5.1	Details of labor camps	Number	Permanent/Temp.	Location	Distance from nearest village/habitation
		1...			
		2...			
5.2	Type of housing in labor camp on leased land (temporary shelters/kuchha/pukka)				
5.3	Is there any housing on public land like roadsides, open fields and other spaces?				
5.4	Is there any housing in rented accommodation in residential areas? If so, who is it rented by?				
5.5	How many laborers have families on/near worksite?				
5.6	Is drinking water available on site and at the campsite?				
5.7	Are latrines and urinals provided on site and at the campsite?				
5.8	Are First Aid facilities provided on site?				
5.9	Does a doctor visit the worksite / campsite regularly?				
5.10	Is there a tie-up with a hospital or dispensary near the worksite / campsite				
5.11	Is woolen clothing/rainwear				

	provided?	
5.12	Is there a provision for a crèche/nursery?	
5.13	Is there a facility for cooking / canteen facility for all labor?	
5.14	Are leisure activities / facilities available for all labor	
5.15	Is transport to and from the worksite provided to labor?	

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

7. ACCIDENTS, EMERGENCIES AND INCIDENTS		
7.1	What is the nature of accidents / emergencies usually occurring at a worksite like yours?	
7.2	Is a functioning First Aid available at the campsite / worksite?	
7.3	Is functioning fire-fighting equipment available at the campsite / worksite?	
7.4	Which is the nearest doctor / clinic / dispensary?	
7.5	Which is the nearest hospital?	
7.6	Which is the nearest Police Station?	
7.7	Are details of nearest doctor / clinic / dispensary / hospital / Police station	

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

18. RESETTLEMENT BUDGET

150. The resettlement budget comprises estimated value of compensation for land, structures, various resettlement assistances, institutional cost, contingency, hiring of ARAP/IPDP implementation Agency for ARAP/IPDP implementation, HIV/AIDS awareness generation, capacity building, External monitoring and evaluation consultant, etc. The total ARAP/IPDP cost for the project roads is estimated at about Rs. 139 crore including land cost (See Table-)

151. The resettlement and rehabilitation budget have been estimated based on the information, data collected from field and other district offices. The budget will be updated and adjusted as per the market rate of various items as the project continues. The compensation amount for the acquisition of land is zero as land owners have agreed to donate the land. The compensation for structures have been determined as per PWD schedule rates. In addition, PAPs will be entitled to R&R assistance in accordance with the provisions in the entitlement matrix. Differential amount between replacement value and compensation amount will be fixed by the Special Committee constituted by the government and shall be paid by the project as Assistance. The resettlement budget is indicative and has been estimated as per the present rate.

Table 17: Compensation cost

S.No.	Items	Unit	Area/No.	Cost/Unit (Rs.)	Amount (Rs.)
1.	Land	Hectares	0.5		
2.	Structure				
i.	Pucca	Sq.m.	18.0	38000	722000
ii.	Semi Pucca	Sq.m.	6.18	9800	33614
iii.	Kutch/Thatched	Sq.m.	7270	3200	37440
				Sub-total	911854

Table 60: Resettlement and Rehabilitation Assistance budget

S.No.	Items	Unit	Area/No.	Cost/Unit (Rs.)	Amount (Rs.)
1	Assistance for structures for titleholder)				
	Additional assistance equivalent to 25% of replacement cost for repair/restoration of structure for partially affected structure remaining viable	No.	6		188904
	Subsistence Grant at Rs. 3000 per month for 12 months	No.	6	36000	216000
2	Impact to Squatters and Encroachers – Those in the Right of Way where no Land Acquisition is done				
	One-time subsistence allowance	No.	14	36000	504000
3	Loss of livelihood				
	Provision of vocation training	No.	14	10000	140000
4	Additional amount for vulnerable group				
	One-time financial assistance as Economic Rehabilitation Grant	No.	20	50000	1000000
				Sub-total	1048904

S.No.	Items	Units (Nos.)	Unit Cost (Rs.)	Amount (Rs.)
1	Support to village for livelihood (Piggery Poultry)	14	100000	1400000
2	Support to CIGs for livelihood (Hospitality, tailoring & handloom)	15	25000	375000
3	Construction of market sheds	10	800000	8000000
4	Capacity building of beneficiary group	Lump sum		500000
5	Institutional Cost (ARAP & IPDP IA)	Lump sum		800000
6	Awareness on HIV/AIDS	Lump sum		300000
7	Capacity building of executing agency	Lump sum		250000
8	Cost of External M&E agency	Lump sum		250000
9	Dissemination of project information and project progress by PIU	Lump sum		100000
10		Sub-Total		11975000

Grand Total

13935758

ANNEX-1: Census and Socio-economic Questionnaire

ANNEX-2

VILLAGES PASSED BY ROAD CORRIDORS

Bajengdoba Resu Mendipathar Damra Road		Agia Medhipara Phulbari Tura (AMPT) Road (1 st to 32 nd kms)		Rongjeng Mangsang Adokgre (44 th to 55 th km) Ildek A'kong to A'dokgre		Parallel Road to existing Dalu Baghmara Road		Rongram Rongrenggre Darugre (RRD) Road	
Sl. No.	Name Of Villages	Sl. No.	Name Of Villages	Sl. No.	Name Of Villages	Sl. No.	Name Of Villages	Sl. No.	Name Of Villages
1	Birubari	1	Mothapara	1	Ildek Akong	1	Paulpara	1	Asanang Start Point
2	Sarongkol	2	Tikripara	2	Rayesuram	2	Jatrakona &	2	Rengsangre
3	Narongkol	3	Borogobol	3	Rongkingkang	3	Silbaripara	3	Selbagre
4	Malchapara	4	Belguri	4	Norangga	4	Gasuapara	4	Oragitok
5	Rangmatcha	5	Lahapara			5	Gobrakura	5	Rombagre
6	Motcholpara	6	Naguapara			6	Angratoli &	6	Chokagre
7	Bakra bazar	7	Rhaslapara			7	Dalupara	7	Rengsangre
8	Resubelpara	8	Ganegrugre			8	Pokirkona	8	Selbagre
9	Dongdiping	9	Upper Darengchigre					9	Origitok
10	Gajingpara	10	Lower Darengchigre					10	Chinabat
11	Mendi	11	Bonduk mali					11	Chokagre
12	Salpara	12	Photamati					12	Rangmalgittin
13	Harinkata	13	Dhelapara					13	Rongsakgre
14	Manikganj	14	Abirampara					14	Bonsam Awegiri
15	Miapara	15	Baghpara					15	Samanda
16	Nolbari	16	Kanthalbari					16	Samanda Dolwarrigre
17	Rongmaklong	17	Dhapangapara 1					17	Samanda

								Chinengre
18	Kash Rangshi	18	Dhapangapara 2					
19	Damas	19	Bagodal					
20	Laskerpara	20	Upper Khamari					
21	Damra	21	Williampur					
		22	Nidhanpur					