



Government of Sindh

Sindh Resettlement & Rehabilitation Policy, 2022

Full Draft

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INTRODUCTION

The Sindh Resettlement and Rehabilitation (R&R) Policy consists of two parts. Part I contains the Policy Statement. Part II provides a short but complete manual focusing on resettlement planning steps, checklists, and implementation. The manual contains definitions of various key concepts, explains steps in R&R planning in project cycle and provide guidance in resettlement planning, implementation, and monitoring/evaluation.

PART I: THE POLICY STATEMENT

Chapter 1: Context, Rationale and Objective

1.1. Context and Rationale

1. The Government of Sindh (GoS) recognizes that project-induced physical and economic displacement and resettlement should be essential considerations for project identification and planning. Many ongoing and past development projects have adversely affected people, both in social and economic terms, including inadequate support in case of displacement, income and livelihood losses in addition to delays and cost over-runs in project implementation due to grievances and disputes raised by project affected people and communities and other interested stakeholders.
2. The absence of appropriate assessment of the need and measures for compensation, resettlement and rehabilitation can cause severe long-term hardship and impoverishment, particularly of vulnerable groups such as (but not limited to) the poor, women, women headed households, transgender persons, children, the elderly, informal settlers, landless peasants, and minorities (religious, ethnic). Specifically in urban areas, mobile street vendors and hawkers, informal sector microenterprises, *dhabas* etc. are disproportionately affected in urban development projects. Such socioeconomic hardship contradicts the commitment of the GoS to uphold the principle of inclusive and sustainable development. It is, therefore, essential to address the complex nature of project-induced displacement and resettlement, with dedicated policy tools, mitigation measures and institutional set up supporting resettlement and livelihood restoration of the affected people and communities.
3. This resettlement policy, titled *Sindh Resettlement and Rehabilitation Policy 2022*, subsequent to its formal adoption, shall be applicable to federal and provincial governments approved development projects in Sindh, whether in public or private sector, involving physical and/or economic displacement of people.

1.2 Objectives of the Policy

4. A key objective of the Sindh R&R Policy is to avoid or where unavoidable minimize displacement by exploring design alternatives to the extent feasible. Where displacement and/or social and economic impacts are unavoidable, to provide adequate compensation, resettlement and rehabilitation assistance and support under the project causing displacement so that affected people and communities can at least maintain their pre-displacement or project socio-economic status or improve their overall well-being in the post-project period.

5. Ensure that the need for displacement and corresponding compensation, resettlement and rehabilitation is identified at the project identification stage¹ and appropriately planned for in the project design².
6. Further strengthen current practices through (i) compensation for lost assets and loss of income/livelihood, irrespective of title (ii) assistance for relocation, including resettlement in project-sponsored sites with basic amenities; (iii) assistance for livelihood and training for enhanced employment opportunities where appropriate.
7. Pay special attention to, address and integrate into project planning and implementation issues and needs of vulnerable groups such as (but not limited to) women who are poor and vulnerable such as women headed households, transgender persons, children, the elderly, informal settlers (except for 'slum lords')³, landless peasants, minorities (religious, ethnic), and specifically in urban areas mobile street vendors and hawkers, informal sector microenterprises, *dhabas* etc. who are disproportionately affected in urban development projects.⁴
8. Ensure that relevant activities are implemented with meaningful consultation and informed participation of affected people and communities and with requisite disclosure of information and transparency. Implementation of the R&R policy will therefore create a more conducive environment by systematically addressing all relevant issues for timely and improved resettlement management.
9. In sum, the R&R Policy sets out the principles and procedures of resettlements and rehabilitation for those physically and economically affected by development projects undertaken by the Government of Sindh. The proposed measures are in harmony with existing laws, acting as additions to the LAA (1894) and other relevant laws. The LAA (1894) will continue to apply in full force to all the situations envisaged in the law.

¹ For example, in government own-financed projects the "Concept Clearance Paper"

² For example, in government own-finances projects the PCI and PCII

³ Slum lord can be defined as someone owing multiple properties, usually not residing at the informal settlement and getting economic benefit in the form rent or any other means.

⁴ A *Proposed Policy for Street Vendors in Urban Areas*, prepared by Dr. Noman Ahmed and based on studies and international practice, is available with GoS and may be finalized and approved to address issues of street vendors and compliment this R&R Policy.

Chapter 2: Legal Basis

2.1 Legal Sources⁵

10. In Sindh, several provincial and municipal laws and regulations govern the principles of land ownership, transfer, and acquisition. The Land Acquisition Act (LAA) of 1894 is the primary legislation, which provides the principles and the process of acquisition of lands for government and private projects and provides compensation to affected persons. The LAA treats a title-based relationship with the land as a basis of eligibility and as a result does not cover displacement of informal settlements. The LAA also envisages cash payment as the only form of compensation without any provision for relocation and resettlement support for the displaced populations.
11. The LAA has also been adapted and incorporated in several other laws, some of them applicable to Sindh include, The Telegraph Act 1885, Railways Act 1890, Electricity Act 1910, Karachi Development Authority Order 1957, Hyderabad Development Authority Act 1979 and others. These laws regulate the acquisition of land for sector specific development and reiterate the principles of LAA and do not address the questions of rehabilitation and resettlement directly. The Sindh R&R Policy sets out the principles and procedures of resettlements and rehabilitation to supplement the gaps in the LAA and other relevant laws. However, the LAA will continue to apply in full force to all the situations envisaged in the law.
12. The Constitution of Islamic Republic of Pakistan, 1973 provides the overarching framework of property rights in Pakistan. Article 23 of the Constitution provides that “every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.” Article 24 (1) of the Constitution states that “no person shall be compulsorily deprived of his/her property save in accordance with law”. Article 24(2) further provides that: “no property shall be compulsorily acquired or taken possession of save for a public purpose and save by the authority of law, which provides for compensation therefore and either fixes the amount of compensation or specifies the principles on, and the manner in which, compensation is to be determined and given”. Article 38 (d) of the Constitution states that the state shall, “provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.”
13. This policy is in harmony with the Constitution and seeks to realize the true intent of the Constitutional protection by expanding the ambit of these rights to more people, while, not in any way curtailing the operation of the Constitutional principles. The policy lays out principles on substantive and procedural areas not addressed by the LAA including, timely and comprehensive screening for the impact of a project to identify involuntary settlement

⁵ A review note on legal analysis is in Annex 1.

impacts, to focus on marginalized and vulnerable groups, preparation of resettlement plans amongst others.

14. The policy is constitutionally and legally sound and the GoS is empowered to draft, enact and implement such a policy. The policy does not need explicit legal cover through a legislation since it clarifies principles enshrined in other laws, creates new entitlements in line with the principles articulated Constitutional rights, laws and decisions of Superior Courts in Pakistan, while at the same time not contradicting any law presently in force. The object of this policy is for the Government of Sindh to embark on development projects with a special awareness of the socio-economic hardship faced by those affected by land acquisition and involuntary displacement and set up a mechanism to uphold their economic and social rights to the fullest.
15. The policy does not intend to address the question of the legality of “encroachments” and that would continue to be governed under applicable laws. The Sindh Public Property (Removal of Encroachment) Act, 2010 defined encroachment as “unauthorized occupation, temporary or permanent, of public property,” and allow for administrative and penal measures to deal with encroachment. The law defines “Public Property,” to be a building, land, place or premises vesting, in or under the management or control of Government, local council, autonomous body or registered cooperative society or such other authority. The Katchi Abadis Act 1987 addresses the urban squatters’ rehabilitation rights by providing cash assistance or resettlement plots in government land and also providing for rehabilitation of the authorized or unauthorized occupants of a *Katchi Abadi* in the same or other area/locality.
16. The need to supplement and improve the Land Acquisition Act 1894 was articulated by the Supreme Court of Pakistan through a full bench judgment stating, “the Land Acquisition Act, 1894 remains a remnant of colonial times that should have been timely amended to cater to our evolving socio-economic circumstances. Therefore, such overhaul becomes necessary in light of the shortcomings of the current scheme of land acquisition with respect to compensation and matters incidental thereto.” (Civil Appeals No. 1476 to 1485 of 2018).
17. The policy will provide the first comprehensive rehabilitation and resettlement policy for a provincial government in Pakistan. Past attempts include, a 2001 draft ‘Project Implementation and Resettlement of Affected Persons Ordinance’ prepared by the Pakistan Environmental Protection Agency (EPA) for enactment by provincial and local governments. In 2002, the EPA also prepared a draft National Resettlement Policy highlighting the limitations of the 1894 Land Acquisition Act and cash compensation, outlining mechanisms for resettlement and rehabilitation.
18. The Sindh government has emphasized its commitment to resettle and rehabilitate people affected by anti-encroachment drives in the past, including to the Supreme Court in C.M.A No. 242-K/2018 in proceedings related to the removal of encroachments in Karachi. The R&R Policy simply supplements the existing legal and policy gaps experienced in project planning to ensure improved and quality operations of development projects.

Chapter 3: R&R Principles and Policy Measures

3.1 R&R Principles and Policy Measures

19. The GoS wants to improve upon the current resettlement scenario both in terms of reduced impact and better practices by focusing on the affected persons and their well-being. The GoS also wants to improve the way development projects are conceived, planned and executed so that development is beneficial to all stakeholders and is also sustainable, economically, environmentally and socially.
20. Therefore, for any project requiring land acquisition and displacement, this R&R Policy will be an integral part of project design from the early stage, following the key principles stated below.
 - (i) Project-induced involuntary resettlement will be avoided, where feasible.
 - (ii) When population displacement is unavoidable, effort shall be made to minimize or reduce by exploring all technical/engineering options in consultation with the affected people and community.
 - (iii) Affected people/communities will be informed and meaningfully consulted on compensation and resettlement options.
 - (iv) When individuals or communities are affected by loss of land and livelihood sources due to project interventions, they shall be compensated at replacement cost for the assets acquired and/or affected, including structures, trees crops, and other assets. In cases where small parcels of land are required, a negotiated approach will be preferred over compulsory acquisition.
 - (v) The R&R Policy is not applicable where communities volunteer small parcels of land in exchange of project benefits.
 - (vi) In cases where affected persons have lost entire land parcels under ownerships, effort will be made to the extent possible to provide land-for-land of the same or better quality as an option to the affected families for land-based resettlement. In such cases, sufficient resources and opportunities will be provided to reestablish their homes and livelihoods as soon as possible.
 - (vii) Affected businesses and commercial enterprises will be compensated for loss of income and provided additional assistance to re-start businesses in the vicinity where possible or other locations.
 - (viii) If relocation is required, affected persons/communities shall be given options or choices for resettlement, including self-managed resettlement, and on-site resettlement, where possible, or project-sponsored resettlement sites in close proximity with all basic amenities and services. Project will provide support and assistance in rebuilding

- communities and their networks, including host communities as beneficiaries of the project.
- (ix) Given the rising impacts of climate change, resettlement planning and implementation will ensure that resettlement sites are not located in areas with recurrent hazard risks and that identification of potential sites is done on transparent technical grounds. Similarly, where required, measures will be taken to ensure that construction at resettlement sites is done according to standards ensuring multi-hazard resilience, and that affected communities are provided guidance on multi-hazard resilient designs and construction practices.
 - (x) Project R&R will be planned and executed as a development program with livelihood restoration and/or enhancement and timebound actions and budget.
 - (xi) People without titles – for instance, informal settlers, squatters/encroachers, street vendors, hawkers etc. – will be compensated for their losses such as structure, income etc., and will be given alternative options for businesses and/or resettlement in project-sponsored resettlement sites.⁶
 - (xii) Traditional or customary land rights of people, including rights of ethnic and religious minorities, pastoralists, and other marginalized groups, will be recognized for compensation and resettlement.
 - (xiii) Marginalized and disadvantaged groups such as (but not limited to) the poor or low income groups (under below poverty line), women who are poor, elderly, poor female-headed households, transgender persons, persons with disabilities, informal settlers, landless peasants etc. will be identified for dedicated social inclusion/development program with additional support and assistance under the project.
 - (xiv) Project-specific appropriate grievances redress mechanism will be established to address and resolve any dispute and grievances by affected people and communities.
 - (xv) Project will disclose information and progress on R&R activities, management, and outcomes periodically to ensure transparency in the resettlement implementation work.
 - (xvi) Local NGOs/CBOs will be involved during stakeholders’ consultation and also in planning R&R, and implementation and monitoring work.
 - (xvii) In case of revenue-generating projects, effort will be made to extend the project benefits to the affected people by means of specific employment opportunities or community development initiatives on good will basis.

⁶ A *Proposed Policy for Street Vendors in Urban Areas*, prepared by Dr. Noman Ahmed and based on studies and international practice, is available with GoS and may be finalized and approved to address issues of street vendors.

3.2 *R&R as a Development Program*

21. Following the policy principles, resettlement in all development projects – including private sectors – shall be conceptualized and implemented as a development program with complete socio-economic surveys and census of all affected people, identification of impacts and losses from land acquisition and/or involuntary resettlement, and full inventory of affected households/persons to avoid influx of outsiders or speculators.

Chapter 4: Policy Application and Entitlements

4.1 Application of the Policy, Coverage and Review

22. This policy will be applicable to all government approved projects – public sector, private sector, joint ventures etc. – that involve land acquisition and/or involuntary resettlement of people who may be physically and/or economically displaced due to the development project across Sindh. It will be effective immediately following the approval by the Sindh Government and will be notified through the Gazette of Sindh (Extraordinary).
23. The policy measures are also applicable to all projects financed by multilateral and bilateral development partners. In case of any policy gaps with any international financial institutions (IFIs), project-specific additional measures will be adopted under relevant project legal and project agreements.
24. The R&R Policy may be reviewed and updated from time to time as may be necessary.

4.2 Entitlement Matrix

25. An entitlement matrix derived from the R&R Policy framework is provided in Table 1 for general guidance. This may be tailored to individual project context and needs, based on the nature of impacts and requisite mitigation measures.

Table 1: Entitlement Matrix

1. Loss of Agricultural Land			
Type of Loss	Unit of Entitlement	Entitlement	Additional services
1.1 Permanent loss of and/or permanent access restriction to agricultural land (including uncultivated, grazing, or other lands used for agricultural purposes and subsistence) falling under project RoW	(a) Legal owner(s) as per the revenue/land records or customary rights	(i) Land-for-land of the same or better quality for those losing entire agricultural holdings to ensure that economic viability and livelihoods are not negatively affected; or (ii) Cash compensation at replacement cost, plus 15% compulsory acquisition surcharge (CAS) – free of taxes, registration, and transfer costs (iii) For cases where small parcels of land are required, a negotiated approach shall be preferred over use of eminent domain to speed up the land-take process.	For land-for-land, project to find alternative land in the locality/district in consultation and agreement with the affected landowners.
	(b) Leaseholders of government land	(i) Compensation for land for legally recognized leaseholders only or land-for-land swap where possible (ii) Cash compensation equal to market value of gross harvest /agricultural outputs for remaining lease years up to maximum of two years.	

	(c) Sharecroppers/Tenants	(i) Cash compensation equal to market value of gross harvest/agricultural outputs from the land, proportion to shares for one year	
	(d) Agricultural workers losing their contracts	(i) Cash compensation for loss of work, at official daily wage rate, for the remaining part of agricultural season up to a maximum of three months.	
	(e) Informal users of the land/ agricultural workers without contracts	(i) Cash compensation for loss of crops for one year (inclusive of winter and summer) (ii) Provision for additional assistance under vulnerable groups	
1.2 Temporary impact on cultivable or other types of land, typically for 3-4 months (or more in case of large projects)	Titled owners and other categories (re b to e above)	(i) No compensation to titled owners provided land is rehabilitated/restored to its former state; however, owners are entitled to compensation for loss of crops/trees etc. (if any), plus cash compensation for loss of income for the duration. (ii) For leaseholders, tenants/sharecroppers, agricultural workers, and informal settlers, cash compensation for any crop losses, and cash compensation for income losses during the period	Project to rehabilitate land to its original status

Implementation Guidelines

1. Land owners and users will be informed of the details of land acquisition and compensation processes and payment procedures
2. Replacement cost refers to the method of valuation that help determine the amount sufficient to replace lost assets and cover transaction costs. For land, replacement cost is referred to pre-project value of the land of similar type/quality, plus transaction costs (e.g., administration charges, title or registration fees etc.). The valuation method for determining replacement cost should be documented and included in relevant resettlement planning document.
3. Identified owners will be assisted by the project to prepare legal documents in support of their ownership for compensation purposes.
4. Project implementing agency/NGOs shall encourage the entitled persons (EPs) for purchasing land or invest the compensation money in productive income generation activities.

2. Loss of Homestead, Commercial, and Urban/Industrial Land

Type of Loss	Unit of Entitlement	Entitlement	Additional services
2.1 Loss of residential/homestead, commercial, urban/industrial land due to project interventions	(a) Legal owner(s) as per the revenue /land records or customary right	(i) Land for land through provision of a private plot comparable in value and location to plot lost; <u>or</u> cash compensation at replacement cost, plus 15% compulsory acquisition surcharge (CAS) – free of taxes, registration, and transfer costs. (ii) A residential plot in the resettlement site for those opting for project-sponsored resettlement (see 3.1/i-iii) (iii) For urban/commercial, see 5.1 (i-iii).	Legal owners will be assisted by project NGO to prepare legal papers necessary to claim compensation

	(b) Renter/Leaseholders	Six months' rent or a value proportion to the duration of the remaining lease, including any deposit they may lose	
	(c) Informal settlers/occupants of land without title/landless agricultural workers, agricultural tenants without tenancy agreements, and agricultural tenants whose tenancy agreements do not cover the right to reside on the landowners' land	<p>Provision for accommodation in available alternative land/resettlement site or self-relocation allowances equivalent to:</p> <p>For <u>urban areas</u> (per household) i. Provision for space for accommodation - amount may be provided equivalent to the replacement cost OR a plot at the resettlement site [recommended plot size at resettlement site is 60 sq yards], if the project involves a resettlement site, (ii) replacement cost of a 60 sq yard plot in the area that they were residing, if the project does not involve a resettlement site.</p> <p>For <u>rural areas</u> (per household) i. Provision for space for accommodation – amount may be provided equivalent to the replacement cost OR a plot at the resettlement site [recommended plot size at resettlement site is 120 sq yards in rural areas] if the project involves a resettlement site, (ii) replacement cost of a 120 sq yard plot of the land they were occupying if the project does not involve a resettlement site.</p>	

Implementation Guidelines:

1. Affected landowners will be informed of the details of land acquisition and compensation processes and payment procedures
2. Replacement cost will be determined following the principles mentioned earlier.
3. Project NGO to encourage and motivate the entitled persons to purchase alternative residential or commercial/industrial land with compensation money or invest in productive and income generating activities.

3. Loss of Residential Structures *with* Titles to Land

Type of Loss	Unit of Entitlement	Entitlement	Additional services
3.1 Loss of residential structures/houses	Legal owner(s) as per the revenue /land record or other legal papers	<p>(i) <u>For Pukka and Semi-Pukka Houses:</u> Cash compensation at replacement cost for affected structures by type of construction, and other fixed assets without depreciation cost; owners will be allowed to take the salvageable free of cost plus transfer grant.</p> <p>(ii) <u>For Katcha and Temporary structures (e.g. shacks, jhuggi, huts etc.):</u> Transfer and reconstruction grant calculated based on the C&W approved rates of structure for rebuilding residential structure on</p>	Project will provide other resettlement benefits through the project -NGO, including assistance in relocation and reconstruction

		plots at resettlement site or elsewhere based on self-relocation option: for urban and rural areas (per family), provision of construction for accommodation – amount may be provided equivalent to C&W rates for construction of 540 sqft. (iii) Special assistance of one-time payment equivalent to one minimum wage for female-headed, disabled, elderly and the very poor (those under BPL).	
3.2 Partial loss of residential structures, including boundary walls/minor structures	Legal owner(s) as per the revenue /land record or other legal papers	(i) Cash compensation at replacement cost for the affected part of the structure. (ii) Additional cash compensation to assist in the restoration of the remaining structure	
3.3 Loss of housing or accommodation by tenants/ occupants	Tenants and others with rental agreements/ contracts	(i) Affected tenants will receive cash compensation of a value proportionate to the remaining tenancy period or three months, whichever is higher.	
Implementation Guidelines:			
<ol style="list-style-type: none"> 1. Applicable to all structures located on affected area at cut-off dates. 2. Affected structure owners/tenants etc. will be informed about the impacts and notified of the compensation value/rates etc. 3. Compensation will be paid <i>prior</i> to dismantling and removal of the structures as per civil works requirements 4. Replacement cost, based on C&W rates, must reflect current material costs, labor etc.; the valuation report by structure types to be annexed in the resettlement planning document. 			
4. Loss of Residential Structures <i>without</i> Titles to Land			
Type of Loss	Unit of Entitlement	Entitlement	Additional services
4.1 Loss of residential structures/houses by owners without title to land (e.g. informal settlers/landless agricultural workers/ agricultural tenants without tenancy agreements/ agricultural tenants whose tenancy agreements do not cover the right to reside on the	Socially recognized owner(s) of structures on RoW identified during census/ surveys	(i) <u>For Pukka and Semi-Pukka Houses:</u> Cash compensation at replacement cost for affected structures by type of construction, without depreciation cost; owners will be allowed to take the salvageable free of cost plus transfer grant (ii) <u>For Katcha and Temporary Structures</u> (e.g. shacks, <i>jhuggis</i> , huts etc.): Transfer and reconstruction grant calculated based on the C&W approved rates of structure for rebuilding residential structure on plots at resettlement site or elsewhere based on self-relocation option: for urban and rural areas (per family), provision for construction for accommodation – amount may be provided equivalent to C&W rates for construction of 540 sqft.	Project will provide other resettlement benefits through the project -NGO, including assistance in relocation and reconstruction

landowners' land etc..)		(iii) Special assistance of one-time payment equivalent to four month (?) minimum wage for female-headed, disabled, elderly and the very poor (those under BPL).	
Implementation Guidelines:			
<ol style="list-style-type: none"> 1. Applicable to all informal residential structures located in affected during the census/surveys (i.e., cut-off dates) 2. Affected structure owners/tenants etc. will be informed about the impacts and notified of the compensation value/rates etc. 3. Compensation will be paid <i>prior</i> to dismantling and removal of the structures as per civil works requirements 4. Replacement cost, based on C&W rates, must reflect current material costs, labor etc.; the valuation report by structure types to be annexed in the resettlement planning document. 			
5. Loss of Commercial and Urban/Industrial Structure <i>with</i> Titles to Land			
Type of Loss	Unit of Entitlement	Entitlement	Additional services
5.1 Loss of commercial, urban/industrial structures due to project RoW	Legal Owner(s) of the structures as per legal records	(i) <u>For Pukka and Semi-Pukka structures</u> : Cash compensation at replacement cost for affected structures by type of construction, and other fixed assets without depreciation costs plus transfer grant (ii) Owners will be allowed to take the salvageable free of cost. (ii) <u>For Katcha and Temporary Structures</u> : Transfer and reconstruction grant calculated based on the C&W approved rates of structure for rebuilding structure at resettlement site or elsewhere based on self-relocation option.	Project will assist owners to find alternative area for relocation, rebuilding and reconstruction
5.2 Loss of rental space or accommodation by tenants/ occupants	Tenants and others with rental agreements/ contracts	Affected tenants will receive cash compensation of a value proportionate to the remaining tenancy period or six months, whichever is higher.	
Implementation Guidelines:			
<ol style="list-style-type: none"> 1. Applicable to all structures located in the affected area at cut-off dates. 2. Affected structure owners/tenants etc. will be informed about the impacts and notified of the compensation value/rates etc. 3. Compensation will be paid <i>prior</i> to dismantling and removal of the structures as per civil works requirements 			
6. Loss of commercial/urban space for businesses <i>without</i> Titles to Land			
Type of Loss	Unit of Entitlement	Entitlement	Additional services
6.1 Loss of commercial/ urban space without titles (e.g.,	Owner(s) of structures/ businesses identified @cut-off date during census/surveys	For owners of businesses: (i) cash compensation equal to one-year income, provided the loss is permanent; (ii) in case of temporary losses, cash	

shops, stalls) – both temporary or permanent		compensation equal to the period of interruption of the business up to a maximum of 6 months <u>or</u> covering the period of income loss based on construction activity	Eligible to other benefits, including livelihood/ training program
6.2 Loss of employment	Workers/ employees of affected businesses identified at cut-off date during census/surveys.	For workers/employees, indemnity or protection of lost wages for the period of interruption up to a period of three months, based on local wage rates)	
6.3 Mobile informal sector microenterprises (e.g., kiosk, carts, vendors, hawkers etc.) & loss of public space – for example, by cobblers, hair cutter etc. used for businesses ⁷	Owner(s) of kiosks, carts and other businesses identified at cut-off date during census/surveys	(i) Movable structures are unlikely to be affected; however, if affected, shall be considered case by case for cash compensation commensurate to the loss. (ii) Each affected street vendors will be compensated for loss of businesses for three months (or duration of the civil work, whichever is higher) at the wage rates in the locality determined by the local bodies/administration. (iii) Any additional losses identified shall be treated case by case.	
Implementation Guidelines:			
<ol style="list-style-type: none"> 1. Applicable to all types of informal businesses located in affected area during the census/surveys (i.e., cut-off dates). 2. In case of disputes, the local Grievance Redress Committee (GRC) will verify and determine eligibility for compensation and other benefits. 3. Compensation will be paid during civil works period, depending on the work schedule. 4. Project will provide compensation and other resettlement benefits with assistance from the Project-NGO/field staff. 			
7. Loss of Common Property Resources (CPRs)			
Type of Loss	Unit of Entitlement	Entitlement	Additional services
Loss of CPRs such as pumps, wells, ponds, village grazing land, school/religious structures used by community	Local Committee/legal owners or legally recognized entity by revenue administration	(i) Cash compensation at replacement cost for land and structures by type of construction, and other fixed assets without depreciation costs plus transfer grant (ii) Salvageable materials will be allowed free of cost	Project-NGO will conduct consultation meeting with concerned committee for new relocation and reconstruction

⁷ A Proposed Policy for Street Vendors in Urban Areas, prepared by Dr. Noman Ahmed and based on studies and international practice, is available with GoS and may be finalized and approved to address issues of street vendors.

Implementation Guidelines:
<ol style="list-style-type: none"> 1. Applicable to all types of CPRs located on RoW at cut-off dates notification. 2. Project-NGO will engage with concerned communities regarding relocation sites and choices. 3. Compensation for CPRs will be paid <i>prior</i> to dismantling and removal of the structures as per civil works requirements 4. The concerned community will be responsible for reconstruction of the CPR with help and supervision from the project and local administration

8. Loss of Crops and Trees

Type of Loss	Unit of Entitlement	Entitlement	Additional services
8.1 Loss of standing crops on affected area	Project-affected persons (including squatters) owning standing crops on public land	(i) Crop compensation in cash at full market rate for one harvest season (either winter or summer) by default for impacts caused by project activities. (ii) All other types of crop losses will be compensated at market rate based on actual losses.	
8.2 Loss of trees on RoW	Project-affected persons (including squatters) owning trees on public land	(i) For fruit trees, compensation based on lost production for the entire period needed to re-establish a tree of equal productivity. (ii) For timber/wood trees, compensation will be at market value of trees' wood content	

Implementation Guidelines:
<ol style="list-style-type: none"> 1. Applicable to all types of trees and crops in affected area at cut-off dates notification. 2. For fruit trees that are not yet mature and fruit-bearing, compensation will be based on the gross expenses needed to reproduce the tree to the same age it was cut. 3. Timber trees will be valued based on market value of their dry wood volume. The wood of the fallen tree will remain with the owner, and its value will not be deducted from compensation.

9. Loss of Income/Livelihood

Type of Loss	Unit of Entitlement	Entitlement	Additional services
Loss of income and livelihood	Project-affected persons with impact on livelihood/income, including those physically displaced	(i) For land and non-land based livelihood, 3 to 6 months of livelihood support, based on official minimum wage per month, as transition to restoration of income. (ii) Temporary or permanent employment during construction and operation of the project that caused displacement	

Implementation Guidelines:
<ol style="list-style-type: none"> 1. Applicable to all project affected person (including women and other vulnerable groups), who experienced loss of income and livelihood. 2. The economic activity data must be analyzed by gender, age group, education, skills, income, households size, and preferences and options 3. The resettlement planning document must clearly identify the scale of impact by categories such as severe, minor impacts etc. with recommended provisions for multiple income restoration programs 4. A separate NGO to be hired to design/plan and implement Income Restoration and Enhancement Program.

10. Assistance to Vulnerable Groups			
Type of Impact/Loss	Unit of Entitlement	Entitlement	Additional services
Vulnerability impact and support	Socially marginalized groups such as (not limited to) households below poverty line, female -headed households, elderly, persons with disabilities, landless agricultural labor, agricultural tenants without tenancy agreements, and the very poor	(i) Lump sum one-time livelihood assistance equivalent to three-months minimum wage in local standards. (ii) Temporary or permanent employment in construction activities where feasible (iii) Provision for any additional support during relocation and resettlement.	Eligible to other benefits, including livelihood/training program
Implementation Guidelines:			
<p>1. Applicable to project affected person, more particularly women and other vulnerable groups, who may experience severe impact due to their pre-project socio-economic status.</p> <p>2. The resettlement planning instrument must further refine the concept of vulnerability in more inclusive way in view of the project context.</p> <p>3. In consultation with vulnerable groups, the project will design a social preparation strategy for the vulnerable groups prior to relocation and resettlement.</p>			
11. Unforeseen Adverse Impacts and Losses			
Type of Impact/Loss	Unit of Entitlement	Entitlement	Additional services
Households/persons affected by any unforeseen impact during project implementation	Entitlement will be determined in view of the R&R Policy framework	The unforeseen impacts will be identified through due diligence and surveys. The entitlement will be reviewed by Project PMO and approved by the concerned department/agency.	As appropriate
Implementation Guidelines:			
<p>1. The unforeseen impact and affected persons will be identified with due care as per the policy framework, and submitted to PMO for review and approval, including the quantity of losses, ownerships, and the proposed entitlements.</p>			

Chapter 5: Institutional Responsibilities

The Planning and Development department of the Government of Sindh shall be responsible for overseeing the implementation of this policy. All departments of the Government of Sindh shall assist and support the P&DD for optimal implementation of the policy.

5.1 *R&R Advising and Coordination*

26. The P&DD of the Government of Sindh will be ‘custodian’ of the R&R Policy and take the lead role at the provincial level for coordination and advising with regard to its application, review, planning and monitoring.
27. An R&R Section will be established by the P&DD for advising, technical support and coordination with various departments/agencies dealing with projects involving R&R activities, both in public and private sector projects.
28. The R&R Section shall supervise and provide administrative support for R&R policy implementation and compliances. However, the ‘core’ activity related to R&R planning, implementation, and compliance shall rest with the concerned administrative departments and project offices.
29. *The R&R Section shall develop an MIS to enable the R&R planning, implementation, and monitoring. Such MIS shall be used by the concerned departments and the Project Directors while implementing R&R projects.*

5.2 *R&R for Urban Projects*

30. In case of urban projects, local government agencies/townships and municipalities will be involved in assessing losses, ownership, and entitlements, particularly for non-titles such as street vendors, hawkers, and small-scale enterprises.
31. Upon assessment by the concerned department/agency, the urban street vendors and informal shops shall be registered in accordance with the prevailing laws and Rules so that the informal urban economy thrives with the support from the project causing disruption and dislocation. Where needed, the mobile carts can be shifted and rearranged in consultation with affected shops and businesses and other stakeholders.

Chapter 6: Key Planning Concepts and Processes⁸

6.1 Project Types and Impacts

32. Resettlement effects of projects vary from one to another. Different types of projects such as roads/highways, airports/seaports, power and energy, water supply and sanitation, solid waste, urban renewal, health, education, irrigation/flood control, mining, forestry/parks and conservation have varying impacts.
33. Typically, small plots of land are required for health centers/clinic with very limited impact while long linear alignments required for roads, railways, powerlines, canals/sewerage, and urban development may cause major and significant impacts requiring resettlement of affected households and communities.
34. Reservoirs for water supply, irrigation and power generation can create wide-spread and often severe disruption. In sum, most project types have the potential to create resettlement effects, large or small.

6.2 Declaration of Project Area and ISA

35. When a project area is identified with likely land acquisition and/or involuntary resettlement, the appropriate component authority shall declare by notification in the official Gazette the area or locality, including the footprint of the project affected area. The declaration shall be published at least in three daily newspapers, two of which, shall be in local vernacular, having circulation in the project area.
36. A copy of the notification must be available in the office of the concerned Deputy Commissioner(s), mayoral or municipal offices and other prominent places in the project area.
37. An initial social assessment (ISA) will be conducted for every proposed project in order to identify the affected households and groups for determining the scope of impacts, resettlement tasks and potential mitigation measures necessary moving forward. The ISA is required for subsequent detailed census/surveys and cut-off date for resettlement planning and eligibility to R&R package.
38. The ISA will also identify important social dimensions – for example (but not limited to), socially marginalized groups, ethnic/religious minorities, castes, the poor (those under BPL), gender issues and vulnerability etc. – of the project impacts that should be addressed under the project.
39. When population displacement is unavoidable, a resettlement action plan (RAP) will be prepared addressing all social and resettlement issues with appropriate compensation and

⁸ More detailed step-by-step processes are presented in *Part II – How To Guidelines*.

resettlement packages and time-bound actions, budget and implementation and monitoring arrangements.

6.3 *Short and Full RAP*

40. The R&R Policy applies to all resettlement impacts, regardless of the number of persons involved or severity of impact. If the impact is limited or ‘insignificant’ – for instance, less than 50 households (and/or 200 persons) experiencing loss of land, housing, income, and livelihoods, including those without titles – a Short RAP will be prepared in consultation with the affected groups with provisions for compensation at replacement cost for assets, income and livelihoods and any other special measures necessary to ensure that those affected can at least regain their pre-project status or improve their socio-economic conditions in post-project period.
41. A Full RAP will be prepared by the project in cases of ‘significant’ or severe project impact – i.e., over 50 households losing productive and other assets and experiencing both physical and economic displacement, loss of community assets, and more particularly, if the project interventions involve vulnerable groups and those without titles or informal settlers with all necessary measures to resettle and rehabilitate the affected households/businesses and communities. The processes will engage the affected people/groups and the host populations as well in cases of resettlement site development, support, and services.⁹
42. In both cases (i.e., Short or Full RAP), the project will address legacy issues, if any, such as the anti-encroachment drive (AED) conducted in the project affected areas since the approval of project concept with appropriate policy and mitigation measures. Due diligence of legacy issues will be reported in the RAP.

6.4 *Stakeholders Consultation*

43. Stakeholders will be identified through the ISA. Stakeholder consultations will be carried out through community meetings, focus group discussions and interviews of key informants for their views and recommendations. Specific consultations in the form of FGDs will be carried out with the affected persons to identify their needs and preferences for compensation and rehabilitation measures.
44. In this regard, the affected persons, including the displaced persons, will be thoroughly informed on the results of the census and impact assessments; their preferences for compensation and other resettlement assistance will be given due consideration. The processes and mechanisms ensuring the active involvement of displaced persons and other stakeholders will be detailed in the Short/Full RAP, with the list of participants, the location, date and minutes of consultation meetings.

⁹ A sample TOR for Full RAP is in Annex 2.

6.5 *Institutional Set Up, NGOs and Grievance Redress*

45. Project-level institutional set up will be established during the feasibility study period for planning and management of resettlement and building up the institutional arrangements, based on the project needs, both at the project -level and in the field. The tasks include inter-departmental coordination between related line agencies – for instance, land revenue department, local administration, and various agencies involved in the valuation of assets and payment of compensation, relocation, and resettlement.
46. If the scope of resettlement is large, a separate project-level Resettlement Unit (RU) will be established headed by an officer not below BPS 19 or equivalent as Director s with full administrative and financial powers over staffing and budget for management of resettlement and rehabilitation. The Director will be assisted by both technical/administrative staff and experienced resettlement specialists.
47. If necessary, the project may engage reputed non-government organizations (NGOs) to assist in the census/surveys, planning and implementation of resettlement – more particularly to enhance participation of the affected people/communities, disclosure of resettlement packages, gathering and sharing information and avoiding any problems, and planning and implementation of income-generation activities. Selection of NGOs shall be carried out against prescribed criteria and through a transparent, open, and competitive process.
48. There will be project-level grievance redress committees (GRCs) for resolution of resettlement related disputes and grievances. In case of large and complex projects, local GRCs will be formed to address any dispute over resettlement benefits with participation of reps from affected communities. The formal court system will deal with any dispute over land compensation and ownership issues for compensation purposes.

6.6 *Resources and Capacity Building*

49. The Government of Sindh will develop adequate institutional capacity to facilitate effective implementation of the R&R Policy. This will be done through allocation of necessary resources, orientation and staff training and recruitment of new staff with training in social sciences and resettlement management to address resettlement aspects in project operations.
50. During the early stage of resettlement planning, resettlement staff will gain experience and knowledge by visiting successful resettlement projects within Pakistan and in the Asia region. Furthermore, short-term resettlement management training will be organized through local training institutions.
51. Sufficient financial resources will be allocated in the project planning budgets to meet the R&R expenditures.

6.7 *Monitoring and Reporting*

52. Project-level monitoring of R&R implementation will be conducted both internally by the concerned department or the Project Director and externally by third party/independent monitoring expert/agency.
53. The R&R Section at the P&DD will establish Monitoring Team(s) for quarterly monitoring and verification of progress and performances in resettlement management in projects.
54. In case of large and complex projects with significant resettlement portfolio, local Panel of Experts (POE) will be appointed by the concerned department or the Project Director to review implementation progress and to provide expert guidance to enhance quality in resettlement management and operations.

■

PART II HOW TO GUIDELINES

This short 'How to Guidelines' focuses on resettlement planning steps, checklists, and implementation. The manual contains definitions of various key concepts, explain steps in R&R planning in project cycle and provide guidance in resettlement planning, implementation, and monitoring/evaluation.

Chapter 7: Key Concepts and FAQs

7.1 Definitions of Key Concepts

Affected Area: "Affected area" means area or locality notified by the appropriate Government under 6.2 Declaration of Project area of this policy.

Affected household (or family): (i) a household whose primary place of residence or other property or source of livelihood is adversely affected by land acquisition for a project and/or affected by any other reasons; (ii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land (including plot in the *abadi* or other property) in the affected area or otherwise, has been involuntarily displaced from such land or other property; and (iii) any landless person, persons without titles (squatters/informal settlers), artisan, small trader or self-employed person; who has been residing or engaged in any trade, business, occupation or vocation continuously for a period of not less than a year preceding the date of declaration of the affected area, and who has been deprived of earning livelihood or alienated wholly or substantially from the main source of income trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reasons.

Appropriate Government means (i) in relation to the acquisition of land the Provincial Government or the concerned local government, whichever has the jurisdiction; (ii) in relation to land falling under jurisdiction of federal government or any other statutory entity, the federal government or the statutory entity concerned based on understanding reached between the provincial government and such an entity; (iii) determination of below poverty line (BPL) family based on official poverty line of Pakistan.

Compensation refers to cash or payment in kind to which the people affected are entitled in order to replace the lost assets, resources and income.

Competent Authority refers to a government officer legally authorized to take an action or pass an order, based on the power and authority conferred by law.

Cut-off-date refers the date after which people will not be considered eligible for compensation. Normally, the cut-off date for entitled persons (both title and non-title holders) is the start date of the census/survey by the consultants for the impact assessment in order to avoid influx of outsiders and fraudulent claims during project implementation.

Encroacher refers to a person who has trespassed into public land to which he/she is not entitled but derives livelihood from the affected property prior to cut-off date (also see squatter).

Entitlement refers to range of measures comprising compensation, livelihoods restoration, transfer assistance, income substitution, and relocation which are due to affected people, depending on the nature of their losses as notified by a competent authority.

Eminent domain refers use of regulatory measures by government to obtain land for public good or public purpose propose.

Expropriation refers to actions by government in taking or modifying property rights in the exercise of sovereignty.

Family (household) refers to any of the following types, who share a common hearth or stove: (i) nuclear family consisting of a person, his or her spouse and minor children; (ii) joint/extended family consisting of person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother, and other relatives residing with him or her and dependent on him/her for their livelihood.

Holding means the total land held by a person as an occupant or tenant or both.

Host population refers to community residing near the area to which affected people are resettled as a result of project activities.

Income restoration refers to re-establishing income sources and livelihoods of the affected people.

Involuntary Resettlement refers to physical or economic displacement of people resulting from project development where affected people have no choice or option but to relocate and rebuild their lives, income, and assets elsewhere.

Land acquisition means acquiring land under the Land Acquisition Act, 1894 (1 of 1894), as amended from time to time, or any other law of the federal government or the provincial government for the time being in force.

Large and Complex/High Impact Projects are typically non-linear projects and refers to large infrastructure projects with multiple components – for instance, hydro/dam, large bridge/airport, water resources/flood control, access control highway/expressway projects with massive number of displaced households (1,000 plus) involving a significant number of affected people without titles. In such projects, project-sponsored resettlement sites and services are essential.

Notification means a notification published in the Gazette of Sindh.

Prescribed means, unless otherwise specified, prescribed by guidelines or orders issued by the provincial government under this or any of its policies.

Project refers to a development project that may or may not involve involuntary displacement of people.

Project Affected Person (or household) means any person affected by project-related changes in use of land, water, natural resources, or income losses, often referred to as PAPs.

Project Director for resettlement and rehabilitation refers to person designated by the Provincial Government for the duration of a development project.

Relocation means rebuilding housing assets after being physically displaced due to project intervention.

Resettlement area means any area so declared under this policy by the appropriate government/agency.

Resettlement and Rehabilitation refer to re-establishing housing/living space, incomes, livelihood, social and community systems.

Replacement rate refers to cost of replacing lost assets and income, including any transaction cost.

Resettlement Plan means a time-bound action plan with budget setting out resettlement objectives and strategy with entitlement, institutional set up/responsibilities, monitoring and evaluation.

Requiring body means a company, a body corporate, an institution, or any other organization for which land is to be acquired by the appropriate Government, and includes the appropriate Government if the acquisition of land is for such Government either for its own use or for subsequent transfer of such land in public interest to a company, a body corporate, an institution, or any other organization, as the case may be, under lease, license or through any other system of transfer of land

Rural area means area as per the definition in the local government laws, any area other than an urban area.

Severity of Impact depends both on numbers and types of losses – for instance, loss of productive assets. The size of displacement may vary from 500 households in the case of remote marginal and vulnerable communities displaced by forest conservation/development project to several thousands in the case of urban transport projects displacing massive number of people without titles, and those displaced by hydropower or extractive industries.

Squatter means those occupying public lands without legal arrangements with the Government or any of its concerned agencies. There is a thin line between a squatter and an encroacher; while the encroacher legally owns land but has extended his property to public land, the squatter does not have a legal tenure on the occupied land.

Urban area means an area as per the definition in the local government laws, an area defined as such under local government laws applicable on the date of approval of the project sans retroactive application.

Vulnerable persons such as the persons with disabilities, destitute, orphans, widows, unmarried girls, abandoned women, or persons above 70 years of age, who do not have alternative livelihood and income.

7.2 *Frequently Asked Questions*

The Sindh R&R Policy will be applicable to all types of development projects. Aside from the definitions of key concepts provided above, additional questions may come up during the preparation and implementation of RAP activities. The following are some frequently asked questions that may be useful for further clarity.

7.2.1 *What types of entitlements are recognized under the R&R Policy?*

In addition to statutory compensation under the law (i.e., L A Act/1894), the R&R Policy has provisions for additional entitlements that include (i) compensation for structures or any improvements made on land for informal settlers (non-title holder of the land) (ii) resettlement of displaced households with project assistance; (iii) transport/shifting allowance; (iv) transition or subsistence allowance; (v) economic rehabilitation assistance; and (v) training allowances.

7.2.2 *Does this R&R Policy apply to private sector projects?*

Yes, the R&R Policy applies to private sector/joint venture projects approved by the Government of Sindh or where the government uses eminent domain clause to acquire land for private investments. In such cases, a RAP would be required. However, this policy does not apply if a private industry/enterprise wants to purchase land from the market on a willing buyer and willing seller basis.

7.2.3 *If communities volunteer land for project works, does this policy apply?*

The R&R Policy is not applicable in cases where communities volunteer small parcels of land – for example, for rural roads, irrigation channels/water supplies etc. by local government bodies – in exchange for project benefits, provided that there are no non-titled informal settlers on the land. There should be proper due diligence, community consultation, consent, and documentation (with grievances redress mechanisms) of the voluntary land donation.

7.2.4 *Does temporary land borrowing count under the R&R Policy?*

People affected temporarily are typically counted as affected persons. However, if land borrowing arrangements (for borrow pits, quarries, work sites etc.) are clear between landowners and the contractor and/or project, the policy would not apply. If the losses are prolonged, it might be better to count them as affected persons. This should be a judgment call.

7.2.5 When a project does not involve relocation of household, is a RAP required?

Yes. The R&R Policy recognizes both physical and economic displacement. If only assets are lost without physical displacement, but livelihoods or sources of income are affected, there should be a RAP documenting the scale of impacts, losses and mitigation/restoration and enhancement measures as per the policy.

7.2.6 What constitutes a replacement cost?

The method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. The valuation methods may vary for land or structures in rural/urban contexts; however, in all cases, depreciation of structures and assets should not be taken into account.

7.2.7 What is a transport/shifting allowance?

It is a one-time lump sum payment to help shift the family and household assets. All physically displaced households are entitled to this allowance.

7.2.8 What is transitional/subsistence allowance?

Assistance provided to the affected households and shops/business owners as allowances for 3 to 6 months, based on a monthly rate calculated on the basis of cut-off poverty line or local daily wage rates. The purpose of the transitional allowance is to withstand the impact of immediate losses. The amount and duration should be stated in the entitlement matrix.

7.2.9 What is economic rehabilitation assistance?

An economic rehabilitation assistance is given to individuals losing livelihoods – for instance, loss of commercial units (owner and employees as well), loss of productive assets (i.e., land), daily wage laborers/sharecroppers dependent on the affected property.

7.2.10 Who comes under the category of below poverty line (BPL)?

Households/families living under BPL as notified by the Government.

7.2.11 How can influx of outsiders to project site can be stopped?

The influx of outsiders to project site to unduly take advantage of the benefits is a common experience. An early and full census of the project footprint with a cut-off date, supported by a video film of households and structures in the project area through aerial/drone and other devices that will likely help distinguish between legitimate and fraudulent claims, particularly those structures built after the cut-off date. Other ‘outsiders’ such as those who come to work as migrant laborers at project sites can be account for through the in-migrant management plan or via the contractors, who employ the temporary workers.

7.2.12 Are people affected ‘indirectly’ by project interventions eligible of compensation under the Sindh R&R Policy?

The policy clearly defines the eligibility in the case of direct losses – for instances, loss of assets, subsistence or employment/income affecting livelihood. A definition of indirectly affected people is required, with careful review and consideration of the nature and type of indirect losses. If any indirect losses are recognized, including informal/vulnerable groups, the context, losses, compensation, and assistance must be defined.

Chapter 8: Baseline for Resettlement Planning

8.1 *The Baseline - the building blocks in RAP planning*

The socio-economic baseline is clearly the most critical part of the building blocks for resettlement planning and implementation. It determines the scale of the impact, identifies losses of all types, defines appropriate entitlement policies/matrix, cost estimates, and the basis for monitoring and evaluation of the project. The R&R Policy requires an ISA that defines scope of land acquisition and likely impacts, and the mitigations required to restore and improve the quality of the life of the affected people and communities.

8.2 *How and Where to Start – the Steps*

Step 1 - Review the available or existing data base – for instance, project planning documents, maps of the project footprint, available official census data, and any other secondary data.

Step 2 - Review land acquisition data from the land revenue department or project office (if available), land records/data.

Step 3 - Hire (i) expert agency/consultants with a defined TOR and expected output clearly; (ii) train field investigators; (iii) establish field supervision, verification, and quality control mechanisms; and finally, (iv) ensure timely data processing and analysis.

Step 4 - Prepare for data collection – (i) objectives (*what* to collect); (ii) methods (*how* and *what* to cover, including project's social dimensions such as gender, indigenous peoples, marginal/vulnerable groups); (iii) design census/survey instruments; (iv) use key concepts (e.g., household/family, losses, entitled persons) as defined in the R&R policy, because these are critical concept in the entire process and have significant influence in defining and entitlements.

8.3 *Data Collection Methods*

Use multiple and appropriate methods such as land acquisition/plot survey, census, socio-economic survey, stakeholders' consultation, FGDs with various groups – particularly marginal people and hard to reach poor and ethnic groups, for:

- (i) data collection on land types, ownership records in the project area, including maps of the affected villages/townships.
- (ii) detail socio-economic data on the affected populations and communities, including social organizations and cultural systems.
- (iii) host population (demography, land use pattern, infrastructure needs, carrying capacity) in the cases where projects are likely to have major resettlement portfolio.

During the data collection operations, consider the following:

- Involving local government agency/staff, local youth, APs and NGOs for effective survey and data collection, reduce disputes/grievances, and enhance general awareness about the project and resettlement issues.
- Mapping of the impact area and identify households by numbers to protect against fraudulent claims later during implementation.
- Use identification card (ID Card) for the affected households with basic relevant information (e.g., land, structures, total members in the households) listed in the census.
- Establish a cut-off date for eligibility in the affected persons' (APs) list.
- Share and disclose the APs list for verification by the local communities and eventual modifications, corrections, and update.
- Establish a computer databank and a program that will facilitate identification of all information on APs for project implementation and M&E.

8.4 Deciding on the Type of RAP for the Project

The type of RAP – short or full RAP – should be determined, taking into account both numbers and the overall severity of impacts or risks. The R&R Policy requires:

- Short RAP in case of limited (or less significant) impact affecting and/or displacing 50 households (or/200 persons) physically and economically.
- Full RAP for project with significant impact (50 plus households)

In both cases, provisions for resettlement support and/or project-sponsored sites must be made with basic civic amenities and services. If project intervention does not require physical displacement, but people experience economic displacement, a Short RAP still would be required identifying the nature of losses, compensation and economic rehabilitation policies to that people can regain their losses and/or enhance their economic conditions. The RAP must include an entitlement matrix, based on the types of losses (e.g., land, structures, trees/crops, income and livelihood, community, and cultural sites etc.) by the affected households, including people without titles.

In the case of large, complex, and high impact (1,000 hhs or more) project, the RAP must have provisions for resettlement sites, and long-term social and economic development programs. Advanced actions are also required for effective resettlement management in high impact project, including having a separate resettlement project within the main infrastructure investment project, with a project director with full administrative and financial power for resettlement management and operations.

8.5 Resettlement Cost and Budget

An itemized budget is required for all resettlement related activities, namely – (i) compensation for land and other assets; (ii) relocation, resettlement site development, and transfer; (iii) all kinds of transitional allowances; (iv) income and livelihood restoration/enhancement plan; (v) community development plan; (vi) monitoring/administrative costs, and others.

Budgetary approval by the government under PC1 is essential for resettlement activities; otherwise, the RAP lacks ownership by the government.

8.6 Checklists: Baseline and RAP Planning

#	Task	Checklist	
		Yes	No
1	Is the census/survey data good enough for the RAP?		
2	Is there any need for follow up survey and data collection?		
3	Are all resettlement related maps ready?		
4	Are host area data available?		
5	Has the cut-off date been established?		
6	Has the inventory of households been disclosed and verified?		
7	Does the entitlement matrix cover all groups and all types of losses?		
8	Does the budget cover all itemized costs?		

Chapter 9: Stakeholders Consultation and Engagement

9.1 Identification of Stakeholders

The R&R Policy requires that affected people should be fully informed and consulted during project preparation, particularly with regard to compensation and resettlement options. In many ways, consultation is the starting point for all activities concerning resettlement. As a first step, identify the stakeholders – both primary and secondary or institutional stakeholders.

- *Primary stakeholders* include the affected people/communities, project beneficiaries, the host populations around the resettlement sites, and the project implementing agency.
- *Secondary stakeholders* are others who have interest in the project such as local and national governments, policy makers, NGOs/advocacy groups and elected officials.

9.2 Stakeholders Engagement and Participation

At project preparation stage, consultation with primary stakeholders is an integral part of the process of data collection for impact assessment. Consultation and engagements with affected communities facilitate in designing resettlement plan, identify options for affected/displaced populations, and their responses to project intervention and policy measures.

Consider the following **7-Effective ways** to developing a participatory and consultative process:

Step 1 – Identify the range of stakeholders, particularly the primary stakeholders, in the project area.

Step 2 – Disclosure and information campaign on project through media, leaflets, and public meetings.

Step 3 – Formation of focus groups involving key stakeholders (e.g., women, community leaders, local businesses, affected informal settlers/encroachers, the poor etc.) for FGDs.

Step 4 – Household level interviews to assess responses to project interventions and resettlement options.

Step 5 – Development and publicizing of mechanisms for grievances redress and resolution.

Step 6 – Formation of local committees of stakeholders for planning, implementation, and monitoring of resettlement.

Step 7 – Establish a Project Information Centre (PIC) at the project site to provide easier access to resettlement-related information.

9.3 Role of Formal/Informal Institutions in Participation Processes

A participatory resettlement strategy requires participatory institutions – both formal and informal – for project implementation.

Formal institutions include local government agencies/institutions, municipal government, district and township administration and project/resettlement field offices.

Informal institutions include local resettlement committees, grievances redress committees, village resettlement workers, and PIC.

Informal institutions are often more effective for resettlement implementation purposes, because they are locally constituted with representations from various segments of the affected groups and are task-specific – for instance, Grievances Redress Committees (GRCs).

- A RAP should include a grievance redress mechanism (GRM) for local grievances/dispute resolution regarding resettlement benefits.
- Depending on the nature of the project, the GRM may have two or more tiers – for example, Community-level GRC, Township or Municipal-level GRC, and Project-level GRC.
- The GRC system should be designed ground up where unresolved cases are moved from community-level to higher tiers for resolution.

Grievances are also channeled through formal institutions. Affected persons have the right to appeal to courts if not satisfied with the GRC decisions.

9.4 Checklists: Consultation and Participation

#	Task	Checklist	
		Yes	No
1	Are all stakeholders, particularly affected groups, properly identified?		
2	Have the APs and other marginal groups been consulted?		
3	Is there a stakeholders consultation list with detail info ready?		
4	Is the PIC adequately staffed and functioning?		
5	Is there a GRC system already established?		
6	Has adequate consultation been made with local admn and line agencies?		

Chapter 10: Relocation and Resettlement

10.1 Key Questions on Relocation Planning

Relocation and resettlement of the affected people are challenging tasks. It is more challenging than the giant engineering project, and requires understanding, careful social planning, and investments for site development. So, how and where do we start and decide on the planning approach? Some of the key questions to start with are:

- Is relocation for all APs necessary?
- Are there ethnic, tribal differences among the affected communities?
- What are current key occupations (men/women) of the affected people?
- What are the current housing and settlement patterns?
- What are current plot size and density in the current places?
- What are the available community/social services in the communities?
- What are the patterns of transport and communications in terms of access to market and other public amenities such as schools, religious/cultural sites?
- Are there host populations at the proposed sites?

10.2 Where and How to Start?

- (i) Understanding of the project scenario is critical.
- (ii) No illusion that it will eventually be sorted out one day.
- (iii) Due attention and pragmatic approach to resettlement planning at upstream is an absolute must.
- (iv) Resettlement planning works need time, resources, and due diligence
- (v) May cause project delays and cost over runs.

10.3 R&R – Choices and Options

Depending on the project types and scale of displacement, various realistic alternatives may be designed for relocation and resettlement choices. ***The more choices or options offered to displaced households, the better.*** The following options have been found effective, more often as a mixed menu for resettlers to choose from.

No relocation is the best option. However, this can be expected only in limited number of cases where acquisition is limited and/or those affected experience economic displacement only. In other words, project interventions do not require physical displacement or can avoid physical displacement by design change – for instance, a bypass around a busy section or adjustments in project alignments such as in roads/highways projects.

On-Site Relocation is another good option where physical displacement is unavoidable but limited – for instance, under 50 households or so. This strategy is indeed ideal for those

affected and the project executing agency as well. Displaced households may be resettled close to the project site and /or project alignment on the remaining RoW or residual lands of the displaced households. On-site relocation minimizes disruption and requires limited assistance for resettlement as people can remain within their own community despite dislocation.

Self-Managed Relocation (SRM), often also called Self-Relocation, is another good option used in many large resettlement projects in combination with project-sponsored sites, and small group resettlement. SRM provides option to those who want to move out of the project area, after being displaced, due to employment, personal, kinship and family reasons such as education of children in urban centres. In such cases, additional incentives in cash are provided to those who choose SMR for rebuilding and reconstruction in their new places. SMR resettlers can quickly regain their pre-project level of living, because of their social networks, support, and new opportunities available at the destination.

Relocation to Project-sponsored Site(s) is necessary in high impact projects with a large resettlement portfolio involving thousands of families. For large-scale resettlement, multiple resettlement sites may be needed with all basic amenities (housing plots, internal/access road, water supply, power, market, school/community centers etc.). The resettlement sites ideally should be within the vicinity of the project site for resettlers to remain within the general social and economic environments. Distant relocation – away from the project area – may cause distress and tensions to the extent that displaced may be unwilling to go. If displaced households are resettlement within the proximity of the project area, they can also benefit in terms of employment in project construction work.

Small Group Relocation (SGR) is another option in contrast to relocation to project-sponsored sites. Displaced households in groups of 20-30 families, typically related by kinship or other ties, may be willing to resettle in “cluster” close to their original village. This is another form of self-relocation enabling the affected families to remain together for mutual self-help. In keeping with the project-sponsored sites, additional support in the form of civic amenities should be provided.

In all cases, the project will maintain a database of the resettlers and their resettlement sites for monitoring and evaluation purposes – whether they have met the objectives of resettlement plan – i.e., regain pre-project level and better off in post-resettlement period.

10.4 Site Selection Decisions and Phases

The choice of project-sponsored site(s) is critical for ultimate success of relocation plan. It should be close to the project site to the extent possible with access to land, employment, market, and other opportunities. The Social and Technical Teams should work together in site selection, in consultation with displaced communities, including visits to the potential sites by the resettlers. The decision-making processes must involve both the resettlers and the host communities. Typically, the site selection and development phases involve several steps:

Step 1 – Review of alternative options and selection of site(s): The goal is to choose a site agreed by all parties, particularly the resettlers and host populations.

Step 2 – Work on a layout and design: Involve the potential resettlers (including women) early on for their inputs regarding plot size, access to various amenities within the sites, neighborhoods, etc. and discuss the layout and design publicly for feedback by other stakeholders.

Step 3 – Resettlement site development: The site should be developed with agreed amenities and as per the layout and design. It should be ready in all respects before resettlers are asked to move. The resettlers should be allowed to rebuild their houses over pre-built structures.

Step 4 – Transfer of the site to Resettlers’ Committee: Once all resettlers have moved in and rebuild their homes, the Project and the Social Team must work with them for a year (/or 2, if required) and finally, set up a Resettlers’ Committee and transfer the site to the committee for maintenance. However, the project will support the maintenance of the site for at least a period of five years, after transfer to build both managerial and financial capacity of the Resettlers’ Committee.

10.5 Host Communities

Large-scale resettlement has many impacts on local host communities in areas such as employment, social services, use of common property resources, and finally, on the carrying capacity of the community. The project should assess infrastructural and social services needs of the host community and provide support and services to the host communities, including sharing the facilities established at the resettlement sites, in order to improve host-resettlers’ relationship. The host population should be considered partners and stakeholders in all matters related to resettlement management.

10.6 Checklist: Relocation and Resettlement

#	Task	Checklist	
		Yes	No
1	Are the potential resettlers aware of the various resettlement options?		
2	Are resettlement sites already identified?		
3	Have resettlers’ been consulted?		
4	Have inputs from women and other stakeholders taken on the layout and design?		
5	Is the community satisfied with the civic amenities to the developed at the resettlement site?		
6	Are host populations ready to accept the resettlers?		

Chapter 11: Income and Livelihood Restoration

11.1 Why ILR Support Critical?

Resettlement is successful only when the resettled people can regain and at least restore their way of life or improve in post-project period. It requires understanding of the lost resource base (e.g., land) or income generating activities (e.g., employment, small businesses) due to project intervention and good planning linking resettlers' access to employment opportunities, productive resources and project support (e.g., transitional and subsistence allowances) to re-establish their economy and social system at the new sites.

Project RAP should include an income and livelihood plan, based on the needs and skill sets of the affected people and the constraints and opportunities at the new sites.

11.2 Key Questions for Planners

- How has the project affected sources of income and livelihood?
- What is the income-level of various affected groups?
- Do women earn cash income and how?
- What are the existing skills of the affected people (men/women)?
- Is replacement land available in the resettled area?
- What kind of work would the project generate?
- What kind of training do people need for alternative off-farm employment?
- How many affected persons (men/women) would like to start their own businesses?

11.3 Common Challenges in Designing ILR Program

Some of the challenges stem from lack of policies coupled with how to plan for ILR programs. Once displaced and resettled, people remain busy with many transitional activities, often without any regular income. Inadequate compensation and lack of support on arrival at sites make it even harder for many to find alternative productive land and/or employment. Other common challenges are (i) lack of skills for alternative employment; (ii) neglect of vulnerable groups in come generation activities; (iii) lack of adequate budget; and (iv) institutional capacity to plan implement ILR programs.

11.4 Steps in ILR Programs¹⁰

Step 1 – Hire an experience NGOs to plan for ILR Program.

Step 2 - Analyse economic activities reported in the census/surveys for all affected persons by gender, age, education, skills, and income.

¹⁰ A brief TOR for ILR is in Annex 3.

Step 3 – *Identify preferences and options* for alternative employment as listed in the census/survey. If required, conduct a follow up survey to verify and plan.

Step -4 *Identify multiple options* for income generation activities (based on preferences and gender) through beneficiary consultations and FDGs.

Step -5 *Establish a Social Development Fund (SDF) and provide adequate budget* for training and start-up funds/credit for small businesses support on a long-term basis.

Step- 6 *Develop a framework for institutional support and supervision* of ILR Program.

Step – 7 *Evaluate the ILR Programs annually* and provide additional assistance to the beneficiary groups, where needed.

- Plan for multiple income and livelihood restoration activities, including preferential employment of the APs in the project construction work. The vulnerable groups should be assisted with additional support during the transition.
- ILR Programs typically require support and services for three to five years, before they become viable. However, in large/complex and high impact project, ILR program operation should continue at least for 10 years.

11.5 Checklists – ILR Programs

#	Task	Checklist	
		Yes	No
1	Is ILR program based on proper analysis of baseline data?		
2	Does the ILR program have multiple options for APs/beneficiaries?		
3	Is there any special program from vulnerable groups?		
4	Are there any women-centered program in the ILR program?		
5	Are there both short and long-term plans?		
6	Is there any SDF for both short and long-term program?		
7	Are NGOs involved in the planning and implementation of ILR program?		

Chapter 12: Resettlement Institutions and Implementation

A RAP is as good as it is implemented. Appropriate resettlement institutions are required for effective resettlement management. Past project experiences indicate poor performance in resettlement implementation management primarily due to lack of appropriate resettlement organizations at both the agency and field levels.

12.1 *Issues Concerning Institutional Capacity*

- Does the department/agency have any previous experience in resettlement?
- What are the current institutional arrangements for resettlement operations?
- How are interdepartmental resettlement activities coordinated at project and local levels?
- Is there any need for a resettlement unit under the project?
- How local NGOs/CBOs can help resettlement implementation?
- Is there a need for capacity building training?

12.2 *Institutions for Resettlement Implementation*

Broadly, there are two types of resettlement institutions.

- First, there are government departments/agencies - for example, Revenue Department, Forestry, Agricultural marketing etc. and many other line agencies, including local administration – who play important role in implementation and coordination of resettlement activities.
- Second, there are other field level partners – for examples, NGOs, CBOs, project level resettlement committees, grievances redress committees, village/community level resettlement workers, and resettlement monitoring and evaluation agencies.

12.3 *Establish a Resettlement Unit*

- For project with significant impact, a Resettlement Unit (RU) with adequate staff and budget would be required to effectively implement all aspects of resettlement activities.
- In case of large/complex and high impact project, a separate standalone “resettlement project” (a project with the main investment project) with a project director with full financial and administrative power would be required.
- Typically, a separate resettlement project is established as Stage 1 for project implementation to clear the land and relocate people *prior* to the actual civil work construction.

12.4 Role of NGOs in Resettlement Implementation

- Experienced local NGOs, with knowledge of, and contact with affected people/communities can be helpful in various activities – for instance, collecting baseline data, information campaign, planning and implementing income-generating activities – during RAP implementation.
- NGOs are also better positioned to deliver services to women and marginal groups and in areas like gender, poverty, and community development in a more efficient and cost-effective manner.
- Hire local NGOs registered with the government, with good track record and experience in social development activities.

12.5 Staff Training and Capacity Building

- Keep provisions in the budget for staff development, training and capacity building.
- Plan for short-term resettlement management training/workshops by local institutions and experts.
- Project staff can gain significant knowledge by visiting successful resettlement projects in-country or overseas.

12.6 Resettlement Coordination Committees

- Establish Local Coordination Committees consisting of representatives of local bodies, elected officials, NGOs, AP's/women representatives, project staff and others for consultation and participation and to facilitate implementation activities.
- These committees may be set up at village, subdistrict, and project levels.
- Local committees are vital for ensuring project implementation and monitoring effectively.

12.7 Grievances Redress Committees

- Establish Grievances Redress Committees (GRCs) for dispute resolution over resettlement benefits.
- Depending on project types, GRCs may have multiple tiers.
- The RAP must clearly explain the operational procedures for GRCs

12.8 Checklists: Resettlement Institutions and Implementation

#	Task	Checklist	
		Yes	No
1	Has an appropriate RU/and or a separate standalone resettlement project been established for implementation and monitoring?		
2	Are NGOs/CBOs involved at all stages of project planning and implementation?		
3	Are resettlement coordination committees in place?		
4	Are GRCs already established?		
5	Is there any provision for training and capacity building?		

Chapter 13: Monitoring and Evaluation

To measure progress, resettlement monitoring, review and evaluation are standard practices in the project cycle. The monitoring arrangements must reflect in the project RAP with a list of indicators and methodology, and prepare regular reports on all aspects of M&E.

13.1 Resettlement monitoring, Review and Evaluation

Resettlement monitoring requires field data collection and analysis for reporting progress in RAP implementation. Monitoring focuses on physical/financial targets and delivery of compensation packages and relocation plan. This is done typically on a monthly basis by the project executing agency.

Resettlement review takes place regularly, more particularly at mid-term during project implementation to review progress and decide on any mid-course corrections, if required, to fix any weaknesses in the implementation of the resettlement plan. Where needed, prepare further mitigative plans, if required.

Resettlement evaluation takes place during and after resettlement implementation. The purpose is to assess whether resettlement objectives as laid out in the RAP have been met, specifically whether livelihoods and living standards of the APs have been restored or enhanced.

13.2 Internal & External Monitoring

Internal monitoring takes place against resettlement activities – for instance, compensation payments, resettlement site development, consultation, grievances, benefit monitoring, timeline and budget set out in the RAP. The EA conducts monthly monitoring through the RU/project social and resettlement experts. Monitoring indicators are selected to address specifics of the entitlement matrix in the RAP to assess any progress.

External monitoring is done through an independent agency/expert to ensure complete and objective information. The tasks¹¹ are to (i) verify results of internal monitoring; (ii) assess whether resettlement objectives have been met; (iii) ascertain whether the resettlement entitlements were appropriate; (iv) assess resettlement efficiency, effectiveness, impacts and sustainability; and (v) lesson learned for future guidance.

13.3 Participation of APs/NGOs in M&E

- Participation of APs/host populations and NGOs can be helpful in solving day-to-day problems arising out of resettlement operations. Participatory monitoring and evaluation can improve program performance by involving local key players in evaluation design and implementation.

¹¹ See ToRs for external M&E is in Annex 4.

- Use of Participatory Rapid Appraisal (PRA) techniques can foster involvement of APs and other stakeholders in resettlement monitoring and implementation.

13.4 Steps in Participatory M&E

Follow the following steps in participatory M&E and real time impact of resettlement.

Step -1 Key Informant Interviews: Interview select group of local leaders, APs, NGOs/local experts, RAP implementation agency/field workers about resettlement activities, progress made, and challenges encountered in the delivery of the plan.

Step 2 – Focus Groups Discussions (FGDs): Talk to specific groups (e.g., resettlers/host population, women, vulnerable groups etc.) on compensation payments, quality of resettlement operations, sites and services and livelihoods and so on.

Step 3 – In-depth Case Studies: Conducted in-depth interviews of resettlers/host population and various categories of APs (titled/non-titled, women, vulnerable) to assess their responses on the relocation processes and pos-relocation experience – i.e., whether they are satisfied with the resettlement entitlements and support services were appropriate.

Step – 4 Community Public Meetings: Conduct open public meetings at the project site to elicit information about various resettlement activities, their efficiency and effectiveness. List any grievances for mitigation and improvements where necessary.

Step 5 – Short and Informal Surveys: Conduct short and informal surveys among the resettlers and host populations, resettlement staff and local elected officials on resettlement implementation performance.

13.5 Checklists- Monitoring and Evaluation

#	Task	Checklist	
		Yes	No
1	Has M&E system established at the project level with resources and funds for internal monitoring?		
2	Are there dedicated project staff for internal monitoring?		
3	Does M&E method involve participation of affected/resettlers' groups?		
4	Are monitoring targets and indicators already identified?		
5	Is TOR for independent/third-party monitoring ready?		

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Annex 1: Legal Analysis of Case Laws

I. Overview and Discussion

1. This brief note and analyses are based on some of the recent and most relevant decisions on the question of encroachment and dispossession, particularly in the province of Sindh. The references to cases used are listed at the end of the document.
2. Some of the key questions addressed in these decisions include the powers to convert the nature of land designated for amenity/public use, unauthorized construction, and removal of such unauthorized construction. The court decisions focus on government/state responsibility to prevent unauthorized use of land however nothing in these decisions prevents the government to rehabilitate and resettle those affected by anti-encroachment exercises.
3. The conceptual legal basis for looking at the questions of encroachment keeping in view the court decisions is to hold the responsibility of government to prevent unauthorized use of land as the key principle and not the individual informal settlers (barring exceptions contained in this policy and other laws in force).
4. The courts in several instances have encouraged and directed the rehabilitation and resettlement of affected persons (Supreme Court in C.M.A No. 242-K/2018 in proceedings related to the removal of encroachments in Karachi).
5. The Court decisions are based on Land acquisition Act 1894, Sindh Anti-Encroachment Act 2010 and other federal, provincial, and municipal laws which are silent on the question of resettlement and rehabilitation.
6. In the past the Supreme Court has held in 2004 SCMR 1247 that under, that under Section 31 (b) of the Land Acquisition Act 1894 claimants of alternate lands in lieu of money compensation do not have a right under the law to be so compensated through a transfer of any other land in the alternative. However, even this does not enact a bar to creating new entitlements.
7. The R&R policy is not in contravention of any laws in Pakistan. “Existing Laws” is defined by Article 268(7) of the Constitution of Islamic Republic of Pakistan, 1973 as, “...all laws (including ordinances, orders -in- council, orders, rules, by-laws, regulations and Letters Patent constituting a High Court, and any notifications and other legal instruments having the force of law) in force in Pakistan or any part thereof, or having extra-territorial validity, immediately before the —commencing day.” Commencing day is August 14, 1973 according to Article 265(2) of the Constitution.

II. References Consulted

The following sources/court decision (reference numbers provided) were consulted.

2022 C L C 543 [Sindh] Before Irfan Saadat Khan and Muhammad Faisal Kamal Alam, JJ Mian TRUST through Representative/Trustee----Petitioners Versus Lyari Expressway Resettlement Project through

Project Director and 2 others---Respondents/Constitution Petition No.D-300 of 2015, decided on 18th October, 2021.

2022 S C M R 152 [Supreme Court of Pakistan] Present: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Qazi Muhammad Amin Ahmed, JJ NIAMATULLAH KHAN ADVOCATE and others---Petitioners/Appellants Versus FEDERATION OF PAKISTAN and others---Respondents

2022 S C M R 133 [Supreme Court of Pakistan] Present: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Qazi Muhammad Amin Ahmed, JJ NIAMATULLAH KHAN ADVOCATE and others---Petitioners/Appellants Versus FEDERATION OF PAKISTAN and others---Respondents

2022 S C M R 105 [Supreme Court of Pakistan] Present: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Qazi Muhammad Amin Ahmed, JJ NIAMATULLAH KHAN ADVOCATE and others---Petitioners/Appellants Versus FEDERATION OF PAKISTAN and others---Respondents

2020 S C M R 1474 [Supreme Court of Pakistan] Present: Gulzar Ahmed, C.J., Faisal Arab and Ijaz ul Ahsan, JJ NAIMATULLAH KHAN ADVOCATE and others---Petitioners Versus FEDERATION OF PAKISTAN and others---Respondents

P L D 2013 Supreme Court 443 Present: Iftikhar Muhammad Chaudhry, C.J. Jawwad S. Khawaja, Khilji Arif Hussain, Amir Hani Muslim and Ejaz Afzal Khan, JJ SUO MOTU CASE NO.16 OF 2011 ALONG WITH CMAs (Implementation proceedings of Judgment of this Court reported as PLD 2011 SC 997)

1988 C L C 2169 [Lahore] Before Lehrasap Khan, J NADIR ALI—Petitioner versus BOARD OF REVENUE—Respondent Writ Petition No. 3060 of 1985, decided on 31st January, 1988. Colonization of Government Lands (Punjab) Act (V of 1912)--

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(Details of the cases and judgments available. These are large legal documents and may be shared, if requested).

Annex 2

A Sample TOR for RAP Preparation

I. General Objectives

1. The primary objective is to prepare a Resettlement Action Plan (RAP) based on the principles and guidelines of the Sindh R&R Policy (2022). The consultant is expected to be familiar with the Sindh R&R Policy as well as policies of international financial institutions (IFIs) such as the Asian Development Bank and the World Bank.
2. The RAP must set out strategies to mitigate adverse impacts and maintains and/or improve the living standards of those affected and displaced by land acquisition due to project interventions. The RAP will establish parameters of the entitlements package for those affected, mechanisms for consultation, institutional framework, grievances resolution, timeframe and cost estimates.
3. The RAP will consider the LA Act of 1894, and address the policy objectives of the Sindh R&R Policy, and relevant policies of project financiers involved in funding the project for implementation.

II. Task and Scope of Work

4. The following tasks constitute the overall scope of work for the consultants to be hired for the preparation of the Project RAP.
 - (i) Fully familiarize with the project foot-print and project area and communities likely to be affected by project intervention.
 - (ii) Document steps taken by the project design team to reduce land acquisition and resettlement impacts. Where applicable, prepare options and discuss with the technical team to reduce project impacts, based on consultation with local communities.
 - (iii) Conduct participatory rapid appraisal to identify local stakeholders, including vulnerable groups – for instance, the very poor (those under below poverty line), those without formal titles, households headed by poor women, disabled persons – who might require special assistance.
 - (iv) Conduct census of the people likely to be affected as per the project foot-print, and determine the scope and magnitudes of the likely resettlement impacts/risks, including loss of assets by individual households.
 - (v) Establish a cut-off date and disclose the cut-off date to the affected communities.
 - (vi) Conduct a socio-economic survey of a sample of 20 to 25% of the households affected for more detailed data and establish a socio-economic baseline of income, expenditure, occupational and livelihood patterns, use of common property resources, kinship/social organization, leadership patterns, socio-cultural systems.
 - (vii) Consult with project executing agencies on valuation of assets and requirements for full replacement cost, restoration of income and livelihood, assistance to relocation support to informal settlers, relocation needs and all aspects related to resettlement site selection, including consultation with host communities.

- (viii) Establish an inclusive resettlement entitlement matrix and clearly define the eligibility, and application guidelines of implementation purposes.
- (ix) Prepare multiple options for resettlement in consultation with the affected people and communities, with specific measures for vulnerable groups.
- (x) Identify potential livelihood and training program, keeping in mind the needs of affected women and vulnerable groups.
- (xi) Establish resettlement implementation arrangements with designated responsibilities in consultation with the project agency.
- (xii) Establish mechanisms for grievances resolutions and appeal procedures.
- (xiii) Prepare an indicative budget and provisions for financing. Include itemized cost estimates for the RAP and explain the valuation methods and unit rates. Include costs related to resettlement site developments with basic amenities and include a preliminary design of proposed resettlement sites.
- (xiv) Establish monitoring and evaluation systems, define responsibilities, timeframe, and include some key indicators for internal and external/independent monitoring and evaluation.

III. Team Composition and Qualifications

- 5. The RAP Team must be multidisciplinary and include experts on resettlement, livelihood, and gender/social development. Therefore, the consultant team to be selected must have a team of dedicated experts for RAP planning purposes.
- 6. The Team should include (a) Team Leader/Sr. Resettlement Specialist (MA/PhD in social science, with 15 years of experience as Resettlement Specialist); (b) Livelihood Specialist (MA in Social Science, preferably in Economic, with 10 year experience as Livelihood Specialist in Project/field context); and Gender/Social Development Specialist (MA in Social Sciences with 10 years of working experience in the field, including community mobilization and participation in development programs).

IV. Time Frame and Deliverables

- 7. The consultant must provide a draft RAP within the six months from the date of mobilization. If required, separate Livelihood Restoration Plan and Gender Action Plan must be prepared.
- 8. Final versions of RAP and other plans must be submitted by nine months, with all comments addressed by the consultants. A separate comments/response matrix must be submitted with the revised RAPs and other plans.

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Annex 3: A Sample TOR for ILR Program

I. General Objectives

The main objective of the Income and Livelihood Restoration Program (ILRP) is to restore and improve, where possible, the income level of the livelihood affected people in the post- relocation periods. Two-fold approach for ILRP will be taken. The short-term support in the form of project allowances and assistance will give immediate relief to affected households so as to meet their livelihood needs during transition while a long-term approach will focus on ensuring sustainable livelihood for affected households. This ToRs is for engagement of experienced national NGOs to design and implement a long-term ILRP for sustainable income restoration and enhancement.

II. Specific Objectives

The specific objectives include:

- (i) Identification of potential livelihood opportunities that the target population can explore;
- (ii) Planning actionable programs to help the target population access these opportunities;
- (iii) Facilitate likely partnerships between target population, local NGOs, and the public and private sector for market access, skills training, jobs and production.
- (iv) Facilitate capital support for undertaking income generating activities by the target population.
- (v) Provide technical support for business planning, management and operation by the target population.

III. Scope of Work

An experienced NGO with good track record on livelihood programs will be hired to undertake the following activities to implement ILR program:

- (a) Review the baseline data on existing livelihood pattern and opportunities, and the preferences on alternative occupations and livelihood activities by age and gender.
- (b) Conduct community-level small group meetings to identify livelihood needs and demands.
- (c) Design and carry out feasibility study of alternative occupations and training needs and vulnerability of target groups.
- (d) Review the potentials for agricultural extension/improvements, including cash crop cultivation, farming, etc. as appropriate.
- (e) Assess labor market potential and opportunities by gathering national data and incorporating district level studies on the same issue.
- (f) Disseminate information on training opportunities, job opportunities, market opportunities to the livelihood groups.
- (g) Identify members of affected households for employment options/opportunities in the project construction.

- (h) Prepare micro-plan for individuals or livelihood groups for training and capital investment on a grant basis from the project as part of ILRP.
- (i) Prepare an inventory of agencies and/or companies looking for unskilled and skilled labour and update the inventory on a regular basis.
- (j) Prepare business plan, provide capital support and supervise income generation activities integrating buyers and outside entrepreneurs, feasible occupations and trades and production.
- (k) Identify and negotiate international buyers and NGOs that may opt for handicrafts, garments, and agro-product purchase from the entrepreneurs and artisans of affected communities, resettlement sites/host areas.
- (l) Identify and provide support to APs/women's group to benefit from existing livelihood programs and support-services run by local government and NGOs in the project area.
- (m) Prepare quarterly reports on the ILR programs and monitor the weakness and devise corrective measures.

IV. Team Composition and Qualifications

Expertise on livelihood assessment, employment generation and investment are the basic requirements for effective implementation of the ILRP. Therefore, the NGO to be selected must have a team of dedicated experts to design and implement the ILRP for the project. The Team should include (a) Team Leader/Social Development Specialist (MA in Development Studies/Management, with 10 years of experience as Social Development Specialist); (b) Livelihood Specialist (MA in Social Science, preferably in Economic, with 10 year experience as Livelihood Specialist in Project/field context); (c) Agricultural Extension/Training Specialist (MSc in Agriculture, with 10 years of experience as extension/training specialist in local farming practices and farm-level training); and Gender Specialist (MA in Social Sciences with 10 years of working experience in the field, including community mobilization and participation in development programs).

Interested NGOs having experience in preparing and implementing income restoration and livelihood restoration plan successfully will be short-listed through inviting expression of interest. Interesting NGOs will submit their expression of interests with statement of their capacity in terms of past experience in similar fields and available resources/expertise for qualifying the work for income restoration of affected persons. The stated experience must reflect gender perspective and experience to deal with the poor and vulnerable groups. Proposals will be invited from the short-listed NGOs with a brief statement of the approach, methodology, and relevant information concerning previous experience on monitoring of resettlement implementation and preparation of reports. The profile of consultant organization along with full CVs of professional staff members to be engaged must be submitted along with the proposal.

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Annex 4:

A Sample TOR for External and Independent M&E

I. General Objectives

1. Monitoring and evaluations (M&E) are an integral part of the resettlement processes. Typically, M&E is a three-tier system designed to monitor and evaluate progresses in the implementation of Resettlement Action Plan (RAP). These include: (a) Internal monitoring by the project through EA field staff/NGOs; (b) monitoring by project construction supervision consultants; and (c) independent external monitoring.
2. The primary objective for engaging an independent external monitor is to review the efficacy of internal monitoring, design and conduct periodic third party monitoring and provide feedback to Project management and project-financier(s) on policy improvement and enhancement of RAP implementation process.
3. The independent external monitor/agency will review implementation progress of the RAP (and other social safeguards plans such as gender action plan, income and livelihood restoration plan etc.) as per set policies in the RAPs (and other plans).
4. The independent external monitor is tasked to assess the achievement of resettlement objectives, the changes in living standards and livelihoods, restoration of the economic and social base of the affected people, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures, if any, and to learn strategic lessons for future policy formulation and planning.

II. Scope of Work

5. The scope of work of the external/independent monitor shall include but not limited the following tasks:
 - (i) To develop specific monitoring indicators for undertaking monitoring for RAP and other related social safeguard plans.
 - (ii) To review and verify the progress in land acquisition/resettlement implementation of the project.
 - (iii) Identify the strengths and weaknesses of the land acquisition/resettlement objectives and approaches, implementation strategies.
 - (iv) Evaluate and assess the adequacy of compensation given to the APs and the livelihood opportunities and incomes as well as the quality of life of APs due to project-induced changes.
 - (v) Identification of the categories of impacts and evaluation of the quality and timeliness of delivering entitlements (compensation and rehabilitation measures) for each category and how the entitlements were used and their impact and adequacy to meet the specified objectives of the Plans.
 - (vi) The quality and timeliness of delivering entitlements, and the sufficiency of entitlements as per approved policy.
 - (vii) Compare and analyze the pre-and post-project socio-economic conditions of the affected people. In the absence of baseline socio-economic data on income and living standards, and given the difficulty of APs having accurate recollection of their pre-project income and living standards, develop some quality checks on the information to be obtained from the APs.
 - (viii) Compare and analyze the pre-and post-project socio-economic conditions of the affected people. In the absence of baseline socio-economic data on income and living standards, and given

the difficulty of APs having accurate recollection of their pre-project income and living standards, develop some quality checks on the information to be obtained from the APs.

- (ix) Review results of internal monitoring and verify claims through sampling check at the field level to assess whether land acquisition/resettlement objectives have been generally met. Involve the affected people and community groups in assessing the impact of land acquisition for monitoring and evaluation purposes.
- (x) To monitor and assess the adequacy and effectiveness of the consultative process with affected APs, particularly those vulnerable, including the adequacy and effectiveness of grievance procedures and legal redress available to the affected parties, and dissemination of information about these.
- (xi) Identify, quantify, and qualify the types of conflicts and grievances reported and resolved and the consultation and participation procedures.
- (xii) Provide a summary of whether involuntary resettlement was implemented (a) in accordance with the RAPs, and (b) in accordance with the stated policy.
- (xiii) To review the quality and suitability of the relocation sites from the perspective of the both affected and host communities.
- (xiv) Verify expenditure & adequacy of budget for resettlement activities.
- (xv) Describe any outstanding actions that are required to bring the resettlement activities in line with the policy and the RP. Describe further mitigation measures needed to meet the needs of any affected person or families judged and/or perceiving themselves to be worse off as a result of the Project. Provide a timetable and define budget requirements for these supplementary mitigation measures.
- (xvi) Describe any lessons learned that might be useful in developing the new national resettlement policy and legal/institutional framework for involuntary resettlement.

III. Methodology and Approach

6. The general approach to be used is to monitor activities and evaluate impacts ensuring participation of all stakeholders especially women and vulnerable groups. Monitoring tools should include both quantitative and qualitative methods. The external monitor should reach out to cover:

- (a) 100% APs who had property, assets, incomes and activities severely affected by project works and had to relocate either to resettlement sites or who chose to self-relocate, or whose source of income was severely affected.
- (b) 10% of persons who had property, assets, incomes and activities marginally affected by Project works and did not have to relocate.
- (c) 10% of those affected by off-site project activities by contractors and sub-contractors, including employment, use of land for contractor's camps, pollution, public health, gender and violence/sexual harassment

7. The above should be supplemented by Focused Group Discussions (FGD), which would allow the monitors to consult a range of stakeholders (local government, resettlement field staff, NGOs, community leaders, and, most importantly, APs), community public meetings, open public meetings at resettlement sites to elicit information about performance of various resettlement activities.

IV. Team Composition and Qualifications

The external independent monitor/agency should focus on field based research on institutional arrangement, implementation strategy, policy objectives, and the targets. Data collection,

processing and analysis to pin point problem areas and weaknesses, and to light on deserving measures to achieve the objectives on schedule are the special interest of the subject. Thus, there is a need for a dedicated monitoring team with adequate expertise of the team members. The monitoring team should include (a) Team Leader/M&E Specialist (MA/PhD in social science, with 10 years plus demonstrated experience in the field of resettlement monitoring); (b) Social Dev/Gender Specialist (10 MA in social science, with 10 years of experience as social development specialist); and (c) Data Manager (MSc in computer science, with 10 years or more experience in data management. There should be adequate provisions for field-level workers for data collection and other related monitoring activities. It is essential that field-level staff for data collection and are skilled and trained in data base management and interview techniques, including participatory rapid appraisal.

The Team must be fully conversant with the Sindh R&R Policy and must have work experience and familiarity with resettlement policies of international financial institutions (e.g., ADB, World Bank), including all aspects of resettlement operations. Experienced NGOs, consulting firms, training/research institutions having requisite capacity and experience can qualify for services of and external monitor for the project. Interested agencies should submit proposal for the work with a brief statement of the approach, methodology, and relevant information concerning previous experience on monitoring of resettlement implementation and preparation of reports. The profile of consultant agency, along with full CVs of the team to be engaged, must be submitted along with the proposal.

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