



NATIONAL HIGHWAY AUTHORITY
Ministry of Communication
Government of Pakistan

SPECIAL EXTERNAL MONITORING REPORT

Implementation of Land Acquisition and Resettlement Plan (LARP)

Ratodero-Shikarpur ACW Section- II (43.200 kms)

CAREC Corridor Development Investment Program Tranche – 1

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List of Abbreviations

ACW	Additional Carriageway
AD	Assistant Director
ADB	Asian Development Bank
CAREC	Central Asia Regional Economic Cooperation
DD	Deputy Director
DMS	Detailed Measurement Survey
DPC	Displaced Persons Committee
DPs	Displaced Persons
EA	Executing Agency
EMA	External Monitoring Agent
EMR	External Monitoring Report
FGDs	Focus Group Discussion
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
IMR	Internal Monitoring Report
IOL	Inventory of Losses
IR	Involuntary Resettlement
KMs	Kilometers
LAR	Land Acquisition and Resettlement
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
LARU	Land Acquisition and Resettlement Unit
MFF	Multi-tranche financing facility
NGOs	Non-Governmental Organizations
NHA	National Highway Authority
PDC	Project Disbursement Committee
PIU	Project Implementation Unit
PKR	Pakistani Rupee
PMU	Project Management Unit
PPTA	Project Preparatory Technical Assistance
PRA	Participatory Rapid Appraisal
R&R	Resettlement and Relocation
RAG	Red Amber and Green
RD	Reduced Distance
SPS	Safeguards Policy Statement

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1. Introduction

1. National Highway Authority (NHA) is implementing the following subprojects of Tranche-1 Project with the financial assistance of Asian Development Bank (ADB) under the MFF “CAREC Corridor Development Investment Program.”

1. Petaro-Sehwan ACW Section-I (66.400 kms)
2. Ratodero-Shikarpur ACW Section- II (43.200 kms)
3. Peshawar-Dara Adam Khel Section-III (34.500 kms)

2. Two of the above three subprojects under Tranche-1 (N-55, Section 1: Petaro-Sehwan ACW and Section II: Ratodero-Shikarpur ACW) have land acquisition and resettlement impacts. Hence, Tranche-1 of the MFF is categorized as A for involuntary resettlement (IR). The land acquisition and resettlement plans (LARPs) for Section 1: Petaro - Sehwan and Section II: Ratodero-Shikarpur, have been approved and their implementation is ongoing.

1.1. About the Report

3. NHA, with concurrence of the ADB, has hired services of external resettlement monitoring agent (EMA) to review and validate the progress reported in quarterly internal monitoring reports and conduct an external assessment of the extent to which resettlement and rehabilitation objectives are being met. To this effect, the EMA is obligated to produce biannual external monitoring reports to validate the LARP implementation progress reported in quarterly progress reports submitted by NHA and give an overall assessment on achievement of LARP objectives and suggest corrective actions for identified LARP implementation gaps and construction related emerging LAR issues. In addition, the EMA’s verification of full implementation of LARP is pre condition to allow construction activity in any of the road sections wherever full implementation of LARP is claimed by NHA in its internal monitoring reports. So, as and when needed, upon NHA’s advice, EMA prepares special external monitoring reports to validate full implementation of LARP in sections where NHA confirms that the LARP implementation is completed

4. NHA has submitted its 7th quarterly progress report on implementation of LARP in Ratodero-Shikarpur section for the period from June – August 2021, wherein it is claimed that the LARP has been implemented in one of the priority sections from RD 12+800- 25+200 km which could be considered for allowing construction activities. Albeit, EMA prepared and submitted his 5th biannual EMR in July 2021, but by that time the LARP implementation was still underway so, EMA could not validate full implementation of LARP in the prioritized section. After submitting 7th IMR (for a period from June to August 2021), NHA requested EMA to review and verify the progress to facilitate NHA in handing over of more sections to the contractor with a staggered implementation approach.

5. Accordingly, this special report is prepared on the request of NHA/ PMU to verify and validate the progress on resettlement activities in Ratodero-Shikarpur Section – I of CAREC Tranche – 1. The overall objective of the report is to collect information, assess and verify the extent to which resettlement activities have been implemented in general and validate the achieved LARP implementation progress in focused sections where full implementation of LARP is claimed by NHA in its 7th Internal Monitoring Report. Thus, the

specific purpose of this special EMA's report is to confirm and validate the sections of the subproject where LARP activities have been satisfactorily implemented and can be handed over to the contractor for commencing construction activities.

1.2 Methodology of the external monitoring

6. The methodology adopted for external monitoring was as follows:

- The internal report submitted by PMU was reviewed for assessment, verification and validation of reported LARP implementation progress.
- The data on DPs collected and maintained by PIU was reviewed to identify gaps and mismatches. This was done to highlight the said data with suggestions for immediate corrective measures and future course of action.
- Implementation of the LARP was also reviewed at all levels including PMU and camp office. The internal report and progress were verified independently through field visits, interactions with DPs, contractors, supervision consultants and other stakeholders.

2. LARP Implementation Status for Ratodero-Shikarpur (43.200 kms)

7. The Ratodero-Shikarpur subproject is the 2nd subproject proposed under Tranche 1 of the CAREC Corridor Development Investment Program (CAREC-CDIP) with financial assistance of the Asian Development Bank (ADB). The subproject road section starts from Ratodero (starting point of M-8) and ends at Shikarpur. The existing road is a 7.3-meter-wide single carriageway with a formation width of 13.30 meters. The subproject will rehabilitate 43.2 km. and construct an additional 2-lane carriageway between Ratodero and Shikarpur section of N-55, including a bypass at Dakan town at km 10+500 to km 12+600 = 2.1 km. The subproject road falls in between two districts of Sindh i.e. Larkana and Shikarpur districts.

8. Besides land impact in the mentioned sections, the available ROW of project road at scattered locations is encroached on by adjacent landowners and local community for agricultural activity or for constructing residential/commercial and community structures. Clearance of encroached assets in NHA owned ROW may result in temporary impacts that would be limited to the time needed for re-establishment of impacted structures/ assets. Meanwhile a 2.3 km bypass road is proposed at Dakan city area for which about 51 acres of agricultural land is being acquired.

Table 1: Ratodero- Shikarpur Section: Inventory of losses and total cost of compensation

Sr.#	Category of Affected Assets	Unit	Magnitude of impact	No of DPs/ Affected People	Cost in million PKR
A. Loss of Private properties					
1	Loss of crop area	Acres	54.968	94	5.969
2	Loss of trees	Numbers	1255	70	5.006
3	Residential Structures	Numbers	30	30	11.000
5	Commercial Structures	Numbers	55	55	32.056
6	Renters	Number	7	7	0.332
6. Community assets					
	Mosques, shrines, hand pumps etc., passengers' waiting shed	Numbers	29	-	10.076
7. Public Assets					
	Schoolrooms and Boundary walls	Numbers	39	-	3.625
Subtotal					68.064
B. Payable R&R Cost of Residential Structures					5.791
C. Tentative Costs for Additional ROW land to be acquired in withheld 2.3 Km Bypass (56.834 acres)					175.742
D. Administrative cost					36.369
Total LARP Budget					286.000

2.1 Overall Progress on implementation of LARP

9. Through its Project Management Unit established in Sukkur District with a camp office in Shikrapur, NHA is implementing the LARP and making compensation payment to DPs. Since start of LARP implementation, the PMU is following the settled mechanism and procedure for compensation payment and entitled resettlement and rehabilitation costs to the DPs. As reported in previous External Monitoring Reports, a sectional LARP implementation approach is followed and LARP implementation/compensation disbursement is focused to priority sections to ensure the sections where full implementation of LARP is completed could be handed over for construction. Now, in the 7th Internal Monitoring Report (June-August 2021), NHA highlighted that the LARP implementation has been completed in the priority section from RD 12+800- 25+200 and in the rest of the sections from Km 25+200 to 43+200, it is still ongoing. The NHA advised EMA for review and validation of the achieved progress before allowing the construction activities in sections where full implementation of LARP is confirmed and validated as such. Therefore, EMA reviewed and validated the LARP implementation status accordingly.

10. The overall progress submitted by NHA in its 7th Internal Monitoring Report was reviewed and LARP implementation data was analyzed viz a viz the LARP data and subsequent changes / variations maintained by PMU. This was done to assess the progress by paid DPs and entitled compensation costs. The analysis of overall LARP implementation progress (compensation entitled DPs and compensation costs against different types of lost assets and entitled R&R allowances) is summarized in table 2 below and discussed, while the EMA's assessment on LARP implementation progress achieved in priority section from Km 12+800 to Km 25+200 is outlined in Section 4 of this report: -

Table 2: Overall progress and data update

Sr.#	Affected Assets / Impact	Unit	Data in LARP			Data Reported by PIU (Updated)		Progress till Aug 2021			
			Assets	No. of DPs	Cost in PKR Millions	No DPs	Cost of Compensation	Paid DPs	%age	Paid amount	%age
A. Private properties and loss of employment											
1	Loss of crop area	Acres	54.968	94	5.969	98	6.22	48	51.06	2.748	44.2
2	Loss of trees	Nos.	1255	73	5.06	75	5.1	25	34.25	0.449	8.8
3	Residential Structures	Nos.	30	30	11.000	25	11.38	15	50.00	2.473	21.7
5	Commercial Structures	Nos.	61	61	32.053	65	32.053	26	42.62	3.958	12.3
5	Renter	Nos.	7	7	0.332	7	0.332	6	85.71	0.285	85.8
6	Public Structures	Nos.	7	7	3.625		3.625				
7	Community Structures / Religious	Nos.	45		10.076	23	10.076	4	17.39	0.633	6.3
	Total				68.115		68.786			10.546	15.33
B. Relocation and Resettlement Assistance											

Relocation Assistance (Residential)	Nos.	12	12	0.300	12	0.300	6	50.00	0.15	50.00
Relocation Assistance (Commercial)	Nos.	25	26	0.650	27	0.675	10	37.04	0.25	37.04
Transport shifting (Residential)	Nos.	30	30	0.300	30	0.300	14	46.67	0.14	46.67
Transport shifting (Commercial)	Nos.	41	41	0.410	42	0.420	16	38.10	0.16	38.10
Transition support	Nos.	12	12	0.612	12	0.612	3	25.00	0.153	25.00
Severe Impact	Nos.	20	20	1.071	20	1.071	8	40.00	0.408	38.10
Business loss	Nos.	25	25	1.326	26	1.326	11	42.31	0.561	42.31
Loss of employment	Nos.	9	9	0.459	12	0.612	8	66.67	0.408	66.67
Vulnerability	Nos.	13	13	0.663	13	0.663	8	61.54	0.408	61.54
Total				5.791		5.979			2.638	44.12
Total A+B				73.906		74.139			13.184	17.78
Tentative cost of additional land to be acquired				175.742	13	175.742			59.65	
Total Cost of Compensation				249.648		250.507			72.834	28.46
Administrative cost , Internal M&E and contingencies				36.369		36.369			0	
Total budget of LARP				286.017		286.876			72.834	25.39
Total budget of LARP				286.017		286.876			72.784	25.39

2.1.1 Land

11. As per the approved LARP, the amount of PKR 286.000 million has been earmarked for the overall compensation, including the amount of PKR 175.742 million that makes up tentative costs for additional ROW land (56.834 acres) to be acquired in withheld 2.3 km Dhakkan Bypass. The additional land will be acquired following the Land Acquisition Act 1894 involving the Revenue Department and District Administration as well as Board of Revenue, Sindh.

12. The process of land acquisition, which has already begun, follows a due schedule as per the law. Section 4 of LAA 1894 has been imposed in the area by the District Revenue Department to assess the compensation of expected damages. Accordingly, the District Revenue Authorities have assessed the compensation cost as PKR 59.650 million which has been transferred to Assistant Commissioner, Taluka Ghari Yaseen. The PIU's technical and land staff informed that the regional Settlement Survey and District Land Revenue Staff are liaised and requested for conducting the joint Survey and demarcation of ROW land in August 2021 and publication of Section-5 Notification accordingly. However, because of COVID outbreak with imposed travel related restrictions by GoS, the joint survey was postponed and was not done by the time EMA visited (in first

week of September) project site to validate LARP implementation status in priority Section. The land acquisition status for Dakan bypass will be reviewed and verified in upcoming 6th EMR of December 2021.

2.1.2 Loss of Crops

13. As per LARP Inventory of Losses (IOL) an area of 54.968 acres is impacted by loss of crops owned by 94 DPs with an allocation of PKR 5.969 million for loss of crops in total. As result of design adjustment, the inventory of losses is being reviewed and updated before payment of compensation in each priority section. It is noted that the overall number of DPs changed to 98 as the adjusted design and alignment saved crops of 09 but also included 13 new DPs in priority sections from Km 0+000 to Km 10+500 and from Km 12+8000 to Km 25+200. Because of increase in DPs and affected crop area the cost of compensation also increased to PKR 6.22 million. Out of the mentioned amount PKR 2.748 million (44.22%) was paid to 48 DPs during the reporting period.

2.1.3 Loss of Trees

14. As per LARP data a total of 1,255 trees (1,174 timber/ wood trees and 81 fruit trees) are located within the ROW of proposed road section owned by 73 DHs which costs PKR 5.060 million as compensation to be paid. After geometric adjustment the tree inventory was reviewed and updated before starting payment in priority section. It is observed that number DPs affected by loss of trees increased to 75 as 07 DPs were avoided and 09 new DPs affected by loss of trees were added in inventory of priority section where LARP has been implemented. It also increased the cost of compensation to PKR 5.180 million. During the reporting period 25 out of 75 DPs (34.25%) have been paid PKR 0.449 (8.8%) out of PKR 5.100 million allocated for loss of trees.

2.1.4 Residential Structures

15. As per inventory of losses, 30 affected residential structures are segregated into the affected components i.e. built-up covered area for each structure type to calculate compensation costs on replacement cost basis by applying the unit rates for each type. The design adjustment saved 07 residential structures and added 02 new houses in the inventory list of the priority section (Km 0+000 to Km 10+500 and from Km 12+8000 to Km 25+200) which also has reduced the number of DPs to 25 from 30 in the original LARP and increased the cost of compensation to PKR 11.550 million. Out of the allocated amount PKR 2.473 million (21.7 %) have been paid to 15 DPs, which is 50% of total 30 DPs.

2.1.5 Commercial Structures

16. Originally 61 commercial structures were identified to be affected by the construction of road in the LARP. After design review 17 structures were avoided by realigning the road and 14 new structures included in inventory list for the priority section (Km 0+000 to Km 10+500 and from Km 12+8000 to Km 25+200) which also increased the compensation cost to PKR 34.911 million entitled to 65 DPs. During this reporting period, 26 DPs (42.62 %) were paid PKR 3.958 million which is 12.3 % of total estimated amount for compensating loss of all noted commercial structures.

2.1.6 Community Structures

17. The calculated replacement costs for community and public structures is PKR 10.076 million for 45 community structures in the LARP. After design review, inventory of community structures was reviewed and updated before starting payment in priority section. With design adjustment the number of community structures affected has decreased to 23 out of which 04 community structures (17.39%) have been paid PKR 0.633 million (6.3%) during this reporting period.

2.1.7 Public Structures

18. Seven public structures have been identified to be affected by the project for which the amount of PKR 3.625 million has been estimated. During this reporting period no public structure affected by the project was reported as paid.

2.1.8 Renters

19. Seven renters have also been identified as DPs who live as tenants in structures to be affected by the project. PKR 0.332 million has been allocated to compensate the renters out of which an amount of PKR 0.285 million (85.8%) has been paid to 6 DPs (85.7%).

2.1.9 Relocation & Resettlement Costs

20. The DHs who have lost their residential and commercial structures are entitled to resettlement and rehabilitation assistance as per provisions outlined in the updated LARP. Following the impact analysis, applicable resettlement and rehabilitation costs were worked out as per applicable provisions of entitlement matrix for DHs in different categories of losses and reflected in the LARP (Table VIII-7: Relocation and Rehabilitation Assistance) The R&R cost is being disbursed by PIU following the provisions of LARP and reported in Internal Monitoring Reports which is verified/ confirmed for this EMR accordingly.

21. As per the LARP provisions the computed costs for payment of resettlement and rehabilitation assistance to all entitled DHs is PKR 5.979 million out of which PKR 2.638 million (44.12%) was paid during this reporting period. The category wise progress of R&R allowances during the reporting period is as under:

2.1.10 Relocation Assistance

22. Relocation assistance has further been calculated into the categories of residential and commercial structures separately. Before payment of compensation, the inventory of structures and applicable relocation/resettlement allowances are reviewed and updated as per incorporated design adjustments in each priority section. The sections below provided over all payment progress of allowance while for the priority section from Km 12+200 to 25+800, the payment progress is summarized in section below.

a. Residential Structures

23. Out of all 25 DPs affected by residential structures only twelve DPs were identified to be provided relocation assistance of PKR 0.300 million @PKR 25,000/ DHs. Out of 15 DPs paid for loss of their residential structures only 06 DPs were paid relocation allowance of Rs.0.150 million (50%) during the reporting period. The remaining 09 DPs affected by residential structures and paid during the reporting period who were not paid relocation allowance were not eligible for the allowance as their assets were partially damaged/ lost.

b. Commercial Structures

24. The DPs affected by commercial structures who were also eligible for relocation assistance are 25 whereas 02 more DPs were added after design review with an increase in the compensation amount from PKR 0.650 to 0.675 million as relocation allowance @PKR 25,000/ DHs, out of which PKR 0.25 (37.04%) was reported as paid to 10 DPs (37.04%) by August 2021. The remaining 17 DPs affected by commercial structures were not eligible for the allowance as per the LARP entries and assessment during design review. The assets of the 17 DPs were partially damaged.

I. Transport Shifting Allowance

25. Transport Shifting Allowance has also been divided into DPs categories affected by residential and commercial structures.

a. Residential

26. Thirty DPs affected by residential structures were identified as eligible for transport shifting allowance. PKR 0.300 million @ PKR 10,000 / DHs has been earmarked under this category out of which PKR 0.140 has been paid to 14 DPs @PKR 10,000 each during the reporting period. The remaining 16 DPs affected by residential structure were not eligible for the allowance as per the LARP entries and assessment during design review. The 16 DPs were not physically relocated to pay transportation allowance.

b. Commercial

27. Forty-two DPs have been identified as eligible for Transport Shifting Allowance. PKR 0.420 million @ PKR 10,000/ DHs has been allocated for this. So far, the total compensation paid was PKR 0.160(38.10%) to 16 DPs (38.10 %). The remaining 10 other DPs paid for their commercial structures during this period were not eligible for transport shifting allowance.

II. Transition Support

28. Out of the 12 DPs eligible for transition support allowance with an allocation of PKR 0.612, 03 DPs (25%) @PKR 51,000/-were paid PKR 0.153 million (25%) during the reporting period. The remaining 09 DPs affected by residential structures who were not paid relocation allowance were not eligible for the allowance.

III. Severe Impact Allowance

29. Twenty DPs were also declared eligible for Sever Impact Allowance with an allocation of PKR 1.071. Out of them 08 DPs (40%) were paid an amount of PKR 0.408 million (38%) @PKR 51,000/DHs each during the period under reporting. The remaining DPs affected by the project who have been paid compensation for their assets during this reporting period were not eligible for severe impact allowance.

IV. Temporary Business Loss Allowance

30. The project has affected 25 businesses owned by same number of DPs. For them an amount of PKR 1.326 @PKR 51,000/DHs has also been allocated in the LARP. Out of them 11 DPs (42.31%) have been paid during this period, PKR 0.561 million (42.31).

V. Loss of Employment

31. Thirteen DPs working in the businesses affected by the project were also declared eligible for compensation. So far, 08 DPs have been paid an amount of PKR 0.408 (66 %).

VI. Vulnerability Allowance

32. Thirteen DPs were also identified as vulnerable and allocated PKR 0.663 million @PKR 51,000/DHs as support. 08 DPs (61%) were paid and amount of PKR 0.408 million (66%) during the reporting period under this category.

2.2 Public Consultations/Meetings

33. During the reporting period, 03 meetings of male DPCs were reported. The dates, venue, number of participants and outcomes of the meetings reported in 7th IMR were as follows:

Table 3: Public Consultations details

S #	Date	Venue	No. of DPs	Remarks
1	25.06.2021	Village Kakepoto	08	The DPs paid for loss of their assets were told to remove their structures from ROW which they agreed.

2	18.07.2021	Village Sonwah	06	The DPs demanding land compensation were told that the land is already within ROW of NHA therefore, they should contact Revenue Department for further clarifications. The DPs requested that job opportunity must be given to the locals. Ye request was noted.
3	16.08.2021	Village Tharari	06	The DPs application claims were discussed and the process of compensation payment against losses were described to the DPs.

34. A total of 20 DPs were claimed to be consulted through 3 different reported DPC meetings. Out of them 08 DPs were advised to remove their structures from RoW after payment compensation to losses, The 06 DPs who claimed for land compensation without documentary proof have been clarified that NHA is implementing the project within its ROW limits and advised them to contact respective office of Revenue Department regarding their land related claims if any. Other 06 DPs had claims for missing or additional assets within ROW. However, it was observed that the only proceeding of DPC meeting annexed with the 7th IMR is one held in village Sonwah. The proceeding has no names of attendees and the content of proceedings is different from what is mentioned in the 7th IMR as reflected at serial no 2 above. It appears that the consultations are not recorded and reported properly.

2.2.1 Meetings with Avoided DPs

35. The consultations meetings were also held by LAR team with DPs who have been avoided due to change in alignment at different locations. As per proceedings of the consultations the LAR Unit / team explained the villagers that their structures / assets are saved from damage as result of design change. The DPs were also told that in case of any loss to the assets during construction activities, compensation will be paid accordingly. Consensus statements duly signed by the structure owner DPs confirming no objection to the construction activities at site was also recorded.

2.3. Grievance Recording and Redress

36. During monitoring period, 11 DPs approached the project GRM for raising their concerns about name correction, as in the approved LARP list. According to the grievances in some cases the renters were shown as the owners of properties. In some complaints the names of DPs were not mentioned in approved LARP. In response to the grievances / complaints field investigations / physical verification of missing assets on site and the consultation with both owners and the renters were initiated for correction of the names.

Table 4: GRC Meetings/ Consultations details

S #	GRC Meeting Date, Time	Type of Grievances and Concerns of DPs	Remedial Actions Proposed/under taken
1	28.06.2021 10:45 am	03 DPs claimed that their crops area was not mentioned in LARP.	LAR Unit verified their claim on site and the DPs were assured regarding compensation payment by their names.
2	11.07.2021 11:00 am	02 DPs claimed compensation for land.	LAR Unit explained them that the compensation amount will be given for damages only, not for land.

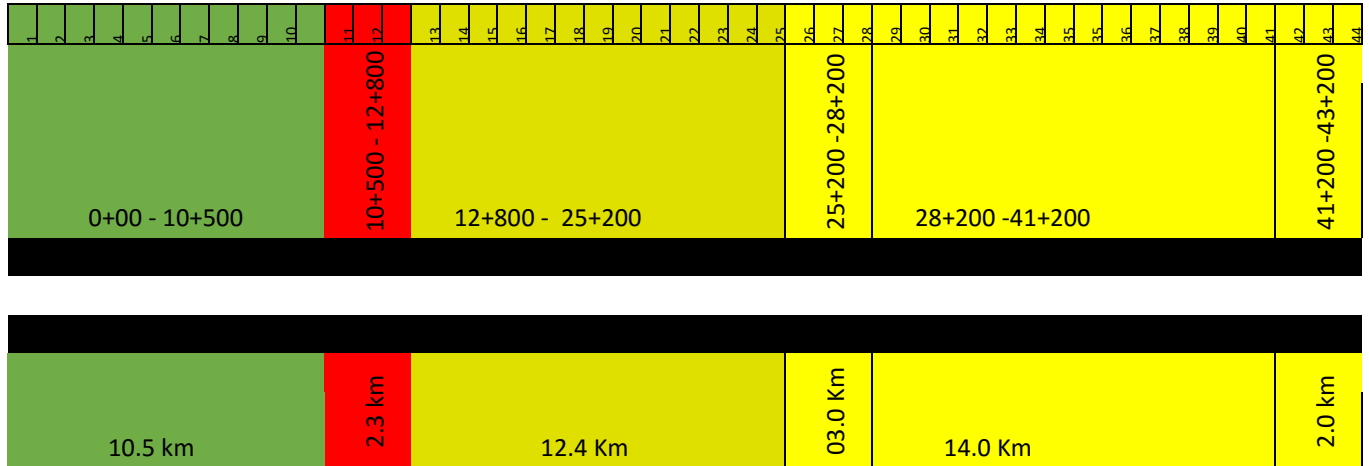
37. The only one grievance/ demand coming from all over the project site is “compensation for land” where additional carriageway is being constructed which NHA claims to be its Right of Way according to the Revenue and Survey Department records. One of the DPs Ayoub Odho also has registered a complaint for payment of land compensation in the ADBs grievance portal and looking for redressal. Besides Ayoub Odho all the people who refused to receive compensation cheque have the same demand for land compensation.

38. It was also learnt that NHA had consultations with Ayub Odho on his verbal complaints to NHA before submission of formal grievances to ADB since April 2021. However, NHA also submitted its formal reply on 13-07-2021 to ADB in response to the written complaint of Ayub Odho wherein NHA took its stated position of having 132 ft RoW in the entire section II of CAREC Tranche 1. In the said response submitted by NHA it was agreed with complainant to get verified / authenticated its RoW limits through relevant authorities i.e. Revenue/ Survey Department Sind. However, NHA informed the EMA that due to third wave of Covid 19 the verification survey could not happen till filling of this report.

39. It was noted and verified that NHA has asked Settlement Survey and District Land Revenue Department through various request letters and GM CAREC Sindh also informed that he had meetings with Director Survey Sindh for a fresh survey to affirm the RoW of the carriageway and demarcation of the ROW limits and adjoining private owned land parcels. If the stance of NHA regarding the limits of RoW is confirmed by Survey Department, Ayoub Odho and other claimants will be given an official response by NHA in this regard. In case of a disagreement with the declaration by Survey Department, the DPs/ aggrieved parties can go into a Reference/ Appeal in the court of law against the decision. The senior management in NHA told that they are prepared to implement the directives of the Survey/ Revenue department whether it is in their favor or otherwise.

3. Monitoring of Staggering of subproject (Green, Amber and Red (GAR) Traffic Model)

40. To facilitate the contractor for handing over the site for construction and monitor the progress on implementation of LARP the whole Ratodero – Shikarpur section has further been divided into the following three (Green, Amber and Red (GAR) subsection on linear map:



Legend

2.300 km

Construction activities may be allowed after land acquisition process is completed under LAA 1894.

30.800 km

Construction activities will be allowed only after all legal and administrative efforts are done.

10.500 km

All efforts have been exhausted to pay off compensation and recommended to carryout construction activities

I. Red (2.3 km)

41. A 2.3 km bypass road is proposed at Dakan city area (RD 10+500 to 12+800) for which about 56.800 acres of agricultural land is being acquired following the land acquisition eminent domain of Land Acquisition Act 1894 for which the process has been started with imposition of Section 4 to assess the damages. Meanwhile the demanded amount of PKR 59.083 million has been transferred to the account of Board of Revenue for acquisition of land and other assets. The construction activities will be allowed only after the land acquisition process is completed and addendum LARP is prepared and implemented.

II. Amber (30.400 km)

42. The resettlement activities in 30.4 km section from RD 12+800 to 43 +200 are currently underway as per given priority. The construction activities will be allowed only for the sections where resettlement process is completed and full implementation of LARP is confirmed and validated. Full implementation of LARP means the compensation is fully paid to all payable DPs and all the efforts to outreach and document DPs with legal and administrative impediments have been fully completed.

43. NHA has claimed full implementation of LARP in total 12.4 km section from RD 10+800 to 25+200 and requested ADB to allow construction activities. The progress was reviewed and validated for this report which is discussed in the following sections of this report.

III. Green (10.5 km)

44. *The 10.500 km section from RD: 0+00 to 10+500 km has already been handed over for construction activities as compensation is fully paid to all payable DPs and all the efforts to remove legal and administrative impediments for payment of compensation by NHA have been completed.*

4. Validation of Progress in Prioritized Section 12+800 - 25+200

4.1 LARP implementation progress in priority section (Km 12+800-25+200)

45. During review and validation of the progress it was noted that there are certain changes occurred as result of design change which make state of DPs and cost of compensation in the following section:

Table 5: State of DPs after design changes in section 12+800-25+200

S#	Compensation	Total in LARP		Avoided as per design change		New entries as per design change		Updated Actual DPs	
		DPs/ Qty	Cost (million PKR)	DPs/ Qty	Cost (million PKR)	DPs/ Qty	Cost (million)	DPs/ Qty	Cost (million)
1	Crops	26	1.668	2	0.126	19	0.441	43	1.983
2	Trees	21	0.342	0	0.000	5	0.041	26	0.383
3	Structures (Res)	12	2.22	2	0.806	1	0.070	11	1.484
4	Structures (Commercial)	18	4.718	1	1.335	4	2.177	21	5.560
5	Structure (Community)	12	3.484	8	1.555	0	0.000	4	1.929
6	Structures (Public)	3	0.874	3	0.874	0	0.000	0	0.000
7	Renter	5	0.237	0	0.000	5	0.237	10	0.474
8	Employment	6	0.306	0	0.000	6	0.306	12	0.612
9	R&R Allowances		2.15		0.558		0.325		1.917
	Total	103	15.999	16	5.254	40	3.597	127	14.342

46. While making design changes in the section, 16 DPs who were allocated compensation amount of PKR 5.254 million were avoided and new 40 new DPs were included who are being now affected by assets and income loss of PKR 3.597 million. The highest number of assets saved from damages were 08 owned by community followed by 03 public structures, 02 residential and one commercial structure. One commercial structure was avoided but 04 more included which also affected employment of 06 DPs and 05 renters. Though no residential structure was avoided or saved, 06 new structures were added in the list which will be affected as result of the design change. The design changes saved an amount of PKR 1.657 million but increased the number of DPs especially affected by crops, trees, commercial structures, renters and employment. The total number of DPs in all categories is now 127 with allocated cost of compensation as PKR 14.342 million in the priority section.

47. The PIU has submitted the progress of payment to DPs in the section at RD 12+800-25+200. The accumulative progress is being summarized in the following table:

Table 6: Progress of payment of compensation in Section RD: 12+800-25+200

S#	Compensation	Updated/ Actual DPs		Paid including new entries				Unpaid	
		DPs/ Qty	Cost (million)	DPs/ Qty	%age	Cost (million PKR)	%age	DPs/ Qty	Cost (million PKR)

1	Crops	43	1.983	33	77	1.695	85	10	0.288
2	Trees	26	0.383	15	58	0.196	51	*11	*0.187
3	Structures (Res)	11	1.484	11	100	1.562	105	0	0.000
4	Structures (Comm)	21	5.560	18	86	4.177	75	3	1.383
5	Structure (Community)	4	1.929	3	75	0.084	4	1	1.845
6	Structures (Public)	0	0.000	0		0.000		0	0.000
7	Renters	10	0.474	8	80	0.379	80	2	0.095
8	Employment	12	0.612	8	67	0.408	67	4	0.204
9	R&R Allowances		1.917			1.634	85		0.283
		127	14.342	96	76	10.135	71	20	4.207

48. The total amount paid reported is PKR 10.135 million out of 14.342 million (71%) to 96 (76%) out of total 127 DPs in various categories. There are 20 DPs with allocation of PKR 4.207 who have still not been paid whereas 11 DPs affected by cutting down of trees with compensation amount of PKR 0.187 million is not included in this category as they were not known by names in the inventory of LARP.

4.2 Reasons for non-payment in priority section (Km 12+800-25+200)

49. Reasons given by PIU for non-payment to DPs are as follows:

Table 7: Reasons for nonpayment of compensation in Section 12+800- 25+200

S. #	ID	Location	Name	Asset	Amount (Rs.)	Status	Reasons for non-payment
1	New DP	13+050	Shah Nawaz	Crop	47,727	Didn't complete Claim applications.	LARP Team visited their place many times, met the DP's and issued letters but they still didn't respond for claim application process.
2	New DP	13+280	Ghulam Qadir	Crop	8,496		
3	New DP	14+300	Imtiaz Ali	Crop	36,764		
4	New DP	14+600	Haji Soomar Khakhrani	Crop	27,049	Didn't accept compensation payment cheque.	DPs demand larger amount while their assessments were made according to measurement taken in their presence.
5	New DP	14+900	Shabnam	Crop	6,862		
6	126	15+150	Ali Khan	Community	1,854,684	Un-paid	Due to change in PIU members, compensation could not be paid so far.
7	222	15+350	Shakeel Ahmed	Commercial	79,345	Didn't accept compensation payment cheque.	DPs demand for land compensation, LARP team told them that there is no provision for land compensation because all construction works are limited within NHA owned ROW
8	41	16+050	Mr. Imran Odho	Crop	59,588		
9	45	17+440	Haji Ali Mardan	Crop	16,347		

10	New DP	18+320	Altaf Hussain	Commercial	795,200		limits The DPs were not satisfied and said that they would not allow construction activity on their land. EMA consulted the DPs to assess and verify the basis for claiming ROW land compensation. Except verbal claim, the DPs did not share any documentary evidence to support their claim for compensation of ROW land. The employees and renters told that they are reluctant to receive compensation under the influence and direction by asset owners. One of the renter who had received compensation was humiliated and deprived off the paid compensation by the asset owners. Now he works in another location.
11	New DP	18+320	Ghazanfar Ali	Employee	51,000		
12	New DP	18+320	Nazeer Ahmed	Renter	47,453		
13	New DP	18+320	Shafi Muhammad	Employee	51,000		
14	New DP	18+320	Ghulam Akbar	Employee	51,000		
15	New DP	18+320	Nasarullah	Renter	47,453		
16	New DP	18+320	Zaheer Ahmed	Employee	51,000		
17	233	18+500	Mr Ayub Hussain	Commercial	103,745		
18	43	19+130	Mr. Ayub Khan Odho ¹	Crop	32,694		
19	57	24+240	Mr. Nizam Din Khan	Crop	50,095	Didn't complete claim application.	
20	New DP	22+580	Ghulam Abbas Mehar	Crop	39,218	Didn't accept compensation payment cheque.	DP demands for land compensation.
The remaining 11 unpaid DPs affected by trees are not known and traceable.							

Source: 7th IMR of CAREC

50. It was told during field verification on site by EMA that the DPs who have not completed their compensation applications mentioned at serial # 1, 2, 3 and 19 in above table are currently not present at the location. It was also told by their representatives at the properties or people known to them that owners will respond to the call when the DPs are available. PIU has ample evidences of their communication and efforts to contact them. The amount of compensation is deposited in the bank account which can be claimed and withdrawn any time, so the work on site should not be stopped.

51. Two DPs appeared at serial number 4 and 5 located at RD 14+600 and 14+900 is a single family which does not agree with the measurement of their losses. The DPs asked the PIU staff in the presence of EMA as to how the compensation amount for crops on two pieces of land with same nature, quality and characteristics could be different. The DPs refused to accept the compensation cheques and demanded reassessment of their losses.

52. The community structure mentioned at serial #6 (RD 15+150) was not paid. The owners/ beneficiaries of the community structures have no objection to the construction work being carried out on the road.

¹ In LARP inventory, crop area for Mr. Muhammad Ayub is noted at Km 16+750-16+980 while in actual it is between 19+130-19+400.

53. The unpaid DPs appeared at serial numbers 7 to 17 demand land compensation in addition to loss of crops, trees and structures. The DPs from serial #10 -17 are located in a single commercial outlet of petrol pump owned by a family. The renter and employees are also under the pressure of the landlords to not accept the compensation amount. It was also reported that a tire puncture repair shop owner who had received compensation was beaten and deprived of the cash by the owners of the facility which intimidated the remaining tenants.

4.3 The EMA's Assessment and suggested way forward

54. Based on the reasons given by PIU and field verification of the efforts to pay off the unpaid assets, it is assessed that unpaid DPs can be categorized into the following: -

I. Not Interested / not present at site DPs

Those who have not submitted their compensation claims in the limits of priority section are either not interested or physically not present in person at the location. PIU informed that it has demonstrated its efforts contacting them or approaching them through their relatives and representatives present at the location. However, 04 of the DPs (listed at # 1-3 & 19 of table 7) still have not submitted their claims. NHA has secured the payable amount in a Special Project Bank Account from where the DPs can be paid off whenever they are available and submit their claims. Apparently this category of unpaid DPs are not hurdle in carrying out the construction work in the priority section from Km 10+800- 25+200, so construction work can be carried out along with continues efforts to persuade DPs for filing of their claims.

II. Not paid DPs/ assets for reassessment

Another category of (02) DPs and custodian of one community structure (listed at # 4-6 of table 7) are of those who have not been paid for reassessment of the damages. Either PIU or the DPs are not in agreement with the assessment of the damages. The PIU has to undertake necessary measures to satisfy the DPs regarding the assessment. During verification the custodian of the affected community structure DP at # 6 apprised the EMA that he has no objection to allow construction but others were reluctant to give their consent. Based on noted views EMA suggested the PIU to conclude the re-assessment and ensure disbursement of compensation at the earliest. The following 4 step process introduced in the CAREC Section 1 (Petaro – Sehwan) regarding the reassessment which needs to be followed in this section too for reassessment of the assets if required or inclusion of missing assets:-

Step 1: Review of requests/ need by GRC;

Step2: Verification by a joint team comprised of surveyors and engineers from supervision consultant and PIU.

Step 3: Validation by a joint team comprised of surveyors and engineers from supervision consultant and PIU.

Step 4: Approval of assessment by management / committee.

Construction can be allowed only after reassessment of damages and payment of the compensation following the due process which will be verified in the next EMR.

III. Unwilling / refusing DPs

The largest category of DPs are of those refused to receive compensation cheques on the ground that they should also be paid compensation for the land they are growing crops or doing business or work as tenants/ renters and employees. NHA is of the opinion that the additional carriageway is being constructed within its RoW limits therefore no land compensation claim is eligible legally. In response to a complaint of one DP Ayub Odho NHA has given its commitment to get verified the RoW limits from Survey / Revenue Department of Sind which needs to be done as soon as possible. The DPs will still have right to go to court of law in case of not satisfied with the response of Revenue / survey department.

It is worth mentioning that out of 13 unwilling DPs 08 are those who were identified later because of unanticipated impacts noted during staking of centerline to cater geometric improvements of alignment at noted locations. In this category of total 13 unwilling DPs 06 have crops and commercial assets whereas 07 DPs are employees or renters in the affected commercial properties. It was also observed that the employees and renters who have no direct stake in land compensation but still takes sides of the landlord under their influence in the quasi tribal social set up of rural Sind.

The sites falling under this category is at hold which can be handed over to contractor for construction work only after the RoW of NHA is confirmed and validated by Sindh Revenue Department and Survey Department. In case the RoW is not verified/ validated, the course of land acquisition process has to take place.

IV. Public Assets

A boundary wall and bathroom of one government school is being affected by the project which has to be compensated for its reconstruction through Sind Education D There are other utilities like gas pipeline and electric poles which also need to be relocated. NHA has to coordinate with Education Department and other relevant agencies for reconstruction/ relocation of assets and utilities as well as transfer of payment. Construction work can be carried out only after the concerned departments are informed / notified and funds are transferred to relocate the facilities and repair the damages.

5. Conclusion and Recommendations

5.1 Conclusion

55. The given progress and reasons given for nonpayment reflect upon level of efforts demonstrated by NHA to satisfy the procedures explained in the CAREC MFF LARF for confirming full implementation of LARP. Besides all stated efforts to pay the compensation amount, there are assets in section RD 12+800- 25+200 which still could not be paid due to reasons explained for each in table 7 above.

56. Based on reviewed progress it is concluded that the PIU has deliberated best efforts for disbursement of compensation to all payable DPs, locate, facilitate and guide unpaid DPs for processing of their claims and documenting the DPs having legal/administrative impediments. According to reviewed LARP implementation progress, it is concluded that the stretches where compensation is fully paid and stretches where compensation is still pending because of non-availability or unwillingness of the DPs to receive compensation are presented in table below.

Table 8: Locations where LARP is fully implemented and activities are at hold

S#	PAID-UP STERCHES		UNPAID STRECHES	
	Location / Chainage	Length in km	Location / Chainage	Length in km
1	RD 12+800- 14+600 km	1.800	RD 14+600- 15+350 km	0.750
2	RD 15+350- 16+000 km	0.650	RD 16+000- 16+100 km	0.100
3	RD 16+100- 17+400 km	1.300	RD 17+400- 17+500 km	0.100
4	RD 17+500- 18+350 km	0.850	RD 18+350- 19+500 km	1.150
5	RD 19+500- 22+580 km	3.080	RD 22+580- 22+630 km	0.050
6	RD 22+630-25+200 km	2.570		
	Total	10.25	Total	2.150

5.2 Recommendations

57. Except the above explained unpaid stretches where compensation is pending mostly because of claims about ROW land compensation, it is validated that the LARP implementation has been completed in the section measuring 10.25 km, while for remaining 2.15 km NHA is endeavoring to resolve the issues and disburse compensation to unpaid DPs. Accordingly, as requested and confirmed by NHA, it is verified that the construction works can be allowed in the paid stretches (noted in table 8 above and shown as green in the linear plan fig- 1 below) of priority section from Km 12+800- 25+200 in Ratodero - Shikarpur section of CAREC Tranche 1, whereas unpaid stretches (marked as red in linear map) will remain on hold until the issue related to ROW land claim is clarified and payable DPs are compensated after addressing their issue.

Fig-1: Linear plan showing LARP implementation status

Chainage: Km -- Km	Length
12+800-14+600	1.800
14+600- 15+350	0.750 km
15+350-16+00	0.650 km
16+00-16+100	0.100 km
16+100- 17+400	1.300 km
17+400-17+500	0.100 km
17+500-18+350	0.850 km
18+350-19500	1.150 km
19+500-22+580	3.080 km
22+580-22+630	0050 km
22+630 – 25+200	2.57 Km

- **Not Interested / Not Present at site:** After ample efforts have been made for contacting the 4 DPs listed at serial 1-3 and 19 of table 7 and persuading them with serving the notices for submitting claims, but they did not show-up. These DPs are located within stretch from Km 12+800-14+600 and 22+630 to Km 25+200 that are shown in linear plan (fig-1) as green and construction ready sections. Construction work on site needs to be carried out as construction work cannot be stopped due to non-availability of DPs at site or some DPs not interested in filing their claims. However, PIU should continue its efforts contacting the DPs with safe deposit of their allocated compensation amount in the Bank account from where the DPs could draw after competition of necessary procedure whenever they are available or willing. Progress on efforts of PIU to contact the DPs will be monitored in the following reports.
- **Unwilling / refusing DPs:** The road stretches with noted unwilling/refusing DPs are presented as unpaid stretches in table 8 and shown as red in linear plan (fig-1) above. While allowing work in the paid up stretches shown as green in figure 1 above, the noted unpaid stretches should be kept on hold. Meanwhile, NHA should continue engaging with the nonpaid DPs of noted unpaid stretches within priority section from RD 12+800 – RD 25+200, especially with those who demand land compensation to pay the entitled compensation for non-land assets and satisfy them by clarifying their legal position regarding payment of compensation for the land within ROW. The progress on payment to the non-paid DPs will be reviewed in December 2021 for next EMR to allow construction work on the locations where the DPs have been paid or all efforts exhausted by NHA to address issues and deliver compensation are fully documented and maintained.
- **Not paid DPs/ assets for assessment:** This category of DP is located in Km 14+600-15+350, presented as red in linear plan (fig-1) above which should be kept on hold until the DPs are compensated after re-assessment. The NHA should immediately reassess the crops of the DPs noted at serial no 4-5 of table 7 following the 4-step procedures as suggested in point II under para 54 and satisfy the aggrieved DPs. NHA should also payoff the pending compensation of partially affected community structure where custodians of structure have consented to commence works. Construction can be allowed only after the damages are reassessed and compensation is paid to the DPs which will be verified in the next EMR.

- **Public Assets:** NHA should also coordinate with education department Sind for transfer of payment to reconstruct the damages to the structure of Primary school long with relocation of utilities for clearance of RoW of carriageway. Construction work can be carried out only after the concerned departments are notified with transfer of funds to relocate the utilities and repair of damages.

Annexures

Annexure 1

List of people met

Name	Position and Organization	Purpose and Outcome of the meeting/ consultation
Mr. Abdul Lateef Maiser	GM CAREC, NHA Sindh	The purpose of the meeting was to develop understanding about the assignment.
Ms. Amra Riaz	DD Land, EALS, NHA HQs, Islamabad	
Mr. Hanif Prizada	DD Land Ratodero- Shikarpur Section	
Mr. Muhammad Azim	Staff consultant ADB	
Mr. Muhammad Ali	Resettlement Specialist, Tecno Consultant	Meeting regarding progress on site
Mr. Ali Nawaz Lashari	RE Tchno Consultant	

DPs consulted for verification of Payment

Reference	Name Od DP	Status of payment
10+200	Syed Zamir Hussain	Paid and happy
	Majid Ali Shah	Paid
	Nadeem Ali Shah	Paid
15+150	Zamir Hussain Khakrani	Not Paid for community structure
13+400	Ghulam Abbas	Haji Somer and Shabana demand for reassessment of their crops.
18+300	Nasarullah	The renters and employees are afraid of landlord Altaf Hussain for receiving their compensation. They also informed that One Didar Hussain had received compensation but he was beaten and deprived of the money by the landlord.
20+540	Sain Dad	Paid and happy
22+580	Ghulam Abbas	Demand land compensation.