

TA 7114-IND
NATIONAL CAPITAL REGION PLANNING BOARD PROJECT

*Medium Term Strategic Evolution and
Borrowers Assessment*

**ENVIRONMENTAL AND
SOCIAL MANAGEMENT SYSTEMS REPORT
WITH ANNEXES**

April 2010

Submitted To :

Asian Development Bank



National Capital Region Planning Board



Prepared By :

Sheladia Associates Inc, USA



Final Report : VOLUME - II

QuickTime™ and a
decompressor
are needed to see this picture.

QuickTime™ and a
decompressor
are needed to see this picture.

NATIONAL CAPITAL REGION PLANNING BOARD
Draft Environmental and Social Management Systems
Main Document

**Volume 2- NCRPB Environmental and
Social Management Systems Report**

QuickTime™ and a
decompressor
are needed to see this picture.

National Capital Region Planning Board (NCRPB)
(Ministry of Urban Development)
Core-IV B, First Floor,
India Habitat Centre
Lodhi Road, New Delhi-110003

Table of Contents

Table of Contents.....	ii
List of Abbreviations & Acronyms.....	iv
I. BACKGROUND	1
A. About NCRPB	1
B. NCRPB Functions	1
C. NCRPB Project Financing	2
1. Background.....	2
2. Types of Projects.....	2
3. Project Cycle	4
D. Environmental and Social Management System (ESMS)	5
1. Existing Due-diligence Processes.....	5
a. Environment	5
b. Social	6
3. Need for an ESMS.....	6
4. Approach Towards Developing the ESMS.....	7
E. ESMS Defined.....	7
F. Purpose of the ESMS	7
1. Environmental	7
2. Social	7
G. Structure of the ESMS.....	8
H. Maintenance of the ESMS.....	8
A. Overview	9
1. Environmental Safeguards	9
2. Social Safeguards	9
B. Legal Requirements	9
1. Environmental	9
a. Introduction.....	9
b. Constitutional Provisions	10
c. National Environment Policy, 2006	10
d. Laws on Environmental Assessment	10
e. Other Relevant Environmental Legislations	10
2. Social	11
a. Introduction.....	11
b. National Rehabilitation and Resettlement Policy (NRRP)	11
c. Land Acquisition (LA) Act 1894.....	12
d. Other Relevant Social Legislations	12
3. Donor Requirements	12
a. Environmental Safeguards	12
b. Social Safeguards	14
C. Regional Plan.....	17
A. Environmental Policy	18
B. Social Policy.....	18
IV. Operational Procedures.....	20
A. Screening and Categorization	20
1. Environmental	20
2. Social	22
B. Safeguards Guidance-Sharing with Project Proponent/IA.....	24
C. Project Cycle and Safeguards Interventions / Verification.....	27

1. Environmental	27
2. Social	30
D. Training and Capacity Building	32
E. Monitoring and Reporting	32
F. ESMS Audit Procedure	33
G. Information Disclosure and Grievance Redressal Procedure.....	34
A. Roles of Different Organizations.....	36
1. NCRPB.....	36
2. Appraisal Agencies.....	36
3. Project Proponents/Implementing Agencies (IAs).....	36
4. Design Consultants	37
4. Construction Contractors.....	37
5. Project Management or Supervision Consultants (PMCs or SCs).....	37
6. Operation and Maintenance (O&M) Agencies.....	37
B. Organizational Structure.....	37
1. Environmental	38
2. Social	38
C. Roles, Responsibility, and Authority	40
1. Environmental Safeguards Function.....	40
2. Social Safeguards Function.....	41
D. Budgetary Resources.....	41

ANNEXURES

List of Abbreviations & Acronyms

ADB	:	Asian Development Bank
BOQ	:	Bill of Quantities
CMA	:	Counter Magnet Area
CPCB	:	Central Pollution Control Board
DA	:	Development Authorities
DPR	:	Detailed Project Report
EA	:	Environmental Assessment
EAC	:	Expert Appraisal Committee
EC	:	Environmental Clearance
EIA	:	Environmental Impact Assessment
EMP	:	Environmental Management Plan
ESMS	:	Environmental & Social Management Systems
ESMC	:	Environmental and Social Management Cell
FI	:	Financial Intermediary
GC	:	General Conditions
GOI	:	Government of India
IA	:	Implementing Agency
IEE	:	Initial Environmental Examination
INR	:	Indian Rupees
IP	:	Indigenous Peoples
IPP	:	Indigenous Peoples Plan
IR	:	Involuntary Resettlement
IRC	:	Indian Road Congress
IT	:	Information Technology
JBIC	:	Japanese Bank for International Corporation
KfW	:	Kreditanstalt für Wiederaufbau
LA	:	Land Acquisition
M & E	:	Monitoring & Evaluation
MOEF	:	Ministry of Environment & Forests
MORTH	:	Ministry of Road Transport and Highways
NCR	:	National Capital Region
NCRPB	:	National Capital Regional Planning Board
NCT	:	National Capital Territory
NGO	:	Non-Governmental Organization
O&M	:	Operation & Maintenance
AP	:	Affected Persons
PMC	:	Project Management Consultant
PWD	:	Public Works Department
R & R	:	Resettlement & Rehabilitation
RP	:	Resettlement Plan
Rs.	:	Indian Rupees (Currency)
SC	:	Supervision Consultant
SEIAA	:	State Environmental Impact Assessment Authority
SIA	:	Social Impact Assessment
SIEE	:	Summary Initial Environmental Examination
SPCB	:	State Pollution Control Board
TA	:	Technical Assistance
TOR	:	Terms of Reference
ULB	:	Urban Local Body

I. BACKGROUND

A. About NCRPB

1. The National Capital Region Planning Board (NCRPB), constituted in 1985 under the provisions of NCRPB Act, 1985, is a statutory body functioning under the Ministry of Urban Development, Government of India. NCRPB has a mandate to systematically develop the National Capital Region (NCR) of India. NCR is spread over an area of 33,578 square kilometers (sq. km.).¹ It is one of the functions of NCRPB to arrange and oversee the financing of selected development projects in NCR through Central and State Plan Funds and other sources of revenue.

2. The constituent areas of the National Capital Region are:

- National Capital Territory (NCT) Delhi (constitutes 4.4 percent of NCR area); Haryana Sub-region—Faridabad, Gurgaon, Rohtak, Sonapat, Rewari, Jhajjar, Mewat, and Panipat Districts of Haryana (40.0 percent of NCR area); Rajasthan Sub-region—Alwar District of Rajasthan (23.3 percent of NCR area); Uttar Pradesh (UP) Sub-region—Meerut, Ghaziabad, Gautam Buddha Nagar, Bulandshahr, and Baghpat Districts of UP (32.3 percent of NCR area).

According to Census 2001, the total population of NCR is 37.1 million, with an average gross density of 1,104 persons per sq. km.

3. In addition to NCR, NCRPB, in consultation with the respective state governments also identified the following Counter Magnet Areas (CMA): (i) Gwalior (Madhya Pradesh); (ii) Patiala (Punjab); (iii) Hissar (Haryana); (iv) Kota (Rajasthan); and (v) Bareilly (UP). These were identified considering their location, population, and potential growth for implementing development programs, in order to achieve the objectives of the regional plan.

B. NCRPB Functions

4. NCRPB Act, 1985 stipulates various functions of the Board:

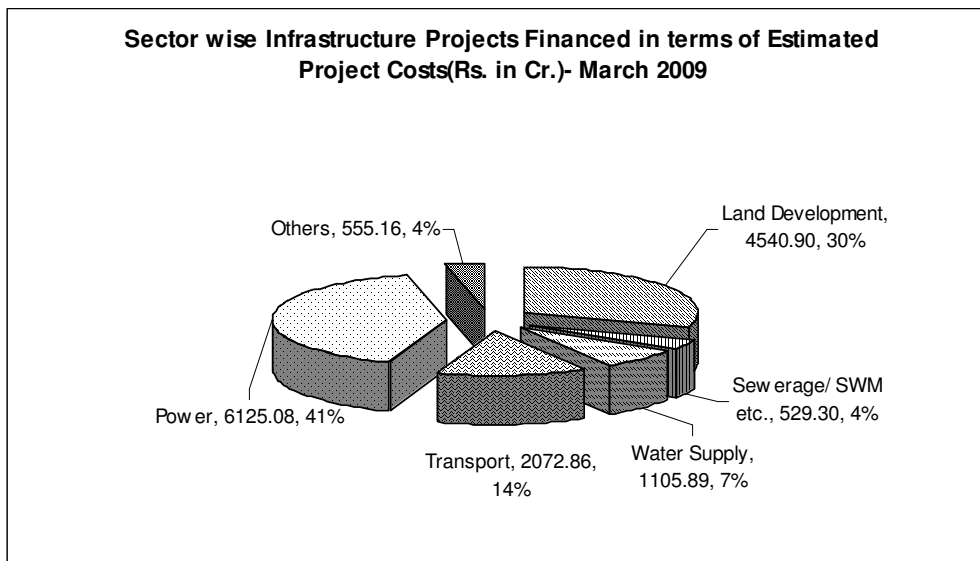
- Preparing Regional and Functional Plans;
- Arranging the preparation of Sub-regional and Project Plans of participating states and NCT;
- Coordinating enforcement and implementation of the Regional, Functional, Sub-regional, and Project Plans through participating states and NCT;
- Ensuring proper and systematic programming by participating states and NCT in project formulation, determination of priorities in NCR or sub-regions, and phasing of NCR development in accordance with the stages indicated in Regional Plan; and
- Arranging and overseeing financing of selected development projects in NCR through Central and State Plan Funds and other sources of revenue.

¹ It lies between 27°03'-29°29' north latitude and 76°07'-78°29' east longitude.

C. NCRPB Project Financing

1. Background

5. As discussed in the previous section, one of the functions of NCRPB is to arrange and oversee the financing of selected development projects in the NCR through Central and State Plan Funds and other sources of revenue. For this purpose, the NCRPB Fund has been created. NCRPB can finance development projects implemented in NCR and CMAs which are identified by NCRPB, participating state governments and their implementing agencies including Urban Local Bodies (ULBs), Development Authorities (DAs), Housing Boards, Industrial Development Corporations, or other agencies of the state governments. NCRPB provides loan for a subproject up to 75% of estimated cost, and balance needs to be contributed by the State Government and their Implementing Agency. The following figure provides a pie-chart showing the breakdown of project types (by number or by value) to date.



6. NCRPB has been providing financial assistance to participating state governments, ULBs, and other IAs in NCR and CMAs. As of March 2009, NCRPB financed 230 infrastructure projects—111 completed and 119 ongoing, with a total cost of nearly Rs.150 billion. The total amount of loans sanctioned for these projects are around Rs. 60 billion, of which Rs. 40.5 billion has been disbursed as of March 2009.

2. Types of Projects

7. NCRPB is involved in financing a variety of projects. It is also a planning agency. There is a varied degree of planning involvement in projects NCRPB finances. The following table provides a list of the types of projects that NCRPB could potentially finance.

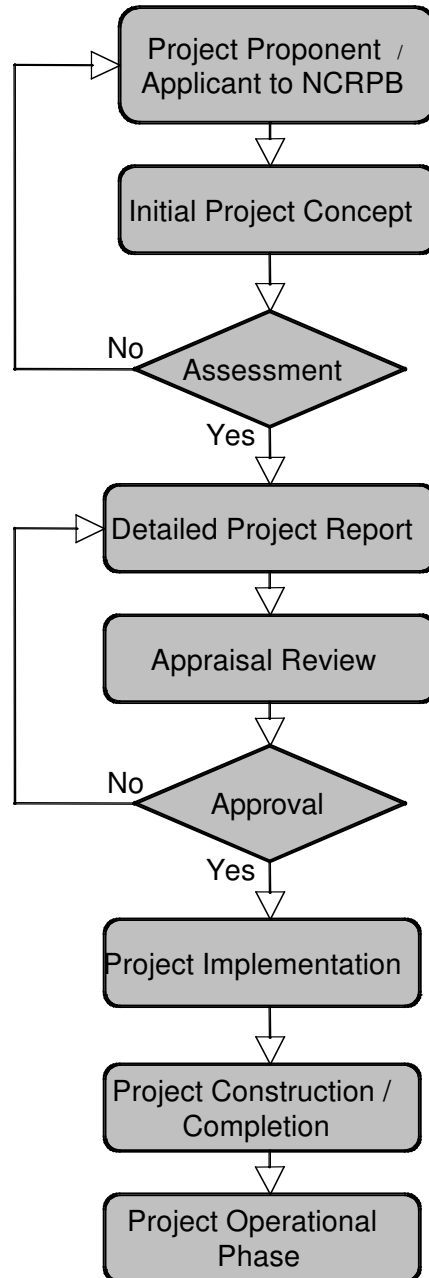
Table 1: Projects NCRPB Could Finance

No.	Type of Projects
1	Highway
2	Power Generation
3	Transmission and Distribution
4	Regional development—DMIC and other regional initiatives Infrastructure Common Industrial Infrastructure Logistics Hub
5	Water Resource/Conservation
6	Waste Water Management—Domestic
7	Waste Water Management—Industrial Collection Transfer Treatment Disposal
8	Water Supply Source Development Transmission Distribution
9	Solid Waste Management Collection Transfer Treatment Disposal
10	Other Municipal Services
11	Urban Transport Network-Roads, Footpath, and Lighting Signaling Area Traffic Control Bridges and Road over Bridges (RoB) Terminals—Truck, Bus, Multi Modal Parking Specific Elements of Metro/Railways
12	Information Technology Network-WAN and LAN Hardware Application Software Design

3. Project Cycle

8. The flow chart below depicts the basic project cycle NCRPB follows for its loan process.

Flow Chart: NCRPB Basic Project Cycle



D. Environmental and Social Management System (ESMS)

1. Existing Due-diligence Processes

a. Environment

9. Presently, NCRPB does the environmental due-diligence as incidental to its technical due-diligence. When the project proponent/IA submits the request for the loan along with the detailed project report (DPR), NCRPB identifies a suitable agency (National Institution [NI]) for appraisal and sends the DPR to the NI for review.

10. NCRPB has entered into an agreement with these NI for undertaking appraisals on an ongoing basis. As a part of these agreements, there is a terms of reference (ToR) for the appraisal agency to follow. In this ToR, environmental due-diligence is included. However, as the appraisal agencies are given a limited budget for each project, the only verification done is to determine whether the environmental clearances, if required, are obtained. The appraisal agencies have the required technical capacity to determine whether or not projects require environmental clearances. As this is restricted to clearances, the appraisal agencies do not undertake an explicit screening or verification whether the government categorization has been correctly done. If these are obtained, the appraisal agency includes compliance to the conditions of the clearance as a loan covenant. If these are not obtained, the appraisal agency recommends to NCRPB that getting the required environmental clearances will be included as a condition for disbursement. NCRPB disburses only after verifying that these clearances are obtained. In government policy, there is no specific environmental requirement on financial institutions such as having an environmental management system or an environmental framework. Therefore, NCRPB's check of environmental clearance is done as good practice and not as a legal requirement.

11. While NCRPB has NIs to provide support in the appraisal, no such support agencies are planned for monitoring and supervision. Therefore, in the existing processes, there is no check whether the environmental clearance conditions and/or environmental good practices are followed.

12. In summary, NCRPB undertakes environmental due-diligence as a part of the appraisal process but this is limited to verifying documentary evidence of the project having obtained environmental clearance. And, during project implementation, there is no supervision to verify compliance with environmental clearance conditions or adherence to good environmental practices.

13. In comparing government and donor policy (e.g. Asian Development Bank [ADB] and World Bank), it can be seen that there is screening, categorization, environmental assessment, and environmental management plan (EMP) implementation in both policies. However, there are variations in the two policy requirements, e.g. for certain projects with minor reversible impacts, the government policy requires the completion of a questionnaire whereas donor, e.g. ADB, requires an initial environmental examination (IEE). The NCRPB's ESMS has been developed to meet both requirements. Also, implementation of government policy is not closely supervised whereas the donor policy implementation has periodic monitoring and reporting requirements. There is greater focus on implementation aspects in donor policy compared with government policy. And, in an overall sense, donor policy requires FIs to have an ESMS

whereas government policy does not. Therefore, the ESMS will further structure and systematize what NCRPB already has in place in terms of a basic system for environmental management.

b. Social

14. For social issues, detailed project reports (DPRs) submitted by project proponents/IAs provide the following details of land required for different project components:

- Extent required,
- Purpose for which land is required,
- Type of land, whether private or government, and
- Budgetary provisions made for acquisition of private land.

15. However, details on land use and profile of landowners is not furnished to ascertain if it involves involuntary displacement and/or impact to indigenous peoples (IP). Where government land is said to be available, information about whether there are any encroachments or whether it is free from encumbrance is absent.

16. The ToR to NIs for carrying out appraisal includes social safeguard requirements that need to be verified for compliance. It clearly states that the appraisal should review DPRs for their social impacts and measures for their mitigation. Further, the review has to look into the provisions for the services to the poor and the vulnerable including those requiring to be resettled. Since, information on whether the project involves involuntary resettlement (IR) or IP is absent in DPRs, the NIs neither review DPRs for social impacts nor point out this gap in their appraisal report.

17. The absence of a social safeguard policy and an officer to ensure compliance, and more importantly, the lack of a need to address safeguard issues are the main reason for social issues not being addressed at NCRPB.

18. Further, as addressing IR issues is not mandatory in availing finances for projects, the project proponents/IAs are not encouraged or mandated to address IR in projects implemented with NCRPB assistance. IAs acquire land invoking the Land Acquisition Act (LA Act), 1894 and compensation for land is determined based on LA Act and applicable State policies. LA Act does not recognize non-title holders and they are not compensated for land and structure. The National Resettlement and Rehabilitation Policy (NRRP), 2007 recognizes non-title holders who are landless and below poverty-line (BPL), and provided that they had resided continuously for a period of not less than 5 years preceding the date of declaration. However, being a policy and not yet an act, it has not been adopted by the States in NCR. Donors require proper documentation of social impacts and measures to mitigate them. Further, civil works can commence only after payment of compensation and other assistances to affected people.

3. Need for an ESMS

19. Assessment of the existing due-diligence processes revealed the need for a structured and systematic mechanism to integrate environmental and social safeguards in project planning, preparation, design and implementation. The purpose of the ESMS is to have such a mechanism. Through the ESMS, NCRPB's safeguard performance will be strengthened, made more effective, brought in line with international best practice and will ensure adherence to donor requirements.

4. Approach Towards Developing the ESMS

20. The approach/methodology for developing the ESMS included the following: (i) review of NCRPB documents relevant to safeguards in existing projects, (ii) collation of relevant legal requirements and other similar management systems/frameworks prepared, (iii) discussions with NCRPB and selected potential project proponents/IAs, (iv) developing and discussing a draft structure for the ESMS, (v) drafting the ESMS and (vi) discussing and deliberating on draft ESMS, and (vii) finalizing the draft ESMS in line with the comments/discussions.

E. ESMS Defined

21. This ESMS defines policies, procedures, roles and responsibilities for managing adverse environmental and social impacts/risks due to projects that are financed by NCRPB, and is necessarily a part of the overall management system. NCRPB will put in place an appropriate ESMS to be maintained as part of their overall management system to meet national laws and donor (such as ADB) requirements for financial intermediary (FI) projects. The ESMS will have the following elements: (i) environmental and social policies, (ii) screening, categorization, and review procedure, (iii) organizational structure and staffing including skills and competencies in environmental and social areas; (iv) training requirements, and (v) monitoring and reporting.

F. Purpose of the ESMS

1. Environmental

22. ESMS establishes what NCRPB will undertake in relation to addressing environmental safeguard issues vis-à-vis the projects that NCRPB supports (using Grant Fund) or provides partial/full financing (using Debt Fund). The ESMS defines safeguard issues pertaining to various project types, identifies different applicable national legal requirements relevant to these safeguard issues, outlines internal procedures to be adopted in meeting these safeguard requirements, and provides guidelines on what needs to be done by the project proponent/IA.

23. This ESMS will also serve to meet the environmental safeguard requirements of donors such as the multilateral agencies (ADB, WB, etc.) and the bilateral agencies (kFW, JBIC, etc.). Donor procedures require FIs such as NCRPB to develop and operate management systems to meet safeguard requirements. This ESMS will fulfill that requirement.

2. Social

24. ESMS ensures that all projects funded by NCRPB takes into account IR and IP issues, in a manner conforming to national legislations and policies, and social safeguard requirements of donors, as applicable.

25. ESMS defines social safeguard issues (IR and IP) for various project types, identifies different applicable national legal requirements relevant to these safeguard issues, outlines the internal procedures to be adopted in meeting safeguard requirements, and provides guidelines on what needs to be done by the project proponent/IA.

G. Structure of the ESMS

26. The ESMS comprises a main volume and an annex volume. The main volume includes separate sections that provide the following:

- Background to NCRPB and ESMS (this section),
- Description of safeguard issues including applicable legal requirements,
- Environmental and social policies,
- Operational procedures that NCRPB will follow to address safeguard issues, e.g. screening and safeguards categorization, project cycle and safeguards management, training and capacity-building, annual audit and disclosure, and
- Organizational arrangements to address safeguard issues.

27. The main document integrates environmental and social issues within each section and sub-section as relevant. The annex includes an environmental annex and a social annex. This provides the reference information that NCRPB will need in (i) maintaining the established ESMS within its own organization, and (ii) dealing with the project proponent/IA's queries on environmental and social safeguard issues.

H. Maintenance of the ESMS

28. NCRPB has established the ESMS on April 1, 2010 and will maintain the ESMS henceforth. This ESMS will be fully integrated with the organizational management systems. The ESMS will be periodically updated particularly when existing legal requirements are modified or new legislation is introduced. The ESMS will be comprehensively reviewed and revised on a 3-yearly basis. This will be the responsibility of the Environmental and Social Management Cell (ESMC).

II. Safeguards

A. Overview

29. There are project-related negative impacts that have to be effectively managed during the planning, design, construction and operational phases. These impacts have the potential to cause major and minor, and reversible and irreversible societal/community damage; as well as result in project delays, incomplete implementation, partial achievement of the project development goals and, reputation risks to various stakeholders. Proper safeguards or safeguards management is therefore necessary for smooth and effective project implementation.

1. Environmental Safeguards

30. There are several project-related environmental impacts for which safeguards is essential. These impacts include direct, indirect, cumulative, and induced impacts in the project's area of influence. Each project needs to be scrutinized as to its type, location, scale, and sensitivity and the magnitude of its potential environmental impacts. Environmental impacts include those related to the natural environment (air, water, and land); human health and safety; and transboundary and global environmental aspects.

31. Environmental safeguards—policies and requirements—seek to avoid, minimize, or mitigate adverse environmental impacts.

2. Social Safeguards

32. Project-related social impacts include IR impacts and impacts to IP. Broadly, physical displacement (relocation, loss of residential land or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources or means of livelihood) are IR impacts. Project-related IP impacts are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IP or affects the territories or natural or cultural resources that IP own, use, occupy, or claim as an ancestral domain or asset.

33. Social safeguards—policies and requirements—seek to avoid, minimize or mitigate these adverse impacts. Related to IR, if these adverse impacts cannot be avoided, then affected people should receive assistance/compensation so that they are at least as well off as they were in the absence of the project. Related to IP, social safeguards ensure that the indigenous people participate in the design, implementation, and monitoring and evaluation of mitigation and management arrangements.

B. Legal Requirements

1. Environmental

a. Introduction

34. NCRPB has no legal responsibility under any of the Indian environmental legislation—those under the framework of the Ministry of Environment and Forests (MOEF) —vis-à-vis its own functioning. But there are issues related to environmental legislation in connection with its project financing that the project proponent would need to adhere to. The legal responsibility lies with the project proponent. As a part of its overall requirements, NCRPB needs to ensure that

these investment projects are in compliance with legal requirements in order to safeguard its interests. These are being done by NCRPB on its own accord. These are already included in NCRPB's existing procedures.

b. Constitutional Provisions

35. Article 48-A of the Constitution provides a directive principle, which states that the State shall endeavor to protect and improve the natural environment. Article 51-A of the Constitution declares it as a fundamental duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures.

c. National Environment Policy, 2006

36. India's National Environmental Policy 2006 seeks to extend the coverage, and fill in gaps building on earlier policies such as National Forest Policy 1988, National Conservation Strategy and Policy Statement on Environment and Development 1992, and Policy Statement on Abatement of Pollution 1992. The Objectives of the National Environment Policy 2006 are:

- Conservation of Critical Environmental Resources
- Intra-generational Equity: Livelihood Security for the Poor
- Inter-generational Equity
- Integration of Environmental Concerns in Economic and Social Development
- Efficiency in Environmental Resource Use
- Environmental Governance
- Enhancement of Resources for Environmental Conservation

d. Laws on Environmental Assessment

37. The Government of India's Environmental Impact Assessment (EIA) Notification of 2006 sets out the national requirement for environmental assessment in India. This states that prior Environmental Clearance (EC) is required for specified activities/projects, and this must be obtained before any construction work or land preparation (except land acquisition) may commence.

e. Other Relevant Environmental Legislations

38. The following are the Acts, Rules, Policies, and Regulations currently in force in India that deal with environmental issues that are applicable to infrastructure development projects (Annex I.A for a brief description and relevance to NCRPB's project financing activities):

- Water (Prevention and Control of Pollution) Act, 1974, amended 1988, and Rules
- Water (Prevention and Control of Pollution) Cess (Amendment) Act, 2003 and Rules
- Air (Prevention and Control of Pollution) Act 1981, amended 1987, and Rules
- Environment (Protection) Act, 1986, amended in 1991 and the following Rules/Notification
- Environment (Protection) Rules, 1986
- Environmental Standards of Central Pollution Control Board (CPCB)
- Environment (Siting for Industrial Projects) Rules, 1999
- Environmental Audit Notification, 1992

- Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, amended 2000
- Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms and Genetically Engineered Organism or Cell Rules, 1989
- Municipal Solid Wastes (Management and Handling) Rules, 2000
- Hazardous Wastes (Management and Handling) Rules, 1989, amended 2003
- Bio-Medical Waste (Management and Handling) Rules, 1998, amended in 2003
- Noise Pollution (Regulation and Control) Rules, 2000, amended in 2002
- Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996
- Batteries (Management and Handling) Rules, 2001
- Notification on Eco-sensitive Zones: Sultanpur National Park Eco-sensitive Zone and Aravalli Range Notification, 1992
- Public Liability Insurance Act, 1991
- Wild Life (Protection) Amendment Act, 2002
- Wildlife (Protection) Act, 1972, amended 1993 and Rules
- Forest Act, 1927
- Forest (Conservation) Act, 1980, amended 1988 and the following Rules / Guidelines
- Forest (Conservation) Rules, 1981 amended 1992 and 2003
- Guidelines for Diversion of Forest Lands for Non-Forest Purpose
- Ancient Monuments and Archaeological Sites and Remains Act 1958 and Rules

39. The implementation of environmental legislation in India is a state-subject and hence implementation practices vary from state to state. Therefore, it is important for NCRPB to monitor the approach adopted towards implementing legislation in each state NCRPB has funded or will be funding projects.

2. Social

a. Introduction

40. NCRPB has no legal responsibility under any Indian legislation relevant to social safeguards: National Rehabilitation and Resettlement Policy (NRRP), Land Acquisition Act 1984 and Forest Rights Act 2006. The Ministry of Rural Development, respective State Governments, and Ministry of Tribal Affairs are implementing these respectively. But there are issues related to social legislation in connection with project financing. As a part of its overall requirements, NCRPB needs to ensure that these investment projects are in compliance with legal requirements.

b. National Rehabilitation and Resettlement Policy (NRRP)

41. NRRP came into existence in 2007 (and the National Rehabilitation and Resettlement Bill, 2007, has been tabled in Indian parliament but has not yet been adopted. It is subject to committee approval and is expected to be tabled in the forthcoming Parliament Session). NRRP provides broad guidelines and executive instructions, and will be applicable to all projects. The provisions of the NRRP provide for basic minimum requirements, and all projects leading to involuntary displacement of people must address rehabilitation and resettlement issues comprehensively.

c. Land Acquisition (LA) Act 1894

42. The LA Act generally governs land acquisition and compensation. The Act describes the process to be adopted in notifying land required for a public purpose or for a company. It also includes the procedure for enquiry, hearing of objections and fixing of compensation. The Act prescribes a two-year time limit from the date of declaration within which the process has to be completed. The LA Act has been reviewed and amendments have been proposed to align its provisions to the goals and objectives of the NRRP.

d. Other Relevant Social Legislations

43. The following are the other relevant social legislations (Annex II.A for a brief description and relevance to NCRPB's project financing activities):

- Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989
- Provisions of the Panchayat (Extension to Scheduled Areas) Act (PESA), 1996
- The Constitution (Eighty-Ninth Amendment) Act, 2003
- The Schedule Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

3. Donor Requirements

44. Donors—multilateral/bilateral funding agencies such as ADB, WB, kfW, JBIC, etc. — have safeguard policies that pose requirements on their borrowers. The objectives of these safeguard policies are to:

- Avoid adverse impacts of projects on the environment and affected people, where possible;
- Minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected people when avoidance is not possible; and
- Help borrowers/clients to strengthen their safeguard systems and develop the capacity to manage environmental and social risks.

45. For FI projects supported by donors, there are special requirements from a safeguard perspective as these agencies do not have direct oversight of or strong leverage in relation to projects that the FI lends. Therefore, the donors review the FI's business processes and their capacity for environmental and social safeguards management. All FIs are expected to ensure that their investments are in compliance with applicable national laws and regulations and will apply a prohibited investment activities list, e.g. donor's prohibited list (Annex I.M) to projects financed. Where the FI's investments have minimal or no adverse environmental or social risks, the FI project will be treated as no negative impact project and need not apply any other specific requirements. All other FIs will be required to have in place or establish appropriate ESMS commensurate with the nature and risks of the FI's likely future portfolio to be maintained as a part of the FI's overall management system.

a. Environmental Safeguards

46. Environmental safeguard policies are generally understood to be operational policies that seek to avoid, minimize, or mitigate adverse environmental impacts. These policies require that impacts are identified and assessed early in the project cycle, and plans to avoid, minimize, mitigate, or compensate for the potential adverse impacts are developed and implemented throughout the project cycle.

47. Donors tend to use a classification system to reflect the significance of a project's potential environmental impacts. Each project is scrutinized as to its type, location, scale, and sensitivity and the magnitude of its potential environmental impacts. Projects are assigned to one of the following four categories:

Category	Description
A	A proposed project is classified as category A if it is likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented. These impacts may affect an area larger than the sites or facilities subject to physical works. An environmental impact assessment is required.
B	A proposed project is classified as category B if its potential adverse environmental impacts are less adverse than those of category A projects. These impacts are site-specific, few if any of them are irreversible, and in most cases mitigation measures can be designed more readily than for category A projects. An initial environmental examination is required
C	A proposed project is classified as category C if it is likely to have minimal or no adverse environmental impacts. No environmental assessment is required although environmental implications need to be reviewed.
FI	A proposed project is classified as category FI if it involves investment of ADB funds to or through a FI.

Source: ADB, Safeguard Policy Statement, June 2009.

48. The specific requirements for environmental safeguards are captured under the elements given in the table below (Annex I.B and Annex I.C for further details). The objectives of these specific requirements are to ensure environmental soundness and sustainability of projects, and to support the integration of environmental considerations into the project decision-making process. These include both process requirements as well as subject-specific requirements. The applicability of these subject-specific requirements are established to the process requirement, i.e. the environmental assessment and compliance.

Table 2: Environmental Safeguard Requirements

No.	Requirements
1	Environmental Assessment
2	Environmental Planning and Management
3	Information Disclosure
4	Consultation and Participation
5	Grievance Redress Mechanism
6	Monitoring and Reporting
7	Unanticipated Environmental Impacts
8	Biodiversity Conservation and Sustainable Natural Resource Management (a) Modified Habitats, (b) Natural Habitats, (c) Critical Habitats, (d) Legally Protected Areas, (e) Invasive Alien Species, and (f) Management and Use of Renewable Natural Resources
9	Pollution Prevention and Abatement (a) Pollution Prevention, Resource Conservation and Energy Efficiency, (b) Wastes, (c) Hazardous Materials, (d) Pesticide Use and Management, and (e) Greenhouse Gas Emissions

10.	Health and Safety: (a) Occupational Health and Safety, and (b) Community Health and Safety
11.	Physical Cultural Resources

Source: ADB Safeguard Policy Statement, June 2009. These are consistent with other donors such as the World Bank and KfW.

49. Comparison between GOI and donor safeguard policies: Most of the GOI and donor requirements pertaining to environmental safeguard policies are similar. The only difference between the Government and the donor policies is in relation to the requirements of Category B. As per the Government policy, there are certain limited environmental impact (Category B type) projects that require no limited EIA or only the submission of a questionnaire. The Government policy does not always require a separate EIA for these types of projects, whereas the donor policies require a limited environmental assessment/Initial Environmental Examination (IEE) (Annex I.D for a detailed comparison table).

b. Social Safeguards

50. Social safeguard policies are generally understood to be operational policies that seek to avoid, minimize, or mitigate adverse IR and/or impacts to IP. These policies require that impacts are identified and assessed early in the project cycle, and plans to avoid, minimize, mitigate, or compensate for the potential adverse impacts are developed and implemented throughout the project cycle.

51. Donors use a classification system to reflect the significance of a project's potential social impacts. Each project is scrutinized as to its type, location, scale, sensitivity, and the magnitude of its potential social impacts. Projects are assigned to one of the following four categories based on IR and IP:

Table 3: Social Safeguards Categorization

Category ²	Description – IR	Description – IP
A	A proposed project is classified as category A if 200 or more people will experience major impacts, which are defined as (i) being physically displaced from housing or (ii) losing 10% or more of their productive assets (income generating).	Projects are expected to have significant impacts on indigenous peoples. Significant impacts are those that directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that Indigenous peoples own, use, occupy or claim as their ancestral domain.
B	A proposed project is classified as category B if there are potential adverse major (as defined earlier) impacts that less than 200 people will experience or there are any minor impacts.	Projects where the indigenous peoples are the sole or the overwhelming majority of project beneficiaries, and when only positive impacts are identified.
C	A proposed project is classified as category C if it is likely to have no impacts whatsoever.	No impacts on indigenous peoples are envisaged.

² In conformity with ADB's Safeguard Policy Statement, 2009

FI	A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary	A proposed project is classified as category FI if it involves the investment of ADB funds to, or through, a financial intermediary
-----------	---	---

52. The specific requirements of social safeguard and its elements are given in the following tables. These are requirements of donors and include both process requirements as well as subject-specific requirements. The applicability of these subject-specific requirements is established to the process requirement, i.e. the social assessment and compliance.

Table 4: Social Safeguard Requirements – IR¹

No	Requirements
1	Social Impact Assessment
2	Resettlement Planning
3	Information Disclosure
4	Consultation and Participation
5	Grievance Redress Mechanism
6	Monitoring and Reporting
7	Unanticipated Involuntary Resettlement Impacts
8	Special Considerations for Indigenous People

Table 5: Social Safeguard Requirements - IP¹

No	Requirements
1	Consultation and Participation
2	Social Impact Assessment
3	Indigenous Peoples Planning
4	Information Disclosure
5	Grievance Redress Mechanism
6	Monitoring and Reporting
7	Address Unanticipated Impacts on Indigenous Peoples
8	Ancestral Domains and Lands and Related Natural Resources a. Protection of customary rights of the indigenous peoples b. Protection to ancestral domains c. Protection of cultural and spiritual values attributed to ancestral lands and resources d. Protection of natural resources management practices e. Rehabilitation of livelihood systems
9	Consent of Affected Indigenous Peoples Communities
10	Receive Equitable Share in Commercial Development of Cultural Resources
11	Receive Equitable Share in Commercial Development of Natural Resources

53. Comparisons between Government and Donor safeguard policy: The following table compares the key social safeguard requirements between government policy and donor policy/procedures. (Annex II.I for detailed comparison)

54. Projects funded by NCRPB are in compliance with National and State Laws governing land acquisition and compensation for land and property. However, National Laws are at variance with donor safeguard requirements. To ensure projects that NCRPB funds are in

consistent with National Laws and donor safeguard requirements, NCRPB has prepared this ESMS. The key areas where National Laws are at variance with donor safeguard requirements is presented in the following table along with how NCRPB bridges the gap through its ESMS.

Table 6: Fundamental Distinction between National/State Laws and Donor Safeguard Requirement

S.No	National / State Laws	Donor Safeguard Requirement	NCRPBs Draft ESMS that bridges the Gap	Remarks
1	Compensation for land as per LA Act (based on guideline value/past sale statistics)	Compensation for land at replacement value ³	Compensation for land as per LA Act.	Compensation is determined based on past sale statistics (circle rates / guideline value). However, if ESMC finds the compensation so determined is lower than the replacement value of the land, the project proponent / IA will provide the difference as assistance.
2	Structure compensated with depreciation	Structure to be compensated at replacement cost without depreciation	Structure will be compensated at replacement cost without depreciation	-
3	Non-title holders are not eligible for compensation for loss of assets	Non-title holders are entitled for compensation for loss of assets (not for land)	Non-title holders provided compensation for loss of assets (not for land)	NRRP recognizes non-titleholders who are landless and BPL, if they reside continuous for a period of not less than 5 years preceding the date of declaration
4	No assistance for livelihood loss	Livelihood assistance for loss of livelihood (land / commercial)	Livelihood assistance provided for loss of livelihood (land / commercial)	In Haryana, loss of livelihood for landowners is provided as an annuity (Rs.15,000 per acre per annum for 33 years with Rs.500 increment every year) NRRP provides for rehabilitation grant, subsistence allowance and assistance for loss of income from small trader
5	No assistance for vulnerable	Additional assistance for vulnerable	Additional assistance for vulnerable	Vulnerable persons such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or

³ Replacement value/cost is the amount required for an affected person to replace the lost land/asset through purchase in the open market.

S.No	National / State Laws	Donor Safeguard Requirement	NCRPBs Draft ESMS that bridges the Gap	Remarks
				persons above fifty years of age, who are not provided or cannot immediately be provided with alternative livelihood, and who are not otherwise covered as part of a family (NRRP 2007) NRRP provides for pension for life to vulnerable
6	No special provision for IP	Positive and/or negative impact will require an IPP	IPP will be prepared if the project involves impact to IP	NRRP requires a Tribal Development Plan, if the project involves involuntary displacement of 200 or more tribal families.
7	No specific provision for Land Acquisition through Negotiation	Acquisition of land and other assets through Negotiated settlement does not attract Safeguard Requirements on Involuntary Resettlement	IAs are encouraged to acquire land and other assets through Negotiated settlement – Safeguard Requirements on Involuntary Resettlement does not apply to Negotiated Land Acquisition	UIT- Alwar and SADA-Gwalior have specific provisions for Negotiated Land Acquisition

C. Regional Plan

55. All project-financing activities have to be compatible with the Regional Plan. NCRPB has been ensuring this compatibility and will continue to do so. Both directly and indirectly, this Plan includes and reflects environmental and social concerns. Through ensuring compatibility with the Plan, NCRPB will also be including safeguards in the planning, design, implementation, and operation and maintenance of projects that it finances. For instance, the Regional Plan includes a separate chapter on environmental issues. In this chapter, there is a commitment that all NCRPB must comply with the national, regional and local environmental laws. Through implementing this commitment, NCRPB is ensuring environmental and social safeguards.

III. NCRPB's Environmental and Social Policies

A. Environmental Policy

56. NCRPB will continually strive to ensure and enhance effective environmental management practices in all its operations (screening, assessment, appraisal and monitoring)
- Minimizing negative environmental (including health and safety) impacts in its operations and risks to the environment (particularly ecosensitive areas and culturally important areas) and people who may be affected through formulating and implementing commensurate plans.
 - Ensuring that environmental safeguards—defined as requirements of applicable Indian environmental legislation and donors—are being adequately integrated by the project proponent/IA in the planning, design, construction prior to its financing and in its implementation during the operational phase.
 - Ensuring that compliance to all applicable national and local environmental legislation.
 - Encouraging that public and stakeholder consultation be carried out by the project proponent/IA and disclosing the required information in all stages of the project cycle.
 - Integrating environmental risk into its overall internal risk management analysis.
 - Including environmental management considerations in all aspects of operations and interactions with the project proponent/IAs in all stages of the project cycle.

This policy statement emphasizes NCRPB's sensitivity, concern and commitment to environmental safeguards.

B. Social Policy

57. NCRPB will continually strive to ensure that social safeguards are adhered. NCRPB will work towards:
- Avoiding or minimizing involuntary resettlement and impacts to indigenous peoples by exploring project and design alternatives.
 - In cases, where IR and impacts on IP are unavoidable, enhancing or, at least, restoring the livelihoods of all affected persons in real terms relative to pre-project levels.
 - Improving the standard of living of the displaced poor and other vulnerable groups.
 - Addressing through special efforts to reduce negative impacts on indigenous people; measures to ensure they receive culturally appropriate social and economic benefits, and also to ensure transparent mechanisms including consultations and actively participation in projects that affect them.
 - Ensuring that affected persons benefit from the projects funded to the extent possible and they are consulted on the project at different stages of the project from its planning to implementation.
 - Integrating the RP and IPP with the overall preparation and implementation of the project and payment of compensation and other assistances before award of civil works.

This policy statement emphasizes NCRPB's sensitivity, concern and commitment to social safeguards.

58. Both these policies commit that NCRPB will strive to ensure that the projects that it supports meets the Government policies as well as the donor policies. (Annex I.E and Annex II.I includes comparison on environmental and social safeguards respectively.)

IV. Operational Procedures

A. Screening and Categorization

59. This defines the procedure for NCRPB to classify projects into different categories based on their environmental and social issues.

1. Environmental

60. As a part of the initial project stage, the project proponent/IA have to provide basic environmental information by completing a checklist (Annex VII Form A). The important information from the checklist will be two-fold: (i) whether the project will have significant impacts, limited impacts, or no impacts; and (ii) whether the project is in an ecosensitive area or not. In addition, the project-specific environmental checklists will also be completed. (Annex I.N).

61. Based on the information furnished in this checklist, NCRPB will classify the project into environmental categories—E1, E2 and E3—using the following table.

Table 7: Environmental Categorization

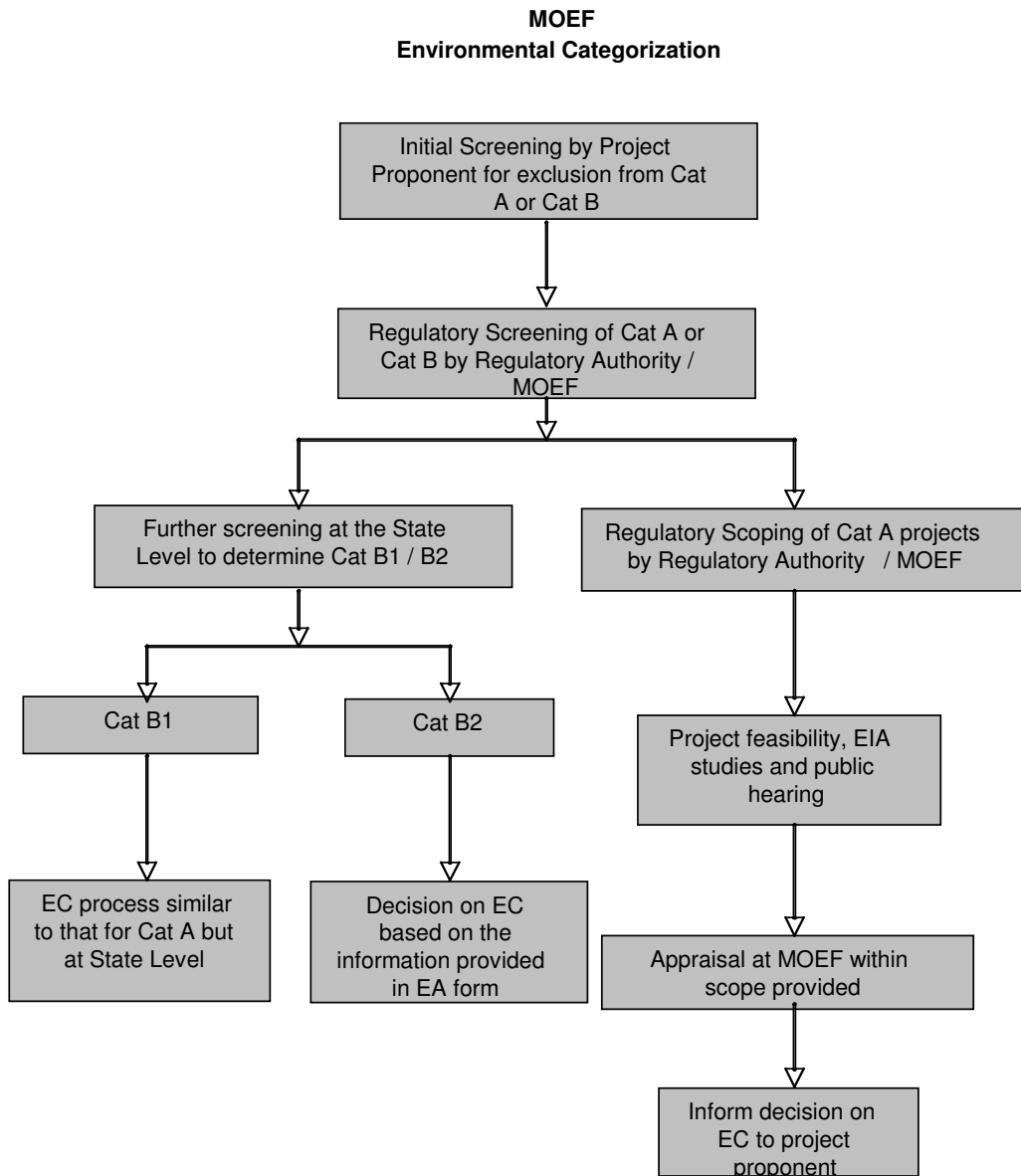
Environmental Scenario	NCRPB's Categorization	MOEFs Categorization	ADB Categorization
Significant impacts or in ecosensitive area	E1	A	A
Limited impacts	E2	B1 or B2 or No Category	B
No impacts	E3	No Category	C

62. The definition of the different scenarios is as follows:

- Significant impacts or in ecosensitive areas: If the project has significant adverse environmental impacts that are irreversible, diverse, or unprecedented, then it is regarded to be significant. These impacts may affect an area larger than the sites or facilities subject to physical works. In addition, all projects located in ecosensitive areas will be considered significant. In the NCR Regional Plan, ecosensitive areas include reserved/protected forests, forests other than reserved and protected forests, monuments (National, State, Local), heritage/cultural sites, scenic areas, national parks, sanctuaries, areas with endangered species—flora and fauna, biosphere reserves, wetlands, resorts/areas of tourist interest, water bodies, springs/water recharge areas, and other environmental resource areas. Examples of ecosensitive areas in NCR are the Sariska National Park and the Aravalli Range (Annex I.P provides an indicative list of heritage sites).
- Limited environmental impacts: If the project has impacts that are site-specific, few if any of them are irreversible, and in most cases mitigation measures can be designed.
- No environmental impacts: If the project is likely to have minimal or no adverse environmental impacts, then it is regarded to have this environmental scenario.

63. The Table also provides the likely MOEF categorization of the project as well as the ADB categorization. For MOEF, a project is classified as either A, B1, or B2. This classification factors project type, size and sensitivity of location. For E2 projects, NCRPB will determine the MOEF category using the EIA Notification 2006. (Annex I.A for further details).

64. Once the MOEF category is determined, NCRPB will have to ensure that the project proponent/IA follows their MOEF process and requirements as described in the following flow chart.



65. For MOEF, projects under category A and B1 require an Environmental Impact Assessment (EIA) and are processed for Environmental Clearance at MoEF and State level respectively. Category B2 does not require EIA but needs information to be submitted in a prescribed format to the State Department of Environment for review. For MOEF, projects under

category B1 may be re-categorized as A if General Conditions (GCs) that consider site sensitivity are violated. The equivalence between the EIA requirements of NCRPB and MOEF is included in the following table.

Table 8: Categorization and Requirements

NCRPB's Categorization	MoEFs Categorization	NCRPB's EIA Requirements	MOEF's EIA Requirements
E1	A	Full EIA	Full EIA (MOEF Level)
E2	B1	Limited EIA / IEE	Limited EIA (State Level)
	B2	Limited EIA / IEE	Detailed Questionnaire (State Level)
	No Category	Limited EIA / IEE	No EIA required
E3	No Category	No EIA required	No EIA required

66. From the above Table, it is clear that there is considerable equivalence between the EIA requirements based on NCRPB and MOEF categorizations. The differences are that NCRPB requires a limited EIA/IEE for E2 projects, whereas MOEF requires either (i) similar information be submitted in the form of a detailed questionnaire for seeking the EC from the state-level clearing body for a B2 MOEF category or (ii) no EIA if this does not fall as a B2 MOEF category.

67. Once the NCRPB's Environmental Categorization is done, the appropriate EIA requirement will be specified to the project proponent/IA. In addition, NCRPB will also advise the project proponent/IA of the MOEF categorization and what needs to be done by the project proponent/IA. (Annex I.F and Annex I.G provide flow charts for E1 and E2 projects respectively.)

2. Social

68. As a part of the initial project stage, the project proponent/IA have to provide basic information by completing an IR and IP checklist. (Annex II.B and Annex II.C) On social safeguards, the following three-level categorization will be followed. This is based on the donor requirements.

Table 9: Social Categorization

IR & IP Scenario	NCRPB's Categorization	NRRP's Categorization	Donor ⁴ Categorization
Significant impacts	S1	≥400 APs in plain areas ≥200 APs in tribal / hilly areas	A
	S1	>200 & <400 APs in Plain areas >100 & <200 APs in tribal / hilly areas	A

⁴ In conformity with ADBs September 2006

IR & IP Scenario	NCRPB's Categorization	NRRP's Categorization	Donor ⁴ Categorization
Limited impacts	S2	≤200 APs in Plain areas ≤100 APs in tribal / hilly areas	B
No impacts	S3	No impacts	C

69. The basis of NCRPB's social categorization is described in the following table.

Category	Description – IR	Description – IP
S1	A proposed project is classified as category A if 200 or more people will experience major impacts, which are defined as (i) being physically displaced from housing or (ii) losing 10% or more of their productive assets (income generating).	Projects are expected to have significant impacts on indigenous peoples. Significant impacts are those that directly or indirectly affect the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that Indigenous peoples own, use, occupy or claim as their ancestral domain.
S2	A proposed project is classified as category B if there are potential adverse major (as defined earlier) impacts that less than 200 people will experience or there are any minor impacts.	Projects where the indigenous peoples are the sole or the overwhelming majority of project beneficiaries, and when only positive impacts are identified.
S3	A proposed project is classified as category C if it is likely to have no impacts whatsoever.	No impacts on indigenous peoples are envisaged.

70. For the different categories, the NCRPB's requirement of documents are included in the following table:

Table 10: Categorization and Requirements

NCRPB's Categorization	NCRPB's IR Requirements	NCRPB's IP Requirements
S1	RP	IPP
S2	SRP	Summary note on IP in project document
S3	No RP or SRP required	No IPP or summary note required

71. The comparison of the requirements of NCRPB and the GOI under the NRRP 2007 are included in the following table.

Table 11: Comparison of Categorization and Requirements

NCRPB's Categorization	NRRP's Categorization	NCRPB's Requirements		NRRP's Requirements	
		IR	IP	IR	IP
S1	≥400 APs in plain areas ≥200 APs in tribal / hilly areas	RP	IPP	RRP	TDP
S1	>200 & <400 APs in plain areas >100 & <200 APs in tribal / hilly areas	RP	IPP	Adeq. Arrgnts	Adeq. Arrgnts
S2	≤200 APs in plain areas ≤100 APs in tribal / hilly areas	SRP	Summary Note on IP in project document	Adeq. Arrgnts	Adeq. Arrgnts
S3	None	No RP or SRP required	No IPP or Summary Note required	None	None

72. From all the above, it is clear that there is full equivalence between the requirements based on NCRPB and donors. In terms of the GOI requirements, i.e. NRRP 2007, projects where 400 or more people are affected in plain areas and 200 or more people are affected in tribal or hilly areas, it is mandatory to do a social impact assessment and prepare a rehabilitation and resettlement scheme/plan (RRP). In addition, there is a need to appoint an administrator and commissioner (not below the rank of District Collector) for rehabilitation and resettlement. For projects where the affected persons less than 400 in plain areas & 200 in tribal or hilly areas, the concerned State Government/agency should appoint an administrator and make adequate arrangements for the rehabilitation and resettlement of affected families. If the project involves involuntary displacement of 200 or more tribal families, NRRP requires a Tribal Development Plan.

B. Safeguards Guidance-Sharing with Project Proponent/IA

73. This procedure is to share guidance information to the project proponent/IA on safeguard requirements.

74. When the project proponent/IA approaches NCRPB with the Initial Project Concept, NCRPB will determine the NCRPB environmental and social category based on the Screening and Categorization Procedure.

75. Based on categorization, NCRPB will advise on what the project proponent/IA needs to do to meet its safeguard requirements.

76. For Category E1 and S1 projects, NCRPB will advise the project proponent/IA that the donor will be involved in the appraisal process from the very early stages and this is the equivalent of a Category A project based on donor categorization. As part of its due-diligence, donor will (i) review the environmental and social information collected by the financial intermediary, (ii) determine any additional information needed, (iii) assist with determining appropriate mitigation measures, and (iv) specify conditions under which the projects may proceed. For such projects, the donor will clear the EIA, RP, and/or IPP, if applicable, before project approval, and the project team ensures that the following documents are made publicly available: (i) the draft EIA report at least 120 days before the approval of the project, and (ii) the draft RP and draft IPP before the approval of the project.

77. For Category E2 and S2 projects, NCRPB will follow the ESMS procedures only after obtaining the donor's concurrence that NCRPB has build sufficient in-house capacity to manage the appraisal/due-diligence process. Until that stage, NCRPB will involve the donor in the various stage of the appraisal/due-diligence process.

78. On environmental aspects, NCRPB will share the relevant annexes with the project proponent/IA based on the project type and indicate that the requirements are more or less in line with what the project proponent/IA will have to do to meet the MOEF requirements.

79. On social aspects, NCRPB will share the social safeguards framework (Annex II) with the project proponent/IA. Project proponents/IAs will be required to follow the following procedure while availing assistance from NCRPB:

- Screen project proposals for IR and IP impacts and submit Involuntary Resettlement Screening Checklist (Annex II.B) and Indigenous Peoples Screening Checklist (Annex II.C);
- Prepare Resettlement Plan (RP) commensurate with the significance of involuntary resettlement impacts and submit the same as part of the Detailed Project Report (DPR) (Annex II.D);
- Prepare Indigenous Peoples Plan (IPP) commensurate with the significance of potential impact on indigenous peoples and submission of the same as part of the DPR (Annex II.E);
- Submit updated RP and/or IPP on completion of detailed design or in case of changes in project design;
- Implement RP and/or IPP and submit monthly progress reports (Annex II.F) to ESMC of NCRPB;
- Monitor RP and/or IPP periodically and submit the reports (Annex II.G) to ESMC. For S-1 projects, monitoring and evaluation will be undertaken through external experts; and
- Loan closure shall be linked to satisfactory completion of activities undertaken for RP and/or IPP.

80. The ESMS will be uploaded on the NCRPB website. Print copies will be made available upon request.

81. For projects involving facilities and/or business activities that already exist or are under construction, NCRPB will advise the project proponent/IA that they will undertake a safeguards compliance audit, including an on-site assessment, to identify past or present concerns related to safeguard impacts.

82. Wherever NCRPB is supporting the project preparation such as the preparation of a detailed project report, NCRPB will also ensure that financial assistance through its grant fund is also provided for safeguards assessment, either detailed or limited as the case may be.

83. Once the project is approved and implementation begins, NCRPB will provide training, implementation support and guidance on safeguards through its management capacity-building consultants.

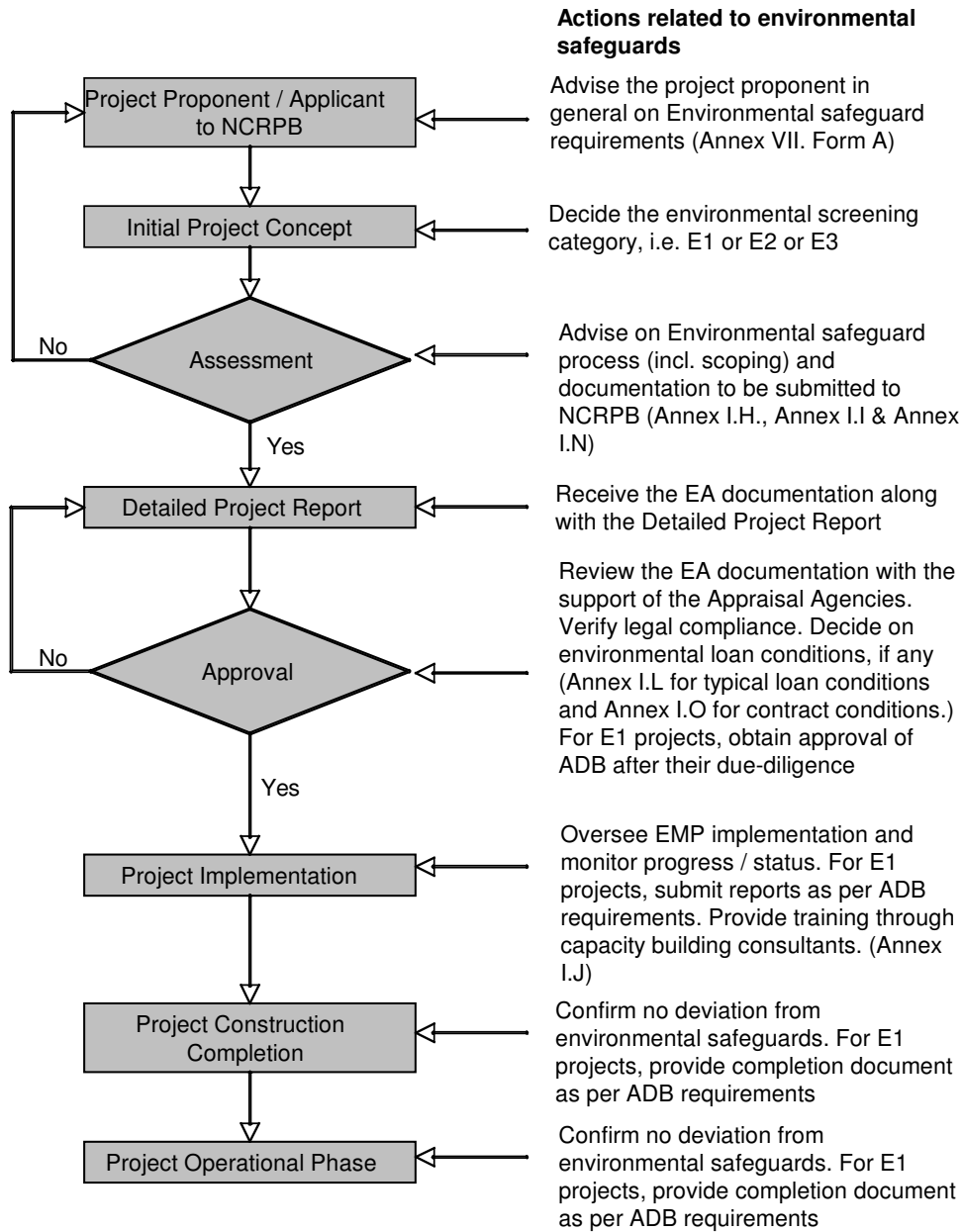
C. Project Cycle and Safeguards Interventions / Verification

84. This procedure is to verify adherence to safeguard requirements during the project cycle.

1. Environmental

85. The project cycle of the NCRPB with the environmental safeguard requirements as an overlay are depicted in the flow chart below.

Flow Chart: Project Cycle and Environmental Safeguards



86. The above flow chart indicates that the donor will undertake its due diligence for E1 projects as these will be treated as Category A projects as per donor categorization. As part of

its due-diligence, donor will (i) review the environmental information collected by the financial intermediary, (ii) determine any additional information needed, (iii) assist with determining appropriate mitigation measures, and (iv) specify conditions under which the projects may proceed. For these projects, the donor will clear the EIA before project approval, and NCRPB/donor will ensure that the draft EIA report is made available at least 120 days before the approval of the project (Annex I.F and I.G for flow chart for E1 and E2 projects respectively).

87. NCRPB will support the conduct of the environmental assessment and the preparation of the EIA/ IEE and EMP reports under the Grant Fund that is available through the ADB line of credit.

88. The main documents required as a part of the environmental appraisal process are as follows:

E1 projects:

- Completed Environmental Information Screening Format: This is a 1-page request for information that needs to be submitted at the early stages of the NCRPB appraisal process. This requires first-level information required to classify the project based on NCRPB categorization that would help to identify the appraisal process and documents that the project proponent/IA would need to be submitted (Annex VII Form A).
- Detailed Environmental Impact Assessment (EIA) report: EIA is an important tool for incorporating environmental concerns at the project level. EIA will be carried out as early as the project planning stage as part of feasibility thus it can assure that the project will be environmentally feasible. EIA requires an in-depth analysis because of the potential significance of environmental impacts from the project. EIAs demand: (i) screening and scoping of possible key environmental issues, (ii) agreeing with the MoEF / SEIAA and/or NCRPB / ADB on the Terms of Reference for the EIA, (iii) comprehensive analysis of the potential impacts; (iv) works to be carried out to formulate practical mitigation measures; (v) in-depth economic valuation of impact to screen and evaluate the best alternative; and (vi) in-depth analysis to prepare an adequate environmental management plan. The following are the important activities in undertaking the EIA study: (1) describing the environmental condition of the project area, (2) assessing potential impact, (3) formulating mitigation measures, and (4) preparing the Environmental Management Plan. The EIA report will include its contents in the following structure: (1) Introduction, (2) Description of the Project, (3) Description of the Environment, (4) Alternatives, (5) Anticipated Environmental Impacts and Mitigation Measures, (6) Economic Assessment, (7) Environmental Management Plan, (8) Public Involvement and Disclosure and (9) Conclusions. (Annex I.1)
- Executive Summary EIA report: An executive summary EIA report also has to be submitted. This report will be presented clearly and concisely which can be a stand-alone document for submission to the donor and disclosure to the public.
- Environmental Management Plan (EMP): Environmental management involves the implementation of environmental protection and mitigation measures and monitoring of significant environmental impacts. Environmental protection measures are taken to (i) mitigate environmental impacts, (ii) provide in-kind compensation for lost environmental resources, or (iii) enhance environmental resources. These measures are usually set out in an EMP, which covers all phases of the project from pre-construction through decommissioning, and

outlines mitigation and other measures that will be undertaken to ensure compliance with environmental regulations and reduce or eliminate adverse impacts (see the following table). The EMP will also cover a proposal for recommending the proposed project to use goods and products that are proposal for environmental loan covenants. The typical contents of the EMP will include (1) Summary of Potential Impacts, (2) Description of Planned Mitigation Measures, (3) Description of Planned Environmental Monitoring, (4) Description of Planned Public Consultation Process, (5) Description of the Responsibilities and Authorities for Implementation of Mitigation Measures and Monitoring Requirements, (6) Description of Responsibilities for Reporting and Review, (7) Work Plan including staffing chart, proposed schedules of participation by various members of the project team, and activities and inputs of various government agencies, (8) Environmental Responsible Procurement Plan, and (9) Detailed Cost Estimates

- MOEF's environmental clearance along with conditions, if any: For E1 projects (which are A as per MOEF), the MOEF will review the project and provide a scope—Terms of Reference—for the detailed EIA required for submission. The MOEF's Terms of Reference will be integrated with that of the EIA outlined above and a single detailed EIA document will be prepared. Once the detailed EIA is ready and submitted, the MOEF will review and provide its environmental clearance. Once obtained, the project proponent / IA needs to submit the copy of the clearance letter along with conditions, if any.

E2 projects

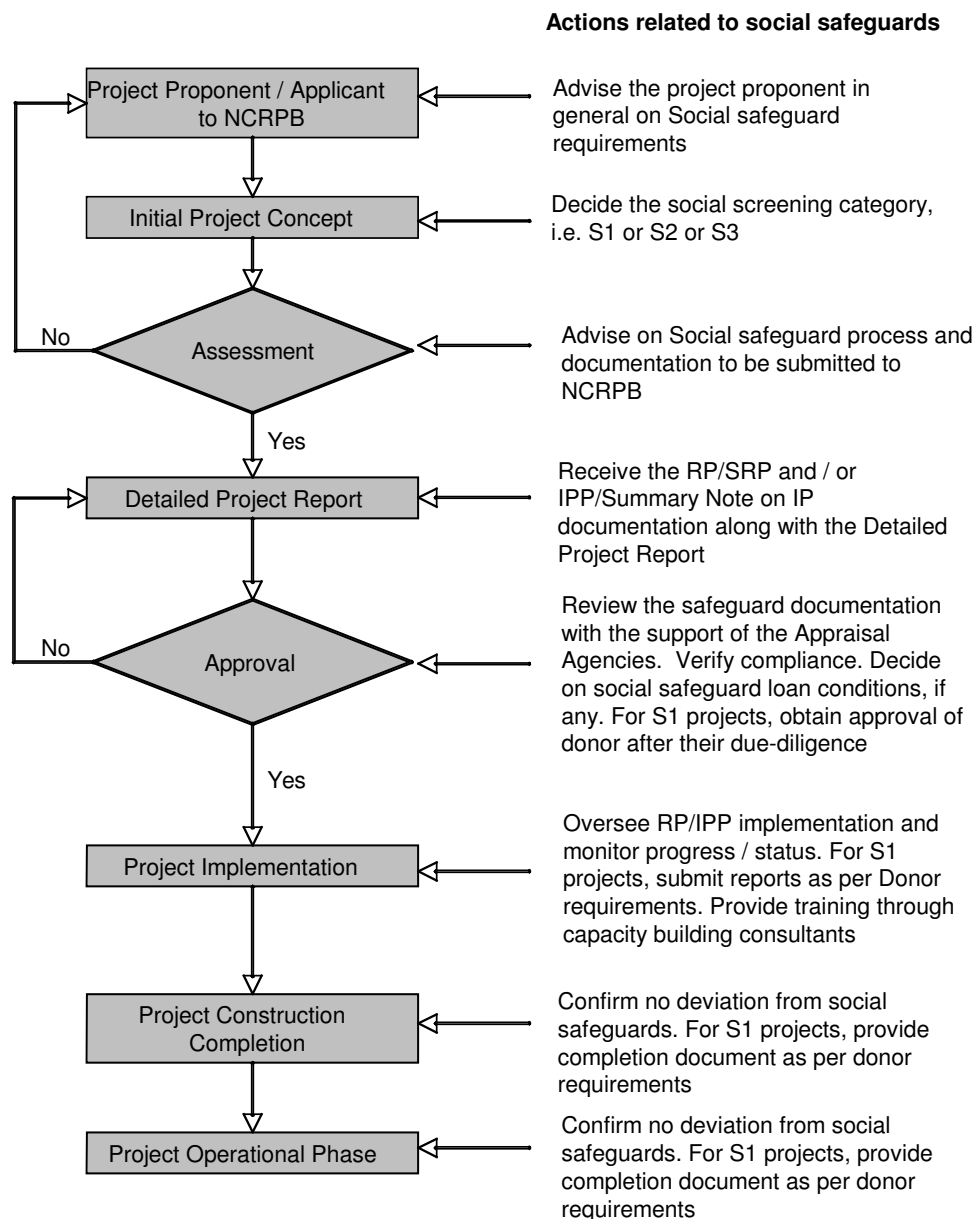
- Completed Environmental Information Screening Format: This is a 1-page request for information that needs to be submitted at the early stages of the NCRPB appraisal process. This requires first-level information required to classify the project as per NCRPB category that would help to identify the appraisal process and documents that the project proponent/IA would need to be submitted (Annex VII Form A).
- Initial Environmental Examination (IEE): IEE is an important tool for incorporating environmental concerns at the project level. IEE will be carried out as early as the project planning stage as part of feasibility thus it can assure that the project will be environmentally feasible. The following are the important activities in undertaking the IEE study: (1) Describing the environmental condition of the project area, (2) Assessing potential impacts, (3) Formulating mitigation measures and (4) preparing the institutional requirements and environmental management plan. The IEE report will have the following structure: (1) Introduction, (2) Description of the Project, (3) Description of the Environment, (4) Screening of Potential Environmental Impacts and Mitigation Measures, (5) Institutional Requirements and Environmental Management Plan, (6) Public Consultation and Information Disclosure, (7) Findings and Recommendation and (8) Conclusions. IEE concludes that the project will not have any significant adverse environmental impacts, then the environmental assessment is deemed complete. (Annex I.H)
- State-level environmental clearance along with conditions, if any: For E2 projects (which are B1 or B2 as per MOEF), the respective State Environmental Impact Assessment Authority (SEIAA) and its expert/technical appraisal committee will review the project and provide a scope—Terms of Reference—for the limited EIA or provide the questionnaire required for submission. If a limited EIA is required,

the SEIAA's Terms of Reference will be integrated with that of the IEE and a single IEE/Limited EIA document will be prepared. Once the limited EIA or the completed questionnaire is ready and submitted, the SEIAA will review and provide its environmental clearance. Once obtained, the project proponent/IA needs to submit the copy of the clearance letter along with conditions. For certain E2 projects, no clearances are required either at the MOEF level or at the SEIAA level.

2. Social

89. The project cycle of the NCRPB with the social safeguard requirements as an overlay are depicted in the flow chart below.

Flow Chart: Project Cycle and Social Safeguards



90. The above flow chart indicates that the donor will undertake due diligence for S1 projects as the are Category A projects based on the donor's categorization. As part of its due-diligence, the donor will (i) review the social information collected by the financial intermediary, (ii) determine any additional information needed, (iii) assist with determining appropriate mitigation measures, and (iv) specify conditions under which the projects may proceed. For such projects, the donor will clear the RP and/or IPP, if applicable, before project approval. NCRPB/donor will ensure that the draft RP and/or IPPs made available before the approval of the project.

91. NCRPB will support the conduct of the social assessment/studies and the preparation of the RP and IPP reports under the Grant Fund that is available.

92. The main documents required as a part of the social appraisal process while submitting projects to NCRPB and during implementation are as follows:

S1 projects

- Completed Social Information Screening Formats: This is a 1-page request for information that needs to be submitted at the early stages of the NCRPB appraisal process. This requires first-level information required to classify the project as per NCRPB category that would help to identify the appraisal process and documents that the project proponent/IA would need to submit. (Annex II.B and Annex II.C)
- Resettlement Plan and/or Indigenous People Plan: A resettlement plan (Annex II.D) and an indigenous people plan (Annex II.E) needs to be submitted to NCRPB along with the DPR. NCRPB upon approving the RP and/or IPP will send the same to the donor for review and once donor approval is received, advise project proponent/IA to implement these.
- Monitoring Reports: The project proponent / IA will provide monthly progress reports in the formats given to NCRPB (Annex II.F). For S-1 projects the monitoring will be carried out by external experts who would submit monthly progress report (Annex II.F) and an annual/end monitoring and evaluation report (Annex II.G) and the same will be sent to the donor.

S2 projects

- Completed Social Information Screening Format: This is a 1-page request for information that needs to be submitted at the early stages of the NCRPB appraisal process. This requires first-level information required to classify the project as per NCRPB category that would help to identify the appraisal process and documents that the project proponent/IA would need to submit (Annex II.B and Annex II.C).
- Short Resettlement Plan and/or Short IPP: A short RP and/or IPP needs to be submitted to NCRPB along with the DPR. Short plans will cover all issues listed in the outline for preparing full plans, but in less detail (Annex II.D and Annex II.E).
- Monitoring Reports: The IA will provide monthly progress reports to NCRPB (Annex II.F).

S3 projects

- Completed Social Information Screening Formats: This is a 1-page request for information that needs to be submitted at the early stages of the NCRPB

appraisal process. This requires first-level information required to classify the project as per NCRPB category that would help to identify the appraisal process and documents that the project proponent/IA would need to submit. (Annex II.B and Annex II.C)

To streamline the internal procedures in the project cycle, NCRPB will use standard forms/formats/proformas (Annex VII Form D, E, F and G).

D. Training and Capacity Building

93. This is the procedure to train and build capacity of the project proponents/IAs, their consultants, and contractors on safeguard requirements. It is well-recognized that their safeguard management capacity has to be strengthened. To address this capacity constraint, NCRPB will take the leadership role in building this capacity with its project proponents/IAs. NCRPB fully recognizes the effectiveness of its ESMS implementation is dependent on the project proponent/IA's safeguards performance.

94. NCRPB will engage external capacity-building consultants (Annex IV for outline terms of reference) to provide training on a regular basis to the project proponents/IAs, consultants, and contractors. These short trainings—about one-day—will necessarily cover the following:

- Environmental and social (land acquisition, IR, and IP) issues confronting the project.
- Legal requirements that needs to be complied, e.g. environmental clearance conditions and adherence to NRRP's entitlements.
- NCRPB's ESMS and its role in capacity-building.
- Environmental and social assessments such as EIA, IEE, and SIA
- Management measures as stipulated in the respective EMPs and social safeguard plans (RP and IPP)
- Feasible environmental and social good practices for effective implementation

95. The safeguards capacity-building consultants will also conduct general training for the decision-makers and senior officials of the NCRPB on the need for integrating safeguards issues with its financing decisions and loan disbursement procedure.

E. Monitoring and Reporting

96. This procedure is to monitor implementation compliance to safeguard requirements of projects financed by NCRPB.

97. As a part of its internal review meetings, NCRPB checks that the ESMS is being followed internally in the interactions with potential project proponents/IAs, project appraisal procedure, monitoring of the progress reports and site verifications whenever these are undertaken. The project proponents / IAs will oversee the project-level EMP requirements with the support of Project Management Consultants (PMC) (Annex I.J outlines the terms of reference for EMP supervision). Monitoring Reports: The project proponent / IA will provide monthly progress reports to NCRPB (Annex VII Form C).

98. NCRPB will monitor all projects that it finances to ensure conformity to safeguard requirements during construction, operation and maintenance. Project proponents/IAs submit periodic progress reports to NCRPB for review. NCRPB will visit to project sites as and when

necessary. Based on verification of progress reports, field visits and compliance to loan disbursement conditions (including compliance to legal requirements), subsequent disbursements will be made.

99. On a periodic basis, NCRPB will compile a consolidated progress report of all projects financed. As a part of this consolidated report, the key/critical environmental and social issues relevant to implementation will be identified and action being taken/to be taken will be clearly identified. NCRPB will inform the respective project proponents/IAs on the required follow-up action on the basis of the issues identified in the monitoring reports.

100. Specific to social safeguards, it is the task of the safeguards officer to monitor and evaluate compliance with the agreed upon conditionality regarding social safeguards at different stages of project implementation. This can be carried out directly or with the help of hired M&E agencies. The following will be steps to ensure effective monitoring:

- Project proponents/IAs send quarterly reports regarding the implementation of social safeguards to NCRPB. The safeguards officer evaluates such reports based on the milestones agreed upon in the loan contract/agreement.
- Safeguards officer will carry out field visits to ensure the veracity of quarterly reports, as required.
- If there is laxity in implementation, the safeguards officer will coordinate with the financing decisions of the NCRPB to hold disbursements until compliance.
- If there is consistent default in this regard on the part of the project proponent/IA, even after repeated and documented warnings, the financing authorities of NCRPB may be advised to stop any further disbursements and proceed towards canceling the loan.
- There must be an end-of-the-project evaluation to see the final outcome of the implementation. The lessons from this evaluation must be shared with the project proponent/IA and used for improving the safeguards practice of NCRPB.

101. For E1 and S1 projects, the monitoring and evaluation will be done by qualified and experienced external experts (Annex V for terms of reference). Their semi-annual progress reports will be submitted to the donor and NCRPB as a part of their compliance requirements.

102. NCRPB will support the periodic monitoring and supervision of the donor for E1 and S1 projects.

103. NCRPB will prepare and submit periodic reports at least annually on the implementation status of the ESMS. If the reports or donor's review concludes that the ESMS is not functioning, NCRPB will prepare a corrective action plan, agree with the donor and will implement the plan.

F. ESMS Audit Procedure

104. There will be an independent evaluation of the environmental and social safeguards practices of the NCRPB and the projects funded by it. Towards this end, an annual independent auditing of the environmental and social safeguards practices of the NCRPB is included.

105. This ESMS audit will also:

- Assess the client's ability to manage and address all relevant social and environmental risks and impacts of its business and operations, in particular, the issues identified in donor's safeguard requirements;

- Assess the client's compliance record with applicable laws and regulations of the jurisdictions in which the project operates that pertain to environmental and social matters, including those laws implementing host country obligations under international law; and
- Identify the NCRPB and its project proponent's main stakeholder groups and current stakeholder engagement activities.

106. This ESMS audit will cover both the ESMS under implementation by NCRPB and selected projects for their implementation compliance to safeguard requirements.

107. NCRPB will undertake one ESMS audit every year.

108. External and independent resource persons will be identified as ESMS auditors and will undertake this audit (Annex VI includes the terms of reference). The ESMS auditors will have the experience to do both management systems audits as well as audits of investment projects. Resource persons either as individuals or agencies certified as auditors by reputed accreditation bodies will be employed. NCRPB will ensure that the audit team has a good mix of both auditing and subject knowledge/experience on both environment and social safeguards.

109. The internal staff/division handling safeguards issue should not have any role in the hiring of the independent auditor. NCRPB's Board of Directors will directly hire. The independent auditor will also report (submitting the report of the audit) directly to the Board of Directors. It will be mandatory that the internal staff/division furnish required information on their activities to the auditor. The auditor's fee can be fixed on the basis of the extent of environmental and social safeguards issues (number of projects, etc.) handled by the NCRPB in the given year.

110. All the projects that are categorized to have high impacts, i.e. E1 and S1, will be covered in these audits as long as disbursements have been made in the current or the previous year.

111. For the remaining projects, approximately 25% of other projects will be selected, it will include donor-funded projects, and will necessarily include at least one project from different project types.

112. NCRPB and the respective project proponents/IAs will provide proper support and co-operation to the ESMS auditors.

113. ESMS auditors will submit an audit report for NCRPB's and project proponent/IA's follow-up. NCRPB will agree on the follow-up action for each of the audit findings and agree on a timeframe to implement the follow-up actions.

114. ESMS auditors will carry out a desk review to confirm that the follow-up actions have been done. The annual audit will be deemed as closed only after this confirmation is obtained.

G. Information Disclosure and Grievance Redressal Procedure

115. NCRPB will disclose all environmental and social information on its website. This will include the ESMS and all the environmental and social assessment documents and plans, and monitoring/progress reports of projects that it funds. In line with donor's Public Communications Policy, NCRPB will ensure that relevant information about environmental and social safeguard issues is made available in a timely manner, in an accessible place, and in a form and

language(s) understandable to affected people and to other stakeholders, including the general public, so they can provide meaningful inputs into project design and implementation. For Category E1/S1 projects, donor's particular information disclosure requirements has to be additionally met. Draft EIA reports will be submitted to the donor at least 120 days before project approval; and RP and IPP before project approval.

116. NCRPB will also make it a condition for each of the project proponents/IAs to disclose their environmental and social assessments and plans on their website. In addition, the project proponent/IA will make it available on request.

117. In case of any stakeholder grievances or queries or request for more information, as a matter of procedure, NCRPB will request the project proponents/IAs to respond within 15 days of receipt. NCRPB will do the same if the query pertains to its ESMS activities/operations/functioning. At the project level, grievance redressal will be in accordance with the EIA/IEE/RP/IPP.

V. Organizational Arrangements

A. Roles of Different Organizations

1. NCRPB

118. NCRPB will provide guidance to the implementing agencies about the environmental and social safeguard requirements prior to and during NCRPB appraisal. Once the project is submitted, NCRPB will appraise the projects approached for funding. This will involve the appraisal pertaining to environmental and social safeguards, and this will be a part of the overall appraisal that will comprise technical, financial, economic aspects as well. It is on the basis of this appraisal that NCRPB sanctions the loan.

2. Appraisal Agencies

119. Appraisal Agencies (termed as “National Institutions”) will be identified to carry out detailed appraisal of DPRs with respect to technical feasibility, cost reasonability, financial viability and good engineering design, status of mandatory clearances etc, and submit project appraisal report to NCRPB for its review. Appraisal Agencies will also look into the environmental and social aspects of the project, depending on the requirement, to check whether it complies with the NCRPB’s ESMS (Annex III includes the terms of reference and Annex VII Form B for Appraisal Checklist Format). NCRPB will ensure that the Appraisal Agencies have necessary expertise in dealing with environmental and social issues. The Appraisal Agencies will include organizations such as:

- Water and Power Consultancy Services (WAPCOS): Power, Water Supply, Sewerage, Drainage, Solid Waste Management
- Engineers India Limited (EIL): Power, Water Supply, Sewerage, Drainage, Solid Waste Management, Land Development, Industrial Town, Landscaping, IT Park, Transport, Informal Sector
- National Environmental Engineering Research Institute (NEERI): Water Supply, Sewerage, Drainage, Solid Waste Management
- National Building Construction Corporation (NBCC): Land Development, Social Infrastructure, IT Parks, Informal Sector
- BMTPC: Land Development, Social Infrastructure
- HSCC: Land Development, Social Infrastructure
- Central Road Research Institute (CRRI): Transport

3. Project Proponents/Implementing Agencies (IAs)

120. Project proponent/IA, who approach NCRPB for funding, may be any agency of the participating State Governments in the NCR including line departments, Urban Local Bodies, Development Authorities, Housing Boards, and Industrial Development Corporations etc. Project proponent/IA formulates the project and approaches for funding of NCRPB for implementation. It is the responsibility of project proponents/IAs to prepare necessary project documentation (Detailed Project Reports). Project proponents/IAs normally appoint Consultants prepare DPRs. Similarly, it will be the responsibility of project proponent/IA to prepare necessary documents and comply with the provisions of NCRPB’s environmental and social safeguard requirements.

4. Design Consultants

121. Due to lack of in-house capacity, project proponents/IAs normally appoint consultants to assist in preparing Detailed Project Reports. Some organizations, especially State Line Departments like Public Health Engineering Department (PHED), also undertake these works in-house without or limited assistance of consultants. The Design Consultants will also assist the project proponent/IA in preparing safeguard documents as required, and will also assist in obtaining the necessary clearances/approvals. These Design Consultants will be informed of NCRPB's safeguard requirements—described in this ESMS—so that they can take the necessary action during the design phase.

4. Construction Contractors

122. Project proponents/IAs appoint Construction Contractors to build the infrastructure elements. The construction contractors will have environmental and social safeguard requirements that they need to adhere as a part of their contract. For instance, the EMP will form a part of the contract documents and the contractors will have to ensure that the EMP requirements are adhered.

5. Project Management or Supervision Consultants (PMCs or SCs)

123. Respective jurisdictional engineers of project proponents/IAs supervise construction work on-site. These engineers will be informed about the environmental and social safeguard requirements so that they can ensure that the construction contractors adhere to the same. Wherever project management consultants are employed to support the IAs in supervision, concerned officers of the project management consultants will be informed about the environmental and social safeguard requirements.

6. Operation and Maintenance (O&M) Agencies

124. Normally, IAs carries out the operation and maintenance of infrastructure through its own staff or contractual staff. These staff will be informed about the environmental and social safeguard requirements, if any, in the operational phase, and the respective project proponent/IA will be responsible to ensure that these requirements are met.

B. Organizational Structure

125. NCRPB will have an Environmental and Social Management Cell (ESMC) to deal with environmental and social safeguard issues. The ESMC will be housed inside the appraisal function of NCRPB and will have two distinct sub-functions, i.e. managing environmental safeguards and social safeguards.

126. In the ESMC, there will be one full-time separate staff, a safeguards officer, who will be looking after the day-to-day activities related to the safeguard requirements. He/she will be responsible for both environmental and social safeguard functions.

127. This safeguards officer will work closely with the project proponents/IAs who will be responsible for the day-to-day implementation aspects and associated safeguard compliance. The safeguards officer will monitor the portfolio of projects financed by NCRPB on safeguards and work with the project proponents/IAs in ensuring safeguard compliance. The safeguards officer will engage an ESMS auditor on an annual basis and also involve the services of

Monitoring & Evaluation Experts for E-1 & S-1 projects. The safeguards officer will also arrange to conduct training and capacity-building initiatives to build awareness, knowledge and skills of project proponents/IAs and agencies associated with them. To conduct these activities, the safeguards officer will engage external environmental and social consultants on a need basis. Based on specific project needs, the project proponents/IAs will hire their own safeguards staff and consultants to supervise and manage safeguard aspects during the design, implementation and operational phases of the project. Typically, during project preparation, the project proponents/IAs hire environmental consultants to conduct the EIA & social studies, to prepare an EMP & RP and to assist in obtaining the environmental clearances from the MoEF / SEIAA. During implementation, the project proponents / IAs assign the environmental and social responsibilities to their engineers, who would be point persons to deal with the project management consultant's environmental engineer, the contractor's environmental engineers and the NGO responsible for the RP implementation.

128. The safeguards officer will typically have the following educational qualifications and working experience: Masters degree in Planning or Environmental Sciences/Engineering/Technology/Social Sciences or Management with at least 10 years experience in design, review, and appraisal of safeguard compliance as a part of donor-funded projects. Existing NCRPB staff can also be considered for this position. They will be given adequate training on the national legal requirements as well as the donor requirements.

129. Given the range of safeguard issues that may confront the various projects, the safeguards officer would source expertise from outside/external consultants on a case-to-case basis in line with the specific needs/requirements of the particular project.

1. Environmental

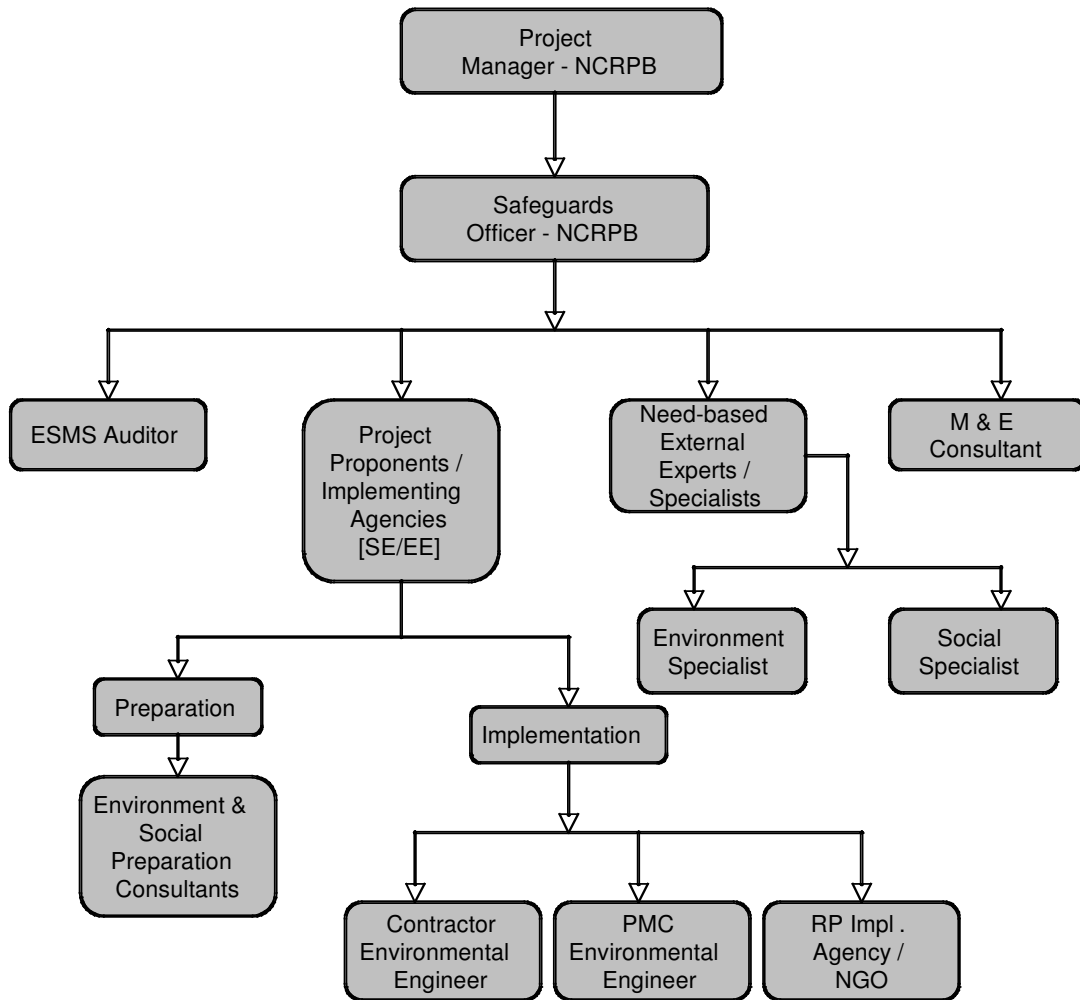
130. NCRPB will deal with environmental safeguards through the following activities: implementing the operational procedures of this ESMS, verifying that legal requirements in terms of obtaining the various permissions/clearances vis-à-vis the projects financed, advising on conditions that will be included as a part of the loan covenants, overseeing the implementation of environmental management measures (such as the EMP), and undertaking periodic monitoring and reporting.

2. Social

131. NCRPB will deal with issues of land acquisition, IR, and IP issues with regard to projects through the activities of the ESMC. These include implementing the operational procedures of this ESMS, advising on conditions that will be included as a part of the loan covenants, confirming that the land acquisition and plans such as the RP and the IPP are completed prior to the commencement of civil works, and undertaking periodic monitoring and reporting.

132. The organizational arrangements are shown in the Chart below.

Flow Chart: ESMS Organizational Structure



C. Roles, Responsibility, and Authority

1. Environmental Safeguards Function

133. The role is to implement the policies and operational procedures of this ESMS, to respond to environmental safeguard issues of the various projects that are financed by NCRPB and also be proactive in identifying likely safeguard issues that could be relevant in the context of its portfolio of projects.

134. The following are the responsibilities relevant to the environmental safeguards staff:
- Maintain and keep up-to-date the environmental aspects of the ESMS— environmental policies and procedures (screening, categorization, environmental appraisal and others) —on a day-to-day basis.
 - Monitor the portfolio of projects financed by NCRPB on environmental safeguards, prepare status reports on a periodic basis both in the construction and operational phases, and work with the IAs in ensuring that environmental safeguard compliance.
 - Engage in training and capacity-building initiatives to build awareness, knowledge and skills of IAs and agencies associated with them.
 - Provide the required information to the donor agencies based on their requirements.
 - Provide support and co-operation to the external ESMS auditors for the conduct of the annual audit.
 - Use the project-level experiences and advise on the integration of environmental considerations in the planning process of NCRPB. This is to done through determining the current state of the environment and how the project level achievements of environmental goals - through periodic monitoring—have led to improved environmental outcomes.

135. The following are the authorities given to those responsible for the environmental safeguards staff:
- Request relevant information from within NCRPB to assist in the ESMS implementation on a day-to-day-basis.
 - Ask data and documentation from the IAs regarding environmental safeguard compliance, e.g. monitoring reports to demonstrate compliance to legal requirements or EMP.
 - Inform to NCRPB Appraisal and/or Monitoring teams on non-compliance, if any, to any legal requirements of any of the projects financed or the risk related to environmental safeguards compliance to which NCRPB is exposed.
 - Advise the NCRPB Appraisal team to defer financing decision on a project due to non-compliance with environmental safeguards issues.
 - Advise the NCRPB Appraisal team to delay the disbursement of an installment to project proponent/IA due to non-compliance with environmental safeguards issues.

2. Social Safeguards Function

136. The role of the safeguards officer will be to help NCRPB translate its social safeguards policy into action.

137. The following are the responsibilities of the safeguards officer:

- Review whether the project proponent/IA has taken efforts to avoid or minimize IR and impacts to IP during the pre-planning stage.
- Screen of project proposals to verify whether the safeguard documents—commensurate to the significance of the impacts—have been prepared and submitted along with the loan application.
- Ensure that the project proponent/IA fulfils the required planning process for addressing social safeguards issue, including the planning for IR and IP, consultations and disclosures, the implementation of RP and IPP, and redressal of grievance.
- Ensure that disbursement decision of the NCRPB takes into account the successful completion of the RP and IPP implementation.
- Set loan conditionality to include social safeguards covenant.
- Carry out periodic review of the progress on RP and IPP implementation and ensure that the progress reports are submitted in a timely manner.
- Provide the required information to the donors based on their requirements.
- Provide support and co-operation on social safeguards to the external ESMS auditors for the conduct of the annual audit.

138. The following is the authority given to the social safeguards staff:

- Call for more information from the project proponent/IA regarding social safeguards issues.
- Advise to NCRPB to ask the project proponent/IA to rework the social safeguards section of loan application documents submitted by the project proponent/IA, e.g. DPR.
- Advise NCRPB to defer financing decision on a project due to non-compliance with social safeguards issues.
- Advise NCRPB to delay the disbursement of an installment to project proponent/IA due to non-compliance with social safeguards issues.

D. Budgetary Resources

139. As a part of the annual budgeting process, NCRPB will ensure that sufficient funds/finances are made available for the effective conduct of the activities of the ESMC and in managing environmental and social safeguards vis-à-vis its various projects.

140. The following table provides an annual indicative budget:

Table 12: Indicative Budget

No.	Description	Basis	Amounts (Rs. Million)	Source of Funds
1.	Safeguards Officer – Salary	1 person, Rs. 40,000 per month	0.48	NCRPB

No.	Description	Basis	Amounts (Rs. Million)	Source of Funds
2.	External Safeguard Consultants to advise ESMC [Part of PMC]	2 consultants for 4 manmonths per year, Rs. 250,000 per month (US \$ 5,000 per month at Rs. 47 per US\$)	1.88	Implementation Support Component of the Facility
3.	Due Diligence / Appraisal visits	2 visits per month, Rs. 5,000 per visit	0.12	
4.	Training & Capacity-building of IAs	Lumpsum amount of Rs. 200,000 per year	0.20	
5.	Implementation / Monitoring visits	2 visits per month, Rs. 5,000 per visit	0.12	
6.	External Monitoring & Evaluation of E1 and S1 projects	1 project per year, Lumpsum amount of Rs. 500,000 per project	0.50	
7.	External ESMS audits	1 audit per year, Lumpsum amount of Rs. 1,000,000	1.00	
		Total:	4.30	

QuickTime™ and a
decompressor
are needed to see this picture.

QuickTime™ and a
decompressor
are needed to see this picture.

NATIONAL CAPITAL REGION PLANNING BOARD

**Draft Environmental and Social Management
Systems
Annexes**

QuickTime™ and a
decompressor
are needed to see this picture.

**National Capital Region Planning Board (NCRPB)
(Ministry of Urban Development)
Core-IV B, First Floor,
India Habitat Centre
Lodhi Road, New Delhi-110003**

Environmental and Social Management Systems

Table of Contents

Table of Contents.....	ii
List of Abbreviations & Acronyms.....	iv
Annex I: Environmental requirements	1
I.A. Environmental laws – National, Regional and Local.....	1
Specified requirements for Environmental Clearance as listed in the Environmental Impact Assessment Notification 2006	1
Environment (Protection) Act, 1986, amended 1991	3
Water (Prevention and Control of Pollution) Act, 1974, amended 1988	4
Air (Prevention and Control of Pollution) Act, 1981, amended 1987	4
Public Liability Insurance Act, 1991	5
Forest Act, 1927 and Forest (Conservation) Act, 1980, amended 1988 / Obtaining Forest Clearance.....	5
Environment (Siting for Industrial Projects) Rules, 1999.....	5
Notifications concerning Ecosensitive Zones.....	6
Noise Pollution (Control and Regulation) Rules, 2000, amended 2002.....	6
Environmental Audit Notification, 1992	6
Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms and Genetically Engineered Organism or Cell Rules, 1989	6
Hazardous Wastes (Management and Handling) Rules, 2008, amended till 2009.....	6
Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, amended 2000 ..	7
Biomedical Waste (Management and Handling) Rules, 1998, amended 2003.....	7
Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996	7
Batteries (Management and Handling) Rules, 2001	7
Ancient Monuments and Archaeological Sites and Remains Act 1958	8
Wildlife (Protection) Act, 1972, Wild Life (Protection) Amendment Act, 2002 and associated Rules & Notifications	8
Municipal Solid Wastes (Management and Handling) Rules, 2000.....	8
I.B. Donor agency – Environmental Safeguards Policy Principles	9
I.C. Donor agency - Environmental Safeguard Requirements	10
I.D. Comparisons between GOI and Donor Agency safeguard policy / procedures related to environmental assessment.....	20
I.E. NCRPB’S Environmental policies, Donor Agency policy principles and GOI policies – A comparison	23
I.F. Flow chart on environmental appraisal for E1 projects	24
I.G. Flow chart on environmental appraisal for E2 projects	25
I.H. Typical ToR for IEE of E2 projects for Project Proponents / IAs.....	26
I.I. Typical ToR for Environmental Assessment of E1 projects for Project Proponents / IAs	32
I.J. ToR on EMP supervision for the E1 & E2 projects.....	38
I.K. General environmental guidelines.....	40
I. L. Guidelines on types of environmental conditions to be posed to the Project Proponents / IAs	41
I.M. Donor Agency’s Prohibited investment Activities List	42
I.N. Rapid Environmental Assessment (REA) checklists of projects that NCRPB is likely to support.....	43

Power – Transmission.....	43
Roads & Highways.....	44
Sewage treatment plant	45
Solid Waste Management	47
Water supply	48
I.O. Typical conditions on environmental clauses to be included in the contract for the construction contractor.....	50
I.P. NCR – List of Heritage Sites	51
Annex II: Social Safeguard Framework (SSF)	56
Background.....	56
Objectives of SSF	56
Scope of SSF.....	56
Applicability of SSF.....	56
Screening for Safeguard Requirements	58
Resettlement Planning Document.....	58
Indigenous Peoples Planning Document.....	59
Consultation and Disclosure.....	62
Grievance Redressal Mechanism.....	62
Budget and Financing Plan	62
Monitoring and Evaluation.....	63
A: Review of Policy and Legal Framework	64
B: Involuntary Resettlement Screening Checklist.....	72
C: Indigenous Peoples Screening Checklist.....	73
D: Outline of a Resettlement Plan	74
E: Outline of a Indigenous Peoples Plan	78
F: Outline for Internal Monitoring and Reporting.....	80
G: Draft Outline for External Monitoring Report.....	82
H: Draft Entitlement Framework	84
I: Comparison of ADB Safeguard Policy Vs National / State Laws	88
J: Social safeguard policies and requirements – IR - A snapshot	94
K: Social safeguard policies and requirements – IP - A snapshot.....	95
Annex III: Terms of reference for the Appraisal Agencies.....	97
Annex IV: Outline Terms of reference for Safeguards Capacity-Building consultants.....	99
Annex V: Outline Terms of reference for Monitoring & Evaluation Experts / Consultants in case of E1 and S1 projects.....	100
Annex VI: Outline Terms of reference for an ESMS audit.....	103
Annex VII: Proformas / Forms / Formats	104
Form A. Environmental Information Format for Screening.....	104
Form B. Appraisal Checklist Format on Environmental Safeguards for Appraisal Agencies	105
Form C. EMP Progress Monitoring Report Format.....	107
Form D. NCRPB forwarding to Appraisal Agency.....	108
Form E. NCRPB forwarding Appraisal Agency or Donor Agency comments to project proponents / IAs.....	109
Form F. NCRPB forwarding E-1/S-1 projects to ADB.....	110
Form G. Format for the Board note on environmental & social safeguards	111

List of Abbreviations & Acronyms

ADB	:	Asian Development Bank
BOQ	:	Bill of Quantities
CMA	:	Counter Magnet Area
CPCB	:	Central Pollution Control Board
DA	:	Development Authorities
DFI	:	Development Financing Institutions
DPR	:	Detailed Project Report
EA	:	Environmental Assessment
EAC	:	Expert Appraisal Committee
EC	:	Environmental Clearance
EIA	:	Environmental Impact Assessment
EMP	:	Environmental Management Plan
ESMS	:	Environmental & Social Management Systems
ESMC	:	Environmental and Social Management Cell
FI	:	Financial Intermediary
GC	:	General Conditions
GOI	:	Government of India
IA	:	Implementing Agency
IEE	:	Initial Environmental Examination
INR	:	Indian Rupees
IP	:	Indigenous Peoples
IPP	:	Indigenous Peoples Plan
IR	:	Involuntary Resettlement
IRC	:	Indian Road Congress
IT	:	Information Technology
JBIC	:	Japanese Bank for International Corporation
KfW	:	Kreditanstalt für Wiederaufbau
LA	:	Land Acquisition
M & E	:	Monitoring & Evaluation
MOEF	:	Ministry of Environment & Forests
MORTH	:	Ministry of Road Transport and Highways
NCR	:	National Capital Region
NCRPB	:	National Capital Regional Planning Board
NCT	:	National Capital Territory
NGO	:	Non-Governmental Organization
NOC	:	No-Objection certificates
O&M	:	Operation & Maintenance
AP	:	Affected Persons
PMC	:	Project Management Consultant
PWD	:	Public Works Department
R & R	:	Resettlement & Rehabilitation
RP	:	Resettlement Plan

SC	:	Supervision Consultant
SEIAA	:	State Environmental Impact Assessment Agency
SIA	:	Social Impact Assessment
SIEE	:	Summary Initial Environmental Examination
SPCB	:	State Pollution Control Board
TA	:	Technical Assistance
TOR	:	Terms of Reference
ULB	:	Urban Local Body

Annex I: Environmental requirements

I.A. Environmental laws – National, Regional and Local

Specified requirements for Environmental Clearance as listed in the Environmental Impact Assessment Notification 2006

This notification lays down specific project categories that require environmental clearance from the from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government, prior to establishing an industrial unit (see “Specified Requirements for Environmental Clearance as listed in the Environment Impact Assessment Notification, 2006, MOEF” in this document). It also addresses the composition of Screening, Scoping and Appraisal Committees, stages prior to environmental clearance, including public consultation and post-environmental clearance monitoring as well as transferability of environmental clearance.

The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, i.e. the Central Government in the MOEF for matters falling under Category ‘A’ in the Schedule (see below) and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category ‘B’ in the Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- All new projects or activities listed in the Schedule to the notification;
- Expansion and modernization of existing projects or activities listed in the Schedule to the notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- Any change in product-mix in an existing manufacturing unit included in the Schedule beyond the specified range.

Schedule – List of projects likely to be financed by NCRPB requiring Environmental Clearance (EC)

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
6	<i>Service sectors</i>			
6b	Isolated storage and handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 and 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7	<i>Physical infrastructure including environmental services</i>			

Project or Activity		Category with threshold limit		Conditions if any
(1)	(2)	A (3)	B (4)	
7a	Air ports	All projects	-	-
7c	Industrial estates/parks/complexes/areas, Export Processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area >500 ha. and not housing any industry belonging to Category A or B.	Special Condition shall apply <u>Note:</u> Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.
7d	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration and landfill or incineration alone	All facilities having landfill only	General Condition shall apply
7f	Highways	i) New National Highways; and ii) Expansion of National Highways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	i) New State Highways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition.	General Condition shall apply
7h	Common Effluent Treatment Plants (CETPs)	-	All projects	General Condition shall apply
7i	Common Municipal Solid Waste Management Facility (CMSWMF)	-	All projects	General Condition shall apply
7j	Building construction and projects	-	≥20000 sq. m. and <1,50,000 sq. m.	#(built up area for covered construction; in

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
			of built-up area#	the case of facilities open to the sky, it will be the activity area)
7k	Townships and Area Development projects	-	Covering an area ≥ 50 ha and / or built up area $\geq 1,50,000$ sq. m.++	++All projects under Item 8(b) shall be appraised as Category B1

Source: EIA Notification 2006

Note:

1. General Condition (GC): Any project or activity specified in Category B will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as notified by the Central Pollution Control Board from time-to-time, (iii) Notified Eco-sensitive areas, (iv) inter-State boundaries and international boundaries

2. Specific Condition (SC): If any Industrial Estate / Complex / Export Processing Zone / Special Economic Zone / Biotech Park / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre-defined set of activities (not necessarily homogeneous), obtains prior environmental clearance, individual industries including proposed industrial housing within such estates / complexes will not be required to take prior environmental clearance, so long as the terms and conditions for the industrial estate / complex are complied with. Such estates / complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the terms and conditions of prior environmental clearance, and must indicate the authority to be held responsible for violation of the same throughout the life of the complex / estate

Environment (Protection) Act, 1986, amended 1991

This Act is an umbrella legislation providing a single focus in the country for the protection of environment and seeks to plug the loopholes of earlier legislation relating to environment. Several sets of Rules relating to various aspects of management of hazardous chemicals, wastes, micro-organisms, etc. have been notified under this Act. Some important points of this Act are:

- The Central Government may also put restrictions on an area in which any industry, operation or process or class of industries or operations shall not be carried out. If they are to be carried out, they may be permitted with certain safeguards;
- Emissions and effluent standards in respect of 60-odd categories of industries have been evolved and notified so far;
- The standards in respect of pollutants are to be achieved within a period of one year from the date of their notification, especially by those industries identified as highly polluting;
- However, if a particular State Pollution Control Board (SPCB) / Union Territory Pollution Control Committee (UTPCC) may so desire, it may reduce the time limit and also specify more stringent standards in respect of a specified category of industries within their jurisdiction. The SPCB however cannot relax either the time limit or the standards;
- Those industries that require consent under the Water Act, Air Act or both, or authorisation under the Hazardous Waste (Management and Handling) Rules, 1989, are required to submit an environmental audit report to the concerned SPCB/PCC on or before 30th

Relevance to NCRPB: 1. All land area development projects involving industrial estates need to meet the emissions and effluent standards, and also submit the annual environmental audit report; 2. Construction activities related to all projects need to meet the emissions and effluent standards.

Water (Prevention and Control of Pollution) Act, 1974, amended 1988

The main provisions of this Act aim at prevention and control of water pollution as well as restoration of water quality, through the establishment of SPCB. Some salient features of this Act:

- No persons shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the SPCB to enter (whether directly or indirectly) into any stream or well or sewer or on land
- No person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences
- No person shall, without the previous consent of the SPCB:
 - (i) Establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or an extension or addition thereto which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage) or
 - (ii) Bring into use any new or altered outlets for the discharge of sewage or
 - (iii) Begin to make any new discharge of sewage

An investor intending to set up an industry is required to apply in the prescribed form to the SPCB concerned to obtain the consent to establish as well as the consent to operate the industry after establishment. While granting the consent, the SPCB also stipulates specific conditions relating to the temperature, volume, composition, rate and point of discharge of emissions, effluents etc. The consent to operate an industry is granted for a specific period after which the conditions stipulated at the time of granting consent are reviewed by the SPCB. Even before the expiry of the consent period, the SPCB is authorised to carry out random checks on any industry to check if the standards prescribed are being complied with by the industry; in case the standards are not being met, the SPCB is authorised to serve a notice to the concerned person.

The owner of a defaulting industry may be required to construct a sewage/effluent treatment system. In the event of non-compliance of the standards, the SPCB may issue directions for disconnecting electricity and water supply or any other services to the industry, in extreme cases even to close down the unit

Stringent penalties are prescribed in this Act for those who operate their industry without the valid consent or in violation of consent conditions. Any person aggrieved by an order of the SPCB in the above context may appeal to the Appellate Authority constituted by the concerned State Government. As per the provisions under the Water Act and the Air Act, all State Governments, are required to constitute Appellate Authorities for addressing the appeals received against SPCB. While some State Governments have separate Appellate Authorities under the two Acts, a single Appellate Authority may also exist in other states.

<p><u>Relevance to NCRPB</u>: Construction activities related to all projects need to obtain consent to establish and consent to operate from the State Pollution Control Board and meet consent conditions.</p>
--

Air (Prevention and Control of Pollution) Act, 1981, amended 1987

The objective of the Air Act is to prevent, control and reduce air pollution including noise pollution and to establish Boards at the States/UTs for this. Under the provisions of this Act, no

person shall establish or operate any industrial plant without the consent of the SPCB. For obtaining consent to establish an industry, the investor has to apply to the SPCB in the prescribed form accompanied by the prescribed fees. The Board is required to grant consent within 4 months of receipt of the application. The consent would contain conditions relating to specifications of pollution control equipment to be installed. The other Provisions of the Act are similar to those of the Water Act, 1974.

Relevance to NCRPB: Construction activities related to all projects need to obtain consent to establish and consent to operate from the State Pollution Control Board and meet consent conditions.

Public Liability Insurance Act, 1991

This Act imposes on the owner the liability to provide immediate relief in respect of death or injury to any person or damage to any property resulting from an accident while handling any of the notified hazardous chemicals. This relief has to be provided on 'on fault' basis. To be able to meet this liability, the owner handling hazardous chemicals has to take an insurance policy of an amount equal to its 'paid up capital' or up to Rs.500 million, whichever is less. The policy has to be renewed every year. New undertakings will have to take this policy before starting their activity. For existing plants the policy was to be taken within one year of the Act coming into force i.e. up to 31st March, 1992. The owner also has to pay an amount equal to its annual premium to the Central Government's Environment Relief Fund (ERF). The reimbursement of relief to the extent of Rs.25,000 per person is admissible in case of fatal accidents in addition to the reimbursement of medical expenses up to Rs.12,500. The liability of the insurer is limited to Rs.50 million per accident up to Rs.150 million per year or up to the tenure of the policy. Any claims in excess to this liability will be paid from the ERF. In case the award still exceeds, the remaining amount shall have to be met by the owner. The payment under the Act is only for the immediate relief; owners shall have to provide the final compensation, if any, arising out of legal proceedings.

Relevance to NCRPB: All land area development projects involving industrial estates need to take cognizance of this Act. Those handling hazardous chemicals should take insurance to cover for public liability.

Forest Act, 1927 and Forest (Conservation) Act, 1980, amended 1988 / Obtaining Forest Clearance

Under Forests (Conservation) Act, 1980, de-reservation of forests, transfer to forest land by way of lease and clearing of trees for the purposes of reforestation during the undertaking of any infrastructure projects requires prior approval from the MoEF.

Relevance to NCRPB: All projects that is located on land identified as forest lands needs to obtain Forest Clearance as a part of transferring forest land for the intended project purpose.

Environment (Siting for Industrial Projects) Rules, 1999

These are the various environmental guidelines mandated by the MoEF for siting of industries. Topics addressed include (i) prohibition for setting up of certain industries, (ii) establishment of new units with certain conditions, (iii) restrictions on the units in Taj Trapezium and (iv) establishment of new units around archaeological monuments.

Relevance to NCRPB: Siting of all projects needs to take cognizance of this notification.

Notifications concerning Ecosensitive Zones

The MoEF has prohibited and/or restricted specified industrial activities in certain areas of the country. These zones are also called ecosensitive zones. In the NCR, the Aravalli Range and Sultanpur National Park have been identified as an ecosensitive zones.

Relevance to NCRPB: All projects in and in the vicinity of the Aravalli Range needs to take cognizance of this notification on ecosensitive zones.

Noise Pollution (Control and Regulation) Rules, 2000, amended 2002

As per these rules, the noise levels in any area/zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule.

Relevance to NCRPB: All projects in and in the vicinity of the Aravalli Range need to take cognizance of this notification on ecosensitive zones.

Environmental Audit Notification, 1992

This notification directs that an environmental audit report be submitted yearly to the Pollution Control Board in cases where consent is required under the Water/Air Act or authorization under the Hazardous Wastes (Management and Handling) rules.

Relevance to NCRPB: Construction activities related to all projects and waste management projects need to take cognizance of this notification.

Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms and Genetically Engineered Organism or Cell Rules, 1989

The Department of Bio-Technology under the Ministry of Science and Technology is the nodal agency for granting licences for manufacture, import and export of micro-organisms and genetically engineered organisms. However, such licences are issued only after the proposal is cleared from the environmental angle by the Ministry of Environment and Forests. For according such clearances, the Ministry has notified the 'Rules for the Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms and Genetically Engineered Organisms or Cells' in 1989 under the EPA, 1986

The investor is required to submit an application in the prescribed proforma to the Ministry of Environment and Forests. The Genetic Engineering Approval Committee (GEAC) constituted by the MoEF examines the application form and makes recommendations

All industries involving hazardous micro-organisms or genetically engineered organisms, are required to constitute an Institutional Bio-Safety Committee (IBSC) to oversee the planning and execution of various operations in a safe manner and to prepare an on-site emergency plan to deal with any accident which may occur due to a hazardous micro-organism.

Relevance to NCRPB: (1) All land development projects involving industrial estates need to take cognizance of individual industries, if any, that use genetically modified organisms
(2) These rules will apply to infrastructure projects such as those requiring bioremediation of contaminated sites.

Hazardous Wastes (Management and Handling) Rules, 2008, amended till 2009

These rules lay down the responsibility of the 'occupier' of the infrastructure project for the handling of wastes. The occupier shall take all practical steps to ensure that such wastes are properly handled and disposed of without any adverse effects, which may result from such wastes. The occupier shall also be responsible for proper collection, reception, treatment, storage and disposal of these wastes either himself or through the operator of a facility. The

rules also specify criteria for the grant of authorizations for the handling of hazardous wastes, rules to be followed during the packaging, labelling and transport of hazardous wastes, inventory of disposal sites, generation and maintenance of records, accident reporting and follow-up

Relevance to NCRPB: (1) Waste management projects that involve hazardous waste need to take cognizance of these Rules; and (2) Land development projects involving industrial estates that have individual units generating hazardous wastes should take the authorization required as per these Rules.

Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, amended 2000

These rules apply to an industrial activity in which a hazardous chemical, which satisfies any of the criteria laid down in the rules, and/or isolated storage in which there is involved a threshold quantity of a hazardous chemical are involved. The occupier (who has control of an industrial activity) has to provide evidence to show that he has identified the major accident hazards and taken adequate steps to prevent such major accidents and limit their consequences to persons and the environment and provide the persons working on the site with the information, training and equipment including antidotes necessary to ensure their safety. These rules also lay down the criteria for the notification of major accidents, notification of sites and the updating the site notification following changes in the threshold quantity, safety reports, and preparation of on-site and off-site emergency plans by the occupier, as well as information disclosure.

Relevance to NCRPB: Land development projects involving industrial estates that use these hazardous chemicals should take cognizance of these Rules.

Biomedical Waste (Management and Handling) Rules, 1998, amended 2003

These rules apply to all projects which generate, collect, receive, store, transport, treat, dispose, or handle bio medical waste in any form. They deal with the various categories of biomedical waste, segregation, packaging, transportation, storage and disposal of such waste.

Relevance to NCRPB: Waste management projects that involve biomedical waste need to take cognizance of these Rules;

Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996

These rules concern chemical accidents - any accident involving a sudden or unintended occurrence while handling any hazardous chemicals resulting in continuous, intermittent or repeated exposure to death, or injury to, any person or damage to any property. Schedules 2 and 3 of the Rules list the threshold quantities and names of the various chemicals to which they are applicable.

Relevance to NCRPB: Land development projects involving industrial estates that use these hazardous chemicals should take cognizance of these Rules.

Batteries (Management and Handling) Rules, 2001

These rules shall apply to every manufacturer, importer, re-conditioner, assembler, dealer, recycler, auctioneer, consumer and bulk consumer involved in manufacture, processing, sale, purchase and use of lead acid batteries or components thereof. The rules delineate the responsibility of the consumer, (the category under which infrastructure project sites using plants, equipment and vehicles would fall) namely that they must ensure that used batteries are

not disposed of in any manner other than depositing with a dealer, manufacturer, importer, assembler, registered recycler, reconditioner or at designated collection centres.

Relevance to NCRPB: Land development projects involving industrial estates that have individual units dealing with batteries should take cognizance of these Rules.

Ancient Monuments and Archaeological Sites and Remains Act 1958

This Act provides for the preservation of ancient and historical monuments and archaeological sites and remains of national importance, for the regulation of archaeological excavations and for the protection of sculptures and other like objects.

Relevance to NCRPB: NCR is a region where there are a number of ancient and historical monuments. Land development projects and the construction of other projects should ensure adherence to the requirements of this Act.

Wildlife (Protection) Act, 1972, Wild Life (Protection) Amendment Act, 2002 and associated Rules & Notifications

These Acts and Rules provide for the protection of wild animals, birds and plants and for matters connected with a view to ensuring the ecological and environmental security of the country. These legislations ensure that no persons shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit from the responsible authority.

Relevance to NCRPB: Projects that are interconnected with wild life will have to take into cognizance the requirements of these Acts and Rules.

Municipal Solid Wastes (Management and Handling) Rules, 2000

These rules shall apply to every municipal authority responsible for collection, segregation, storage, transportation, processing and disposal of municipal solid wastes. These rules delineate responsibilities of the municipal authority, the State Government and the Central / State Pollution Control Board for any infrastructure development for collection, storage, segregation, transportation, processing and disposal of municipal solid wastes.

Relevance to NCRPB: Municipal solid waste management projects should be designed, constructed and operated in line with these Rules.

I.B. Donor agency – Environmental Safeguards Policy Principles

The following box contains what donor agencies typically require of their borrowers in terms of environmental safeguards. The donor agencies include multilateral or bilateral development partners such as ADB, World Bank, JBIC and KFW.

Objectives: To ensure the environmental soundness and sustainability of projects and to support the integration of environmental considerations into the project decision-making process.

Scope and Triggers: Environmental safeguards are triggered if a project is likely to have potential environmental risks and impacts.

Policy Principles:

1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.
2. Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential transboundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.
3. Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.
4. Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.
5. Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned non-government organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.
6. Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.
7. Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.
8. Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or

degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.

9. Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.

10. Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.

11. Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of "chance find" procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.

Source: ADB Safeguard Policy Statement, 2009

I.C. Donor agency - Environmental Safeguard Requirements¹

A. Introduction

1. Safeguard Requirements outlines the requirements that borrowers/clients are required to meet when delivering environmental safeguards for projects supported by the Asian Development Bank (ADB). It discusses the objectives and scope of application, and underscores the requirements for undertaking the environmental assessment process. These requirements include assessing impacts, planning and managing impact mitigations, preparing environmental assessment reports, disclosing information and undertaking consultation, establishing a grievance mechanism, and monitoring and reporting. The document also includes particular environmental safeguard requirements pertaining to biodiversity conservation and sustainable management of natural resources, pollution prevention and abatement, occupational and community health and safety, and conservation of physical cultural resources. The applicability of particular requirements is established through the environmental assessment process and compliance with the requirements is achieved through implementation of environmental management plans agreed to by ADB and the borrower/client.

B. Objectives

2. The objectives are to ensure the environmental soundness and sustainability of projects, and to support the integration of environmental considerations into the project decision-making process.

C. Scope of Application

¹ This section draws from the ADB Safeguard Policy Statement 2009. However the requirements are consistent with other multilateral and bilateral development partner agencies such as the World Bank, UN, JBIC and KfW.

3. The requirements apply to all ADB-financed and/or ADB-administered sovereign and non-sovereign projects, and their components regardless of the source of financing, including investment projects funded by a loan; and/or a grant; and/or other means, such as equity and/or guarantees (hereafter broadly referred to as projects).

D. Requirements

1. Environmental Assessment

4. Environmental assessment is a generic term used to describe a process of environmental analysis and planning to address the environmental impacts and risks associated with a project. At an early stage of project preparation, the borrower/client will identify potential direct, indirect, cumulative and induced environmental impacts on and risks to physical, biological, socioeconomic, and physical cultural resources and determine their significance and scope, in consultation with stakeholders, including affected people and concerned NGOs. If potentially adverse environmental impacts and risks are identified, the borrower/client will undertake an environmental assessment as early as possible in the project cycle. For projects with potentially significant adverse impacts that are diverse, irreversible, or unprecedented, the borrower/client will examine alternatives to the project's location, design, technology, and components that would avoid, and, if avoidance is not possible, minimize adverse environmental impacts and risks. The rationale for selecting the particular project location, design, technology, and components will be properly documented, including, cost-benefit analysis, taking environmental costs and benefits of the various alternatives considered into account. The "no project" alternative will be also considered.

5. The assessment process will be based on current information, including an accurate project description, and appropriate environmental and social baseline data. The environmental assessment will consider all potential impacts and risks of the project on physical, biological, socioeconomic (occupational health and safety, community health and safety, vulnerable groups and gender issues, and impacts on livelihoods through environmental media and physical cultural resources in an integrated way. The project's potential environmental impacts and risks will be reviewed against the requirements presented in this document and applicable laws and regulations of the jurisdictions in which the project operates that pertain to environmental matters, including host country obligations under international law.

6. Impacts and risks will be analyzed in the context of the project's area of influence. This area of influence encompasses (i) the primary project site(s) and related facilities that the borrower/client (including its contractors) develops or controls, such as power transmission corridors, pipelines, canals, tunnels, access roads, borrow pits and disposal areas, and construction camps; (ii) associated facilities that are not funded as part of the project (funding may be provided separately by the borrower/client or by third parties), and whose viability and existence depend exclusively on the project and whose goods or services are essential for successful operation of the project; (iii) areas and communities potentially affected by cumulative impacts from further planned development of the project, other sources of similar impacts in the geographical area, any existing project or condition, and other project-related developments that are realistically defined at the time the assessment is undertaken; and (iv) areas and communities potentially affected by impacts from unplanned but predictable developments caused by the project that may occur later or at a different location. The area of influence does not include potential impacts that might occur without the project or independently of the project. Environmental impacts and risks will also be analyzed for all

relevant stages of the project cycle, including preconstruction, construction, operations, decommissioning, and post closure activities such as rehabilitation or restoration.

7. The assessment will identify potential transboundary effects, such as air pollution, increased use or contamination of international waterways, as well as global impacts, such as emission of greenhouse gases and impacts on endangered species and habitats.

8. The environmental assessment will examine whether particular individuals and groups may be differentially or disproportionately affected by the project's potential adverse environmental impacts because of their disadvantaged or vulnerable status, in particular, the poor, women and children, and Indigenous Peoples. Where such individuals or groups are identified, the environmental assessment will recommend targeted and differentiated measures so that adverse environmental impacts do not fall disproportionately on them.

9. Depending on the significance of project impacts and risks, the assessment may comprise a full-scale environmental impact assessment (EIA) for category A projects, an initial environmental examination (IEE) or equivalent process for category B projects, or a desk review. An EIA report includes the following major elements: (i) executive summary, (ii) description of the project, (iii) description of the environment (with comprehensive baseline data), (iv) anticipated environmental impacts and mitigation measures, (v) analysis of alternatives, (vi) environmental management plan(s), (vii) consultation and information disclosure, and (viii) conclusion and recommendations. The annex to this Annex provides further details. An IEE, with its narrower scope, may be conducted for projects with limited impacts that are few in number, generally site-specific, largely reversible, and readily addressed through mitigation measures.

10. When the project involves existing activities or facilities, relevant external experts will perform environmental audits to determine the existence of any areas where the project may cause or is causing environmental risks or impacts. If the project does not foresee any new major expansion, the audit constitutes the environmental assessment for the project. A typical environmental audit report includes the following major elements: (i) executive summary; (ii) facilities description, including both past and current activities; (iii) summary of national, local, and any other applicable environmental laws, regulations, and standards; (iv) audit and site investigation procedure; (v) findings and areas of concern; and (vi) corrective action plan that provides the appropriate corrective actions for each area of concern, including costs and schedule.

11. When the project involves the development of or changes to policies, plans, or programs that are likely to have significant environmental impacts that are regional or sectoral, strategic environmental assessment will be required. A strategic environmental assessment report will include (i) an analysis of the scenario, (ii) an assessment of long-term and indirect impacts, (iii) a description of the consultation process, and (iv) an explanation of option selection.

2. Environmental Planning and Management

12. The borrower/client will prepare an environmental management plan (EMP) that addresses the potential impacts and risks identified by the environmental assessment. The EMP will include the proposed mitigation measures, environmental monitoring and reporting requirements, emergency response procedures, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Where impacts and risks cannot be avoided or

prevented, mitigation measures and actions will be identified so that the project is designed, constructed, and operated in compliance with applicable laws and regulations and meets the requirements specified in this document. The level of detail and complexity of the environmental planning documents and the priority of the identified measures and actions will be commensurate with the project's impacts and risks. Key considerations include mitigation of potential adverse impacts to the level of "no significant harm to third parties", the polluter pays principle, the precautionary approach, and adaptive management.

13. If some residual impacts are likely to remain significant after mitigation, the EMP will also include appropriate compensatory measures (offset) that aim to ensure that the project does not cause significant net degradation to the environment. Such measures may relate, for instance, to conservation of habitat and biodiversity, preservation of ambient conditions, and greenhouse gas emissions. Monetary compensation in lieu of offset is acceptable in exceptional circumstances, provided that the compensation is used to provide environmental benefits of the same nature and is commensurate with the project's residual impact.

14. The EMP will define expected outcomes as measurable events to the extent possible and will include performance indicators or targets that can be tracked over defined periods. It will be responsive to changes in project design, such as a major change in project location or route, or in technology, unforeseen events, and monitoring results.

15. At times, a third party's involvement will influence implementation of the EMP. A third party may be, inter alia, a government agency, a contractor, or an operator of an associated facility. When the third-party risk is high and the borrower/client has control or influence over the actions and behavior of the third party, the borrower/client will collaborate with the third party to achieve the outcome consistent with the requirements for the borrower/client. Specific actions will be determined on a case-by-case basis.

16. The borrower/client will use qualified and experienced experts to prepare the environmental assessment and the EMP. For highly complex and sensitive projects, independent advisory panels of experts not affiliated with the project will be used during project preparation and implementation.

3. Information Disclosure

17. The borrower/client will submit to ADB the following documents for disclosure on ADB's website:

- (i) a draft full EIA (including the draft EMP) at least 120 days prior to ADB Board consideration, and/or environmental assessment and review frameworks before project appraisal, where applicable;
- (ii) the final EIA/IEE;
- (iii) a new or updated EIA/IEE and corrective action plan prepared during project implementation, if any; and
- (iv) the environmental monitoring reports.

18. The borrower/client will provide relevant environmental information, including information from the documents in para. 17 in a timely manner, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. For illiterate people, other suitable communication methods will be used.

4. Consultation and Participation

19. The borrower/client will carry out meaningful consultation with affected people and other concerned stakeholders, including civil society, and facilitate their informed participation. Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle;¹ (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation will be carried out in a manner commensurate with the impacts on affected communities. The consultation process and its results are to be documented and reflected in the environmental assessment report.

5. Grievance Redress Mechanism

20. The borrower/client will establish a mechanism to receive and facilitate resolution of affected peoples' concerns, complaints, and grievances about the project's environmental performance. The grievance mechanism should be scaled to the risks and adverse impacts of the project. It should address affected people's concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all segments of the affected people at no costs and without retribution. The mechanism should not impede access to the country's judicial or administrative remedies. The affected people will be appropriately informed about the mechanism.

6. Monitoring and Reporting

21. The borrower/client will monitor and measure the progress of implementation of the EMP. The extent of monitoring activities will be commensurate with the project's risks and impacts. In addition to recording information to track performance, the borrower/client will undertake inspections to verify compliance with the EMP and progress toward the expected outcomes. For projects likely to have significant adverse environmental impacts, the borrower/client will retain qualified and experienced external experts or qualified NGOs to verify its monitoring information. The borrower/client will document monitoring results, identify the necessary corrective actions, and reflect them in a corrective action plan. The borrower/client will implement these corrective actions and follow up on these actions to ensure their effectiveness.

22. The borrower/client will prepare periodic monitoring reports that describe progress with implementation of the EMP and compliance issues and corrective actions, if any. The borrower/client will submit at least semiannual monitoring reports during construction for projects likely to have significant adverse environmental impacts, and quarterly monitoring reports for highly complex and sensitive projects. For projects likely to have significant adverse environmental impacts during operation, reporting will continue at the minimum on an annual basis. Such periodic reports will be posted in a location accessible to the public. Project budgets will reflect the costs of monitoring and reporting requirements.

7. Unanticipated Environmental Impacts

23. Where unanticipated environmental impacts become apparent during project implementation, the borrower/client will update the environmental assessment and EMP or

prepare a new environmental assessment and EMP to assess the potential impacts, evaluate the alternatives, and outline mitigation measures and resources to address those impacts.

8. Biodiversity Conservation and Sustainable Natural Resource Management

24. The borrower/client will assess the significance of project impacts and risks on biodiversity and natural resources as an integral part of the environmental assessment process specified in paras. 4–10. The assessment will focus on the major threats to biodiversity, which include destruction of habitat and introduction of invasive alien species, and on the use of natural resources in an unsustainable manner. The borrower/client will need to identify measures to avoid, minimize, or mitigate potentially adverse impacts and risks and, as a last resort, propose compensatory measures, such as biodiversity offsets, to achieve no net loss or a net gain of the affected biodiversity.

a. Modified Habitats

25. In areas of modified habitat, where the natural habitat has apparently been altered, often through the introduction of alien species of plants and animals, such as in agricultural areas, the borrower/client will exercise care to minimize any further conversion or degradation of such habitat, and will, depending on the nature and scale of the project, identify opportunities to enhance habitat and protect and conserve biodiversity as part of project operations.

b. Natural Habitats

26. In areas of natural habitat, the project will not significantly convert or degrade such habitat, unless the following conditions are met:

- (i) No alternatives are available.
- (ii) A comprehensive analysis demonstrates that the overall benefits from the project will substantially outweigh the project costs, including environmental costs.
- (iii) Any conversion or degradation is appropriately mitigated.

27. Mitigation measures will be designed to achieve at least no net loss of biodiversity. They may include a combination of actions, such as postproject restoration of habitats, offset of losses through the creation or effective conservation of ecologically comparable areas that are managed for biodiversity while respecting the ongoing use of such biodiversity by Indigenous Peoples or traditional communities, and compensation to direct users of biodiversity.

c. Critical Habitats

28. No project activity will be implemented in areas of critical habitat⁵ unless the following requirements are met:

- (i) There are no measurable adverse impacts, or likelihood of such, on the critical habitat which could impair its high biodiversity value or the ability to function.
- (ii) The project is not anticipated to lead to a reduction in the population of any recognized endangered or critically endangered species⁶ or a loss in area of the habitat concerned such that the persistence of a viable and representative host ecosystem be compromised.
- (iii) Any lesser impacts are mitigated in accordance with para.

29. When the project involves activities in a critical habitat, the borrower/client will retain qualified and experienced external experts to assist in conducting the assessment.

d. Legally Protected Areas

30. In circumstances where some project activities are located within a legally protected area, in addition to the requirement specified in para. 28, the borrower/client will meet the following requirements:

- (i) Act in a manner consistent with defined protected area management plans.
- (ii) Consult protected area sponsors and managers, local communities, and other key stakeholders on the proposed project.
- (iii) Implement additional programs, as appropriate, to promote and enhance the conservation aims of the protected area.

e. Invasive Alien Species

31. The borrower/client will not intentionally introduce any new alien species (that is, species not currently established in the country or region of the project) unless carried out in accordance with the existing regulatory framework for such introduction, if such a framework is present, or unless the introduction is subject to a risk assessment (as part of the environmental assessment) to determine the potential for invasive behavior. Under no circumstances must species known to be invasive be introduced into new environments. The borrower/client will undertake assessment of the possibility of accidental or unintended introduction of such invasive alien species and identify measures to minimize the potential for release.

f. Management and Use of Renewable Natural Resources

32. Renewable natural resources will be managed in a sustainable manner. Sustainable resource management is management of the use, development, and protection of resources in a way, or at a rate, that enables people and communities, including Indigenous Peoples, to provide for their current social, economic, and cultural well-being while also sustaining the potential of those resources to meet the reasonably foreseeable needs of future generations. This includes safeguarding the life-supporting capacity of air, water, and soil ecosystems. Where possible, the borrower/client will demonstrate the sustainable management of resources through an appropriate system of independent certification.

9. Pollution Prevention and Abatement

33. During the design, construction, and operation of the project the borrower/client will apply pollution prevention and control technologies and practices consistent with international good practice, as reflected in internationally recognized standards such as the World Bank Group's Environment, Health and Safety Guidelines. These standards contain performance levels and measures that are normally acceptable and applicable to projects. When host country regulations differ from these levels and measures, the borrower/client will achieve whichever is more stringent. If less stringent levels or measures are appropriate in view of specific project circumstances, the borrower/client will provide full and detailed justification for any proposed alternatives that are consistent with the requirements presented in this document.

a. Pollution Prevention, Resource Conservation, and Energy Efficiency

34. The borrower/client will avoid, or where avoidance is impossible, will minimize or control the intensity or load of pollutant emission and discharge. In addition the borrower/client will examine and incorporate in its operations resource conservation and energy efficiency measures consistent with the principles of cleaner production. When the project has the potential to constitute a significant source of emissions in an already degraded area, strategies that help improve ambient conditions, such as evaluating alternative project locations and considering emissions offsets, will be introduced.

b. Wastes

35. The borrower/client will avoid, or where avoidance is not possible, will minimize or control the generation of hazardous and nonhazardous wastes and the release of hazardous materials resulting from project activities. Where waste cannot be recovered or reused, it will be treated, destroyed, and disposed of in an environmentally sound manner. If the generated waste is considered hazardous, the client will explore reasonable alternatives for its environmentally sound disposal considering the limitations applicable to its transboundary movement. When waste disposal is conducted by third parties, the borrower/client will use contractors that are reputable and legitimate enterprises licensed by the relevant regulatory agencies.

c. Hazardous Materials

36. The borrower/client will avoid the manufacture, trade, and use of hazardous substances and materials subject to international bans or phase-outs because of their high toxicity to living organisms, environmental persistence, potential for bioaccumulation, or potential for depletion of the ozone layer and will consider the use of less hazardous substitutes for such chemicals and materials.

d. Pesticide Use and Management

37. The environmental assessment will ascertain that any pest and/or vector management activities related to the project are based on integrated pest management approaches and aim to reduce reliance on synthetic chemical pesticides in agricultural and public health projects. The borrower/client's integrated pest/vector management program will entail coordinated use of pest and environmental information along with available pest/vector control methods, including cultural practices, biological, genetic and, as a last resort, chemical means to prevent unacceptable levels of pest damage. The health and environmental risks associated with pest management should be minimized with support, as needed, to institutional capacity development, to help regulate and monitor the distribution and use of pesticides and enhance the application of integrated pest management.

38. The borrower/client will not use products that fall in World Health Organization Recommended Classification of Pesticides by Hazard Classes Ia (extremely hazardous) and Ib (highly hazardous) or Class II (moderately hazardous), if the project host country lacks restrictions on distribution and use of these chemicals, or if they are likely to be accessible to personnel without proper training, equipment, and facilities to handle, store, apply and dispose of these products properly. The borrower/client will handle, store, apply and dispose of pesticides in accordance with international good practice such as the Food and Agricultural Organization's International Code of Conduct on the Distribution and Use of Pesticides.

e. Greenhouse Gas Emissions

39. The borrower/client will promote the reduction of project-related anthropogenic greenhouse gas emissions in a manner appropriate to the nature and scale of project operations and impacts. During the development or operation of projects that are expected to or currently produce significant quantities of greenhouse gases,¹⁰ the borrower/client will quantify direct emissions from the facilities within the physical project boundary and indirect emissions associated with the off-site production of power used by the project. The borrower/client will conduct quantification and monitoring of greenhouse gas emissions annually in accordance with internationally recognized methodologies. ¹¹ In addition, the borrower/client will evaluate technically and financially feasible and cost-effective options to reduce or offset project-related greenhouse gas emissions during project design and operation, and pursue appropriate options.

10. Health and Safety

a. Occupational Health and Safety

40. The borrower/client will provide workers¹² with a safe and healthy working environment, taking into account risks inherent to the particular sector and specific classes of hazards in the borrower's/client's work areas, including physical, chemical, biological, and radiological hazards. The borrower/client will take steps to prevent accidents, injury, and disease arising from, associated with, or occurring during the course of work by (i) identifying and minimizing, so far as reasonably practicable, the causes of potential hazards to workers; (ii) providing preventive and protective measures, including modification, substitution, or elimination of hazardous conditions or substances; (iii) providing appropriate equipment to minimize risks and requiring and enforcing its use; (iv) training workers and providing them with appropriate incentives to use and comply with health and safety procedures and protective equipment; (v) documenting and reporting occupational accidents, diseases, and incidents; and (vi) having emergency prevention, preparedness, and response arrangements in place.

41. The borrower/client will apply preventive and protective measures consistent with international good practice, as reflected in internationally recognized standards such as the World Bank Group's Environment, Health and Safety Guidelines.

b. Community Health and Safety

42. The borrower/client will identify and assess the risks to, and potential impacts on, the safety of affected communities during the design, construction, operation, and decommissioning of the project, and will establish preventive measures and plans to address them in a manner commensurate with the identified risks and impacts. These measures will favor the prevention or avoidance of risks and impacts over their minimization and reduction. Consideration will be given to potential exposure to both accidental and natural hazards, especially where the structural elements of the project are accessible to members of the affected community or where their failure could result in injury to the community. The borrower/client will avoid or minimize the exacerbation of impacts caused by natural hazards, such as landslides or floods, that could result from land use changes due to project activities.

43. The borrower/client will inform affected communities of significant potential hazards in a culturally appropriate manner. The borrower/client will be prepared to respond to accidental and emergency situations. This preparation will include response planning document(s) that addresses the training, resources, responsibilities, communications, procedures, and other

aspects required to respond effectively to emergencies associated with project hazards. Appropriate information about emergency preparedness and response activities, resources, and responsibilities will be disclosed to affected communities.

44. When structural elements or components, such as dams, tailings dams, or ash ponds, are situated in high-risk locations and their failure or malfunction may threaten the safety of communities, the borrower/client will engage qualified and experienced experts, separate from those responsible for project design and construction, to conduct a review as early as possible in project development and throughout project design, construction, and commissioning.

11. Physical Cultural Resources

45. The borrower/client is responsible for siting and designing the project to avoid significant damage to physical cultural resources. Such resources likely to be affected by the project will be identified, and qualified and experienced experts will assess the project's potential impacts on these resources using field-based surveys as an integral part of the environmental assessment process specified in paras. 4–10.

46. When a project may affect physical cultural resources, the borrower/client will consult with affected communities who use, or have used them within living memory, for long-standing cultural purposes to identify physical cultural resources of importance and to incorporate the views of the affected communities on such resources into the borrower's/client's decision-making process. Consultation will also involve relevant national or local regulatory agencies that are entrusted with protecting physical cultural resources. The findings are disclosed as part of, and in the same manner as, the environmental assessment report, except when such disclosure would compromise or jeopardize the safety or integrity of the physical cultural resources.

47. When the project is likely to have adverse impacts on physical cultural resources, the borrower/client will identify appropriate measures for avoiding or mitigating these impacts as part of the environmental planning process specified in paras. 12–16. These measures may range from avoidance to full site protection to selective mitigation, including salvage and documentation, in cases where a portion or all of the physical cultural resources may be lost.

48. When the proposed location of a project is in areas where physical cultural resources are expected to be found as determined during the environmental assessment process, chance finds procedures will be included in the EMP. Chance finds shall not be disturbed until an assessment by a competent specialist is made and actions consistent with these requirements are identified.

49. The project will not remove any physical cultural resources unless the following conditions are met:

- (i) No alternatives to removal are available.
- (ii) The overall benefits of the project substantially outweigh the anticipated cultural heritage loss from removal.
- (iii) Any removal is conducted in accordance with relevant provisions of national and/or local laws, regulations, and protected area management plans and national obligations under international laws, and employs the best available techniques.

I.D Comparisons between GOI and Donor Agency safeguard policy / procedures related to environmental assessment

The following table compares the two policy / procedures related to environmental assessment. The following table compares the environmental requirements between the Government policy and the donor policy & procedures. The table of the donor agencies is drawn from the ADB Safeguard Policy Statement, June 2009. These requirements are consistent with other multilateral and bilateral development partner agencies such as the World Bank, UN, JBIC and KfW.

No.	Project cycle stage	GOI	Donor Agency (ADB) ²
1	Screening	MOEF at the Central level and specific authority at the State level will do the screening. Following screening, detailed and comprehensive TOR addressing all relevant environmental concerns for preparing the EIA are provided by the MOEF / State-level authority as required.	ADB will carry out project screening and categorization at the earliest stage of project preparation when sufficient information is available for this purpose.
2	Categorization	Projects are classified as Category A and B1 or B2 as per a schedule that is a part of EIA Notificaton 2006.	Projects are classified as Category A and B as per the significance of impacts.
3	Environmental Assessment requirements	All Category A projects require a full EIA. Category B1 projects also require a limited EIA but Category B2 project require only information to be presented in a questionnaire.	All Category A projects require a full EIA. Category B projects require a limited EIA / IEE.
4	Information disclosure	As per Government policy, environmental assessment documents should be made accessible to the public. This can be done through websites or through print distribution of summary documents.	In line with ADB's Public Communications Policy, ADB is committed to working with the borrower/client to ensure that relevant information (whether positive or negative) about social and environmental safeguard issues is made available in a timely manner, in an accessible place, and in a form and language(s) understandable to affected people and to other stakeholders, including the

² ADB's policy principles are used to represent the typical donor agency policy principles. These are consistent with the other multilateral and bilateral development partners such as the World Bank, JBIC and KfW.

No.	Project stage cycle	GOI	Donor Agency (ADB) ²
			<p>general public, so they can provide meaningful inputs into project design and implementation. ADB will post the following safeguard documents on its website and also require its borrowers to ensure that these documents are accessible through their website.</p>
5	<p>Consultation & participation</p>	<p>As per Government policy, the public consultation has two components comprising of: (a) a public hearing at the site or in its close proximity of project location. (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity. Public consultation, particularly public hearing, is required only in Category A projects and B1 projects. There are certain exceptions in Category A projects as well.</p>	<p>ADB require project proponents to engage with communities, groups, or people affected by proposed projects, and with civil society. ADB requires meaningful consultation, which is defined as a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. This is required of all projects.</p>
6	<p>Due Diligence & Review</p>	<p>Detailed scrutiny of the documents such as the final EIA report, outcome of the public consultations and public hearing proceedings by the Expert Appraisal Committee. Following the</p>	<p>ADB will conduct safeguard reviews, including reviews of the borrower's/client's safeguard documents, as part of its overall due diligence. Through such due diligence and review, ADB will confirm</p>

No.	Project stage cycle	GOI	Donor Agency (ADB) ²
		review, the Expert Appraisal Committee makes a recommendation to the regulatory authority. After considering the views of the Committee, the regulatory authority take a decision and conveys the same to the project proponent.	(i) that all key potential environmental impacts and risks of a project are identified; (ii) that effective measures to avoid, minimize, mitigate, or compensate for the adverse impacts are incorporated into the safeguard plans and project design; (iii) that the borrower/client understands ADB's safeguard policy principles and requirements and has the necessary commitment and capacity to manage social and environmental impacts and/or risks adequately; (iv) that the role of third parties is appropriately defined in the safeguard plans; and (v) that consultations with affected people are conducted in accordance with ADB's requirements. Following the review, ADB takes its decision and conveys the same to the project proponent.
7	Monitoring reporting &	It is mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.	The project proponent, ADB borrower and ADB have monitoring responsibilities. The extent of monitoring activities, including their scope and periodicity, will be commensurate with the project's risks and impacts.

I.E NCRPB'S Environmental policies, Donor Agency policy principles and GOI policies – A comparison

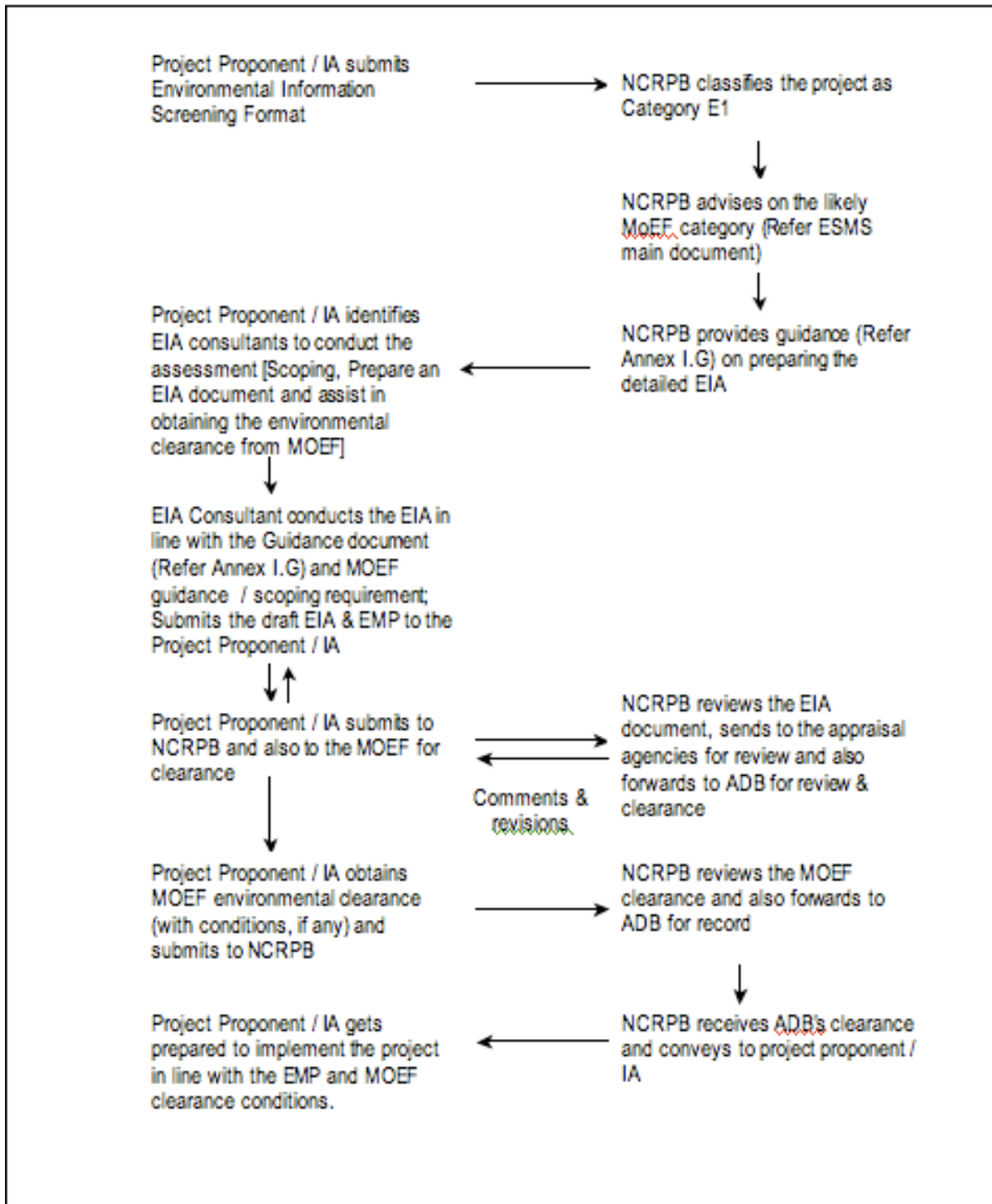
The following table compares the various NCRPB's policy commitments and donor agency policy principles and Government policies.

NCRPBs's Environmental Commitments	Donor Agency policy principles ³	Government (GOI) policies ⁴
Will continually strive to ensure and enhance effective environmental management practices in all its operations (screening, assessment, appraisal and monitoring)	1. Screening 2. Environmental Assessment	EIA Notification 2006
Minimizing negative environmental (including health & safety) impacts in its operations and risks to the environment (particularly ecosensitive areas and culturally important areas) and people who may be affected through formulating and implementing commensurate plans	4. Formulating adequate environmental management plans 7. Implement the EMP and monitor its effectiveness 8. Critical habitats 9. Pollution prevention & control 10. Provide workers with safe and healthy working conditions	National Environmental Policy (NEP), EIA Notification 2006 and all legal requirements
Ensuring that environmental safeguards - defined as requirements of applicable Indian environmental legislation and multilateral / bilateral funding agencies - are being adequately integrated by the project proponent / IA in the planning, design, construction prior to its financing and in its implementation during the	3. Analysis of alternatives	EIA Notification 2006
Ensuring that compliance to all applicable national and local environmental legislation.	4. Formulating adequate environmental management plans	National Environmental Policy (NEP), EIA Notification 2006
Encouraging that public and stakeholder consultation be carried out by the project proponent / IA and disclosing the required	5. Meaning consultation 6. Disclosure	EIA Notification 2006
Integrating environmental risk into its overall internal risk management analysis.	4. Formulating adequate environmental management plans 7. Implement the EMP and monitor its	No policy requirements
Including environmental management considerations in all aspects of operations and interactions with the project proponent / IAs in all	4. Formulating adequate environmental management plans	No policy requirements

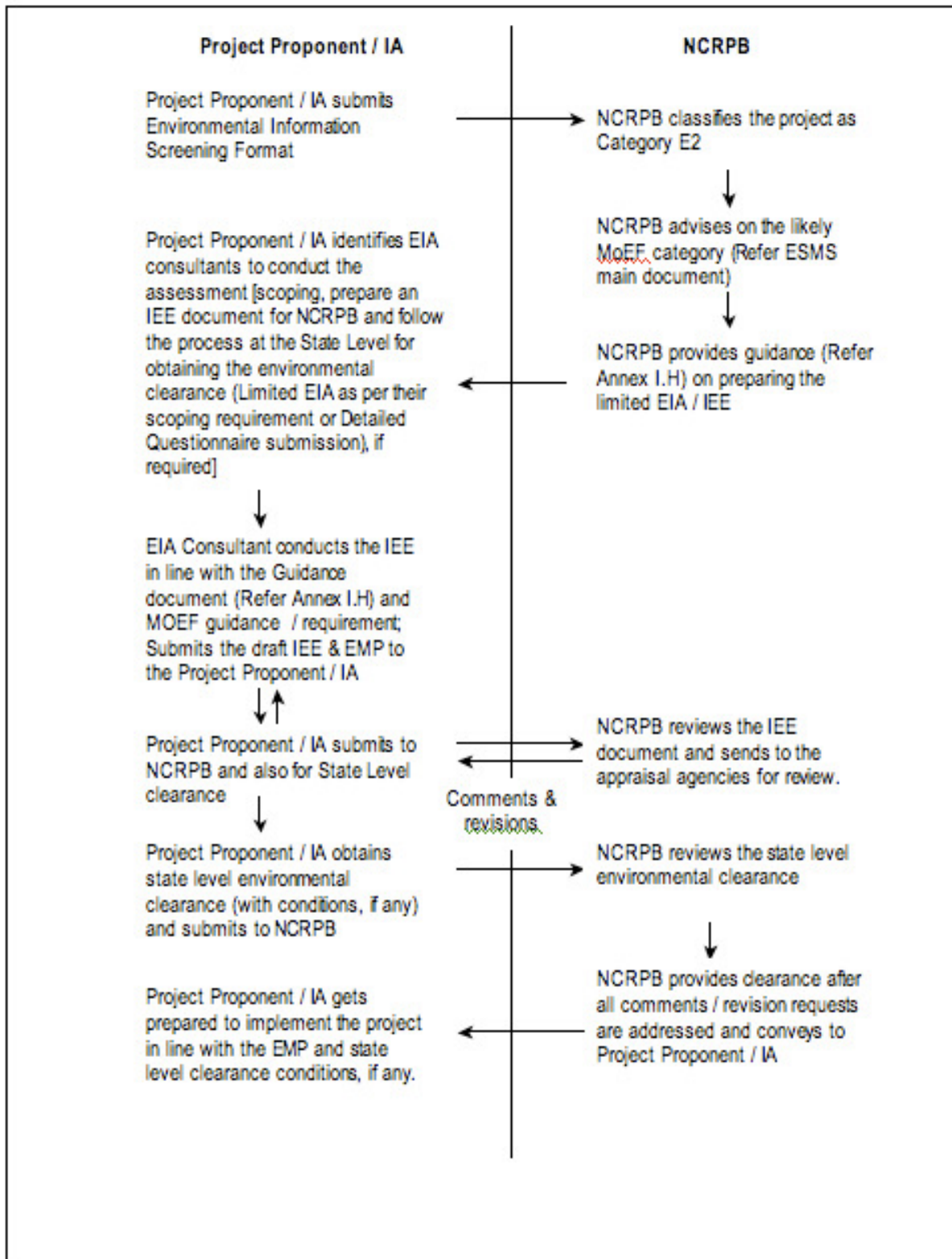
³ ADB's 11 policy principles are used to represent the typical donor agency policy principles. These are consistent with the other multilateral and bilateral development partners such as the World Bank, JBIC and KFW.

⁴ There are no GOI policies that are directly applicable to NCRPB. These policies are applicable to the project proponents / IAs to whom NCRPB provides funding.

I.F. Flow chart on environmental appraisal for E1 projects



I.G. Flow chart on environmental appraisal for E2 projects



I.H. Typical ToR for IEE of E2 projects for Project Proponents / IAs

1. Background

Environmental assessment is to be carried out in accordance with the standards set by the Government of India / State Government as per the EIA Notification 2006, which is broadly consistent with the NCRPB's ESMS and donor agency policies. For some E2 projects, an EIA as per the EIA Notification 2006 is required. In these cases, the conduct of the EIA should be done taking into account both the Government requirements as well as those of NCRPB's ESMS & donor agency policies. However, for most E2 projects, an EIA is not required as per the EIA notification 2006. But a limited Environmental Impact Assessment (EIA) / Initial Environmental Examination (IEE) is required as per NCRPB's ESMS and donor agency policies. This TOR describes how the limited EIA / IEE should be done. The limited EIA / IEE is an important tool for incorporating environmental concerns at the project level. This should be carried out as early as the project planning stage as part of feasibility thus it can assure that the project will be environmentally feasible.

This is conducted if the project is likely to have minor or limited impacts, which can easily be predicted and evaluated, and for which mitigation measures are prescribed easily. However, the limited EIA / IEE is also used to confirm whether this is the case or requires a full EIA as a follow up.

2. Objective

The objectives of a limited EIA or an IEE study are the following:

- To provide information about the general environmental settings of the project area as baseline data;
- To provide information on potential impacts of the project and the characteristic of the impacts, magnitude, distribution, who will be the affected group, and their duration;
- To provide information on potential mitigation measures to minimize the impact including mitigation costs;
- To assess the best alternative project at most benefits and least costs in terms of financial, social, and environment. It is not always necessary to change location of the project, but it can be changed in project design or project management; and
- To provide basic information for formulating management and monitoring plan

3. Scope of Work

The following will be the scope of work:

- To scope out the limited EIA / IEE as the first step using a procedure that produces the following outputs: (i) identify the likely environmental impacts or other environmental concerns and consideration that need to be further investigated, (ii) identify environmental component which need detailed or further study, (iii) determine the general approach and methodology required to carry out, (iv) identify in general all affected interest to be consulted, (v) identify the need to fit the outputs of IEE into the project context especially on environmental management and monitoring plan

- To integrate the above scoping outputs with those of the State Environmental Impact Assessment Authority (SEIAA) EIA Clearance procedure, which needs to be undertaken in parallel.
- To describe the environmental condition of the project area by collecting baseline information on biophysical, social and economic aspects of the project area. This should cover the environmental settings including the characteristic of area in which the activity of proposed project would occur. This should cover (i) the area affected by all impacts including where the potential project would occur, and (ii) the area affected by all impacts including potential compensation area, and potential area affected by its alternatives. Normally, information is obtained from secondary sources when there is a facility of maintaining database, or other existing documentation, and through field sampling. Collection of baseline data should be designed to satisfy information requirements and should focused on relevant aspects that are likely to be affected by the proposed project. Therefore, the level of detail in this description of study area should be sufficient to convey the nature of environmental and social resources condition of the affected areas.
- To assess the potential impact through a process that involves the prediction of changes over time in various environmental aspects as a result of a proposed project. The prediction of the nature, extent, and magnitude of environmental changes likely to result from a proposed project is aided by various tools and techniques, the choice of which depends upon the impacts of concern, data availability or lack thereof, and the appropriate specificity of quantitative models. However, the choice of the appropriate method for conducting an environmental assessment can only be guided by certain criteria, but no single method will meet all the necessary criteria. In addition, the prediction has to be based on established scientific knowledge that is still very limited in ecosystems. For this reason, the prediction of ecological changes and their impacts often does not generate concrete conclusions on the magnitude of the impacts.
- To consider alternatives with a view to enhance the project design through examining options instead of only focusing on the more defensive task of reducing adverse impacts of a single design. Examining alternative means of carrying out a project involves answering the following three questions: (i) what are the alternatives? , (ii) what are the environmental impacts associated with each alternative? , and (iii) what is the rationale for selecting the preferred alternative? This requires the systematic comparison of feasible alternatives for the proposed project site, technology, and operational alternatives. Alternatives should be compared in terms of their potential environmental impacts, capital and recurrent costs, suitability under local conditions, and institutional, training and monitoring requirements. For each alternative, the environmental costs and benefits should be quantified to the extent possible, economic values should be attached where feasible, and the basis for the selected alternative should be stated.
- To formulate mitigation measures once the impacts have been analyzed and their significance is determined, i.e., whether they are acceptable, require mitigation, or are unacceptable. Measures will be devised to mitigate anticipated environmental changes and consequential impacts during project implementation and operation, or further reduce the residual environmental changes inherent in the selected project design. They normally include technical, social, and institutional measures to be implemented as integral elements of the project.
- To prepare the institutional requirements that takes into account the local conditions. Responsibilities for mitigation and monitoring shall be defined along with arrangements for information flow, and for coordination between agencies responsible for mitigation A plan should specifies who/which agency is responsible for undertaking the mitigating and monitoring measures, e.g., for enforcement of remedial actions, monitoring, training, and

financing. A third party may be contracted in case the local authorities' capacity is limited. Institutional strengthening activities may be proposed, including establishment of appropriate organization arrangements; appointment of key staff and consultants; and arrangements for counterpart funding.

- To prepare an environmental monitoring plan that includes (i) planning a survey and sampling program for systematic collection of data/information relevant to environmental assessment and project environmental management; (ii) conduct of the survey and sampling program; (iii) analysis of samples and data/information collected, and interpretation of data and information; and (iv) preparation of reports to support environmental management. Environmental monitoring is normally carried out before and during planning to establish baseline data needed for Environmental assessment and evaluating environmental impacts during project implementation. It continues through project operation to detect changes in the key environmental quality parameters, which can be attributed to the project. The results of the monitoring program should be used to evaluate the following: (i) extent and severity of the environmental impacts against the predicted impacts; (ii) performance of the environmental protection measures or compliance with pertinent rules and regulations; (iii) trends in impacts; and (iv) overall effectiveness of the project environmental protection measures. . In addition, the design of the monitoring plan has to take into account its practicability considering the technical, financial, and management capability of the institutions that will carry out the program and period of monitoring that will be needed to achieve the objectives. The monitoring plan should include action or emergency plans so that appropriate action can be taken in the event of adverse monitoring results or trends. It should also be constantly reviewed to make sure that it is effective, and determine when it can be stopped.
- To document the limited EIA / IEE report in certain way to meet the requirements of the project proponent / IA, NCRPB and the donor agency requirements, if any. To ensure that the outcome of the limited EIA / IEE are presented in a clear and concise fashion to contribute most effectively to decision-making.
- To prepare an environmental management plan (EMP) which is in line with the outcome of the limited EIA / IEE. The EMP should necessarily include the mitigation measures associated with the environmental impacts, environmental monitoring plans, proposed consultation process, institutional requirements & capacity building, detailed cost estimates and how the EMP is to be integrated with the contract / bid documents.

4. Team composition

An Environmental Specialist is required to conduct the limited EIA / IEE. The Environmental Specialist should be a bachelors degree holder in Environmental Science / Engineering / Planning / Management or related area with at least 5 years of experience. Previous experience in carrying out EIAs and implementing / reviewing EMPs, particularly of donor agency funded projects, will be essential.

5. Indicative Cost

Rs. 1.20 million (Basis: Rs. 0.40 million / manmonth for an Environmental Specialist x 3 months) per project. Assuming 5 E2 projects per year during the 5-year project timeframe, the total indicative cost will be Rs. 30.00 million.

6. Outputs / deliverables

The following is the outline of the limited EIA / IEE report that is the output / deliverable envisaged. Being an E2 project, the level of detail and comprehensiveness may be narrower depending on the nature of the project.

A. Executive Summary

This section describes concisely the critical facts, significant findings, and recommended actions.

B. Policy, Legal, and Administrative Framework

This section discusses the national and local legal and institutional framework within which the environmental assessment is carried out. It also identifies project-relevant international environmental agreements to which the country is a party.

C. Description of the Project

This section describes the proposed project; its major components; and its geographic, ecological, social, and temporal context, including any associated facility required by and for the project (for example, access roads, power plants, water supply, quarries and borrow pits, and spoil disposal). It normally includes drawings and maps showing the project's layout and components, the project site, and the project's area of influence.

D. Description of the Environment (Baseline Data)

This section describes relevant physical, biological, and socioeconomic conditions within the study area. It also looks at current and proposed development activities within the project's area of influence, including those not directly connected to the project. It indicates the accuracy, reliability, and sources of the data.

E. Anticipated Environmental Impacts and Mitigation Measures

This section predicts and assesses the project's likely positive and negative direct and indirect impacts to physical, biological, socioeconomic (including occupational health and safety, community health and safety, vulnerable groups and gender issues, and impacts on livelihoods through environmental media [Appendix 2, para. 6]), and physical cultural resources in the project's area of influence, in quantitative terms to the extent possible; identifies mitigation measures and any residual negative impacts that cannot be mitigated; explores opportunities for enhancement; identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions and specifies topics that do not require further attention; and examines global, transboundary, and cumulative impacts as appropriate.

F. Analysis of Alternatives

This section examines alternatives to the proposed project site, technology, design, and operation—including the no project alternative—in terms of their potential environmental impacts; the feasibility of mitigating these impacts; their capital and recurrent costs; their suitability under local conditions; and their institutional, training, and monitoring requirements. It

also states the basis for selecting the particular project design proposed and, justifies recommended emission levels and approaches to pollution prevention and abatement.

G. Information Disclosure, Consultation, and Participation

This section:

- (i) describes the process undertaken during project design and preparation for engaging stakeholders, including information disclosure and consultation with affected people and other stakeholders;
- (ii) summarizes comments and concerns received from affected people and other stakeholders and how these comments have been addressed in project design and mitigation measures, with special attention paid to the needs and concerns of vulnerable groups, including women, the poor, and Indigenous Peoples; and
- (iii) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for carrying out consultation with affected people and facilitating their participation during project implementation.

H. Grievance Redress Mechanism

This section describes the grievance redress framework (both informal and formal channels), setting out the time frame and mechanisms for resolving complaints about environmental performance.

I. Environmental Management Plan

This section deals with the set of mitigation and management measures to be taken during project implementation to avoid, reduce, mitigate, or compensate for adverse environmental impacts (in that order of priority). It may include multiple management plans and actions. It includes the following key components (with the level of detail commensurate with the project's impacts and risks):

(i) Mitigation:

- (a) identifies and summarizes anticipated significant adverse environmental impacts and risks;
- (b) describes each mitigation measure with technical details, including the type of impact to which it relates and the conditions under which it is required (for instance, continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate; and
- (c) provides links to any other mitigation plans (for example, for involuntary resettlement, Indigenous Peoples, or emergency response) required for the project.

(ii) Monitoring:

- (a) describes monitoring measures with technical details, including parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits and definition of thresholds that will signal the need for corrective actions; and
- (b) describes monitoring and reporting procedures to ensure early detection of conditions that necessitate particular mitigation measures and document the progress and results of mitigation.

(iii) Implementation arrangements:

- (a) specifies the implementation schedule showing phasing and coordination with overall project implementation;
- (b) describes institutional or organizational arrangements, namely, who is responsible for carrying out the mitigation and monitoring measures, which may include one or more of the following additional topics to strengthen environmental management capability: technical assistance programs, training programs, procurement of equipment and supplies related to environmental management and monitoring, and organizational changes; and
- (c) estimates capital and recurrent costs and describes sources of funds for implementing the environmental management plan.

(iv) Performance indicators: describes the desired outcomes as measurable events to the extent possible, such as performance indicators, targets, or acceptance criteria that can be tracked over defined time periods.

J. Conclusion and Recommendation

This section provides the conclusions drawn from the assessment and provides recommendations.

In addition to the EIA report, the Consultant will have to furnish a MS-Powerpoint presentation of the EIA report and the EMP to be made to project decision-makers within the project proponent / IA, Government (MOEF/ State Authority) and donor agency, if requested.

I.I Typical ToR for Environmental Assessment of E1 projects for Project Proponents / IAs

1. Background

Environmental assessment is to be carried out in accordance with the standards set by the Government of India / State Government as per the Environmental Impact Assessment (EIA) Notification 2006, which is broadly consistent with the NCRPB's ESMS and donor agency policies. For E1 projects, an EIA as per the EIA Notification 2006 is required. In these cases, the conduct of the EIA should be done taking into account both the Government requirements as well as those of NCRPB's ESMS & donor agency policies. This TOR describes how the EIA should be done to meet NCRPB's ESMS & donor agency policies.

EIA is an important tool for incorporating environmental concerns at the project level. EIA should be carried out as early as the project planning stage as part of feasibility thus it can assure that the project will be environmentally feasible. EIA requires an in-depth analysis because of the potential significance of environmental impacts from the project. EIAs demand: (i) comprehensive analysis of the potential impacts; (ii) works to be carried out to formulate practical mitigation measures; (iii) an in-depth economic valuation of impact to screen and evaluate the best alternative; and (iv) an in-depth analysis to prepare an adequate environmental management plan.

2. Objective

The following are the objectives of a typical EIA:

- (i) baseline information about the environmental, social, and economic conditions in the project area;
- (ii) information on potential impacts of the project and the characteristic of the impacts, magnitude, distribution, who will be the affected group, and their duration;
- (iii) information on potential mitigation measures to minimize the impact including mitigation costs;
- (iv) to assess the best alternative project at most benefits and least costs in terms of financial, social, and environment. In addition to alternative location of the project, project design or project management may also be considered; and
- (v) basic information for formulating environmental management plan.

3. Scope of Work

The scope of work is the following:

- To conduct scoping to develop the detailed terms of reference (TOR) for an EIA using a procedure that leads to producing the following outputs: (i) identify the likely environmental impacts or other environmental concerns and consideration that need to be further investigated in EIA study, (ii) identify environmental components that need detailed further study, (iii) determine the general approach and methodology required to carry out the EIA study, (iv) identify in general all affected interest to be consulted in carrying out EIA study, and (v) identify the need to fit the outputs of EIA into the project context especially on environmental management plan. It is important to ensure that all issues required by NCRPB, Government and donor agencies are covered in the scoping outputs.
- To integrate the above scoping outputs with those of the MOEF's EIA Clearance procedure, which needs to be undertaken in parallel.

- To describe the environmental condition of the project area by collecting baseline information on biophysical, social and economic aspects of the project area. The description of environmental settings includes the characteristic of area in which the activity of proposed project would occur and it should cover area affected by all impacts including potential compensation area, and potential area affected by its alternatives. Collection of baseline data should be designed to satisfy information requirements and should focused on relevant aspects that are likely to be affected by the proposed project. Therefore, the level of detail in this description of study area should be sufficient to convey the general nature of environmental and social resources condition of the affected areas.
- To assess the potential impacts using the EIA process that involves the prediction of changes over time in various environmental aspects as a result of a proposed project. The prediction of the nature, extent, and magnitude of environmental changes likely to result from a proposed project is aided by various tools and techniques, the choice of which depends upon the impacts of concern, data availability or lack thereof, and the appropriate specificity of quantitative models. However, the choice of the appropriate method for conducting an EIA can only be guided by certain criteria, but no single method will meet all the necessary criteria. In addition, the prediction has to be based on established scientific knowledge that is still very limited in ecosystems. For this reason, the prediction of ecological changes and their impacts often does not generate concrete conclusions on the magnitude of the impacts.
- To formulate mitigation measures once the impacts have been analyzed, their significance is determined, i.e., whether they are acceptable, require mitigation, or are unacceptable. Subsequently, measures will be devised to mitigate anticipated environmental changes and consequential impacts during project implementation and operation, or further reduce the residual environmental changes inherent in the selected project design. They normally include technical, social, and institutional measures to be implemented as integral elements of the project.
- To consider alternatives with a view to enhance the project design through examining options instead of only focusing on the more defensive task of reducing adverse impacts of a single design. Examining alternative means of carrying out a project involves answering the following three questions: (i) what are the alternatives? , (ii) what are the environmental impacts associated with each alternative? , and (iii) what is the rationale for selecting the preferred alternative? This requires the systematic comparison of feasible alternatives for the proposed project site, technology, and operational alternatives. Alternatives should be compared in terms of their potential environmental impacts, capital and recurrent costs, suitability under local conditions, and institutional, training and monitoring requirements. For each alternative, the environmental costs and benefits should be quantified to the extent possible, economic values should be attached where feasible, and the basis for the selected alternative should be stated.
- To undertake environmental monitoring that involves (i) planning a survey and sampling program for systematic collection of data/information relevant to environmental assessment and project environmental management; (ii) conduct of the survey and sampling program; (iii) analysis of samples and data/information collected, and interpretation of data and information; and (iv) preparation of reports to support environmental management. Environmental monitoring is normally carried out before and during planning to establish baseline data needed for environmental assessment and evaluating environmental impacts during project implementation..
- To conduct public consultation and to plan & execute project information disclosure. This will (i) describe the process undertaken to involve the public in project design and recommended measures for continuing public participation; (ii) summarize major comments

- received from beneficiaries, local officials, community leaders, NGOs, and others, and describe how these comments were addressed; (iii) list milestones in public involvement (e.g., dates, attendance, topics of public meetings), and recipients of the report and other project-related documents; (iv) describe compliance with relevant regulatory requirements for public participation; (v) if possible summarize public acceptance or opinion on the proposed project; and (vi) describe other related materials or activities (e.g., press releases, notifications) as part of the effort to gain public participation. This section will provide a summary of information disclosed to date and procedures for future disclosure.
- To analyze the institutional requirements that takes into account the local conditions. Responsibilities for mitigation and monitoring shall be defined along with arrangements for information flow, and for coordination between agencies responsible for mitigation. A plan should specify who/which agency is responsible for undertaking the mitigating and monitoring measures, e.g., for enforcement of remedial actions, monitoring, training, and financing. A third party may be contracted in case the local authorities' capacity is limited. Institutional strengthening activities may be proposed, including establishment of appropriate organization arrangements; appointment of key staff and consultants; and arrangements for counterpart funding.
 - To prepare an EMP that describes how the mitigation and other measures to enhance the benefits of environmental protection will be implemented. This should explain how the measures will be managed, who will implement them, and when and where they will be implemented. The following elements should be described in the EMP (i) implementation of mitigation measures during project design; (ii) implementation of mitigation measures by contractors, and how impacts prevention will be incorporated in the materials procurement; (iii) social development program (e.g., resettlement plan, community training); (iv) contingency response plan for natural or other disasters, and project contingencies; and (v) environmental monitoring plan, (vi) institutional arrangements and capacity-building, and (vii) budget for implementing the management measures and undertaking the monitoring.
 - To document the EIA report, the summary EIA and EMP so that it meets the requirements of NCRPB's ESMS, Government requirements and donor agency policies. It is required to ensure that environmental assessment results are presented in a clear and concise fashion to contribute most effectively to decision-making. It is necessary to ensure that the content of these documents cover all issues required by NCRPB, Government and donor agencies.

4. Team composition

The external agency will comprise one Senior Environmental Specialist and One Junior Environmental Specialist. The Senior Environmental Specialist will be a masters degree holder in Environmental Science / Engineering / Planning / Management or related area with at least 10 years of experience. Previous experience in project monitoring & evaluation studies, carrying out EIAs and implementing / reviewing EMPs, particularly of bilateral / multilateral agency funded projects, will be essential. The Junior Environmental Specialist will be at least a bachelors degree holder in Environmental Science / Engineering / Planning with at least 5 years of experience. Previous experience in carrying out EIAs and implementing / reviewing EMPs is essential.

5. Indicative Cost

Rs. 3.00 million (Basis: Rs. 0.60 million / manmonth for a Senior Environmental Specialist x 2 months and Rs. 0.20 million / manmonth for a Junior Environmental Specialist x 9 months)
Assuming 5 E1 projects during the entire project timeframe, the total indicative cost will be Rs. 15 million.

6. Outputs / deliverables

The following is the outline of the EIA report that is the output / deliverable envisaged:

A. Executive Summary

This section describes concisely the critical facts, significant findings, and recommended actions.

B. Policy, Legal, and Administrative Framework

This section discusses the national and local legal and institutional framework within which the environmental assessment is carried out. It also identifies project-relevant international environmental agreements to which the country is a party.

C. Description of the Project

This section describes the proposed project; its major components; and its geographic, ecological, social, and temporal context, including any associated facility required by and for the project (for example, access roads, power plants, water supply, quarries and borrow pits, and spoil disposal). It normally includes drawings and maps showing the project's layout and components, the project site, and the project's area of influence.

D. Description of the Environment (Baseline Data)

This section describes relevant physical, biological, and socioeconomic conditions within the study area. It also looks at current and proposed development activities within the project's area of influence, including those not directly connected to the project. It indicates the accuracy, reliability, and sources of the data.

E. Anticipated Environmental Impacts and Mitigation Measures

This section predicts and assesses the project's likely positive and negative direct and indirect impacts to physical, biological, socioeconomic (including occupational health and safety, community health and safety, vulnerable groups and gender issues, and impacts on livelihoods through environmental media [Appendix 2, para. 6]), and physical cultural resources in the project's area of influence, in quantitative terms to the extent possible; identifies mitigation measures and any residual negative impacts that cannot be mitigated; explores opportunities for enhancement; identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions and specifies topics that do not require further attention; and examines global, transboundary, and cumulative impacts as appropriate.

F. Analysis of Alternatives

This section examines alternatives to the proposed project site, technology, design, and operation—including the no project alternative—in terms of their potential environmental impacts; the feasibility of mitigating these impacts; their capital and recurrent costs; their suitability under local conditions; and their institutional, training, and monitoring requirements. It also states the basis for selecting the particular project design proposed and, justifies recommended emission levels and approaches to pollution prevention and abatement.

G. Information Disclosure, Consultation, and Participation

This section:

- (i) describes the process undertaken during project design and preparation for engaging stakeholders, including information disclosure and consultation with affected people and other stakeholders;
- (ii) summarizes comments and concerns received from affected people and other stakeholders and how these comments have been addressed in project design and mitigation measures, with special attention paid to the needs and concerns of vulnerable groups, including women, the poor, and Indigenous Peoples; and
- (iii) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for carrying out consultation with affected people and facilitating their participation during project implementation.

H. Grievance Redress Mechanism

This section describes the grievance redress framework (both informal and formal channels), setting out the time frame and mechanisms for resolving complaints about environmental performance.

I. Environmental Management Plan

This section deals with the set of mitigation and management measures to be taken during project implementation to avoid, reduce, mitigate, or compensate for adverse environmental impacts (in that order of priority). It may include multiple management plans and actions. It includes the following key components (with the level of detail commensurate with the project's impacts and risks):

(i) Mitigation:

- (a) identifies and summarizes anticipated significant adverse environmental impacts and risks;
- (b) describes each mitigation measure with technical details, including the type of impact to which it relates and the conditions under which it is required (for instance, continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate; and
- (c) provides links to any other mitigation plans (for example, for involuntary resettlement, Indigenous Peoples, or emergency response) required for the project.

(ii) Monitoring:

- (a) describes monitoring measures with technical details, including parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits and definition of thresholds that will signal the need for corrective actions; and
- (b) describes monitoring and reporting procedures to ensure early detection of conditions that necessitate particular mitigation measures and document the progress and results of mitigation.

(iii) Implementation arrangements:

- (a) specifies the implementation schedule showing phasing and coordination with overall project implementation;

(b) describes institutional or organizational arrangements, namely, who is responsible for carrying out the mitigation and monitoring measures, which may include one or more of the following additional topics to strengthen environmental management capability: technical assistance programs, training programs, procurement of equipment and supplies related to environmental management and monitoring, and organizational changes; and

(c) estimates capital and recurrent costs and describes sources of funds for implementing the environmental management plan.

(iv) Performance indicators: describes the desired outcomes as measurable events to the extent possible, such as performance indicators, targets, or acceptance criteria that can be tracked over defined time periods.

J. Conclusion and Recommendation

This section provides the conclusions drawn from the assessment and provides recommendations.

In addition to the EIA report, the Consultant will have to furnish a MS-Powerpoint presentation of the EIA report and the EMP to be made to project decision-makers within the project proponent / IA, Government (MOEF/ State Authority) and donor agency, if requested.

I.J ToR on EMP supervision for the E1 & E2 projects

1. Background

The National Capital Region Planning Board (NCRPB), a statutory body functioning under the Ministry of Urban Development, Government of India, has availed financial assistance from Asian Development Bank to fund urban infrastructure projects within the National Capital Region.

In accordance with ESMS of NCRPB, environmental safeguard documents have been prepared if the project involves environmental impacts / concerns. If these impacts / concerns are significant, then these are categorized as E1 projects. If these are minor and irreversible impacts, then these are categorized as E2 projects. For E1 projects, an Environment Management Plan (EMP) is prepared as an outcome of a full EIA. And, for E2 projects, an EMP is prepared as an outcome of a limited EIA or IEE. The EMP has been adhered by the project proponent / IA during implementation. Also, the EMP relevant to the construction stage has been integrated with the contract / bid documents that the contractor needs to follow.

In order to ensure that the EMP is being effectively implemented, periodic EMP supervision is required. This is to be done as a part of overall supervision throughout the implementation of the project. This is a requirement of NCRPB's ESMS.

2. Objective

To conduct periodic environmental supervision of the project in order to ensure the effective ongoing EMP implementation.

3. Scope of Work

The following will be the scope of work:

- To examine the EMP and to jointly work with the contractor on how to make operational the various management measures.
- To conduct site visits regularly to the construction locations, associated campsites, quarries, borrow areas and storage locations in order to assess the environmental performance.
- To oversee the work of the contractors and their sub-contractors, if any, on environmental aspects and to advise on how the environmental performance should be maintained / enhanced.
- To prepare periodic progress reports on the project's environmental performance and effectiveness and to submit the same to the project proponent / IA and NCRPB.

4. Team composition

Although a separate TOR is provided, it is best to integrate the environmental supervision with the overall project supervision. An Environmental Officer should form a part of the supervision team. In the case of E1 projects, the Environmental Officer should be a bachelors degree holder in Environmental Science / Engineering / Planning / Management or related area with at least 5 years of experience. In the case of E2 projects, the environmental officer should be a bachelors degree holder in Environmental Science / Engineering / Planning / Management or related area with at least 3 years of experience. Previous experience in carrying out EIAs and implementing /

reviewing EMPs, particularly of bilateral / multilateral agency funded projects, will be essential. For E1 projects, the Environmental Officer should be available on a continual basis throughout the project period. In case of E2 projects, it would suffice if the Environmental Officer is available for 1 manmonth on a quarterly basis.

5. Indicative Cost

For E1 projects, Rs. 3.60 million (Basis: Rs. 0.20 million / manmonth for an Environmental Officer x 18 months) per project. Assuming one E1 project per year during the 5-year project timeframe, the total budget will be Rs. 18.00 million.

For E2 projects, Rs. 1.20 million (Basis: 1 manmonth every quarter x Rs. 0.20 million / manmonth x 18 months duration for an Environmental Officer) per project. Assuming 5 E2 projects per year during the 5-year project timeframe, the total budget will be Rs. 30.00 million.

The overall indicative cost for EMP supervision will be Rs. 48.00 million.

6. Outputs / deliverables

The following outputs / deliverables are envisaged:

- Periodic environmental supervision reports on the EMP performance.
- Periodic MS-Powerpoint presentation of these reports as required.

I.K. General environmental guidelines

These guidelines are relevant for all projects. However, for Category E1 and E2 projects, environmental assessments are done and environmental requirements are identified in the EMP. These requirements will supercede these general guidelines. For Category E3 projects where no further guidelines exist, these general guidelines alone have to be adhered.

Planning & design stage

- Comply with all requirements of relevant national law, including the EIA Notification of 2006, and other laws in specific sectors.
- Projects must not be located in environmentally sensitive locations including sites with national or international designation (eg for ecological/biological conservation, historical or cultural importance, etc).
- Based on the significance of the area, consult the relevant national and/or state archaeological agencies regarding the archaeological potential of proposed sites, where deep excavations are expected.
- If work is proposed with the aim of improving the conservation or management of designated sites (sites/structures of archeological/historical), this must only be undertaken: (i) after a comprehensive study and development of management plans and criteria; and (ii) with the direct involvement and approval of national and local bodies responsible for the site.

Construction stage

- Comply with the conditions provided in the consent conditions, if any, as well as the MOEF clearance, if any.
- Adhere to the management measures and parameter monitoring during the construction phase included and agreed in the EMP, if any. Provide periodic progress reports on the EMP implementation.
- Establish a mechanism to share environmental information with stakeholders and to address grievances, if any.
- In all construction sites, ensure the following good environmental practices: (i) proper dust management through control measures and periodic water sprinkling, (ii) minimum use of fresh water and water recycling to the extent feasible, (iii) discharge of waste water only after it meets the CPCB standards, (iv) minimal generation of noise and working only during authorized hours, (v) proper housekeeping of materials and waste, (vi) disposal of waste only through authorized agencies, (vii) use of relevant PPEs wherever required and (viii) not to use asbestos fibre in the construction site.

Operation stage

- Comply with the conditions provided in the consent conditions, if any, as well as the MOEF clearance, if any in the operation stage.
- Adhere to the management measures during the operation stage included and agreed in the EMP, if any.

I. L. Guidelines on types of environmental conditions to be posed to the Project Proponents / IAs

The list provides guidance on the text to be used in writing environmental conditions to loans:

- Comply with all environmental laws and regulations, and also maintain documentary evidence to exhibit compliance.
- Inform NCRPB, in writing, of any environmental emergencies or major legal non compliance or any other incidents within a specified time frame
- Allow access to NCRPB staff or its environmental consultants, to monitor the implementation of environmental management measures and provide the necessary support / cooperation for their investigations.
- Forward copies of any relevant internal or consultant's reports or annual reports on the environmental status and performance periodically.
- Conduct internal environmental performance audits on a periodic basis and furnish these audit reports for NCRPB review, upon request.
- Ensure that all emergency response procedures are in place
- Take necessary remedial action in the event of a hazardous spill or release
- Ensure that none of the site premises are used for any form of producing, treating, storing and disposing of contaminants, pollutants, toxic substances and hazardous materials or wastes.

I.M. Donor Agency's Prohibited investment Activities List ⁵

Generally, the following do not qualify for donor agency financing:

(i) production or **activities involving harmful or exploitative forms of forced labor or child labor;**

(ii) production of or trade in any product or activity deemed illegal under host country laws or regulations or international conventions and agreements or subject to international phaseouts or bans, such as **(a) pharmaceuticals, pesticides, and herbicides, (b) ozone-depleting substances, (c) polychlorinated biphenyls and other hazardous chemicals,** (d) wildlife or wildlife products regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and **(e) transboundary trade in waste or waste products;**

(iii) production of or trade in weapons and munitions, including paramilitary materials;

(iv) production of or trade in alcoholic beverages, excluding beer and wine;

(v) production of or trade in tobacco;

(vi) gambling, casinos, and equivalent enterprises;

(vii) production of or trade in radioactive materials, including nuclear reactors and components thereof;

(viii) production of, trade in, or use of **unbonded asbestos fibers;**

(ix) commercial logging operations or the purchase of logging equipment for use in primary tropical moist forests or old-growth forests; and

(x) marine and coastal fishing practices, such as large-scale pelagic drift net fishing and fine mesh net fishing, harmful to vulnerable and protected species in large numbers and damaging to marine biodiversity and habitats.

Of these, only the items marked in bold are relevant for NCRPB.

[Source: ADB Safeguard Policy Statement, June 2009.]

⁵ ADB's prohibited list is used here. These are broadly consistent with those other multilateral and bilateral development partners such as the World Bank, JBIC and KFW.

I.N. Rapid Environmental Assessment (REA) checklists of projects that NCRPB is likely to support⁶

Instructions:

- This checklist is to be prepared to support the environmental classification of a project. It is to be attached to the environmental categorization form that is to be prepared and submitted to the Chief Compliance Officer of the Regional and Sustainable Development Department.
- This checklist is to be completed with the assistance of an Environment Specialist in a Regional Department.
- This checklist focuses on environmental issues and concerns. To ensure that social dimensions are adequately considered, refer also to ADB checklists and handbooks on (i) involuntary resettlement, (ii) indigenous peoples planning, (iii) poverty reduction, (iv) participation, and (v) gender and development.
- Answer the questions assuming the “without mitigation” case. The purpose is to identify potential impacts. Use the “remarks” section to discuss any anticipated mitigation measures.

Country/Project Title:

Sector Division:

Power – Transmission

Screening Questions	Yes	No	Remarks
<p>A. Project Siting</p> <p>Is the Project area adjacent to or within any of the following environmentally sensitive areas?</p> <ul style="list-style-type: none"> • Cultural heritage site • Protected Area • Wetland • Mangrove • Estuarine • Buffer zone of protected area • Special area for protecting biodiversity 			
<p>B. Potential Environmental Impacts</p> <p>Will the Project cause...</p> <ul style="list-style-type: none"> • encroachment on historical/cultural areas, disfiguration of landscape and increased waste generation? 			

⁶ These checklists are for projects that will possibly be funded by NCRPB. These Rapid Environmental Assessment (REA) checklists are drawn from the ADB checklists. These are consistent with similar guidelines of other multilateral and bilateral development partners such as the World Bank, JBIC and KFW.

<ul style="list-style-type: none"> • encroachment on precious ecosystem (e.g. sensitive or protected areas)? • alteration of surface water hydrology of waterways crossed by roads and resulting in increased sediment in streams affected by increased soil erosion at the construction site? • damage to sensitive coastal/marine habitats by construction of submarine cables? • deterioration of surface water quality due to silt runoff, sanitary wastes from worker-based camps and chemicals used in construction? • increased local air pollution due to rock crushing, cutting and filling? • chemical pollution resulting from chemical clearing of vegetation for construction site? • noise and vibration due to blasting and other civil works? • dislocation or involuntary resettlement of people • social conflicts relating to inconveniences in living conditions where construction interferes with pre-existing roads? • hazardous driving conditions where construction interferes with pre-existing roads? • poor sanitation and solid waste disposal in construction camps and work sites, and possible transmission of communicable diseases from workers to local populations? • creation of temporary breeding habitats for mosquito vectors of disease? • dislocation and compulsory resettlement of people living in right-of-way of the power transmission lines? • environmental disturbances associated with the maintenance of lines (e.g. routine control of vegetative height under the lines)? • facilitation of access to protected areas in case corridors traverse protected areas? • accident risks associated with maintenance of lines and related facilities? • health hazards due to electromagnetic fields, land subsidence, lowered groundwater table, and salinization? • disturbances (e.g. noise and chemical pollutants) if herbicides are used to control vegetative height? 			
---	--	--	--

Roads & Highways

Screening Questions	Yes	No	Remarks
<p>A. Project Siting</p> <p>Is the Project area adjacent to or within any of the following environmentally sensitive areas?</p> <ul style="list-style-type: none"> • Cultural heritage site • Protected Area • Wetland • Mangrove 			

<ul style="list-style-type: none"> • Estuarine • Buffer zone of protected area • Special area for protecting biodiversity <p>B. Potential Environmental Impacts</p> <p>Will the Project cause...</p> <ul style="list-style-type: none"> • encroachment on historical/cultural areas; disfiguration of landscape by road embankments, cuts, fills, and quarries? • encroachment on precious ecology (e.g. sensitive or protected areas)? • alteration of surface water hydrology of waterways crossed by roads, resulting in increased sediment in streams affected by increased soil erosion at construction site? • deterioration of surface water quality due to silt runoff and sanitary wastes from worker-based camps and chemicals used in construction? • increased local air pollution due to rock crushing, cutting and filling works, and chemicals from asphalt processing? • noise and vibration due to blasting and other civil works? • dislocation or involuntary resettlement of people • other social concerns relating to inconveniences in living conditions in the project areas that may trigger cases of upper respiratory problems and stress? • hazardous driving conditions where construction interferes with pre-existing roads? • poor sanitation and solid waste disposal in construction camps and work sites, and possible transmission of communicable diseases from workers to local populations? • creation of temporary breeding habitats for mosquito vectors of disease? • dislocation and compulsory resettlement of people living in right-of-way? • accident risks associated with increased vehicular traffic, leading to accidental spills of toxic materials and loss of life? • increased noise and air pollution resulting from traffic volume? • increased risk of water pollution from oil, grease and fuel spills, and other materials from vehicles using the road? 			
--	--	--	--

Sewage treatment plant

Screening Questions	Yes	No	Remarks
<p>A. Project Siting</p> <p>Is the project area...</p> <ul style="list-style-type: none"> • Densely populated? 			

<ul style="list-style-type: none"> • Heavy with development activities? • Adjacent to or within any environmentally sensitive areas? • Cultural heritage site • Protected Area • Wetland • Mangrove • Estuarine • Buffer zone of protected area • Special area for protecting biodiversity • Bay <p>B. Potential Environmental Impacts</p> <p>Will the Project cause...</p> <ul style="list-style-type: none"> • impairment of historical/cultural monuments/areas and loss/damage to these sites? • interference with other utilities and blocking of access to buildings; nuisance to neighboring areas due to noise, smell, and influx of insects, rodents, etc.? • dislocation or involuntary resettlement of people • impairment of downstream water quality due to inadequate sewage treatment or release of untreated sewage? • overflows and flooding of neighboring properties with raw sewage? • environmental pollution due to inadequate sludge disposal or industrial waste discharges illegally disposed in sewers? • noise and vibration due to blasting and other civil works? • discharge of hazardous materials into sewers, resulting in damage to sewer system and danger to workers? • inadequate buffer zone around pumping and treatment plants to alleviate noise and other possible nuisances, and protect facilities? • social conflicts between construction workers from other areas and community workers? • road blocking and temporary flooding due to land excavation during the rainy season? • noise and dust from construction activities? • traffic disturbances due to construction material transport and wastes? • temporary silt runoff due to construction? • hazards to public health due to overflow flooding, and groundwater pollution due to failure of sewerage system? • deterioration of water quality due to inadequate sludge disposal or direct discharge of untreated sewage water? • contamination of surface and ground waters due to sludge disposal on land? • health and safety hazards to workers from toxic gases and hazardous materials which maybe contained in sewage flow and exposure to pathogens in sewage and sludge? 			
--	--	--	--

Solid Waste Management

Screening Questions	Yes	No	Remarks
<p>A. Project Siting</p> <p>Is the project area...</p> <ul style="list-style-type: none"> • Densely populated? • Heavy with development activities? • Adjacent to or within any environmentally sensitive areas? • Cultural heritage site • Protected Area • Wetland • Mangrove • Estuarine • Buffer zone of protected area • Special area for protecting biodiversity • Bay <p>B. Potential Environmental Impacts</p> <p>Will the Project cause...</p> <ul style="list-style-type: none"> • impacts associated with transport of wastes to the disposal site or treatment facility • impairment of historical/cultural monuments/areas and loss/damage to these sites? • degradation of aesthetic and property value loss? • nuisance to neighboring areas due to foul odor and influx of insects, rodents, etc.? • dislocation or involuntary resettlement of people • public health hazards from odor, smoke from fire, and diseases transmitted by flies, insects, birds and rats? • deterioration of water quality as a result of contamination of receiving waters by leachate from land disposal system? • contamination of ground and/or surface water by leachate from land disposal system? • land use conflicts? • pollution of surface and ground water from leachate coming from sanitary landfill sites or methane gas produced from decomposition of solid wastes in the absence of air, which could enter the aquifer or escape through soil fissures at places far from the landfill site? • inadequate buffer zone around landfill site to alleviate nuisances? • social conflicts between construction workers from other areas and community workers? • road blocking and/or increased traffic during construction of facilities? • noise and dust from construction activities? • temporary silt runoff due to construction? • hazards to public health due to inadequate 			

<p>management of landfill site caused by inadequate institutional and financial capabilities for the management of the landfill operation?</p> <ul style="list-style-type: none"> • emission of potentially toxic volatile organics from land disposal site? • surface and ground water pollution from leach ate and methane gas migration? • loss of deep-rooted vegetation (e.g. tress) from landfill gas? • explosion of toxic response from accumulated landfill gas in buildings? • contamination of air quality from incineration? • public health hazards from odor, smoke from fire, and diseases transmitted by flies, rodents, insects and birds, etc.? • health and safety hazards to workers from toxic gases and hazardous materials in the site? 			
---	--	--	--

Water supply

Screening Questions	Yes	No	Remarks
<p>A. Project Siting</p> <p>Is the project area...</p> <ul style="list-style-type: none"> • Densely populated? • Heavy with development activities? • Adjacent to or within any environmentally sensitive areas? • Cultural heritage site • Protected Area • Wetland • Mangrove • Estuarine • Buffer zone of protected area • Special area for protecting biodiversity • Bay <p>B. Potential Environmental Impacts</p> <p>Will the Project cause...</p> <ul style="list-style-type: none"> • pollution of raw water supply from upstream wastewater discharge from communities, industries, agriculture, and soil erosion runoff? • impairment of historical/cultural monuments/areas and loss/damage to these sites? • hazard of land subsidence caused by excessive ground water pumping? • social conflicts arising from displacement of communities ? • conflicts in abstraction of raw water for water supply with other beneficial water uses for surface and ground waters? 			

<ul style="list-style-type: none"> • unsatisfactory raw water supply (e.g. excessive pathogens or mineral constituents)? • delivery of unsafe water to distribution system? • inadequate protection of intake works or wells, leading to pollution of water supply? • over pumping of ground water, leading to salinization and ground subsidence? • excessive algal growth in storage reservoir? • increase in production of sewage beyond capabilities of community facilities? • inadequate disposal of sludge from water treatment plants? • inadequate buffer zone around pumping and treatment plants to alleviate noise and other possible nuisances and protect facilities? • impairments associated with transmission lines and access roads? • health hazards arising from inadequate design of facilities for receiving, storing, and handling of chlorine and other hazardous chemicals. • health and safety hazards to workers from the management of chlorine used for disinfection and other contaminants? • dislocation or involuntary resettlement of people • social conflicts between construction workers from other areas and community workers? • noise and dust from construction activities? • increased road traffic due to interference of construction activities? • continuing soil erosion/silt runoff from construction operations? • delivery of unsafe water due to poor O&M treatment processes (especially mud accumulations in filters) and inadequate chlorination due to lack of adequate monitoring of chlorine residuals in distribution systems? • delivery of water to distribution system, which is corrosive due to inadequate attention to feeding of corrective chemicals? • accidental leakage of chlorine gas? • excessive abstraction of water affecting downstream water users? • competing uses of water? • increased sewage flow due to increased water supply • increased volume of sullage (wastewater from cooking and washing) and sludge from wastewater treatment plant 			
---	--	--	--

I.O. Typical conditions on environmental clauses to be included in the contract for the construction contractor

General conditions

The Contractor and his sub-contractors shall abide at all times to the different environmental legislations, regulations, rules, bye-laws and government orders notified by the Central or State Government or Local authorities. The contractor shall ensure that the air emissions, effluent discharges, solid waste disposal, noise generation and other environmental parameters do not exceed the values, if any, indicated in the relevant law and in the EMP, which is a part of the contract.

The major applicable legislations are as follows:

1. The Water (Prevention and Control of Pollution) Act 1974 and associated rules
2. The Air (Prevention and Control of Pollution) Act 1981 and associated rules
3. The Environment (Protection) Act 1986 and associated rules & notifications
4. The Public Liability Insurance Act 1991 and associated rules

The Contractor shall ensure that all reasonable steps are taken to implement the management measures provided in the Environmental Management Plan, which is a part of the contract.

Special conditions

In addition to complying with all the general conditions, the contractor shall also comply with the Environmental Management Plan (EMP) that forms a part of the contract. This EMP covers typically environment, health & safety, labour welfare provisions (safety provisions, first aid, proper labour camp accommodation and facilities, drinking water, adequate health & hygiene surroundings, child & forced labour prohibition and awareness & education on HIV/AIDS & other contagious diseases) and other social requirements that the contract must abide.

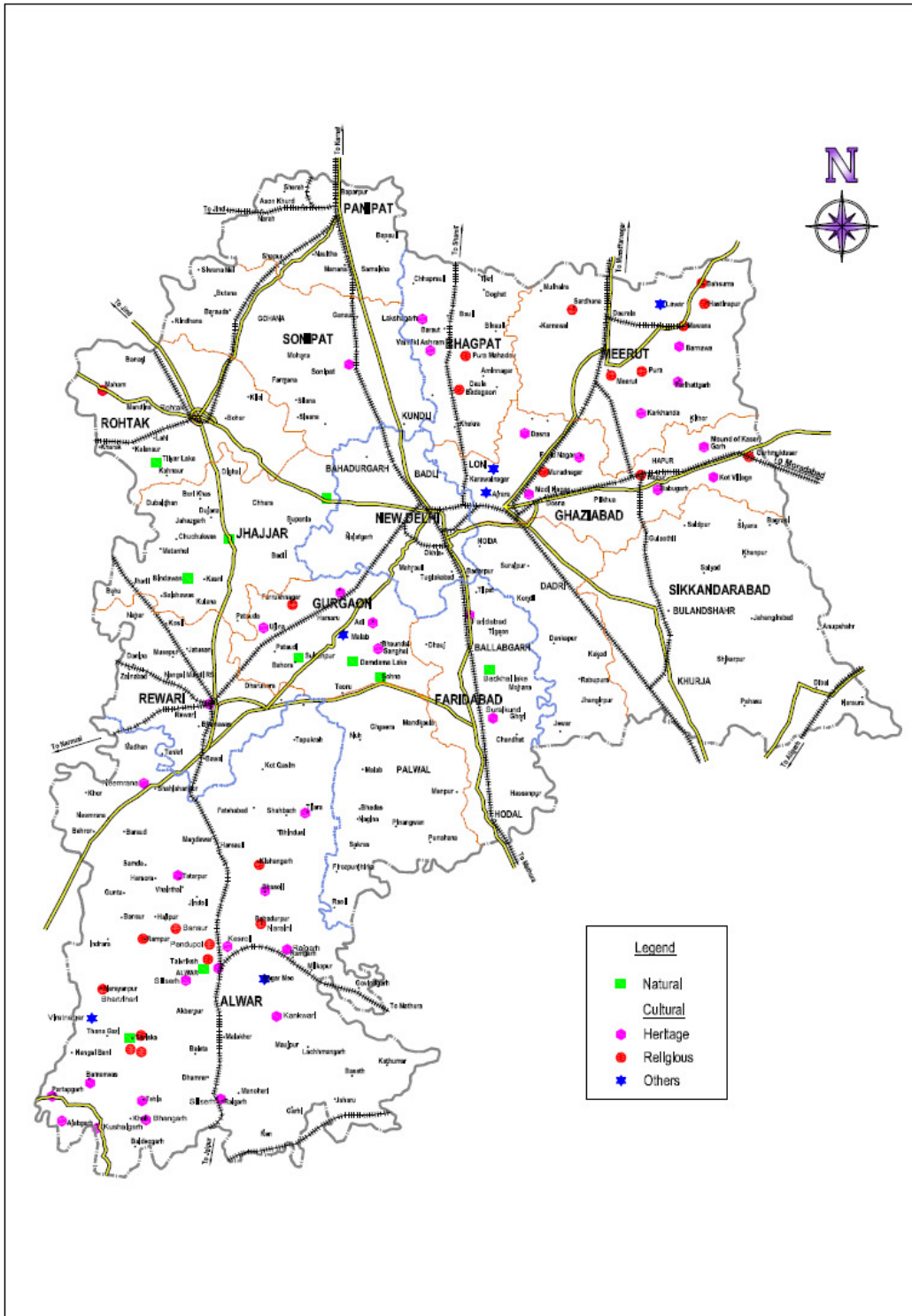
The contractor shall also abide by the following conditions that will render the implementation gender sensitive:

- Women are given preference in employment
- Equal wages for men and women for same kind of labour / employment
- Provide minimum wages as prescribed by the respective States
- Make adequate provisions of toilets exclusively for women in the construction site
- Make adequate drinking water available to labourers and in particular where women take food / rest
- Establish, if required, child care facilities in the construction site
- Undertake awareness creation on HIV / AIDS and other sexually transmitted diseases particularly amongst women living in the vicinity of the project location.
- Create awareness on road safety, best practices in sanitation and feminine hygiene.

As the EMP covers the Indian legal requirements as well as the safeguard policies of the bilateral / multilateral organizations, the EMP will be more stringent and should be regarded as binding on the contractor.

I.P. NCR – List of Heritage Sites⁷

Map of NCR



⁷ The list of sites showed in the map is indicative and not comprehensive. Baseline surveys should be conducted to ensure whether or not such sites exist in and around the proposed project locations.

List of sites in the NCR⁸

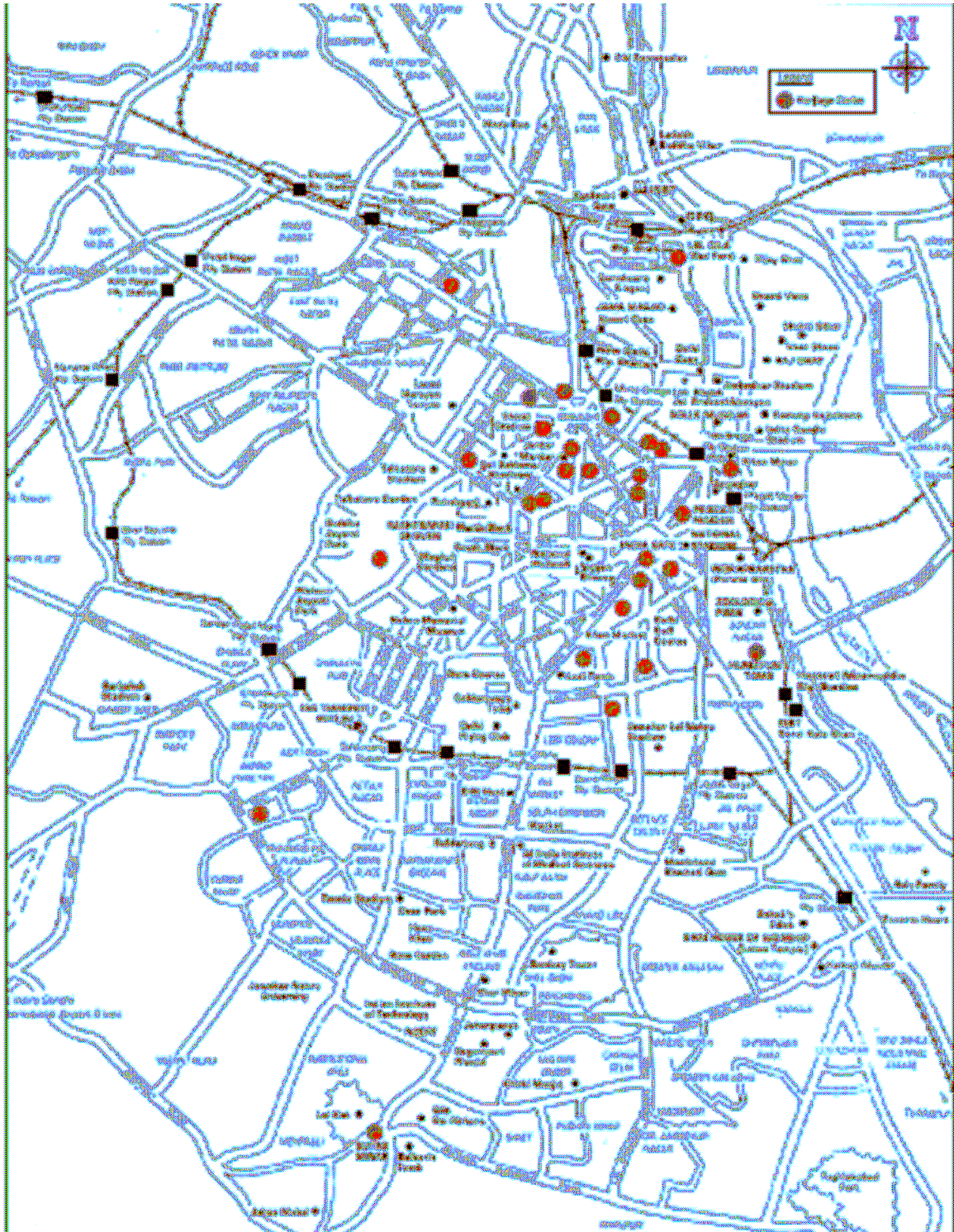
Location	Nature of site	Description
State: Uttar Pradesh, District: Baghpat		
Badagaon	Cultural	Jain temple of millienium old. Stone idols with inscriptions of 12th/13th century
Pura Mahadev (Baloni)	Cultural	Shiva temple founded by Lord Parasuram on the bank of river Hindan.
Lakshagarh (Barnava)	Cultural	Area developed in 9th century. Finds mention in Mahabharat. Shrines of 17th centure are present.
Valmiki Ashram (Balani)	Cultural	Panchamuki shiva-lingam temple. Legends say that this was ashram of Rishi Valmiki and Sita stayed here during vanavas. Sita gave birth to Luv and Kush in this place.
State: Uttar Pradesh, District: Meerut		
Hastinapur	Cultural	Jain temples of more than 160 years old. It was mentioned in Mahabharata as capital of Kaurava and Pandavas. Place of archeological importance.
Meerut	Cultural	Pond built in 17th century. Baba Manohar Nath temple build in the period of Shajahan. Chanda Devi Temple. Mansa Devi Temple. Bargah of Bale Miyan built in 1194. Jama Masjid of 1019. Angharhnath temple. Vidhura ka tila. Draupadi ki rasooi. Very ancient Mausoleum of Shahpir. Digambar Jain temple.
Sandhana	Cultural	Place of historical importance. Church built in 1820 and fort.
Mawana	Cultural	Place of historical importance. Finds mention in Mahabharat.
Parikishat garh	Cultural	Place of historical importance. Gandhari Talab, Rishi Shran Ashram. Believed that Maharishi Ved Vyas started to write Mahabharat here.
Pura	Cultural	Shiva temple founded by Lord Parasuram
Karkhanda	Cultural	Place finds mention in Mahabharata.
Lawar	Community	Handicrafts village. Handlooms and kambal works.
Bahsuma	Cultural	Place of historical importance. Finds mention in Mahabharat as Treasury of Kauravas and Pandavas.
Barnawa	Cultural	Place finds mention in Mahabharata.
State: Uttar Pradesh, District: Ghaziabad		
Mound of Kaseri	Cultural	Place where civilisation of 2500 BC was noted.
Garh Mukteshwar	Cultural	Place of historical and religious importance, associated with Mahabharata. The closest point from the capital where river Ganges flow. Mukteshwar Mahadeva-Ganga temple.
Kot Village	Cultural	Place of historical importance. Samundra Gupta performed Ashwamedha yaga here.
Ajrara	Cultural	Place of historical importance. Fort built in 1794.
Bahadurgarh	Cultural	Place of historical importance. Handicrafts village for handlooms, pottery.

⁸ The list of sites showed in the table is indicative and not comprehensive. Baseline surveys should be conducted to ensure whether or not such sites exist in and around the proposed project locations.

Location	Nature of site	Description
Dasna	Cultural	Place of historical and religious importance. Temple of Sati Malindi Devi.
Farid Nagar	Cultural	Place of historical importance. Palace of Nawab Farid-Ud-Din-Khan of Akbar regime.
Hapur	Cultural	Place of historical importance for buddism.
Loni	Cultural	Place of historical importance. Antiquites, shiva temple, mosque are present.
Modi Nagar	Cultural	Temple built in 19th century.
Murad Nagar	Cultural	Mausoleum of Mirza Mohammed Murad Mughal.
State: Haryana, District: Gurgaon		
Damdama lake	Natural	Boating and pictureous landscape. Eco-tourism.
Sultanpur	Natural	Birds santuary. Eco-tourism.
Dhankot, Saiyad	Cultural	In Mahabharat times, Gurgaon was a thick forest in which ashram of Guru Dronacharya existed. Here, Pandav and Kavurar princes got their training in warfare. Also found in Buddist literature.
Adi	Cultural	Center of art and architecture of Gujara-Pratiharas. Idols of medieval period present.
Malab	Cultural	Place of archeological importance.
Sanghel	Cultural	Place of archeological importance.
Ujina	Cultural	Place of archeological importance.
Sohna	Natural	Natural hot water spring.
Farukhnagar	Cultural	Jami Masjid built of Agra red stone. Shrine of Budho mata. Place of historical importance
Pataudi	Cultural	Place of histrical importance. Palance of Nawab of Pataudi.
State: Haryana, District: Sonapat		
Sonapat	Cultural	Place finds mention in Mahabharata. Finds place in Ashtadhyayi of grammarian Panini. Town in existence since 600 BC. Antiquiets excavated. / Handicrafts. Wooden furniture (pidhis) woven with cotton thread/sutli. Pottery.
State: Haryana, District: Faridabad		
Badkhal lake	Natural	Bird watching, water sport, pictursque locations of Aravalli hills.
Surajkund	Cultural	Ancient reservpir of 10th century. Asola Bhatti Wild life sanctuary. Sun temple.
Faridabad	Cultural	Forts, Palaces, tank and mosque built by Shair Farid of 1607 AD. Akshardham, Birla Mandir, Lotus mandir.
State: Haryana, District: Jhajjar		
Bindawas lake	Natural	Birds santuary. Lake resort.
State: Haryana, District: Rohtak		
Tilyar lake	Natural	132 acre lake with resorts.
Rohtak	Cultural	Finds mention in Mahabharata. Place of historical and archeological importance. Antiquiets of ancient civilization found, Asthal Bohar.
Meham	Cultural	Jama Masjid converted to Gurudhwara. Several mosques of historical importance. Gaokaran tank, temples of Lord Shiva, Devi and Hanuman
State: Haryana, District: Rewari		

Location	Nature of site	Description
Rewari	Cultural	Place of historical importance and finds mention in Mahabharata. Bada Talab-Hanuman mandir of year 1815. Lal Masjid build during Akbar regime in 1570
State: Rajasthan, District: Alwar		
Alwar	Cultural	Alwar fort (1550 A.D), Alwar Palaces Complex (Palace, Centotaphs, tanks), Vijay Mandir Palace, Hope circus (architectural monument), Jaisamand lake
Sariska	Cultural / Natural	Sariska Palace, Tal Vraksha temples, Sariska wildlife sanctuary and Tiger reserve, Kankwari, Tehla and Kushalgarh forts
Siliserh	Cultural	Siliserh lake Palace
Tijara	Cultural	Religious place
Neemrana	Cultural	Fort
Tatarpur	Cultural	Fort
Bansur	Cultural	Fort
Taalvriksh	Cultural / Natural	Religious place and sanctuary
Kesroli	Cultural	Fort
Kushalgarh	Cultural	Fort
Viratnagar	Cultural	Religious place
Bhartrihari	Cultural	Religious place
Pandupol	Cultural	Religious place
Kankwari	Cultural	Fort
Tehla	Cultural	Fort
Pratapgarh	Cultural	Fort
Rajgarh	Cultural	Fort
Ajabgarh	Cultural	Fort
Bhangarh	Cultural	Fort, religious place
Naraini Matha	Cultural	Religious place

Map of New Delhi with heritage locations identified⁹



⁹ The list of sites showed in the map is indicative and not comprehensive. Baseline surveys should be conducted to ensure whether or not such sites exist in and around the proposed project locations.

Annex II: Social Safeguard Framework (SSF)

Background

1. The National Capital Region Planning Board (NCRPB), a statutory body functioning under the Ministry of Urban Development, Government of India, recognising the environmental and social issues that can arise in infrastructure projects, has prepared an Environmental and Social Management System (ESMS) in line with ADBs safeguard requirements for Financial Intermediaries (FIs).

2. The ESMS provides an overall management system to NCRPB in identification, assessment and mitigation of environmental and social issues that are likely to arise in projects financed by NCRPB and implemented by Implementing Agencies (IAs). The ESMS outlines the policies, assessments and procedures that will enable NCRPB to ensure that a project that it funds is developed in accordance with ESMS and is adequately protected from associated risks.

Objectives of SSF

3. The objectives of SSF for managing involuntary resettlement are: (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

4. The objective for managing impacts to indigenous people is to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

Scope of SSF

5. The SSF provides guidance to Environmental and Social Management Cell (ESMC) of NCRPB in addressing involuntary resettlement and impact to indigenous people in projects funded by NCRPB. The SSF provides a brief outline of social criteria that should be met by IAs apart from technical and financial criteria in preparing projects for appraisal at NCRPB.

6. NCRPB will ensure that involuntary resettlement and impact to indigenous people in projects funded by it are in compliance with (i) applicable Central and State laws and regulations governing land acquisition, compensation, relocation, and resettlement; (ii) Safeguard Requirements-2 on Involuntary Resettlement; and (iii) Safeguard Requirements-3 on Indigenous peoples. Policy and legal framework of Central, State and ADB that govern land acquisition, compensation, relocation, and resettlement is discussed in Annex II-A.

Applicability of SSF

7. On approval and adoption of ESMS by NCRPB, all projects that are submitted to NCRPB for funding and projects already submitted for funding and pending sanction will have to comply with SSF, and will follow the following procedure irrespective of whether NCRPB fully fund or partly fund the project.

- i) Screening of project proposals for involuntary resettlement and impacts on indigenous peoples;
- ii) Preparation of Resettlement Plan (RP) in commensurate with the significance of involuntary resettlement impacts and submission of the same as part of the Detailed Project Report (DPR);
- iii) Preparation of Indigenous Peoples Plan (IPP) in commensurate with the significance of potential impact on indigenous peoples and submission of the same as part of the DPR;
- iv) Appraisal of Resettlement Plan (RP) and/or Indigenous Peoples Plan (IPP) along with DPR;
- v) Setting of loan conditionality to include social (involuntary resettlement and indigenous peoples) safeguard requirements;
- vi) Submission of updated RP and/or IPP on completion of detailed design or in case of changes in project design;
- vii) Implementation of RP and/or IPP and submission of monthly progress reports to ESMC of NCRPB;
- viii) Monitoring of RP and/or IPP periodically and submission of the reports to ESMC - for S-1 projects, monitoring and evaluation will be undertaken through an independent external agency hired by NCRPB; and
- ix) Loan closure shall be linked to satisfactory completion of activities undertaken for RP and/or IPP.

8. Projects that have already been sanctioned by NCRPB prior to the adoption of the ESMS will have to comply with SSF, if NCRPB had not disbursed funds and wishes to finance such projects, and will follow the following procedure irrespective of whether NCRPB fully fund or partly fund the project.

- i) Screening of projects for involuntary resettlement and impacts on indigenous peoples;
- ii) Examining for compliance to Safeguard Requirements 2 and 3;
- iii) Identifying gaps, if any, in social compliance;
 - a. If there are no gaps, then social safeguards specialist of ESMS shall review all relevant reports and undertake a site visit to confirm compliance to Safeguard Requirements 2 and 3 and disburse funds;
 - b. If there are gaps on social compliance, NCRPB to ensure compliance of SSF by IAs pending disbursements;
- iv) NCRPB shall ensure compliance by IAs and review if the agreed activities are satisfactorily met in the stipulated time;
 - a. If IA is non-compliant with the safeguard requirements, funds will not be disbursed;
 - b. For compliant projects, funds will be disbursed subject to satisfactory implementation of RP and/or IPP;
- v) Monitoring of RP and/or IPP periodically and submission of the reports to ESMC - for S-1 projects, monitoring and evaluation will be undertaken through an independent external agency hired by NCRPB; and
- vi) Loan closure shall be linked to satisfactory completion of activities undertaken for RP and/or IPP.

9. Safeguard Requirements-2 on Involuntary Resettlement does not apply to Negotiated Land Acquisition, unless negotiations fail and land is acquired invoking LA Act. Since negotiated settlements help to avoid displacement and eliminate the need to use governmental authority to remove people forcibly, the IAs are encouraged to acquire land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without legal title to assets.

10. A negotiated settlement will offer adequate and fair price for land and/or other assets. IAs will ensure that any negotiations with displaced persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the IAs will engage an independent external party to document the negotiation and settlement processes. The IAs will agree with NCRPB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements.

Screening for Safeguard Requirements

11. Implementing Agencies submitting project proposals for funding will submit Involuntary Resettlement Screening Checklist (Annex II-B) and Indigenous Peoples Screening Checklist (Annex II-C) along with loan application / feasibility report. In commensurate with the significance of involuntary resettlement impacts and impacts to indigenous peoples, the IAs will prepare resettlement plan and indigenous peoples plan, in accordance with SSF and submit the same to NCRPB along with the DPR.

Resettlement Planning Document

12. The objective of a resettlement plan is to ensure that (i) livelihoods and standards of living of displaced persons¹⁰ are improved, or at least restored to pre-project (physical and/or economic) levels and (ii) the standards of living of the displaced poor and other vulnerable groups are improved, not merely restored, by providing adequate housing, security of land tenure and steady income and livelihood sources.

13. Displaced persons in a project area could be of three types: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of displaced persons.

14. The IAs will provide adequate and appropriate replacement land and structures, subject to availability, or cash compensation at full replacement cost for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance, if applicable, to those persons described in paragraph 13(i) and 13(ii) prior to their relocation. For those persons described in paragraph 13(iii), the IAs will compensate them for the loss of assets other than land, such as dwellings, and also for other improvements to the land, at full replacement cost. The cut-off date¹¹ will determine those eligible for entitlements of those under paragraph 13(iii).

15. All costs of compensation, relocation, and livelihood rehabilitation as per the resettlement plan will be eligible for funding as part of project cost.

¹⁰ In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

¹¹ Cut-off date for non-titleholders will be notified by the respective States.

16. The IAs will conduct socioeconomic survey(s) and a census, with appropriate socioeconomic baseline data to identify all persons who will be displaced by the project and to assess the project's socioeconomic impacts on them. Based on the surveys and consultations with affected community, the IA will prepare a RP and submit the same to NCRPB along with the DPR.

17. As part of the social impact assessment, IAs will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status and include in the RP measures to mitigate such impact to vulnerable persons / groups.

18. Outline of resettlement plan is given in Annex II-D and the level of details required in the resettlement plan will be in commensurate with the significance of involuntary resettlement impacts.

19. Involuntary resettlement is considered 'significant' when 200 or more people will experience major impacts, which are defined as being physically displaced from housing or losing 10% or more of their productive assets (income generating); and 'not significant' when less than 200 people will be (i) physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).

20. A Draft Entitlement Framework for extending assistance to the APs is given in Annex II-I. The framework provides a broad outline of different type of impacts and the corresponding entitlement based on tenure. Since NCR comprises of more than one State and each State has its own project specific safeguard frameworks prepared for multilateral agencies, IAs will be encouraged to adopt the already approved safeguard framework of their State that is in compliance with ADB Safeguard requirements. IAs will submit the framework to NCRPB for approval on compliance with ESMS. If the IAs do not have a safeguard framework or are unable to adopt an existing safeguard framework, the framework provided in Annex II-I will form the basis for providing assistance to affected households.

Indigenous Peoples Planning Document

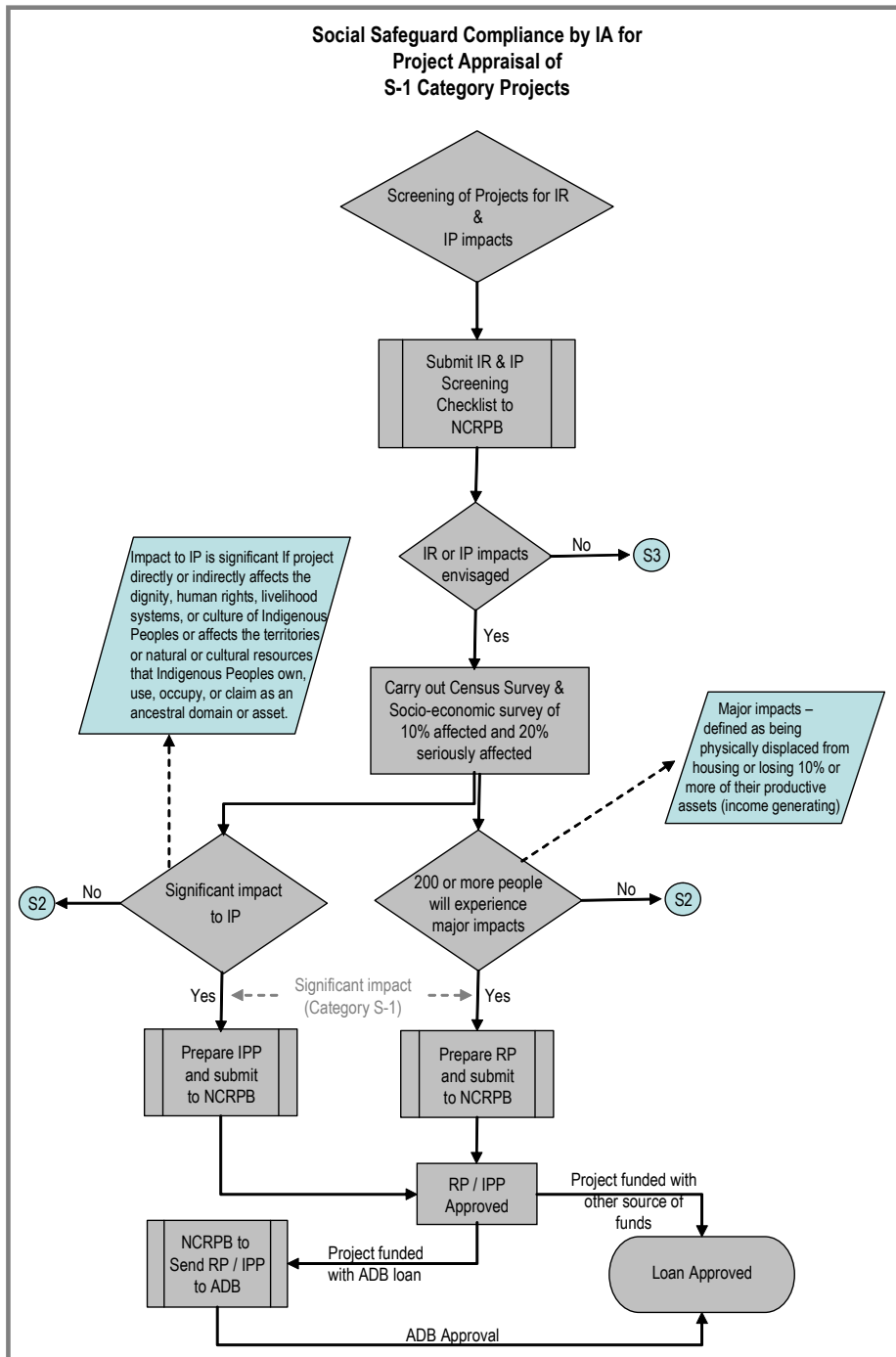
21. The objective of an indigenous peoples plan is to ensure that (i) affected indigenous peoples receive culturally appropriate social and economic benefits; and (ii) when potential adverse impacts on indigenous peoples are identified, these will be avoided to the maximum extent possible.

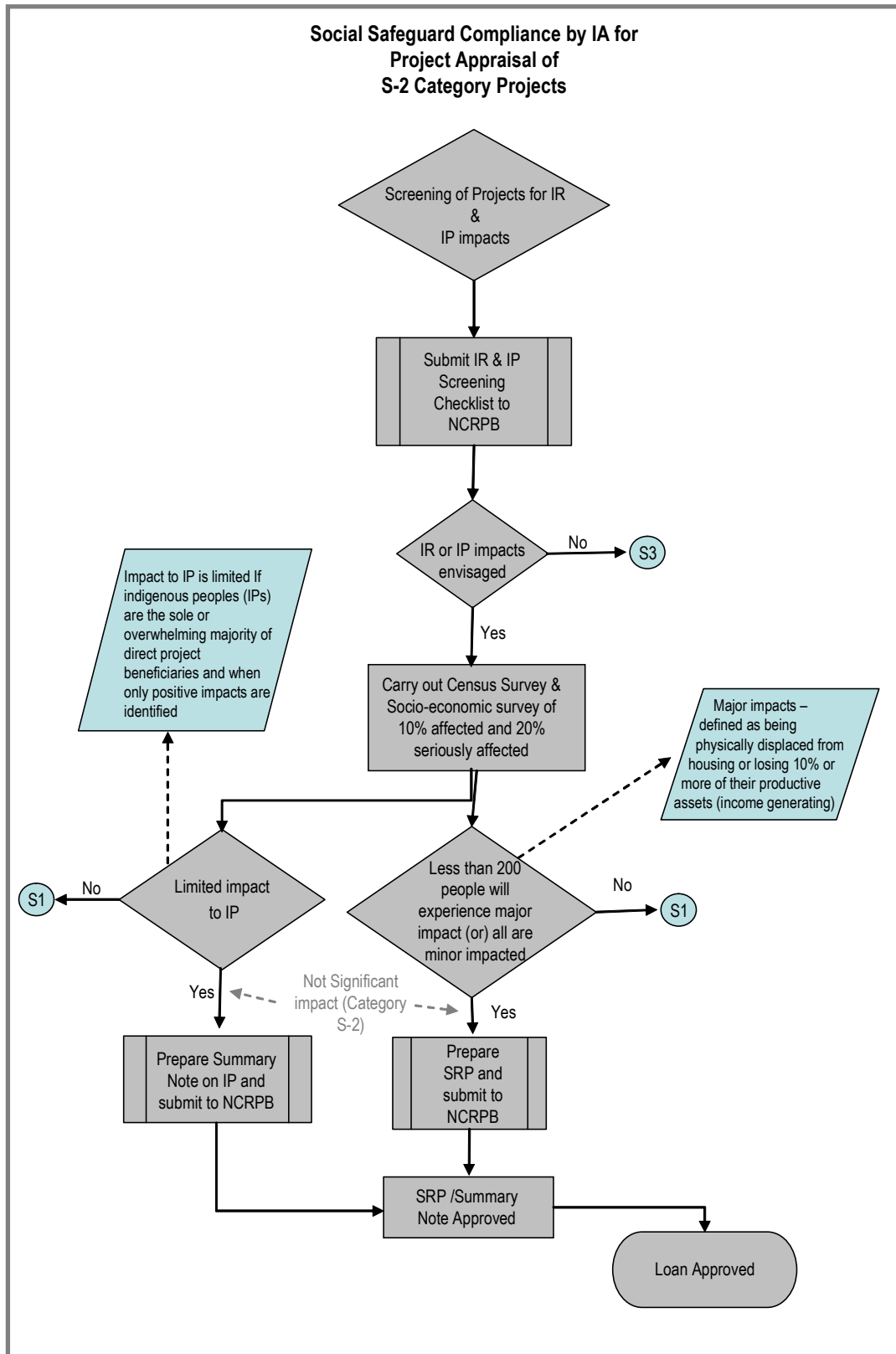
22. When impact to indigenous peoples cannot be avoided, meaningful consultations with the affected indigenous communities should be undertaken and an IPP detailing measures to minimize, mitigate, and compensate for the adverse impacts should be developed by the IAs and submitted to NCRPB along with the DPR.

23. Outline of indigenous peoples plan is given in Annex II-E and the level of details required in the indigenous peoples plan will be in commensurate with the significance of impact to indigenous peoples.

24. Projects where the majority of the direct project beneficiaries are indigenous peoples and there aren't any adverse impacts, the elements of an IPP can be integrated in the DPR along with a summary on how the project complies with Safeguard Requirements-3 on indigenous peoples.

25. The process to be adopted by project proponents / IAs for availing financial assistance from NCRPB is presented for S-1 and S-2 category of projects separately in the following flowcharts. For S-3 category of projects, on submission of Social Screening Checklist (Annex-II.B and Annex-II.C), NCRPB will ascertain if it falls under category S-3 and upon being satisfied will approve the loan.





Consultation and Disclosure

26. Appropriate consultation on the resettlement plan/indigenous peoples plan and participation of affected population in decision making will improve the understanding of their needs, resources and preferences. This will help in reducing reluctance and thereby increase the acceptance of the project. Consultations should be a continuous process, commencing from project planning stage and should run throughout the RP/IPP implementation.

27. Affected people should be consulted on valuation of land and assets, compensation, rehabilitation assistances and wherever applicable also about resettlement site locations and the facilities and amenities required at the resettlement site. Affected community should be given an opportunity to participate in the decisions concerning them.

28. The RP/IPP should be translated into local language and be made available to the affected people by the Implementing Agency (IA), for review and comments on the policy and mitigation measures, prior to loan disbursement by NCRPB. Copies of RP/IPP should also be made available at the office of the IA, local municipality/panchayat offices, Taluk office, to enable stakeholders have easy access to the documents. The proceedings of the disclosure consultations and the feedback received should be sent to NCRPB for review. The final RP/IPP should also be disclosed on the NCRPB and IA websites.

Grievance Redressal Mechanism

29. The RP and the IPP should give details of project specific procedures and mechanism for resolving concerns and grievances of the affected community and in particular that of the vulnerable section of the affected persons.

30. The IA should constitute a three-member Grievance Redressal Committee (GRC) comprising of the senior most officer of the IA, the elected member of the project area and one member from the public who is known to be persons of integrity, good judgment and commands respect among the community. The existence of the GRC will be disseminated to the affected persons through printed handouts providing details of the structure and process in redressing grievances.

31. Any aggrieved PAP can approach GRC, chaired by the senior most officer of the IA and if the grievance of the PAP is not addressed, the aggrieved person will be directed to approach the District Collector. The aggrieved person will have the right to approach the court of law, if he/she is still unsatisfied with the decisions taken by the GRC and the Collector.

32. The IA will document all complaints received, the action taken on each of them and send a report of the same every quarter to the Social Safeguard Manger at NCRPB.

Budget and Financing Plan

33. The RP/IPP should have a detailed budget to cover the cost of compensation for land and assets, rehabilitation assistances, resettlement activities, monitoring and evaluation and administrative costs including provision for capacity building and hiring of NGOs/skilled staff for RP/IPP implementation. Adequate contingency provision should be made to cover both physical and financial contingencies. Elements in a RP budget are given in Annex II-D

34. RP/IPP should also have a well defined time bound work plan with resources, both financial and manpower, for each tasks assigned without any ambiguity. Funds should be made available by IA in commensurate with the work plan and the budget to ensure timely implementation of RP/IPP. An outline of a work plan is given in Annex II-F

Monitoring and Evaluation

35. The IA should periodically monitor the progress made in RP/IPP implementation and submit monthly and quarterly progress reports to the Social Safeguard Manager of ESMC at NCRPB. Any deviation and laxity in the implementation should be viewed seriously as delay in RP/IPP implementation will result in delay in issue of RP/IPP completion certification, a mandatory requirement for commencement of civil works. Outline for internal monitoring by IAs is given in Annex II-G

36. The quarterly monitoring reports of projects categorized as S-1 and 25 percent projects of S-2 will be subjected to an independent audit through an external agency hired by ESMC of NCRPB. The external agency will review the RP/IPP and the quarterly monitoring reports submitted by the IAs, undertake field visits and advice ESMC of NCRPB on compliance of safeguard requirements. All S-I projects will be monitored by an external monitoring agency appointed by NCRPB. The monitoring reports of the S-I category projects funded by NCRPB will be sent to ADB for review and comments. An outline for reporting by external monitoring agency is given in Annex II-H.

A: Review of Policy and Legal Framework

1. Land Acquisition Act (LAA), 1894 (Central Act I of 1894)

The Land Acquisition Act, 1894 generally govern land acquisition and compensation in all four States that come under the National Capital Region.

- i) Notification under Section 4(1): Whenever the Government requires land for a public purpose, it causes a notification under Section 4(1) in the official Gazette; and in two daily newspapers circulated in that locality of which at least one shall be in the regional language; and the Collector shall cause a public notice of the substance of such notification to be given at convenient places in the locality.
- ii) Hearing of objections under Section 5-A: Any person interested in the land notified under Section 4(1) may within 30 days from the date of the publication of the notification make his objections, if any, to the Collector in writing and shall be heard by the Collector. Section 5-A is mandatory and is a condition precedent for declaration under Section 6, unless superseded by emergency provision under Section 17.
- iii) Declaration of intended acquisition under Section 6: After considering the report made under 5-A(2) on the objections raised if any, a declaration shall be made to the effect that the particular land is needed for a public purpose. The amendment by Act LXVIII of 1984 makes it obligatory for the State to publish Section 6 declaration in two daily newspapers circulated in the locality of which one shall be in regional language and to cause public notice of the substance of the declaration apart from the publication in the Gazette.
- iv) After declaration the Collector shall take order for acquisition under Section 7. The Collector then causes the land to be marked out, measured and planned under Section 8. The Collector then causes public notice under Section 9 to be given at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land, and that claims to compensation may be made.
- v) Enquiry and Award by Collector under Section 11: The Collector shall enquire in to the objections, if any, into measurement, value and claims and shall make an award of
 - a) the true area of the land
 - b) the compensation which in his opinion should be allowed for the land and
 - c) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.
- vi) The Amendment Act LXVIII of 1984 introduced an important section, Section 11-A which prescribes two years time for the award to be passed after Section 6 declaration and if no award is made within this period, the entire proceedings for the acquisition of land shall lapse.
- vii) Special powers in cases of urgency under Section 17: In cases of urgency, whenever the Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of notice under Section 9(1), take possession of land for public purpose (only in case of change in channel of a river or unforeseen emergency for Railway administration, library or educational institution, common building in a village, godown for any registered co-operative society, dwelling house for the poor, any irrigation tank, irrigation or drainage channel or any well, or any road). However, amendment to Section 17 by Act LXVIII of 1984, was made to protect the interest of the landowners by directing deposit of eighty percent of the compensation as estimated by the Collector, before taking possession.

- viii) Section 18 deals with reference to the court by the Collector on written submission made by the land owner who does not accepted the award made by the collector and require that the matter be referred to the court.
- ix) Matters considered in determining the compensation under Section 23: The following will be taken into account while determining the compensation
 - a) Market value of land on the date of 4(1) notification.
 - b) Damage to crops or trees.
 - c) Damage sustained due to severance of land.
 - d) Damage sustained by other property on account of acquisition.
 - e) Incidental expenses for relocation.
 - f) Section 23(1-A) provides for twelve percent per annum on market value from the date of 4(1) notification to date of award or the date of taking possession of the land¹², whichever is earlier.
 - g) Section 23(2) provides for thirty percent solatium on the market value of the land, in consideration of the compulsory nature of the acquisition.
- x) Section 24 provides for matters which are to be neglected in determining compensation;
- xi) Under section 25 the LA Act stipulates that the compensation amount fixed by the court should not be lesser than the compensation awarded by the District Collector under section 11;
- xii) Section 28 empowers the court to order the District Collector to pay interest at 9% on the amount awarded by the court in excess of the compensation granted by the Collector and if the excess amount is paid into Court after 1 year from the date of taking possession, interest at 15% per annum shall be payable.
- xiii) Section 28-A provides an opportunity to those who have not made an application to the Collector under Section 18 of LA Act, to seek re-determination of the compensation amount. To avail the benefit of re-determining of the compensation a written application should be made within 3 months¹³ from the date of award of the Court.
- xiv) Section 34 addresses delayed payments, and provide for an additional 9 percent per annum for the first year and 15 percent for subsequent years, if the compensation is not paid or deposited on or before taking possession of land (Section 9).

Relevance to NCRPB: Land required for projects funded by NCRPB are acquired invoking LA Act and compensation is determined as per the provision of LA Act confirming to State policies.

2. The National Rehabilitation and Resettlement Policy, 2007 (NRRP)

The National Rehabilitation and Resettlement Policy, 2007 (NRRP) provides broad guidelines and executive instructions and will be applicable to all projects. The provisions of the NRRP-2007 provide for the basic minimum requirements, and all projects leading to involuntary displacement of people must address the rehabilitation and resettlement issues comprehensively. The State Governments, Public Sector Undertakings or agencies, and other requiring bodies are at liberty to put in place greater benefit levels than those prescribed in the NRRP-2007. The principles of this policy may also apply to the rehabilitation and resettlement of persons involuntarily displaced permanently due to any other reason.

The objectives of the National Rehabilitation and Resettlement Policy are as follows:

¹² The Supreme Court has ruled that 12 percent interest shall come into effect only from the date of 4(1) and not before

¹³ Application for re-determination of compensation filed after the expiry of three months is barred by limitation [1997 (6) SCC 59]

- to minimise displacement and to promote, as far as possible, non-displacing or least-displacing alternatives;
- to ensure adequate rehabilitation package and expeditious implementation of the rehabilitation process with the active participation of the affected families;
- to ensure that special care is taken for protecting the rights of the weaker sections of society, especially members of the Scheduled Castes and Scheduled Tribes, and to create obligations on the State for their treatment with concern and sensitivity;
- to provide a better standard of living, making concerted efforts for providing sustainable income to the affected families;
- to integrate rehabilitation concerns into the development planning and implementation process; and
- where displacement is on account of land acquisition, to facilitate harmonious relationship between the requiring body and affected families through mutual cooperation.

NRRP 2007 distinguishes between projects requiring large extent of land and those involving linear acquisitions where the loss to an individual will be minimal. In projects relating to railway lines, highways, transmission lines, laying of pipelines and other such projects wherein only a narrow stretch of land is acquired for the purpose of the project or is utilised for right of way, the NRRP provides for an ex-gratia payment of not less than Rs.25,000/- in addition to the compensation or any other benefits due under the project. However, if as a result of such land acquisition, the land-holder becomes landless or is reduced to the status of a "small" or "marginal" farmer, other rehabilitation and resettlement benefits available under NRRP shall also be extended to such affected family.

Further, the affected families will have the option to take a lump-sum amount in lieu of one or more of the benefits specified under NRRP.

Relevance to NCRPB: NRRP 2007 is only a policy and is not an act and hence the provisions of the policy are not followed in any project

The Rehabilitation and Resettlement Bill, 2007 (Bill No.98 of 2007) proposed to give a statutory backing to NRRP 2007 and the Land Acquisition (Amendment) Bill, 2007 proposed to align its provisions with the goals and objectives of the NRRP, 2007 were passed by the Lok Sabha on February 25, 2009 and tabled in the Rajya Sabha on February 26, 2009. Both bills have lapsed and are likely to be introduced in the forthcoming session of the parliament.

3. ADBs Safeguard Requirement on Involuntary Resettlement

The important elements of the involuntary resettlement policy are (i) avoid involuntary resettlement wherever possible; (ii) minimize involuntary resettlement by exploring project and design alternatives; (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) improve the standards of living of the displaced poor and other vulnerable groups.

The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) and are triggered as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following basic principles.

1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
2. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
3. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
4. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.
8. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
10. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

11. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

Relevance to NCRPB: NCRPB, recognising the environmental and social issues that can arise in infrastructure projects, has prepared an Environmental and Social Management System (ESMS) in line with Multilateral and ADBs safeguard requirements for Financial Intermediaries (FIs).

4. Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989

This Act prevents the commission of offences of atrocities against members of the Scheduled Tribes and Castes and provides for a special court for the trial of offences against SCs and STs. It also provides for the relief and rehabilitation of victims of such offences.

Relevance to NCRPB: The act is primarily to prevent atrocities against STs and SCs and hence does not apply to projects funded by NCRPB.

5. Provisions of the Panchayat (Extension to Scheduled Areas) Act (PESA), 1996

The Panchayat (Extension to Scheduled Areas) Act, 1996 is meant to enable tribal society to assume control and to preserve and conserve their traditional rights over natural resources. The provisions of the 73rd Amendment, with some modifications, were extended to the tribal areas under Schedule V of nine States, namely, Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Maharashtra, Madhya Pradesh, Orissa and Rajasthan.

Relevance to NCRPB: No Schedule Area comes under the National Capital Region and hence the provisions of this act do not apply to NCRPB. However, though there are no Schedule Area in NCR, the ESMS of NCRPB aims at ensuring Indigenous Peoples receive culturally appropriate benefits; and provides for measures to avoid, minimize, mitigate, or compensate for any adverse project impacts on IPs.

6. The Constitution (Eighty-Ninth Amendment) Act, 2003

Through this amendment a separate Commission for the Scheduled Tribes was constituted to address all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution of India, other laws in force, Government orders, and to evaluate the working of such safeguards.

Relevance to NCRPB: If any project funded by NCRPB involves IP and results in the preparation and implementation of IPP, the same can be monitored by National Commission for Scheduled Tribe.

7. The Schedule Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

This Act recognises and vests the forest rights and occupation in Forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded; and it provides for a framework for

recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

Relevance to NCRPB: The act recognises forest rights of forest dwelling Schedule Tribes and NCRPB, though does not envisage funding projects in forest areas, will address impact to STs in line with its ESMS.

8. Draft National Tribal Policy, 2006

The Draft National Tribal Policy (2006), a comprehensive policy to deal with the scheduled tribe, was circulated for suggestions and recommendations and the final draft went for cabinet approval in 2007. The final Draft of the Policy has been referred to GoM under the Chairmanship of the Union Home Minister and the policy is under consideration of the GoM

Relevance to NCRPB: The provisions of ESMS of NCRPB that aims at ensuring Indigenous Peoples receive culturally appropriate benefits; and provides for measures to avoid, minimize, mitigate, or compensate for any adverse project impacts on IPs, are in line with the Draft Policy.

9. ADBs Safeguard Requirement on Indigenous Peoples

The important elements of the indigenous peoples policy are: to design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

The Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. The term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

For any ADB operation involving impact to indigenous peoples, indigenous peoples planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following basic principles

1. Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.
2. Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous

Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.

3. Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.

4. Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.

5. Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities

participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.

6. Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.

7. Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.

8. Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.

9. Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

Relevance to NCRPB: NCRPB, recognising the environmental and social issues that can arise in infrastructure projects, has prepared an Environmental and Social Management System (ESMS) confirming to Multilateral and ADBs safeguard requirements for Financial Intermediaries (FIs).

B: Involuntary Resettlement Screening Checklist

Impact	Not known	Yes	No	Remarks (details of number of APs, extent of land, use, etc)
Does the project involve any land acquisition				
Will the land be acquired through negotiations (willing buyer willing seller principle) without invoking land acquisition act				
Does the project involve transfer/alienation of government land				
Will the project restrict use of adjoining land				
Does the project involve severance of land				
Is the land required for the project been identified and the survey numbers are known				
What is the ownership status of land				
What is the present use of land				
Is there any encroachments/squatting in the government land / project area				
Is there likely to be any impact to agricultural tenants, share croppers				
Will there be loss of homestead / housing				
Will there be loss of crops, trees, wells, other assets				
Will be loss of income and livelihoods				
Will access to services, amenities, or resources be lost				
Will be loss of business or enterprise				
Will there be any social or economic activity be affected by land use related change				
If Involuntary Impacts are expected				
Are local laws and regulations compatible with ADBs safeguard requirement on involuntary resettlement				
Does the IA have necessary skills and personnel to undertake SES, prepare RP and oversee RP implementation				
Are training and capacity-building required to personnel of IA				

C: Indigenous Peoples Screening Checklist

Impact	Not known	Yes	No	Remarks (details of number of IPs, extent of land, use, impact - positive or adverse, etc)
Are there any indigenous peoples in the project location				
Do they maintain distinctive customs or economic activities that may make them vulnerable to hardship				
Does the project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples				
Does the project affect the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset.				
Will the project restrict their economic and social activity and make them particularly vulnerable				
Will the subproject positively affect their health, education, livelihood, or social security status				
Will the subproject negatively affect their health, education, livelihood, or social security status				
In case there is no disruption to the indigenous peoples life as a whole;				
Will there be loss of housing, loss of land, crops, trees, and other fixed assets owned or controlled by individual IP households				

D: Outline of a Resettlement Plan¹⁴

This outline is part of the Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

A. Executive Summary

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Project Description

This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

This section: (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities; (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project; (iii) summarizes the key effects in terms of assets acquired and displaced persons; and (iv) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including: (i) define, identify, and enumerate the people and communities to be affected; (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account; (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

This section: (i) identifies project stakeholders, especially primary stakeholders; (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle; (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders; (iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan; (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

¹⁴ Source: ADB Safeguard Policy, 2009

F. Grievance Redress Mechanisms

This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

G. Legal Framework

This section: (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed; (ii) describes the legal and policy commitments from the executing agency for all types of displaced persons; (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided; (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

This section: (i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix); (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

This section: (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified); (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs; (iii) provides timetables for site preparation and transfer; (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons; (v) outlines measures to assist displaced persons with their transfer and establishment at new sites; (vi) describes plans to provide civic infrastructure; and (vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

This section: (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources; (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets); (iii) outlines measures to provide social safety net through social insurance and/or project special funds; (iv) describes special measures to support vulnerable groups; (v) explains gender considerations; and (vi) describes training programs.

K. Resettlement Budget and Financing Plan

This section: (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation; (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items); (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into

account both physical and cost contingencies), plus replacement costs; (iv) includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements

This section: (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan; (ii) includes institutional capacity building program, including technical assistance, if required; (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and (iv) describes how women's groups will be involved in resettlement planning and management.

M. Implementation Schedule

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

N. Monitoring and Reporting

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

Elements of a RP Budget

Resettlement Costs					
S.No.	Items	Unit	Unit Rates (INR)	Quantity	Amount
					(INR)
1	Compensation for Loss of Land				
a	Private agricultural land	Ha			
b	Private commercial land	Ha			
c	Residential	Sq.m			
Sub total					
2	Compensation for Structure and trees				
a	Permanent	sq.m			
b	Semi-permanent	sq.m			
c	Temporary	sq.m.			
d	Trees	Lump sum			
Sub total					
3	Resettlement costs and assistances				
a	Allowances for temporary disruption of businesses / livelihood to				
b	Rehabilitation grant for Loss of				

	Agricultural Land for				
c	Transitional allowance for Loss of Homestead Land				
d	Transitional allowance for Loss of Residence				
f	Shifting assistance for.....				
g	Assistance for vulnerable APs				
Sub total					
4	Cost of Implementation of RP				
a	NGO- for implementation of RP for.....	Lump sum			
b	Monitoring and Impact Evaluation	Lump sum			
c	Costs involved in resolving grievances	Lump sum			
d	Administrative costs	Lump sum			
Sub total					
Grand Total					
5	Cost towards Un-quantified/ Unprecedented Adverse Social Impacts				
a.	Unquantified Impacts (10 % of total RP cost)	10%			
In INR Million					

Outline of a Work Plan

Work Plan

Activities	Implementation Schedule of RP Distributed over Quarters																			
	2010				2011				2012				2013				2014			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Resettlement Planning																				
Mobilizing/Training Staff for Social/R&R Unit																				
Socio-economic/census survey																				
Preparation of RP/IPP																				
Approval of RP/IPP by NCRPB																				
Recruitment of NGO																				
Disclosure of RP/IPP																				
Distribution of updated RP/IPP Report and Brochure																				
Issue of identity cards																				
Identify and confirm poor and vulnerable APs																				
Initiate and Grievance Redress Committee																				
Grievance Redressing Activities																				
Land acquisition and temporary land occupation																				

Activities	Implementation Schedule of RP Distributed over Quarters																			
	2010				2011				2012				2013				2014			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Announce start date of RP implementation through public notification																				
Disburse compensation for land and structure																				
Arrangement for Temporary occupation of lands																				
Rehabilitation of temporarily occupied lands																				After civil works are completed
Handing over of lands to the contractor for construction																				
Start of civil works																				
Livelihood and Income Restoration																				
Disburse transitional allowance																				
Organize skill development training for vulnerable APs																				
Monitoring & Evaluation																				
Capacity Building of R&R Unit	All through the RP implementation period																			
Internal monitoring	All through the RP implementation period																			
External monitoring	All through the RP implementation period for S-I category of Projects																			

E: Outline of a Indigenous Peoples Plan¹⁵

This outline is part of the Safeguard Requirements 3. An Indigenous Peoples plan (IPP) is required for all projects with impacts on Indigenous Peoples. Its level of detail and comprehensiveness is commensurate with the significance of potential impacts on Indigenous Peoples. The substantive aspects of this outline will guide the preparation of IPPs, although not necessarily in the order shown.

A. Executive Summary of the Indigenous Peoples Plan

This section concisely describes the critical facts, significant findings, and recommended actions.

B. Description of the Project

This section provides a general description of the project; discusses project components and activities that may bring impacts on Indigenous Peoples; and identify project area.

C. Social Impact Assessment

This section: (i) reviews the legal and institutional framework applicable to Indigenous Peoples in project context; (ii) provides baseline information on the demographic, social, cultural, and political characteristics of the affected Indigenous Peoples communities; the land and territories that they have traditionally owned or customarily used or occupied; and the natural resources on which they depend; (iii) identifies key project stakeholders and elaborate a culturally appropriate and gender-sensitive process for meaningful consultation with Indigenous Peoples at each stage of project preparation and implementation, taking the review and baseline information into account; (iv) assesses, based on meaningful consultation with the affected Indigenous Peoples

¹⁵ Source: ADB Safeguard Policy, 2009

communities, the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is a gender-sensitive analysis of the relative vulnerability of, and risks to, the affected Indigenous Peoples communities given their particular circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to those available to other social groups in the communities, regions, or national societies in which they live. (v) includes a gender-sensitive assessment of the affected Indigenous Peoples' perceptions about the project and its impact on their social, economic, and cultural status; (vi) identifies and recommends, based on meaningful consultation with the affected Indigenous Peoples communities, the measures necessary to avoid adverse effects or, if such measures are not possible, identifies measures to minimize, mitigate, and/or compensate for such effects and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

D. Information Disclosure, Consultation and Participation

This section: (i) describes the information disclosure, consultation and participation process with the affected Indigenous Peoples communities that was carried out during project preparation; (ii) summarizes their comments on the results of the social impact assessment and identifies concerns raised during consultation and how these have been addressed in project design; (iii) in the case of project activities requiring broad community support, documents the process and outcome of consultations with affected Indigenous Peoples communities and any agreement resulting from such consultations for the project activities and safeguard measures addressing the impacts of such activities; (iv) describes consultation and participation mechanisms to be used during implementation to ensure Indigenous Peoples participation during implementation; and (v) confirms disclosure of the draft and final IPP to the affected Indigenous Peoples communities.

E. Beneficial Measures

This section specifies the measures to ensure that the Indigenous Peoples receive social and economic benefits that are culturally appropriate, and gender responsive.

F. Mitigative Measures

This section specifies the measures to avoid adverse impacts on Indigenous Peoples; and where the avoidance is impossible, specifies the measures to minimize, mitigate and compensate for identified unavoidable adverse impacts for each affected Indigenous Peoples groups.

G. Capacity Building

This section provides measures to strengthen the social, legal, and technical capabilities of (a) government institutions to address Indigenous Peoples issues in the project area; and (b) Indigenous Peoples organizations in the project area to enable them to represent the affected Indigenous Peoples more effectively.

H. Grievance Redress Mechanism

This section describes the procedures to redress grievances by affected Indigenous Peoples communities. It also explains how the procedures are accessible to Indigenous Peoples and culturally appropriate and gender sensitive.

I. Monitoring, Reporting and Evaluation

This section describes the mechanisms and benchmarks appropriate to the project for monitoring, and evaluating the implementation of the IPP. It also specifies arrangements for

participation of affected Indigenous Peoples in the preparation and validation of monitoring, and evaluation reports.

J. Institutional Arrangement

This section describes institutional arrangement responsibilities and mechanisms for carrying out the various measures of the IPP. It also describes the process of including relevant local organizations and NGOs in carrying out the measures of the IPP.

K. Budget and Financing

This section provides an itemized budget for all activities described in the IPP.

F: Outline for Internal Monitoring and Reporting

RP/IPP implementation will be closely monitored to provide Safeguard Officer, ESMC at NCRPB with an effective basis for assessing progress and identifying potential difficulties and problem areas. Monitoring will be carried out by implementing agencies and reported regularly to the Safeguard Officer on a monthly basis. The internal monitoring will involve the following tasks:

- Administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis.
- Socio-economic monitoring during and after the relocation process utilizing the baseline information established by the socio-economic survey of PAPs undertaken during project preparation to ensure that people are settled and recovering
- Overall monitoring whether recovery has indeed taken place successfully and in time.

Data from the socio-economic surveys undertaken during the project preparation stage will provide the benchmark for the Monitoring process to assess the progress and success of the resettlement plan and indigenous peoples plan.

Internal Monitoring Indicators: The indicators for achievement of objectives under the resettlement and rehabilitation programme are of two kinds as stated below:

- Process Indicators – Indicating project inputs, expenditure, staff deployment, etc.
- Output Indicators – Indicating results in terms of numbers of affected people compensated and resettled, training imparted, assistance delivered, etc.

Monitoring Indicators for Physical Progress: A standard format with internal Monitoring indicators for physical progress of the project has been presented below:

Table: Monitoring Indicators for Physical Progress
(indicators to be suitably modified depending on entitlement)

Sl. No	Monitoring Indicators for Physical Progress	Implementation Target	Revised Implementation Target	Progress this Month	Cumulative Progress	% against Revised Implementation Target
1	Landowners paid compensation for land					
2	APs paid replacement cost for affected structure					

Sl. No	Monitoring Indicators for Physical Progress	Implementation Target	Revised Implementation Target	Progress this Month	Cumulative Progress	% against Revised Implementation Target
3	APs provided with livelihood assistance					
4	APs provided with training					
5	Vulnerable APs provided with income generating assets/support					
6	APs provided with shifting assistance					
7	APs resettled					

Monitoring Indicators for Financial Progress: A standard format with internal Monitoring indicators for financial progress of the project has been presented in below

Table: Monitoring Indicators for Financial Progress

Sl. No	Monitoring Indicators for Financial Progress	Implementation Target (Rs. Million)	Revised Implementation Target	Progress this Month	Cumulative Progress	% against Revised Implementation Target
1	Land compensation paid					
2	Compensation for structure paid					
3	Livelihood assistance released					
4	Training assistance paid					
5	Income generating assets					
6	Development of resettlement site					
7	Shifting assistance					
8	Internal monitoring					

Reporting: Internal monitoring will track the physical and financial indicators as mentioned above. Internal monitoring will be carried out by the IAs. Monthly progress report shall be prepared and submitted to NCRPB reporting actual achievements against the targets fixed with reasons for shortfalls, if any. All monitoring reports will have to be compiled within seven days of the succeeding month for a particular month.

G: Draft Outline for External Monitoring Report

Loan No	
Project	
Executing agency	
Implementing agency	
Monitoring period covered ¹⁶	

S.No.	Activity	Description/ Observation
1.	Introduction	Provide a short description of the project / subprojects, and the scope of involuntary resettlement and impacts to indigenous peoples.
2.	Validation	Validate the resettlement implementation and IPP implementation as well as identifies discrepancies in terms of number of affected persons, resettlement activities implemented, etc. based on field-based investigations and review of internal monitoring and other relevant reports.
3.	Institutional Arrangements	The institutional arrangements for RP / IPP implementation including setting-up implementation units, NGO/agency as implementing partner, training of field level staff and formation of various committees, as stated in SRP/RP and/or IPP.
4.	Procedure followed	Followed procedure like verification of APs, updating RP/IPP, issuance of identity cards and freezing the list of PAPs ¹⁷ , opening bank accounts, preparation of micro-plans, where required, internal monitoring, MIS, data base, etc.
5.	Delivery of Entitlement	Status of compensation and financial assistance disbursement to number and percent of affected families/persons, titled and non-titled, and special assistance to vulnerable groups. Method adopted for determining replacement value of land and assets. Usage of compensation and other assistance An assessment of the adequacy and timeliness of funds.
6.	Consultation and Participation	Information channel used to inform APs about meetings/consultations, number of meetings held with APs and other stakeholders, agenda discussed and decision taken, and extent of their participation, in particular the participation of IP in the IPP and its implementation. Documentation of meetings.
7.	Public Disclosure	Information dissemination on project impacts, entitlements, existence of GRC, etc. to APs, access to RP/IPP in vernacular language, uploading RP/IPP on the websites of ADB and NCRPB.
8.	Grievance Redress Mechanism	Composition of GRC, number and types of conflict and grievances reported and resolved; information on specific grievances raised by women, and vulnerable APs, and how they were resolved, effectiveness of grievance redress procedure, any outstanding grievances.
9.	Income Restoration	Description and status of livelihood restoration program implementation; provision of employment, its adequacy, and income levels; formation of self

¹⁶ Please emphasize on the information of the current monitoring period and avoid information already provided in earlier external monitor report/s.

¹⁷ To avoid further encroachment and expenditure on providing compensation

	Activities(IRA)	help groups, number of vocational training courses conducted and number of participating APs; skills created/developed and support provided; number of APs who have access to micro-credit and who have taken loan; number of households whose incomes were restored; number of vulnerable APs rehabilitated/improved, APs satisfaction with IRA.
10.	Land Acquisition	Minimization of land acquisition for project works; average land holdings, area, type, and use pattern of land under acquisition; procedure like Land Acquisition Act, direct purchase, donation followed, land acquisition-current status, constraints, apportionment, disputes, court cases, and any other issues, mitigation measures, timeline, compensation to residual land which may not be useful to the PAP after land acquisition.
11.	Relocation Sites/ House Reconstruction	Type and area of land, relocation sites and infrastructure facilities and basic services provided, house reconstruction assistance, land readjustment, acceptance of host community, access to basic services
12.	Replacement of Community Assets	Number and type of community assets replaced; information on utilization of facilities by APs, especially by women, including number of children attending schools; patients attended to; shops/stall occupied, etc. Replacement of religious places like temples, churches, mosques etc.
13.	Assessment	A summary of whether resettlement was implemented by the IA in accordance with the resettlement plan. An assessment of the extent to which the IA has complied with the loan covenants Any remedial actions for outstanding resettlement activities and recommendations to improve resettlement implementation in future. The remedial actions includes a description of (i) any outstanding actions; (ii) further mitigation measures required to meet the needs of any APs or families (iii) a timeline and defined budget requirements for the supplementary mitigation measures. Problems encountered and how they were resolved by the IA Documentation of best practices, lessons learnt

H: Draft Entitlement Framework

The broad entitlements for the projects proposed for funding by NCRPB are based on (i) The Land Acquisition Act, 1894 (amended in 1984), (ii) the National Resettlement and Rehabilitation Policy, 2007, and (iii) ADB's Safeguard Requirements-2 on Involuntary Resettlement, 2009. Based on the above laws and principles, the core principles applicable are:

- i) Land will be compensated as per Land Acquisition Act 1894 (based on past sale statistics)
 - a. Compensation for land will be conforming to State policies, if any, which prescribe higher compensation for land than arrived through provisions of LA Act.
 - b. If compensation paid is lower than the replacement cost (as determined by ESMC), the difference will be paid by the IA as assistance.
- ii) Depreciation for structure and assets will not be taken into account while compensating structure and assets at replacement value
 - a. Adequate compensation will be provided for partially damaged structures to cover repair charges.
- iii) Preference will be given to land-based resettlement strategies for displaced persons whose livelihoods are land based.
- iv) If land is not the preferred option of the displaced person or suitable land is not available, non-land based income generating opportunities will be provided over and above the compensation.
- v) Shifting assistance, better housing, comparable access to employment and production opportunities and necessary civic infrastructure and amenities at resettlement sites will be provided.
- vi) Loss of income or livelihood will be compensated fully irrespective of whether there is physical displacement or not.
- vii) Compensation for lost land, housing, assets and resettlement allowances will be paid in full prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities.
- viii) Vulnerable groups will be entitled for additional assistance and guidance.

A brief description of compensation measures and assistances is provided in the entitlement matrix below. The affected households will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the APs. The units of entitlement in this draft entitlement matrix are based on NRRP 2007.

Projects those are likely to be funded by NCRPB falls under the state of Delhi, Haryana, Uttar Pradesh, Rajasthan, Madya Pradesh and Punjab. Each of these states already have project specific social safeguards to address involuntary resettlement and impact to indigenous peoples. The IAs will be encouraged to adopt safeguard frameworks of their respective States that are in compliance with ADB safeguard requirement. Prior approval of NCRPB will be obtained by IAs before adopting an existing framework to ensure compliance with ADB safeguard requirements. This draft entitlement framework provides a broad outline of type of impact, entitlements for different category based on their tenure.

Draft Entitlement Matrix

	Impact Category / Entitlement	Remarks
I. Loss of Private Property		
a	Loss of Land (agricultural or otherwise)	
1	Land for land where feasible or Cash Compensation in accordance with the provisions of Land Acquisition Act.	Safeguard Requirement-2 does not apply if land is acquired through private negotiations.
2	Rehabilitation grant based on minimum wage rates ¹⁸	Compensation is determined based on past sale statistics (circle rates / guideline value). However, if ESMC finds the compensation so determined is lower than the replacement value of the land, the IA will provide the difference as assistance
3		
4	Shifting assistance ¹⁹ for households.	
	Additional compensation for vulnerable households ²⁰ whose livelihood is impacted by the project.	
b	Loss of residential structure	
1	Cash compensation at scheduled rates without depreciation	a) If more than one third of structure is affected, AP has option to offer for acquisition of entire structure b) Resettlement sites will be developed with basic amenities if more than 40 families opt in a project area, otherwise houses will be built in the existing villages
2	Right to salvage affected materials	
3	Shifting assistance for all those who loose complete house;	
4		
5	Subsistence allowance based on monthly minimum wages to all those who loose complete house	
	A house site ²¹ , free of cost to the extent of actual loss of area of the acquired house but not more than two hundred and fifty square metre of land in rural areas, or one hundred and fifty square metre of land in urban areas, as the case may be, for each nuclear family.	
	Provided that, in urban areas, a house of up to one hundred square metre carpet area may be provided in lieu thereof. Such a house, if necessary	

¹⁸ NRRP 2007 provides for 750 days minimum agricultural wages

¹⁹ NRRP 2007 provides for a lump sum of INR 10,000 per AH

²⁰ Vulnerable household comprise female-headed household, disabled-headed household, indigenous person-headed households and Below Poverty Line households.

²¹ In line with NRRP 2007

	Impact Category / Entitlement	Remarks
	may be offered in a multi-storied building complex.	
c	Loss of Commercial structure	
1	Cash Compensation at scheduled rates with our depreciation	a) If more than one third of structure is affected, AP has option to offer for acquisition of entire structure
2	Right to salvage affected materials	
3	Shifting assistance for all those who loose complete structure	
4	Subsistence allowance based on monthly minimum wages to all those who loose complete structure	
5	An option of alternative constructed shop (or) employment generation asset (or) financial assistance ²²	
d	Impacts to tenants (residential and commercial)	
1	Rental allowance to facilitate taking another place for rental	
2	Shifting assistance	
3	In case of agricultural tenants advance notice to harvest crops or compensation for lost crop at market value of the yield	
e	Impacts to standing crops and other properties	
	Non-perennial crops:	
1	Three months (90 days) advance notification for the harvesting of standing crops (or) lump sum equal to the market value of the yield of the standing crop lost	
2	Compensation for trees based on timber value at market price to be determined by the Forest Department for timber trees and for other trees (perennial trees) by the Horticultural Department.	
3	Loss of other properties such as irrigation wells will be compensated at scheduled rates.	
II. Impacts to squatters / Encroachers		
a	Impacts to squatters	
1	Loss of House: An alternative built house in line with IAY standards for vulnerable and compensation at scheduled rates with out depreciation for non vulnerable with 2 months notice to demolish the affected structure	
2	Loss of shop: An alternative built shop (OR) employment generation asset for vulnerable and compensation at scheduled rates with out depreciation for non vulnerable with 2 months notice to demolish affected structure	
3		

²² NRRP 2007 prescribes not less than Rs.25,000/-

	Impact Category / Entitlement	Remarks
4	Right to salvage the affected materials;	
5	Shifting assistance Cultivation: 2 months notice to harvest standing crops or market value of compensation for standing crops	
b	Impacts to encroachers	
1	2 months notice to harvest standing crops or market value of compensation for standing crops or demolish the encroached structure;	
2	Compensation at scheduled rates without depreciation for the affected portion of the structures	
III. Loss of employment to agricultural and non-agricultural workers		
	Subsistence allowance based on monthly minimum wages; Economic rehabilitation assistance consisting of training and preference in employment in the project	
IV. Impact to Vulnerable APs		
	Annuity policies will be arranged that will pay a monthly pension of minimum Rs.500 for life to the vulnerable affected persons or Training for skill development and assistance for purchase of income generating asset for a maximum of Rs.30,000 per AH	a) If the livelihood of a Vulnerable Person such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above fifty years of age, who are not provided or cannot immediately be provided with alternative livelihood, and who are not otherwise covered as part of a family will be provided pension for life. b) Vulnerable Households who do not qualify under (a) above and if their livelihood is affected then they will be entitled for skill development and assistance for income generating asset.
V. Loss of Community assets		
	Relocation of community / cultural properties impacted in consultation with the community prior to demolition of impacted asset	
VI. Unidentified Impacts		
	Unforeseen impacts will be documented and mitigated based on the provisions of the policy applicable for the project	

I: Comparison of ADB Safeguard Policy Vs National / State Laws

SNo	ADB Safeguard Requirement	Land Acquisition Act 1894	National Rehabilitation and Resettlement Policy, 2007	NCRPBs Draft ESMS that bridges the Gap	Remarks
Objective					
1	Avoid involuntary resettlement wherever feasible	X	✓	✓	-
2	If unavoidable, minimise involuntary resettlement by exploring project and design alternatives	X	✓	✓	-
3	Livelihood of all displaced persons to be enhanced or at least restored to pre-project levels	X	✓	✓	-
4	Indigenous peoples, if any, should receive culturally appropriate social and economic benefits, should not suffer adverse impacts due to the project and be able to actively participate in projects that affect them.	X	✓	✓	NRRP requires a Tribal Development Plan, if the project involves involuntary displacement of 200 or more tribal families.
5	Standard of living of the displaced poor and other vulnerable to be improved	X	✓	✓	-
Policy Principles					
6	Screen projects early for involuntary resettlement and impacts on indigenous peoples	X	✓	✓	-

SNo	ADB Safeguard Requirement	Land Acquisition Act 1894	National Rehabilitation and Resettlement Policy, 2007	NCRPBs Draft ESMS that bridges the Gap	Remarks
7	Carryout consultations with affected persons, host communities and other stakeholders	X	✓	✓	-
8	Establish grievance redressal mechanism	X	✓	✓	-
9	Improve or restore the livelihoods of all displaced persons	X	✓	✓	-
10	Compensation for land at replacement vale	X	X	Compensation for land as per LA Act (based on past sale statistics)	Compensation is determined based on past sale statistics (circle rates / guideline value). However, if ESMC finds the compensation so determined is lower than the replacement value of the land, the IA will provide the difference as assistance
11	Structure to be compensated at replacement cost without depreciation	X	X	✓	-
12	If there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their	X	✓	✓	-

SNo	ADB Safeguard Requirement	Land Acquisition Act 1894	National Rehabilitation and Resettlement Policy, 2007	NCRPBs Draft ESMS that bridges the Gap	Remarks
	<p>host communities, and extension of project benefits to host communities; provide transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.</p>				
13	<p>Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards</p>	X	✓	✓	<p>Vulnerable persons such as the disabled, destitute, orphans, widows, unmarried girls, abandoned women, or persons above fifty years of age, who are not provided or cannot immediately be provided with alternative livelihood, and who are not otherwise covered as part of a family (NRRP 2007)</p> <p>NRRP provides for pension for life to such vulnerable and training and assistance to other vulnerable households.</p>

SNo	ADB Safeguard Requirement	Land Acquisition Act 1894	National Rehabilitation and Resettlement Policy, 2007	NCRPBs Draft ESMS that bridges the Gap	Remarks
14	If land acquisition is through negotiated settlement, ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status	X	X	✓	IAs are encouraged to acquire land and other assets through Negotiated settlement – [Safeguard Requirements-2 on Involuntary Resettlement does not apply to Negotiated Land Acquisition]
15	Non-title holders are entitled for compensation for loss of assets (not for land)	X	✓	✓	NRRP recognises non-titleholders who are landless and BPL, if they reside continuous for a period of not less than 5 years preceding the date of declaration
16	Avoid restricted access to and physical displacement from protected areas and natural resources, if unavoidable ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.	X	X	✓	-

SNo	ADB Safeguard Requirement	Land Acquisition Act 1894	National Rehabilitation and Resettlement Policy, 2007	NCRPBs Draft ESMS that bridges the Gap	Remarks
17	Prepare a resettlement plan / indigenous peoples plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	X	✓	✓	-
18	Disclose a draft resettlement plan / indigenous peoples plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders	X	✓	✓	-
19	Include the full costs of measures proposed in the resettlement plan and indigenous peoples plan as part of project's costs and benefits.	X	✓	✓	-

SNo	ADB Safeguard Requirement	Land Acquisition Act 1894	National Rehabilitation and Resettlement Policy, 2007	NCRPBs Draft ESMS that bridges the Gap	Remarks
	For a project with significant involuntary resettlement impacts and / or indigenous peoples plan, consider implementing the involuntary resettlement component of the project as a stand-alone operation.				

J: Social safeguard policies and requirements – IR - A snapshot

Objectives: To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

Scope and Triggers: The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

Policy Principles:

1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
2. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
3. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
4. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.
8. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.

10. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
11. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

K: Social safeguard policies and requirements – IP - A snapshot

Objectives: To design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

Scope and Triggers: The Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. The term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

Policy Principles:

1. Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.
2. Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and intergenerationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.
3. Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.
4. Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.
5. Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
6. Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
7. Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected IP communities and other stakeholders.
8. Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
9. Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

Annex III: Terms of reference for the Appraisal Agencies

Environment

Objective

The Appraisal Agency (termed as “National Institution”) contracted by NCRPB to appraise DPRs will ensure that the projects posed for assistance and reviewed by them are in compliance with the environmental safeguard requirement of ESMS.

Scope of work

In accordance with the objectives, the appraisal will have the following scope that would help NCRPB to, among others, decide whether the project is in line with the environmental safeguard policy of NCRPB as specified in the ESMS.

1. Examine the safeguard documentation, i.e. detailed EIA for Category E1 projects and limited environmental assessment / IEE for Category E2 submitted by the project proponents / IAs to ascertain that appropriate documents required for loan approval are submitted along with DPR.
2. Review the various environmental safeguard documents submitted by the project proponents / IAs along with the associated reports.
3. Undertake field visits to ascertain if the safeguard documents submitted have fully reflected the environmental impacts / concerns.
4. Ascertain if efforts have been made to avoid impacts wherever feasible and adequate management plans have been considered to minimise environmental impacts
5. Confirm through field visits and review of documents submitted, if adequate consultations have been held with the relevant stakeholders
6. Review the EMP to determine whether
 - (a) the outcome of the environmental assessment has been suitably incorporated.
 - (b) the management measures (both mitigation and monitoring) are appropriate, practical and achievable during project implementation
 - (c) the management measures have been fully integrated with the DPR and the draft bid / contract documents.
 - (d) Capacity-building and institutional arrangements commensurate with the requirements have been included.
 - (e) Resource requirements – technical manpower, financial resources / budgets are sufficient to ensure effective environmental performance
7. Examine whether the required GOI or State-level environmental and forest clearances have been obtained
8. Provide comments / feedback on the safeguard document in a manner that the project proponent / IA can review, revise and re-submit, if that is required.
9. Complete the NCRPB Appraisal Checklist and provide the same along with the feedback.
10. Recommend environmental loan conditions, if that is required, that NCRPB needs to pose to the project proponent / IA

Qualification

The National Institution will utilise the services of an in-house or outsourced environmental specialist to review the safeguard documentation. The environmental specialist should necessarily have at least 5 years of experience related to environmental impact assessment as applicable to urban infrastructure projects and also be fully familiar with the national environmental laws. He / she should also be familiar with NCRPB’s ESMS.

Output

The National Institution on review of documents and site visits to provide a detailed note listing the compliance with recommendations to bridge the gaps, if any.

Social

Objective

The Appraisal Agency (termed as “National Institution”) to appraise DPRs will ensure that the projects posed for assistance and reviewed by them are in compliance with the social safeguard requirement of ESMS.

Scope of work

In accordance with the objectives, the appraisal will have the following scope that would help NCRPB to, among others, decide whether the project is in line with the social safeguard policy of NCRPB as specified in the ESMS.

1. Examine the social screening documents submitted by the project proponents / IAs to ascertain that social safeguard documents required for loan approval are submitted along with DPR.
2. Review the social safeguard documents (RP or SRP and / or IPP or summary note on IP) submitted by IAs.
3. Undertake field visits to ascertain if the safeguard documents submitted have fully recorded involuntary resettlement and impact to indigenous peoples
4. Ascertain if efforts have been made to minimise impact to people and property through project and design alternatives
5. Confirm through field visits and review of documents submitted, if adequate consultations have been held with the affected people.
6. Review the mitigatory measures proposed in the safeguard documents and assess its adequacy in meeting the ESMS policy objectives of
 - a) enhance or at least restore, the livelihoods of all displaced persons to pre-project level;
 - b) improve the standard of living of the displace poor and other vulnerable groups;
 - c) indigenous peoples, if any, receive culturally appropriate social and economic benefits, do not suffer adverse impacts due to the project and actively participate in projects that affect them.
7. Review the budgetary provisions and timeline if they are in commensurate with the mitigatory measures proposed
8. Confirm if disbursement of compensation and assistances are linked to commencement of civil works

Qualification

The National Institution will utilise the services of an in-house or outsourced social development and resettlement specialist to review the project proposals for social safeguard compliance. The resettlement specialist should necessarily have at least 5 years of experience related to doing social surveys, developing and implementing resettlement plans preferably in an urban infrastructure project and also be fully familiar with the ongoing deliberations on the draft national laws. He / she should also be familiar with NCRPB’s ESMS.

Output

The National Institution on review of documents and site visits to ascertain social safeguard compliance will provide a detailed note listing the compliance with recommendations to bridge the gaps, if any.

Annex IV: Outline Terms of reference for Safeguards Capacity-Building consultants

Background

NCRPB will be financing projects where environmental safeguards are important and their management is critical for a smooth, effective project implementation. As NCRPB's project implementing agencies are not well-equipped to manage environmental safeguards in terms of awareness, knowledge and skills. Given this scenario, NCRPB is taking a leadership role in building the capacity of the implementing agencies in order to manage their environmental safeguard issues.

Objective

The objective is to support NCRPB in providing training to its project implementing agencies, their project management consultants and their contractors on environmental safeguards.

Scope of Work

The following will be the scope of work:

- To develop the training material based on NCRPB's ESMS, legal requirements, bilateral / multilateral agency requirements, national / international best environmental practices in relation to the types of infrastructure projects that will receive NCRPB project financing. This will include slides, videos and data / information that will render the training useful in a practical manner.
- To conduct training programs – both the first round and recurring - for IA staff, their field engineers, their project management consultants and contractors based on the training material prepared.
- To arrange these training programs on a periodic basis in order to enable as many project staff as appropriate to be trained on environmental safeguard implementation issues.
- To assess training effectiveness by administering a feedback form, summarizing the evaluation, and compiling the recommendations / suggestions received. To prepare and submit a training effectiveness report on a periodic basis.
- To refine the training material in the context of the training experience gathered and the feedback obtained.
- To compile all the training material developed in the form of a training manual that can be used by the training wings of the respective IAs for their subsequent training.

Outputs / deliverables

The following outputs / deliverables are envisaged:

- Conduct of periodic training for the IAs, their consultants and their contractors
- Training material in the form of a manual in different project types that IAs can further use to build their own capacity in their other projects.

Annex V: Outline Terms of reference for Monitoring & Evaluation Experts / Consultants in case of E1 and S1 projects

Environment (E1 projects)

Background

The National Capital Region Planning Board (NCRPB), a statutory body functioning under the Ministry of Urban Development, Government of India, has proposed to avail financial assistance from Asian Development Bank to fund urban infrastructure projects within the National Capital Region.

In accordance with ESMS of NCRPB, environmental safeguard documents have been prepared if the project involves environmental impacts / concerns. These safeguard documents include an environmental management plan (EMP) that has been adhered by the project proponent / IA during the implementation. Also, the EMP relevant to the construction stage has been integrated with the contract / bid documents.

The ESMS of NCRPB has made provision for monitoring and evaluation of the implementation of projects falling under E1 category (significant impact) by an external monitoring agency. Therefore, the NCRPB, which is the funding agency for this project, requires services of a reputed agency/individual for monitoring and evaluation of the EMP and compliance to the national legal requirements.

Objective

To carry out a review of the implementation experience of E1 projects to determine the effectiveness of EMP implementation and overall environmental performance.

Scope of Work

The following will be the scope of work:

- To collect and collate background secondary information that will be relevant for determining the effectiveness
- To conduct site visits to the construction locations, associated camp sites, quarries, borrow areas and storage locations in order to have an understanding of the environmental performance.
- To interview the prevailing contractors, consultants, staff of the PIU/PMU to collect first-hand information and understand the effectiveness of environmental management measures.
- To develop criteria to assess the implementation performance vis-à-vis environmental aspects and to agree on the same with the NCRPB.
- Based on all the information collected (document review, site visit and interviews / meetings) and the agreed criteria, to assess objectively the implementation effectiveness related to environmental aspects.
- To prepare a report (with an executive summary) on the project's environmental performance and effectiveness.
- To present the findings & recommendations and conclusions to the PIU/PMU as well as the ADB upon request in the form of a powerpoint presentation.

Outputs / deliverables

The following outputs / deliverables are envisaged:

- Monitoring & evaluation report on environmental effectiveness and performance
- MS-Powerpoint presentation of the report.

Social (S1 projects)

Project description

The National Capital Region Planning Board (NCRPB), a statutory body functioning under the Ministry of Urban Development, Government of India, has proposed to avail financial assistance from Asian Development Bank to fund urban infrastructure projects within the National Capital Region.

In accordance with ESMS of NCRPB; social safeguard documents will have to be prepared if the project involves Involuntary Resettlement (IR) and impact to Indigenous Peoples (IP). These safeguard documents, identify the broad scope of the project that results in IR and impact to IP, outlines the policy and procedures for acquisition of land, compensation and other assistance measures for affected persons and institutional requirements for the implementation of the mitigatory measures outlined in the safeguard documents.

The ESMS of NCRPB has made provision for monitoring and evaluation of the implementation of projects falling under S-1 category (significant impact) by an external monitoring agency. Therefore, the NCRPB, which is the funding agency for this project, requires services of a reputed agency/individual for monitoring and evaluation of RP and/or IPP implementation.

Scope of work

The following will be the scope of work:

- To review and verify the progress in implementation as outlined in the RP/IPP;
- To develop specific monitoring indicators for undertaking monitoring for Involuntary Resettlement, Indigenous Peoples Plan and the Community Participation Strategy;
- To monitor the effectiveness and efficiency of NCRPB, IA and NGO (if any) in RP/IPP implementation;
- Review results of internal monitoring and verify claims through random checking at the field level to assess whether the objectives of RP/IPP have been generally met. Involve the affected people and community groups in assessing the IR and impact to IP for monitoring and evaluation purposes.
- To assess whether objectives, particularly livelihoods and living standards of the Affected Persons (APs) have been restored or enhanced;
- To assess the efforts of IA & NGO in implementation of the 'Community Participation strategy' with particular attention on participation of vulnerable groups namely (a) those who are below the poverty line (BPL); (b) those who belong to indigenous peoples, scheduled castes (SC) and scheduled tribes (ST) and; (c) female-headed households (FHH); (d) elderly and (e) disabled persons.
- To assess efficiency, effectiveness, impact and sustainability of RP/IPP implementation, drawing both on policies and practices and to suggest any corrective measures, if necessary.
- To review the project impacts on Indigenous People and groups and assess the effectiveness of the mitigative actions taken;

Time Frame and Reporting

The independent monitoring agency will be responsible for overall monitoring of the project and will submit quarterly review reports for projects implemented over a year / monthly review reports for projects implemented in shorter duration, to NCRPB and determine whether RP and IPP goals have been achieved, more importantly whether livelihoods and living standards have been restored/ enhanced and if not, suggest suitable measures for improvement.

Qualifications

The monitoring agency will have significant experience in monitoring and evaluation. Work experience and familiarity with all aspects of involuntary resettlement and indigenous peoples operations would be desirable. Key Personnel with social science background will be preferred.

Interested agencies/consultants/experts should submit proposal for the work with a brief statement of the approach, methodology, and relevant information concerning previous experience on monitoring and evaluation and experience in monitoring and evaluation of RP/IPP implementation.

The profile of agency along with full CV of key personnel proposed to be engaged must be submitted along with the proposal.

Budget and Logistics

The proposal - both technical and financial - should be submitted and the budget should include all cost and any other logistics necessary for the assignment.

Annex VI: Outline Terms of reference for an ESMS audit

Background

NCRPB will be financing projects where environmental and social safeguards are important and their management is critical for a smooth, effective project implementation. To ensure that the NCRPB's ESMS is established, maintained and is effective in ensuring project-level safeguard implementation, an external agency will be hired on an annual basis. This external agency will be identified through a competitive bidding process for conducting the annual audits for three consecutive years.

Objective

The objective is to provide an external audit perspective on NCRPB's ESMS in terms of its internal functioning and also in rendering effectiveness in safeguards implementation in the projects financed by NCRPB.

Scope of Work

The following will be the scope of work:

- To develop a broad audit program for the three year period that will include three annual audits.
- To develop an audit plan for each individual audit that will include an audit objective, scope, methodology and schedule.
- To prepare an audit checklist for each individual audit that will cover both meetings internal to NCRPB as well the projects financed that will include both meetings with the project proponent / IA and site / field visits.
- To conduct the individual audits as per the audit plan. This audit will necessarily check whether the procedures as stipulated in the ESMS have been followed, their effectiveness and how proper safeguards are practised in the projects financed.
- To prepare a report for each individual annual audit and present the findings to the top / senior management of NCRPB.
- To carry out a follow-up audit to ensure closure and to submit a brief report.

Team composition

The external agency will field an audit team that will necessarily comprise one senior environmental and one senior social assessment specialist. The Senior Environmental Specialist will be a masters degree holder in Environmental Science / Engineering / Planning or related area with at least 10 years of experience. Previous experience in reviewing/auditing management systems, carrying out EIAs and implementing / reviewing EMPs, particularly of bilateral / multilateral agency funded projects, will be essential. The Senior Social specialist will have a Masters in Social Development and allied areas with at least 10 years of experience in preparing / assessing Resettlement Action Plans (RAP) and Indigenous Peoples Development Plans (IPDP).

Outputs / deliverables

The following outputs / deliverables are envisaged:

- Conduct of the audit of the ESMS
- Provide an audit report with findings for NCRPB's action
- Conduct a follow-up audit to verify closure of findings & submit a brief report.

Annex VII: Proformas / Forms / Formats

Form A. Environmental Information Format for Screening

No.	Title
1.	Project title
2.	Project location (Area / district):
3.	Is the project in an identified ecosensitive area or adjoining an ecosensitive area ? (Yes /No) If Yes, which is the area?
4.	Will the project create significant / limited / no environmental impacts during the construction stage? (Significant / limited / no impacts)
5.	Will the project create significant / limited / no environmental impacts during the operational stage? (Significant / limited / no impacts)
6.	Do projects of this nature / type require prior environmental clearance either from the MOEF or from a relevant state Government department? (MOEF / relevant State Government department / No clearance at all)
7.	Does the project involve any prior clearance from the MOEF or State Forest department for either the conversion of forest land or for tree-cutting? (Yes / No). If yes, which?
8.	Please attach photographs and location maps along with this completed Environmental Information Format For Screening.

Form B. Appraisal Checklist Format on Environmental Safeguards for Appraisal Agencies²³

No.	Title
1.	Project title / location:
2.	What is the NCRPB Environmental Category (E1/E2/E3)? Is the categorization of the project correct?
3.	What is the MOEF Category (A/B1/B2), if any, for purposes of Environmental Impact Assessment?
4.	What are the regulatory clearance requirements and current status of the same? <ul style="list-style-type: none"> • EC under the EIA Notification 2006 • Forest Clearance, if any: • NOC from the State Pollution Control Board, if any • Any other?
5.	Apart from legal requirements, what are the other environmental safeguard issues, if any, that are relevant in the context of NCRPB's ESMS?
6.	Does the Environmental Management Plan (EMP) adequately address all the safeguard issues? If not, how should be the EMP be strengthened?
7.	Does the EMP form a part of the contract / bid documents?
8.	What are the environmental conditions, if any, that NCRPB should impose on the project proponent / IA?

²³ This checklist needs to be administered for all the three NCRPB Category of projects.

No.	Title
9.	What are the key / critical environmental issues that NCRPB should focus during the pre-construction, construction and operational phases of the project? <ul style="list-style-type: none"><li data-bbox="261 317 581 348">• Pre-construction stage:<li data-bbox="261 380 537 411">• Construction stage:<li data-bbox="261 443 526 474">• Operational stage:
	Name of the Appraiser:
	Date:

Form C. EMP Progress Monitoring Report Format

EMP Progress Monitoring Report		
Date:		
1. Project Title		
2. Period (Month / Quarter):		
3. Project activities conducted during this period (List the key activities)		
4. Nature & type of environmental impacts created and mitigation measures adopted.		
No.	Impacts	Mitigation Measures
5. Deviations from the EMP requirements and corrective & preventive actions proposed with timeline		
No.	Impacts	Mitigation Measures
Prepared by:		

Form D. NCRPB forwarding to Appraisal Agency

From: NCRPB [Contact Person]	To: [Appraisal Agency] [Contact Person]
Date:	
Subject: Safeguard documents pertaining to [Project title / Location] - Request for Review	
1. NCRPB Observations on Safeguard documents received	
Please provide your comments / feedback on the enclosed documents by [Date] to enable further processing of the proposed project.	

Form E. NCRPB forwarding Appraisal Agency or Donor Agency comments to project proponents / IAs

From: NCRPB [Contact Person]	To: [Project proponent / IA] [Contact Person]
Date:	
Subject: Safeguard documents pertaining to [Project title / Location] – [Appraisal Agency / Donor Agency] Comments for addressal	
1. NCRPB Summary of Comments	
2. Documents / Comments enclosed	
3. NCRPB Observations on follow-up required	

Form F. NCRPB forwarding E-1/S-1 projects to ADB

From: NCRPB [Contact Person]	To: Asian Development Bank [Contact Person]
Date:	
Subject: Safeguard documents pertaining to [Project title / Location] that are classified as [E1/S1] as per NCRPB category and Category A as per ADB category	
1. NCRPB Observations	
2. List of documents enclosed	
3. Appraisal Agency comments / feedback, if any	

Form G. Format for the Board note on environmental & social safeguards

No.	Title / Description
1.	Project title:
2.	Project location (Area / district):
3.	NCRPB Categorization (E1/E2/E3 or S1/S2/S3):
4.	Key environmental and social issues or concerns:
5.	Status of Government clearances, if required:
6.	Appraisal agency comments:
7.	Recommended safeguard conditions for Board approval
	Prepared by:
	Date: