

Pradhan Mantri Gram Sadak Yojana (PMGSY)

Social Management Framework for PMGSY Rural Roads Project

**GOVERNMENT OF INDIA
PRADHAN MANTRI GRAM SADAK YOJANA**

**Social Management Framework
PMGSY RURAL ROADS PROJECT**

November 2010

**National Rural Roads Development Agency
Ministry of Rural Development**

INTRODUCTION

The Ministry of Rural Development (MORD) launched the “Pradhan Mantri Gram Sadak Yojana (PMGSY)” – the Prime Minister’s Rural Road Program - in year 2000 to connect with all-weather roads to all rural habitations with population more than 500 (250 in hilly, deserts, and tribal regions) in the first instance. The program is primarily funded by the Government of India through the Central Road Fund (CRF)¹, and by loans and credits from multi-lateral agencies. The PMGSY also covers upgrading of existing roads serving the targeted habitations.

The demand for PMGSY roads has been overwhelming, given the challenges of transportation for India’s rural populations. The PMGSY targets include new connectivity to about 1,78,000 habitations involving construction of about 3,75,000 km of roads, and upgrading of 3,72,000 km of existing rural roads in poor condition. This involves an expenditure of about Rs 1, 330 billion (US \$ 33 billion). In most of the PMGSY road projects existing revenue tracks are proposed to be constructed to the standards and specifications stipulated in the Rural Roads Manual (IRC:SP-20:2002). The available width of the existing tracks is not always sufficient to accommodate the proposed improvements, thereby requiring additional land. The land width accretion is also necessitated along new alignments, especially in cases where the existing track cannot be upgraded to the required standards. The PMGSY guidelines specify that it will be the responsibility of the State Government / District Panchayat to oversee that land is available for taking up the proposed road works. Towards these, the state governments are expected to draw up policies so that the process of making land available for the road works meets the common good while being just and equitable.

The World Bank through its Country Assistance Strategy commits to a series of loans/credits to support PMGSY. Starting from the First Rural Roads Project (RRP-I) approved in 2004 and currently under implementation, the “PMGSY Rural Roads Project” will be the second World Bank operation to support PMGSY. While the project will develop the feeder road alignments within the exiting core network, it follows a demand driven approach at the local level, where the road alignments will be finalized through stakeholder participation. Hence, the extent of land needs and related impacts will be known only as the design is agreed among the stakeholders. This underscores the relevance of the Social Management Framework (SMF) to ensure compliance with national legal policies and regulations relating to land acquisition and resettlement as well as the World Bank Operational Policy 4.12.

PROJECT BACKGROUND

The World Bank supported PMGSY Rural Roads Project aims to increase the efficiency of the PMGSY, through systematic and appropriate capacity enhancement in the participating states to provide and maintain all season access to beneficiary communities for enhanced access to economic opportunities and social services. The proposed project will be a US\$1.5 billion Specific Investment Loan (SIL) and follows a SWAp approach to support implementation of PMGSY over a five-year period in participating states. The PMGSY Rural Roads Project has two Components:

- Component A: Program Support to PMGSY (US\$ 1,440 million). This comprises two sub-components: (i) Enhancing operations of the PMGSY; and (ii) Systematic maintenance of assets. The objectives of Component A are to: (a) enhance cost effective village connectivity, (b) operationalize routine maintenance activities through a variety of methods; (c) monitor through Online Monitoring and Management System (OMMAS) by developing key

¹ 50% of the Rs 2 per liter cess on the sale of diesel has been earmarked for rural roads under the CRF

management reports at the National (NRRDA), State (SRRDA) and PIU levels; and (d) contribute to state level maintenance policies for rural roads management.

- **Component B: Institutional Strengthening (\$60 million).** This comprises four sub-components, namely: (i) Research and development; (ii) Independent means of verification; (iii) State Level Project Management Technical Assistance; (iv) Equipment; and, (v) Training for Skills Development. The component will support institutional strengthening, organizational effectiveness, and individual skills development to complement achievement of the program outcomes.

The states identified for the first phase are Jharkhand, Uttar Pradesh, Rajasthan, Meghalaya, Uttarakhand Himachal Pradesh and Punjab.

The project employs the SMF based on appropriate Government of India (GoI) policies and regulations relating to land acquisition and resettlement, as well as the World Bank Operational Policy 4.12. The SMF articulates standards for land transfers through purchase and donation, consistent with states' provisions, to mitigate against adverse impacts on the land donors, particularly to those designated as vulnerable in the SMF.

Various tasks related to resettlement planning at various stages of project cycle are given in the Table 2.1 and 2.2 in Annex.

PROVISIONS OF NATIONAL LEGAL FRAMEWORK AND WORLD BANK POLICY OP 4.12

National Legal Framework

The following legal provisions pertain to practices relating to land, land acquisition and compensation for other property losses.

1. The Land Acquisition Act, 1894

This addresses the process of land acquisition in India and was last amended by the Land Acquisition Amendment Act, 1984. The Act takes a broad definition of 'public purpose' permitting a diverse range of projects

2. The Land Acquisition (Amendment) Bill, 2007

This expands the rights of those displaced by land acquisition, and limits the ability to acquire land for public purpose. The Bill also establishes the Land Acquisition Compensation Disputes Settlement Authority at the state and national levels to arbitrate all disputes resulting from land acquisition proceedings.

3. National Policy on Resettlement and Rehabilitation, 2007

This policy strikes a balance between the need for land for developmental activities and protecting the interests of land owners and others. The benefits under the new policy are available to all Project Affected Persons (PAP) and families whose land, property or livelihood is adversely affected by land acquisition and involuntary displacement. The GoI is in the process of making the NPRR as an Act and the Bill was introduced in the Parliament in 2009.

World Bank Operational Policy 4.12

The World Bank Operational Policy 4.12 stipulates the following:

a) Involuntary resettlement should be avoided where feasible, or minimized, all viable alternatives to project design must be fully explored.

(b) Where it is not feasible to avoid it, resettlement should be conceived and executed in the broad context of project sustainability, and sufficient investment resources should be provided to enable those displaced to share in project benefits. Displaced persons should be meaningfully consulted and should be given opportunity to participate in planning and implementing resettlement programs; and,

(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher

OBJECTIVES AND CORE PROVISIONS OF THE SMF

1) The objective of the SMF is threefold:

- To ensure that throughout its life, the project fully complies with the principle that involuntary loss of assets or relocation of economic activities or residence, is minimized and fully compensated;
- To guarantee that adequate procedures exist for prior consultation of all affected persons², assessment of losses and entitlements, handling complaints and disputes, and monitoring of the outcomes; and
- To lay down the standards for asset donations

2) The SMF establishes the procedures for land donation and purchase or loss or restriction of access to assets, through expropriation in the public interest. It applies to private and communal lands or properties affected throughout the PMGSY Rural Roads Project, irrespective of the funding source. In particular, it guides how the Government will identify, mitigate and compensate any adverse impacts on the assets and livelihoods of the people directly affected by possible expropriations while safeguarding the interests of the population impacted by the project, especially of the poor, women, and vulnerable groups such as the scheduled caste and tribe.

3) As the construction is generally proposed along the existing tracks, the extent of potential impact in terms of land donation and acquisition is expected to be minimal. Notwithstanding, the necessity of a framework to ensure mitigation of any negative impacts, as well as compliance with the Indian national legal framework and Bank policy OP 4.12, cannot be overstated. This SMF therefore stipulates the necessary procedures for land donation and purchase, with provisions for resettlement planning and entitlement in order to support and the land requirements for the project in the participating states. The approach to land transfer is *purchase* in Punjab and Uttarakhand, and *donation* in Himachal Pradesh, Jharkhand, Uttar Pradesh, Rajasthan, and Meghalaya.

4) Importantly, the SMF ensures conformity to the principles of full and prior compensation for any lost assets, and resettlement and rehabilitation of those who are directly and adversely affected³.

² For the purposes of this framework, “affected persons” are defined as all persons who, as a result of works carried out or to be carried out under the Project, would incur involuntary loss, temporarily or permanently, of land, shelter, productive assets or access to productive assets, or of income or means of livelihood and, as a consequence, would have their living standards and production levels adversely affected. The framework also in tandem endorses that wherever ethnic minority populations are present, the involved process fully respects their dignity, human rights, economies and cultures and will not generate any form of irreversible harm to their cultural identity as thereof.

³ This framework complies with the Bank’s safeguards requirements for financing investment projects as

Pradhan Mantri Gram Sadak Yojana (PMGSY)

Social Management Framework for PMGSY Rural Roads Project

It affirms and provides for the entitlements of those who lack legal or formal ownership of affected assets to fair compensation and assistance as indicated in the entitlement matrix.

- 5) Finally, the PIU in co-ordination with the Panchayat Raj Institutions (PRIs) at the village, block and district levels will be responsible for addressing social aspects during planning and implementation of land requirements of the project.

PROVISIONS TO GUIDE LAND TRANSFERS

- 1) This SMF mandates compensation as an important element within land transfer through purchase. It specifically advocates that such compensation responds sensitively to the type of loss as specified in the entitlement matrix, and affirm the need for compensation support to the categories of vulnerable populations listed below as part of both land donation and purchase. (For detailed notes on how vulnerability is computed under PMGSY Rural Roads Project, please refer to the Vulnerability Framework).
- 2) The SMF designates as vulnerable populations (i) Below Poverty Line (BPL) households (with a valid proof thereof) (ii) Women headed households with women as sole earners, (iii) Scheduled Caste/Tribes; and (iv) physically challenged within levels specified by state norms; and, that are subject to *any of the following impacts*, i.e. loss of:
 - a) more than 10% of the total land holding⁴;
 - b) shelter; and,
 - c) source (s) of livelihood on account of a) or b).
- 3) This SMF identifies constructed structures (including houses) and trees as ‘assets’ in addition to land, and these will be treated as ‘gifts’ under the land donation procedure.
- 4) A donor who falls into the category of the vulnerable population, and who donates any of these assets is entitled to compensation in accordance with the entitlement matrix.
- 5) Compulsory legal transfer of donated land should be shall be undertaken ??DISCUSS WITH STATES
- 6) Vulnerable populations losing employment due to donation or acquisition of land shall also be entitled to compensation as stated in the entitlement matrix. .
- 7) Provision 6 above also applies when the need arises for temporary or permanent additional land at other stages of the construction or where construction results in the disturbance of occupants or users.

COMMUNITY PLANNING AND PARTICIPATION

1. Dissemination of Core Network

Salient features of the finalised core network will be displayed on the notice boards of the District Panchayat and the concerned Gram Panchayats. This shall include (a) map of the district / block showing the roads to be connected; (b) list of villages to be connected and (c) length of the corridor. The copies of the core network will be made available to the local MPs and MLAs for their reference and knowledge.

detailed in OP 4.12 and provides for the treatment of vulnerable populations as stated by the national laws relating to tribal minorities and the World Bank’s OP4.10 during the process.

⁴ The total land holding includes any other land parcels owned elsewhere by the PAP.

2. Selection of Roads

The selection of roads for new construction/upgradation shall be from the core network. The following criteria shall be adopted as pre-requisites for taking up PMGSY roads by State Governments:

- a) Adequate land width available as specified in IRC: SP-20: 2002;
- b) The proposed alignment involves little or no loss of land or structures, and the remaining land and/or structures remain viable for continued use;
- c) In the event of impacts not being avoidable, there is a scope for obliterating, reducing, and / or supporting losses through one or more of the following mechanisms⁵
 - Design modifications by reduction of the land width, alignment shifts, modifications in cross-sections etc, to the extent required from safety considerations,
 - A written Memorandum of Understanding/Affidavit will document voluntary land donation by the land owner or land acquisition through LA Act/or direct purchase, as the case may be; and,
 - A civil society support mechanism (PRI/Community) will assist the affected vulnerable persons in effecting transfer of land and ensuring that entitlements are received as agreed during the process.

3. Pre-feasibility activities

- a) Following selection of roads and identification of the site for physical works, pre-feasibility activities will be carried out by the PIU. It will gather cadastral information (if the land is surveyed) or other information relating to land ownership, as well as existing structures and uses of the land highlighting the cultural implications among ethnic groups, if present and are impacted by the road works.
- b) This information shall be verified in situ by the designated social officer who will assess socio-economic implications of the identified road.

4. Dissemination of Project Information and Planning Procedures

- Subsequent to the display of the core network on the notice boards, the PIU in coordination with the PRI at various levels will sensitize communities on the selected roads through brochures and informal meetings. This information will include benefits and possible adverse impacts and proposed mitigation measures.
- Annexure 1 provides the project information package encompassing the information to be disclosed at various stages of project implementation. Format 2 of Annexure 1 describes the Brochure to be distributed among the local community providing details of the scheme.
- The informal meetings provide an open forum for stakeholders to voice their concerns.
- All brochures, writings and meetings will be in local languages and will be gender sensitive in their design and outreach.

5. Transect Walk

The following procedures will be followed in conducting transect walks along proposed road alignments:

⁵ Roads where no scope exists for addressing the social impacts through any of the mechanisms shall not be taken up for PMGSY during that particular year. Such roads will be taken up after these issues are resolved by the community and there is a demand for the construction of the road to the PIU from the PRI

- a) The methodology for conducting the transect walk is given in Annexure 2, while a guidance note on issues to be discussed during the walk is described in Format 5 of the Information Dissemination package (Annexure 1).
- b) Transect walks will be organised by the PIU in co-ordination with the Gram Panchayat and the revenue and forest officials at the village level.
- c) The walks will be organised in a gender sensitive manner, to specifically take account of the scheduled caste and tribes, and the priorities of the women population.
- d) The date of the transect walk will be announced in accordance with the IRC rules
- e) The road alignments will be finalised with due consideration to the aspects of road safety, service frequency and scope for future development along the corridor.
- f) Where tribal minority groups are present, the approach will encompass measures prescribed in the Vulnerability Framework (VF).
- g) The documentation of transect shall be exhibited by the PIU on the revenue map and all issues and suggestions by the community and responses to them during transect documented and disseminated at the Gram Panchayat. The transect walk shall enable:
 - Finalisation of the alignment in consultation with the communities, and sensitising them of necessary design requirements;
 - A joint on-site inventory, cross-checking and verification of the alignment;
 - Identification of vulnerable Project Affected People (PAPs); and,
 - Acceptance of the project, alignment, land / structure donations by the communities as the case may be.
 - Identification of community concerns and grievances and the means to address them.

6. Consultation with Affected Persons

- a) Within a week of transect walk, the PIU / Gram Panchayat (GP) shall organise a meeting involving the affected persons to communicate how the concerns of the communities have / have not been incorporated into the project design.
- b) The meeting shall be conducted in a gender sensitive manner. For instance, culture may require complete segregation of women, and PIU and GP will accordingly organize a meeting for women only in a suitable location.
- c) The structure and format for recording the consultation sessions are presented in Annexure 3. (Refer Annexure 1 for disclosure of information).
- d) The concerns that could not be incorporated shall be highlighted and the reasons for not doing so explained. The people would be given an opportunity to respond.
- e) The following information pertaining to the project design will be highlighted and disseminated:
 - Specifications, project costs and construction schedule,
 - Likely issues due to project activities,
 - Land width required and available,
 - Design modifications incorporating comments and suggestions of communities,
 - Procedure to be adopted for accretion of land /assets (MoU/Affidavit/Gift Deed) ,
 - Entitlement provisions for vulnerable groups,
 - Disbursal procedures to entitled persons,
 - Safety and health concerns during construction works, and
 - Inputs required by the local community as construction labour, temporary use of land for diversions etc.

7. Census Survey

- a) Subsequent to transect walk, a census survey of the PAPs will be carried out to validate findings from transect walk and document the number of PAPs, disaggregating them by gender and describing their profile and related impact. The objective is to assess the extent of impact on each household. Annexure 4 provides a Questionnaire for the census survey.
- b) The census will be conducted by the PIU with the assistance of the GP, and will register and document the status of the potentially affected population within the proposed Right of Way.
- c) The census will provide a demographic overview of the population, and will cover the asset ownership and sources of livelihood.
- d) The categories of vulnerable PAPs established by the census will form a basis for assessing the vulnerable persons entitled to remedies and the nature and extent of support required.

8. Integrating R&R issues in Detailed Project Report (DPR)

- a) To ensure that the designs for the PMGSY roads are sensitive to social issues and have incorporated the social considerations, the following information shall be documented as part of the Detailed Project Report (DPR) prior to submission to the State Technical Agency for approval:

- Output of transect walk,
- Proceedings of the formal consultation (meeting) with the communities,
- Census questionnaires of the PAPs, highlighting presence of ethnic minority groups, and,
- List of Entitled Persons, categories of vulnerable population, who will be eligible for support.

b. The report submitted to SRRDA will be verified by the Project Management Consultant, and vetted by the designated Social Safeguard Specialist at the SRRDA. The NRRDA will review the social components of the DPRs before their approval.

9. Dissemination of land transfer process and entitlement provisions

The process to be adopted for land transfer and related project details such as name of corridor, cost, likely construction schedule, list of PAPs along with entitlements and entitled persons shall be disseminated - through wall paints, posters, pamphlets displayed at the Gram Panchayat office or other prominent places such as school, shop, Chaupal, primary health centre.(Refer Annexure 1).

10. Land donation process

- a) In the case of land donations for each of the relevant parcel of land a Gift Deed, or MoU, or Affidavit will be made (Appended in Annexure 5) between the land donor /s and PIU or Government in presence of a witness whose signature will be required. The PRI will actively participate in this process to facilitate the land donation process.
- b) The willingness of the land donor to transfer the land either through donation, purchase or compensated acquisition, shall be assessed through the consultation process and, if required, the PRI will explain to the land donor the advantages and disadvantages of the proposed transaction.
- c) To ensure that the land donor is in legal possession of the land under consideration, a copy of the proof of ownership, as applicable, shall be obtained by the PIU. In the absence of such supporting evidence, the Patwari (Village Revenue Official) shall vet the

proof of ownership. The award of contract shall be only after the Gift Deed, MoU or Affidavit from the land donors are available with PIU .

- d) In case of land owners with unclear titles or unable to provide proof of ownership, the PRI (Sarpanch and other members), Patwari and the village community shall be involved in establishing the ownership of the relevant land.
- e) The PIU will facilitate enrolment of the Entitled Persons in the Rural Development schemes with prior disclosure of information on the process, schedule and other details as given in Annexure 1. The disbursement of entitlements will be the responsibility of the PIU and Gram Panchayat.

11. Traditional and Tenurial Rights

- (a) In the event that the road works impact lands involving traditional and tenurial rights, the transfer of land will take full consideration of the principles stated in the Vulnerability Framework in the execution of the land transfer.
- (b) It shall be the responsibility of the PIU, with the support of village Panchayat to collaborate with local tribal community organizations and village heads to assess the impact on loss of livelihood and extent of dependence of the project affected tribals on these lands.

Table 2.2 of the Annex 6 provides the modus operandi of resettlement Planning exclusive to tribals. The matrix states guidelines for planning and implementation to safeguard the interests of the tribals while supporting the customary systems of decision making and participation in project planning and implementation. This Resettlement Plan matrix is applicable in sub-projects where over 10% of the total population belongs to tribes.

DIAGRAMMATIC OVERVIEW

Pradhan Mantri Gram Sadak Yojana (PMGSY)

Social Management Framework for PMGSY Rural Roads Project

Nodal Agency	Supported by	Tasks
PIU (AE / JE, Social Unit)	<ul style="list-style-type: none"> GP / VC / TO rep PMGSY Officials / PIU (EE/SE) 	<div style="border: 1px solid black; padding: 5px; text-align: center;">Pre-Feasibility Studies</div>
PIU (Social Unit)	<ul style="list-style-type: none"> GP / VC/IP O rep AWW, MM, NGOs PIU (EE/SE/AE) 	<div style="border: 1px solid black; padding: 5px; text-align: center;">Dissemination/ Community Sensitization</div>
PIU (AE / JE, Social Unit)	<ul style="list-style-type: none"> GP / VC/TO rep District LRD PIU (AE/JE) 	<div style="border: 1px solid black; padding: 5px; text-align: center;">Transect Walk / Finalisation of Alignment</div>
PIU (Social Unit)	<ul style="list-style-type: none"> GP / VC/TO rep LRD NGOs 	<div style="border: 1px solid black; padding: 5px; text-align: center;">Census (Profiling) of PAPs / PAFs Identification of vulnerable PAPs / PAFs</div>
PIU (Social Unit), GP / VC/TO	<ul style="list-style-type: none"> LRD PWD District SW / WCD officers 	<div style="border: 1px solid black; padding: 5px; text-align: center;">Preparation of Mitigation Measures</div>
PIU (Social Unit), LRD	<ul style="list-style-type: none"> GP / VC/TO rep District SW/WCD officials 	<div style="border: 1px solid black; padding: 5px; text-align: center;">Follow up action on Mitigation Measures Legal Process on Transfer of Land Disbursal of Compensation Relocation of land and other structures Registration of Complaints, if any</div>
PIU (Social Unit)	<ul style="list-style-type: none"> GP / VC/TO rep LRD DLSC SRRDA NGO Other Line dept 	<div style="border: 1px solid black; padding: 5px; text-align: center;">Follow up action on Complaints and Grievances</div> <div style="display: flex; justify-content: space-around; margin: 5px 0;"> <div style="border: 1px solid black; padding: 5px; text-align: center;">No</div> <div style="border: 1px solid black; padding: 5px; text-align: center;">Yes</div> </div> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 5px 0;">Investigation, Assessment, Planning of Mitigation Measures Decision</div> <div style="border: 1px solid black; padding: 5px; text-align: center;">Implementation of Redress (Decision)</div>
PIU (Social Unit),	<ul style="list-style-type: none"> GP / VC/TO rep PIU (Social Unit) Social Volunteers 	<div style="border: 1px solid black; padding: 5px; text-align: center;">Monitoring of Mitigation measures Targets and Achievements</div>
PIU	<ul style="list-style-type: none"> GP / VC/TO rep LRD PMGSY officials 	<div style="border: 1px solid black; padding: 5px; text-align: center;">Regular Feedback</div>

Pradhan Mantri Gram Sadak Yojana (PMGSY)

Social Management Framework for PMGSY Rural Roads Project

NOTE: 'TO' in the above diagram refers to "Tribal Organization"

The Tribal Organization representative is mandatory only in states where over 10% of the total population are tribals

INSTITUTIONAL ARRANGEMENTS

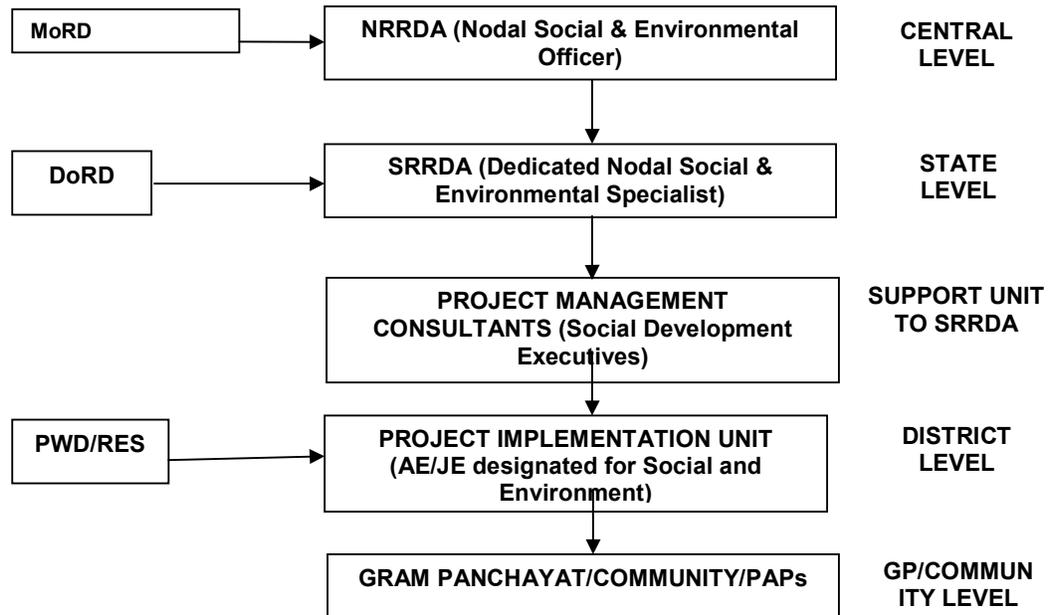
- 1) Pradhan Mantri Gram Sadak Yojana (PMGSY) is a central program implemented by Ministry of Rural Development (MoRD) in all states and Union Territories involving agencies and departments from centre, state to local level. The key involving institutions are: (1) National Rural Development Agency (NRRDA) at central level (2) State Rural Road Development Agency (SRRDA) at state level (3) Project Implementation Units at District level (PWD/RES) (4) Village Panchayat at local level (5) Project Management Consultants (PMC) at state level.
- 2) The NRRDA is the implementing agency at central level and the SRRDA the executing agency at the state level, while the Project Implementation Unit (PIU), at the district levels, will execute the project at the local level. All these institutions are responsible for implementing the provisions of the SMF, VF, ECoPs, ESMF along with the other project components, under the overall coordination and oversight of the NRRDA. NRRDA will have a nodal Social and Environment Officer to oversee and ensure the implementation of the social and environmental safeguards.
- 3) To facilitate implementation of the safeguards (SMF/VF/ESMF) at state level, SRRDA will have a dedicated nodal officer (Social and Environment Specialist). SRRDA can recruit these officers either on deputation from other departments or from the market as need be. The key tasks of the specialist include, assisting and advising the Project Director at SRRDA and implementing the SMF/VF/ECoPs with the assistance of the social and environmental staff of the Project Management Consultants and the PIUs.
- 4) The Project Management Consultants (PMC) in each state will include the required number of Social Development Executives depending upon the quantum of sub projects to be implemented. These will assist the SRRDA and the Social and Environment Specialist in planning, design, construction and monitoring of the rural road works and confirm that actions taken at each stage of the sub project cycle are in compliance with agreed procedures and standards.
- 5) The PIU, through the designated AE/JE on social and environmental safeguards, will implement all the SMF/VF tasks at the field level with the assistance and participation of the PRIs/Sarpanch and other panchayat/ ward members, representatives of tribal organizations as needed. The PIU will coordinate implementation of project components with the different agencies, such as the PRIs, DRDA, Revenue Department etc, including resettlement issues.
- 6) Disbursement of entitlements shall be through the PRI, which vests responsibility mainly with the PIU and Gram Panchayat. The role and responsibility of each of the Agency/Official involved are presented in the Table 3.1 in the Annex.
- 7) The civil works will be initiated only after the required RoW or land width is free from any encroachments and the PIU has the physical possession of the land. Before the start of civil works the compensation will be disbursed to land owners in states where land will be acquired through purchase or compensated acquisition.
- 8) Likewise the MoUs/Affidavits/Gift Deeds should be in place in the DPRs in states where land is arranged through donation.

Pradhan Mantri Gram Sadak Yojana (PMGSY)

Social Management Framework for PMGSY Rural Roads Project

- 9) During implementation, consultations with the communities shall be undertaken by the PIU to provide information on the progress of the project work.

PMGSY Safeguard (Social/Environment) Implementation - Organisational Chart



IMPACTS AND ENTITLEMENTS

The SMF framework addresses the following categories of impacts caused by the project and is not limited to physical relocation.

- 1) **Land:** To the extent possible, the proposed works will be carried out within the available land width. In the event of inadequate land width, the project will aim at obtaining land through a process of land contribution by the affected households or compensated acquisition (through LA Act) or through negotiations/direct purchase.
- 2) The project will provide the option of alternate land sites to those who become landless, subject to availability of land with the Government. In addition to those who are rendered landless due to the project, the provision of alternative sites shall be extended to vulnerable PAPs losing 10% or more of their land holding, subject to availability of land sites. In the event of non-availability of land, beneficiaries will be incorporated into ongoing rural development programs with the assistance of the Gram Panchayats.
- 3) **House and Shelter:** Design of proposed PMGSY roads will be undertaken in a manner that avoids adverse impacts on structures. Therefore, the incidence of loss of house and shelter is not likely. In the event of partial losses of structures that do not involve physical relocation of the affected household, the preferred approach will be to assist people to move back and away from

the RoW. In these cases, transfer of assets lost by an individual or community through gift deeds/MoUs/Affidavits will be accepted. In cases where physical relocation of the person losing shelter is unavoidable, an alternative site on a suitable community /gram sabha land will be identified in consultation with the PAP. In the event of such land not being available, the PAPs shall be entitled to be included as beneficiaries under housing programs by MoRD, such as the Indira Awas Yojna (IAY).

- 4) **Other Assets:** Though minimal, the project may involve the loss of other assets as wells, such as trees. The project shall accept willing transfer of assets lost through a Gift Deed/Affidavit/MoUs. The project will address losses incurred by vulnerable group/s by including them in the RD schemes of MoRD/state government. The PIU shall provide technical inputs in case of relocation of the common assets (wells, temples etc) by the Gram Panchayat or community.
- 5) **Title Holders including those with clear ownership, proof of title, and unclear titles:** Where the land owner has unclear title or is unable to provide proof of ownership, the PRI (Sarpanch and other members), Patwari and village community will be engaged to undertake the necessary verifications.
- 6) **Non-Titleholders:** The clearance of non-titleholders (encroachers and squatters) from the existing RoW shall be in accordance with the legal provisions. The PIU shall serve an advance notice of a month to the non-titleholders towards removal of assets/standing crops and subsequent clearance. If the affected non-titleholders belong to vulnerable categories, they will be assisted in enrolling into appropriate ongoing central/state Rural Development schemes.
- 7) **Land Rights:** Regarding impact on lands involving traditional and tenurial rights, the corresponding legal provisions pertaining to the transfer of lands will be followed. The impact on loss of livelihood and extent of dependence on these lands will be assessed through consultations by the GP. Alternate sites to compensate for the loss through the PRIs will be encouraged. If suitable sites are not available, vulnerable PAPs whose livelihood is adversely impacted will be supported by exploring their possible inclusion in the RD programs.
- 8) **Additional unforeseen impacts on shelter /livelihood during construction:** In addition to those PAPs identified as directly impacted in the project, in hill roads involving fresh cutting, there is a likelihood of additional damages to structures on the hillside. The contractor shall avoid the loss by providing adequate protection measures through construction of appropriate slope protection measures as breast walls/retaining walls. In the event of non-provision of these measures, it shall be the responsibility of the PIU, through the PRI to work out alternate shelter to offset the impact.
- 9) **Temporary Impacts during Construction:** The temporary impacts during construction include disruption to the normal traffic, increased noise levels, dust generation, soil slips in hilly areas and damage to adjacent parcel of land due to movement of heavy machineries. The contractor shall be responsible for regulating time of usage of heavy equipment, dust suppression, schedule of construction work to allow normal traffic during morning and evenings and signage for sensitive areas where safety is a concern. The contractor shall bear the costs of any impact on structure or land movement of machinery during construction. All temporary use of lands outside the proposed RoW shall be through written consent / approval of the landowner or the PRI. The contractor shall locate construction camps in consultation with the local Panchayat to avoid any resentment or confrontation with the local or host community. Consultations with the community shall be undertaken by the contractor to sensitise the community on the construction works and its probable impacts through pamphlets / brochures, through the Gram Panchayat.

Impact Categories and Entitlements

Impact Category	Entitlements
Land	<ul style="list-style-type: none"> • Voluntary donation of land by means of gift deed/MoUs/Affidavit to implementing agency or compensated acquisition through LA Act or direct purchase • Assistance/support for vulnerable groups through: (i) Alternate land sites provided by GP/community or (ii) Inclusion as beneficiaries in existing poverty alleviation/ livelihood restoration programs of central and state governments, or (iii) Cash assistance or support by members of Gram Sabha to meet the loss of land.
Structures	<ul style="list-style-type: none"> • Voluntary donation of land by means of gift deed/MoUs/Affidavit to implementing agency or compensated acquisition through LA Act or direct purchase • Assistance/support for rebuilding/repairing the lost structure by community and Panchayat (or) inclusion of PAPs losing shelter as beneficiaries in state/centre sponsored housing or Rural Development programs
Common Property	<ul style="list-style-type: none"> • Relocation by PIU/GP/community with technical inputs from PIU either relocate or construct asset; Resources Consultations with the concerned sections of the community in case of grazing land etc
Non titleholders	<ul style="list-style-type: none"> • Advance notice to removal of assets/standing crops and subsequent clearance; Involvement of GP/community in sensitization and clearance of encroachments • Assistance/Support by the community for vulnerable groups through: (i) Alternate land sites provided by GP/community or (ii) Inclusion as beneficiaries in existing poverty alleviation/ livelihood restoration programs, or (iii) Cash assistance or support by members of GS to meet the loss of land.
Unidentified Impacts	<ul style="list-style-type: none"> • Appropriate mitigation measures will be developed as required based on the principles of the SMF and VF.

GRIEVANCE REDRESSAL MECHANISM

Grievance redress measures are an important tool for facilitating demand-side engagement -, to give voice to PAPs, mitigate project risks, and overall help improve project effectiveness and outcomes. For this reason the Grievance Redress Mechanism (GRM) for the PMGSY Rural Roads Project will be given particular attention during both preparation and implementation, and be monitored to learn lessons and improve its performance.

Grievance redress will comprise two approaches. The first is the informal approach where community concerns will be identified and addressed during project preparation stage through information dissemination, the transect walk, and community consultations. The second approach is a 3-tier formal Grievance Redress Mechanism, with the Panchayat level Grievance Redress (PGRC) Committee as the first tier, the District level Grievance Redress Committee (DGRC) as the second, and the court of law as the third.

The PGRC will comprise the following members (i) representative from the PAP (ii) Concerned ward member (iii) representative from the PIU (AE/JE) (iv) Village Revenue Officer/ Patwari (v) representative from women community (vi) Panchayat President/Sarpanch (vii) representative of

Pradhan Mantri Gram Sadak Yojana (PMGSY)

Social Management Framework for PMGSY Rural Roads Project

tribal organizations as is relevant . The members of the PGRC will identify and select the Chair Person and the Member Secretary for the PGRC.

The DGRC will comprise (i) Executive Engineer of the PIU, (ii) Sub-Divisional Magistrate, (iii) Member of Zilla Parishad, and, (iv) representative from Civil Society/CBO/NGO (v) representative from the PGRC . The members of the DGRC will identify and select the Chair Person and the Member Secretary for the DGRC.

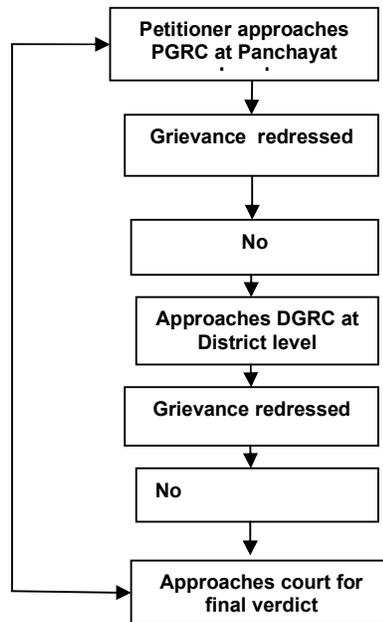
Grievances will first be heard, and if possible resolved at the village/Panchayat level. The petitioner will approach the PGRC, with the support of an independent NGO/social worker as appropriate or necessary. The petition will contain the a statement of the grievance, and the grounds for such grievance. The PGRC will receive and hear the petition and attempt to resolve the grievance within 15 days.

If the petitioner is not satisfied with the verdict of the PGRC, he/she can approach the DGRC, again with the support of an NGO or social worker as appropriate and necessary. If the petitioner is still unsatisfied with the PGRC's decision, s/he can appeal to the court of law, again with the support of an NGO or social worker as required. However, the petitioner always has the right to access the court of law outside of the GRC process.

Petitioners are exempted from all administrative and legal fees incurred in pursuit to grievance redress.

The GRM will also establish multiple locations where PAPs can lodge their grievances using appropriate tools and modalities, and the PGRC and DGRC will use multiple methods and tools in hearing and adjudicating adjudicating grievances to ensure cultural appropriateness, and comprehensive redress of grievances. The GRC mechanism and the rules and procedures of these Committees will be disseminated comprehensively to PAPs during preparation and throughout project implementation, and the GRCs will be evaluated, and lessons used to improve the effectiveness of the GRC and the overall performance and outcomes of the Project. Criteria for GRM effectiveness will include accessibility, transparency, fairness and impartiality, credibility, and impact on Project performance and outcomes.

Grievance Redress Mechanism



MONITORING AND REPORTING PROCEDURES

The monitoring of the social component which includes the SMF and the VF will be conducted through: (a) National and State Quality Monitors; (b) Performance Audit Consultants; and c) Independently facilitated citizen monitoring. The monitoring reports from these actions will be submitted to the Bank periodically. These reports will provide disaggregated data by gender and other categories of vulnerability. The AE/JE will communicate the progress report to the Gram Panchayat, to enable a discussion on the same in the quarterly meeting of the Gram Panchayat. Among various others, the minimum information those will be reported are on the following indicators.

1. Number and type of asset and donors as per DPR
2. Number and type of donations actually executed
3. Number of land acquisitions as per DPR
4. Number of eligible entitlements
5. Number of entitlements actually provided

The PAC will undertake the evaluations of the social dimensions to assess the implementation and effectiveness of the SMF and its impact on the village community. The evaluation will be undertaken twice during the life cycle of the project – midterm and at the end.

Civil society facilitated Citizen Monitoring : Citizen Monitoring and Audit Teams will use simplified tools under the facilitation of independent NGOs to monitor quality of construction and conduct post construction audits, and pro-forma checklists to be used by village committees to monitor implementation targets.

Pradhan Mantri Gram Sadak Yojana (PMGSY)

Social Management Framework for PMGSY Rural Roads Project
