

Land Acquisition and Resettlement Plan

February 2017

TA-8683 PAK: Punjab Intermediate Cities
Improvement Investment Project (46526-002)

Sialkot Bus Terminal

Prepared by the Local Government and Community Development Department, Government of Punjab for the Asian Development Bank. This land acquisition and resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff.

CURRENCY EQUIVALENTS

(as of 23 February 2017)

Currency unit	–	Pakistan Rupee
1.00 PRs	–	\$ 0.0095
1.00 \$	–	PRs 104.8251

ABBREVIATIONS

ADB	–	Asian Development Bank
ADC	–	Assistant District Collector
AP	–	Affected Person
CIU	–	City Implementation Unit
DP	–	Displaced Person
DMS	–	Detailed Measurement Survey
GRM	–	Grievance Redress Mechanism
GRC	–	Grievance Redress Committee
IP	–	Indigenous People
IR	–	Involuntary Resettlement
ILA	–	Inventory of Lost Assets
IOL	–	Inventory of Losses
LAA	–	Land Acquisition Act, 1894
LARF	–	Land Acquisition and Resettlement Framework
LARP	–	Land Acquisition and Resettlement Plan
PICIIP	–	Punjab Intermediate Cities Improvement and Investment Project
PIU	–	Project Implementation Unit
SCB	–	Sialkot Cantonment Board
SMC		Sialkot Municipal Corporation
UU	–	Urban Unit

DEFINITIONS

Affected Person	Any person or livelihood affected as result of infrastructure development for the bus terminal upgrade.
Compensation	Payment in cash/voucher or kind to which the affected people are entitled in order to replace the lost asset, resource or income.
Cut-off date	Eligibility for entitlements under this LARF is limited by a cut-off date, to be determined and disclosed at the time of Social Impacts Assessment survey, census of displaced / affected persons, inventory of losses and socioeconomic baseline survey.
Detailed measurement survey	Exact description and quantification of all lost assets by qualified appraisal experts.
Displaced Persons	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.
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.
Entitlements	All compensation, relocation, and income restoration measures due to displaced persons, specified by their property status and particular losses.
Income rehabilitation	Assistance to restore and/or improve the incomes of displaced persons through allowances and provision of alternative means of income generation.
Inventory of lost assets	Descriptive list of all assets lost to the project, including land, immovable property (buildings and other structures), and incomes with names of owners.
Involuntary resettlement	Development project results in unavoidable resettlement losses that people affected have no option but to rebuild their lives, incomes and asset bases elsewhere.
Kanal	Measure of land area about 605 square yards. Eight kanals are equal to one acre.
Marla	Measure of land area equal to 272 square feet. One kanal has 20 marla.
Mouza	The smallest and basic revenue unit.

Meaningful Consultation		<p>A process that:</p> <ul style="list-style-type: none"> (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.
Non-titled person	displaced	Displaced persons without formal legal rights to land or claims to land recognized or recognizable under national law; eligible for compensation of non-land assets.
Physical displacement		Relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or no access to legally designed parks and protected areas.
Relocation		Settlement of displaced persons in alternative location through relocation schemes organized by the project or government or through self-relocation.
Replacement cost		Relocation, loss of residential land, or loss of shelter 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.
Socio-economic survey		Assessment of the social and economic conditions of the displaced persons through a combination of quantitative and qualitative research methods, providing a baseline for monitoring and evaluation.
Temporary occupation	land	The use of or impacts on land and immovable property outside the right of way of the project caused temporarily by civil works related activities.
Valuation of Lost Assets		Assessment of the value of all lost assets according to the principle of replacement cost by qualified appraisal experts.
Vulnerable Person		Household not below poverty line but just above it who can fall into poverty because of inflation, price increases and as a result of disasters, including the elderly, disabled and female headed households.

NOTES

- (i) The fiscal year (FY) of the Government of Pakistan, its agencies and participating financial institutions ends on 30 June.
- (ii) In this report, "\$" refers to US dollars unless otherwise stated.

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A. EXECUTIVE SUMMARY

1. The Punjab Intermediate Cities Improvement and Investment Project (PICIIP) will improve the quality of life of residents in selected cities of Punjab. The Program will address urban development challenges at the city level through integrated urban planning, improved institutional framework for urban services, strengthened business process of utilities and improved urban infrastructure and services.
2. The Sialkot bus terminal upgrade subproject will provide new infrastructure and services for passengers and transporters. The Sialkot bus terminal is the largest and oldest bus terminal in the city. It is established on the land owned by the Sialkot Cantonment Board (SCB). The land of the bus terminal is about 27 acres on the Jail Road. About half of the land is empty and can be used for provision of different services.
3. The PICIIP is project of the Government of Punjab and Sialkot Municipal Corporation (SMC) and both have no jurisdiction in the cantonment lands. An agreement between the SCB and SMC will be required for implementation of this subproject in Sialkot.
4. The management of bus terminal is in the hands of SCB. The management charges bus departure fee at variable rates in range of PRs 60 to PRS 1,500. The contract for collection of fee is awarded through bidding. For FY 2017 contract was awarded for PRs 52.5 million.
5. There are about 119 shops in the bus terminal which provide livelihood to shopkeepers and their employees. These shops are owned by the SCB which has provided these on rent to shopkeepers. The SCB also earns substantial income on account of shop rent from businesses on the bus terminal.
6. The engineering design for the upgrade of bus terminal is yet to be completed. Information about upgrade of bus terminal was provided to all stakeholders including shopkeepers, vendors and bus service managers. Census of assets and Affected Persons was completed on 22 February, 2017 and consultation meeting was held on the same day.
7. Consultation meeting was attended by the Secretary of the SCB, Due Diligence Consultant of ADB, Deputy Team Leader of the PPTA, and representatives of APs. Meeting was informed that design of bus terminal is yet to be completed and will be presented to them after completion. The purpose of this consultation meeting was to provide information about the subproject, to document their concerns and suggestions for upgrade of bus terminal.
8. Concerns included acquisition of shop and displacement of shopkeepers and their employees. They were informed that no displacement will occur, if any shop is acquired, the replacement shop will be provided before acquisition. The size of shop will be same or larger than the acquired shop. The location of shop will be close to existing businesses and accessible to passengers. Rent of the shop will not be increased after upgrade of the bus terminal. Rent increase will be according to the terms and conditions in the tenancy contract. Shopkeepers felt satisfied and welcomed the implementation of subproject.

9. They gave suggestions for provision of various services in the bus terminal. These services include provision of (i) waiting rooms, (ii) toilets, (iii) clean drinking water, (iv) adequate lights, (v) storm water drainage, (vi) pavement of grounds, (vii) provision of parking space, (viii) provision of sheds in departure bays, and (ix) provision of parking space for buses.
10. The participants of consultation meeting were informed that their concerns will be addressed and suggestions for improvement incorporated in the design. They will be consulted again after preparation of design. Construction activities will be carried out in phases to avoid any disruption in normal business activities and bus departures.
11. ADB policy about resettlement plan as envisaged in Safeguard Policy Statement 2009 will be implemented in true spirit to protect the APs and for restoration of livelihood of any displaced person because of the subproject implementation.

B. Project Description

12. The Government of Punjab intends to implement the Punjab Intermediate Cities Improvement and Investment Project (PICIIP) with ADB assistance. The PICIIP will improve the quality of life in selected cities of Punjab. This will be achieved by focusing on urban development challenges at the city level. The PICIIP will provide a framework for integrated urban planning, and the improved institutional framework required for urban development. The PICIIP will support investment in urban management and infrastructure, strengthen regulatory frameworks and municipal governance, and encourage efficient financial management for sustainable urban development.
13. The PICIIP will be financed by the ADB Sector Loan. The first phase of this loan is \$200 million and the Government of Punjab contribution will be \$50 million. In the first phase this loan will be utilised for Sahiwal and Sialkot cities. The first phase of this loan will provide implementation of several infrastructure subprojects in each of the cities. The nature and extent of land acquisition and resettlement varies for every subproject under this first phase and will be addressed separately.
14. The PICIIP will provide infrastructure improvements for water supply, waste water, solid waste management, public parks and urban transport.
15. This LARP focuses on upgrade of bus terminal in Sialkot City.

C. Scope of Land Acquisition and Resettlement

16. The Sialkot Bus Terminal subproject is planned for the upgrade of existing bus terminal. This is the largest and the oldest bus terminal in the city. This bus terminal is located on Jail Road in jurisdiction of Sialkot cantonment. This is under the management of Sialkot Cantonment Board (SCB). Cantonment Board has the same jurisdiction, powers and functions in the cantonment area as Municipal Corporation has in the city area. Cantonment Board is an organ of the local government for policy formulation, development planning and provision of urban services. A senior military officer is Station Commander of the cantonment and is ex-officio president of the Cantonment Board.
17. The bus terminal is in the cantonment area where all development works are planned and executed by the SCB. The development projects in SCB are either self-financed or financed by the federal and provincial government grants. The ADB loan is requested by the Government of Punjab and will be spent on subprojects in the city area of Sialkot which is under the jurisdiction of SMC and the Government of Punjab. The Cantonment area is under the jurisdiction of SCB and under the control of Military Lands and Cantonment Department of Ministry of Defence. Therefore, upgrade of this bus terminal will require concurrence and agreements between the SMC and SCB on engineering design, financing and income sharing.
18. The total land area of the bus terminal is 27 acres all owned by the SCB. The northern corner of this bus terminal was given on long-term lease to some individual. This is parcel of land measures (100-feet by 240-feet) about 2,667² yards (a little over half an acre). The lease holder has built a multi-storey building which is used by businesses

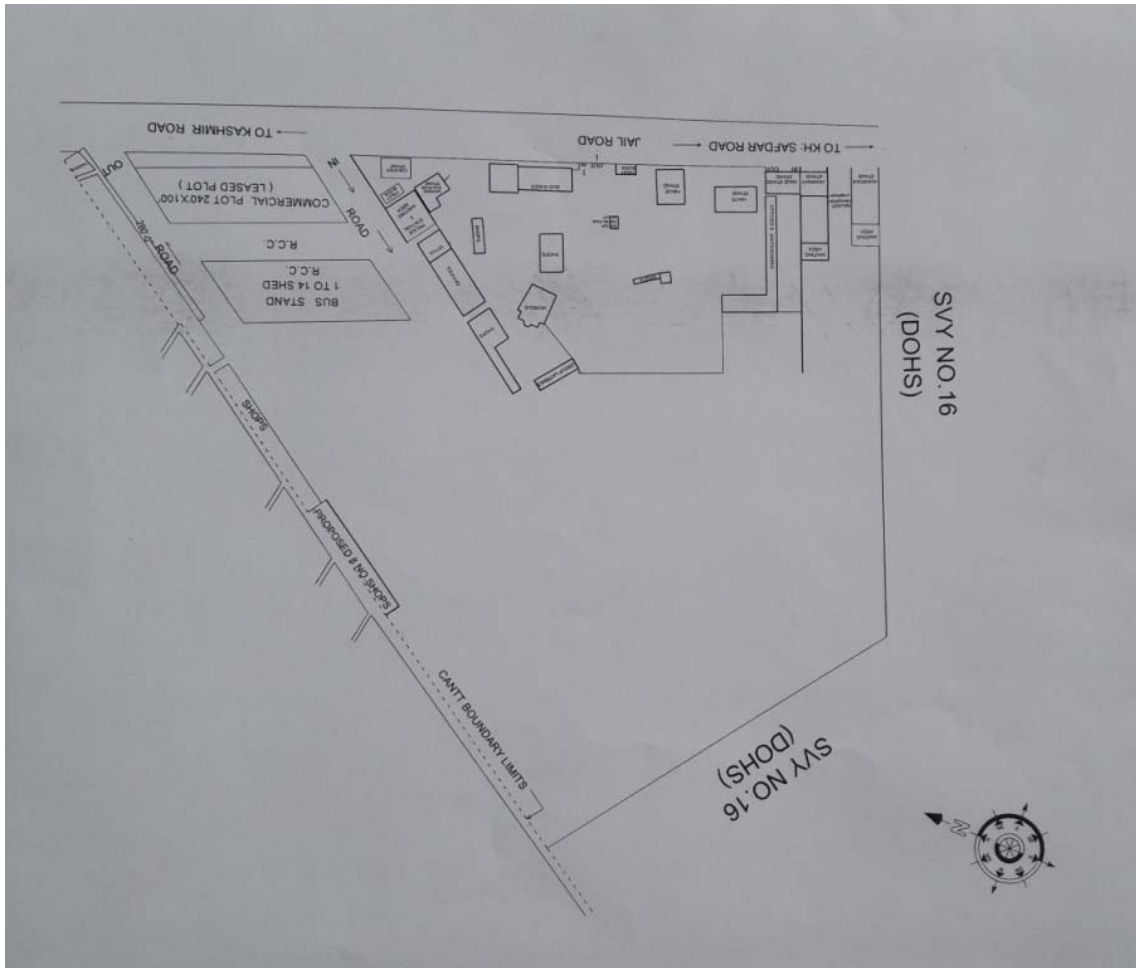
and offices. This is parcel of land and Plaza is recognised as private property by the SCB and will be excluded from any intervention for upgrade of bus terminal.

19. The map of the bus terminal includes an RCC shed parallel to the south of this plaza which does not exist but may be planned for future development. The SCB informed that upgrade of bus terminal is planned and design is being prepared. The SCB wanted to examine the engineering design of bus terminal upgrade proposed by the Consultant so that it is agreed by both parties. The design will be presented to SCB and consultations will be held for its finalisation.
20. The SCB owns large parcels of land on both sides of the Jail Road. The SCB has provided large parcels of land to two other private bus companies for their passenger terminals. Both these private bus company terminals are on the northern side of the Jail Road while the general bus stand is on the southern side of the Jail road.
21. No land acquisition is required because all land is property of the SCB.
22. Engineering design for bus terminal upgrade is under preparation. Consultation on the design will be held with the SCB and shopkeepers on the bus terminal in due course.
23. All shopkeepers are tenants of the SCB. The bus terminal upgrade may require acquisition of any shop for infrastructure development works. The SCB will provide replacement shop of equal or larger size to the Displaced Person at location appropriate for business in the bus terminal.

1. Sialkot Bus Terminal

24. The bus terminal is divided into three departure bays on the main jail road. The first departure area is for buses, the second departure area is for small buses known as flying coaches and the third area is for wagons. There are shopping areas comprising different types of shops inside the bus terminal and on the north-western boundary of the bus terminal. Some of the shops may require relocation as a result of upgrade of bus terminal.
25. The layout map provided by the SCB includes some infrastructure which is yet to be constructed. Waiting areas and toilets shown on the southern boundary and water filter and some other features are not present. The infrastructure at present includes SCB staff office, waiting rooms for men and women, police post and some shops facing bus terminal and the backside of these buildings comprises various shops facing the wagon terminal.

Layout Map of the Sialkot Bus Terminal



26. There are 95 shops and 14 kiosks in the bus terminal area which will be affected with the bus terminal upgrade. There are 10 other shops on the opposite side of the bus terminal which are unlikely to have any impact of the infrastructure development for upgrade of the bus terminal. All these shops are owned by the SCB and sublet to shopkeepers on monthly rent.
27. Many bus service companies and transporters use this bus terminal for their buses. These companies operate without any office in the bus terminal but their staffs have desk and few chairs from where they issue tickets and operate bus services.
28. The total number of departures of bus and wagons from this bus terminal is about 300. The SCB charges fee on every departure from this bus terminal. The departure fee of buses is in range of PRs 60 for small distances to PRs 1,500 for long distances. Fee rates are higher for Air-condition coaches and slightly lower for non-air-condition coaches.
29. Bus departure fees are collected by contractor's staff with the assistance of SCB staff. The total number of SCB staff on bus terminal is 16 and the total strength of Contractor's staff is 12. The 16 SCB staff salaries are paid by the contractor. Electricity bill of lights on the bus terminal is paid by the contractor.

30. The total contract value is 52.5 million for the current fiscal year from July 2016 to June 2017. The contractor deposits monthly instalment of PRs 4.375 million in the SCB account. The contractor pays monthly staff salaries to 28 persons which is about PRs 0.55 million and electricity bill of PRs 150,000 in addition to the monthly contract fee to the SCB.
31. The SCB owns land on both sides of the Railway Road. On the northern side of the Jail Road SCB provided land on lease to two large bus companies. There are 10 shops of SCB on the northern side of jail road and opposite to the bus terminal. There are 95 shops and 14 kiosk spread over on different sides on the bus terminal. The bus terminal includes office for SCB staff, police post, and waiting rooms for men and women. There are two mosques one on the north most corner on the jail road and the other close to wagon stand.
32. All shops and kiosk on the bus terminal are owned by the SCB which are sublet to shopkeepers on annual basis. The monthly rent of these shops is in range of PRs 1,000 to 18,000. A vast majority of the shops, 76 in number or 64% of all pay monthly rent in range of PRs 1,000 to 3,000. About 24% of shops (29 in number) have monthly rent in range of PRs. 3,001 to 5,000. About 5% of shops (6 in number) have monthly rent in range of PRs 5,001 to 8,000. Only 7 shops (6%) have monthly rent in range of PRs 16,001 to 18,000. Only one shop has rent of PRs 13,500. Rent of shops is increased after three years and the rate of increase is 30% after three years.

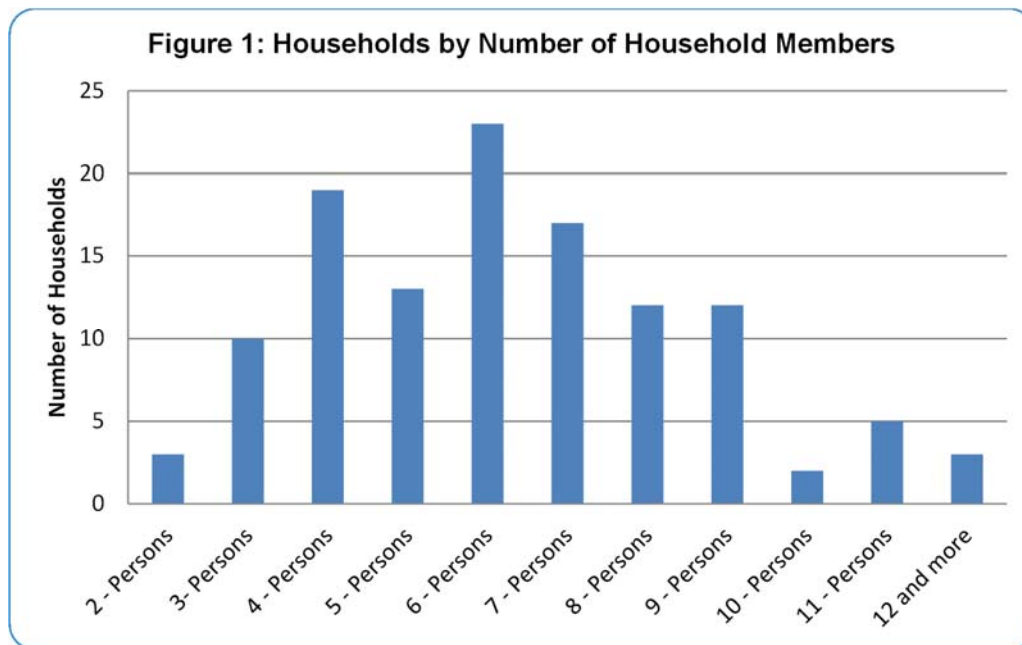
Table No. 1: Monthly Rent of Shops in Sialkot Bus Terminal

No.	Monthly Rent of Shops and Kiosks in PRs	Number	Percent
1	1,000 – 3,000	76	64%
2	3001 – 5,000	29	24%
3	5,001 – 10,000	6	5%
4	13,500	1	1%
5	16,001 – 18,000	7	6%
6	Total	119	100

D. Socioeconomic information and profile

33. The APs are not a residential community living in a specified geographical area. Every AP is living in different area of the city and they interact with one another on the work place. Socioeconomic and poverty surveys conducted under pre-feasibility studies and poverty and social analysis as part of the feasibility studies provide detailed analysis of socioeconomic conditions of different city areas. For this LARP socioeconomic conditions of the household were assessed through their income and business assets. Information about household members provides data about level of educational attainment, school enrolment and employment status of household members.
34. There are a total of 119 businesses on the bus terminal. This includes 95 shops and 14 kiosks inside the bus terminal and 10 shops on the opposite side on the Jail road. The 10 shops on the opposite direction of bus terminal will not be affected with the infrastructure development. The APs likely to have some impact of infrastructure development are 109 owning businesses in the bus terminal. Data was collected from all 119 businesses.

35. All shopkeepers are men and adhere to Islam. About 92% are married, 5% are unmarried and 3% are widower. Total population of all AP households is 746 and the average household size is 6.3. Joint family system where families of married sons live with parents is predominant. The largest percentage of households (57%) have six or less number of persons. About 43% of the households have more than six persons. About eight households have the largest size of 10 or more persons. These data indicate large congestions of persons in 43% of houses.



36. Total population of respondent households is 746 persons, 404 male and 342 female. The sex ratio of 118 appears lopsided; perhaps some respondents have forgotten to provide information about their women or female children. Youth population under 15 years of age is 29% and old age population above 65 years is 4%. The total dependency ratio is 50% which means there are two working age persons per dependent in the population.

Table No. 2: Population Composition of AP Households

Age of household members	Male	Female	Total	Percent
0 – 4 Years	37	39	76	10%
5 – 9 Years	37	33	70	9%
10 – 14 Years	43	35	78	10%
15 – 19 Years	45	45	90	12%
20 – 45 Years	160	131	291	39%
46 – 65 Years	68	48	116	16%
Above 65 Years	14	11	25	4%
Total	404	342	746	100.00

37. Literacy statistics indicates that among population of above 10 years age 30% are illiterate and 70% are literate. Number of illiterate women 94 is higher than the number of men which is 78. School age population 5-14 years of both sexes is enrolled in

school. Sialkot has the highest rate of net primary school enrolment in the province according to Pakistan Standard of Living Measurement Survey of 2015. About 4% of the population has attained graduation and 1% attained post graduate qualifications. Among the 10 graduate women only one was employed as school teacher. Among men unemployment was reported by two postgraduate and two graduates.

Table No. 3: Level of Education of Household Members

No	Level of Education	Male	Female	Total	Percent
1	Illiterate	78	94	172	30
2	Primary	46	28	74	13
3	Secondary School	149	103	252	43
4	Intermediate	27	25	52	9
5	Graduate	13	10	23	4
6	Post Graduate	5	2	7	1
7	Total	318	262	580	100.00

38. There are several different types of businesses on the bus terminal. The largest number of shops 55 (46%) comprising tuck shops and restaurants are selling food as tuck shops and restaurants. These are followed by 24 (20%) motor repair workshops and 16 spare parts shops. All types of old buses and wagons need frequent repairs and these shops meet the requirement. About nine shops are selling cell phones and electric gadgets, five are barber shops and four shops are general stores selling different items. There are three hotels which provide low cost night stay for people coming from different areas for their shopping or other purposes. Two shops are used for as office of transport companies and one shop sells books and magazines.

Table No. 4: Types of Businesses in Sialkot Bus Terminal

No	Type of Business	Number	Percent
1	Tuck shop	29	24
2	Restaurants	26	22
3	Workshops	24	20
4	Spare Parts	16	13
5	Mobile and Gadget	9	8
6	Barber	5	4
7	General store	4	3
8	Hotels	3	3
9	Transporter	2	2
10	Books and magazine	1	1
11	Total	119	100

39. All these shops have very good business as the bus terminal is very crowded and buses to all destinations depart from here. There is another private wagon stand which provides transport services to selected cities.

40. Average monthly income of shopkeepers is given in Table 5. Income is generally reportedly low because of some tax apprehensions. About two thirds of the

shopkeepers reported income of up to PRs 20,000 per month which appears very low. About 18% reported income in range of PRs 20,001 to 30,000 and 8% reported income of PRs 30,001 to 40,000. About 3% each reported income in range of 40,001 to 50,000 and 50,001 to 80,000. Only 2% have income higher than PRs 100,000 per month.

Table No. 5: Average Monthly Income of Shopkeepers on Sialkot Bus Terminal

Monthly Income in PRs	Frequency	Percentage
Up to 20,000	80	67
20,001 – 30,000	22	18
30,001 – 40,000	9	8
40,001-50,000	3	3
50,001 – 80,000	3	3
Above 100,000	2	2
Total	119	100

41. In 2016 planning commission of Pakistan fixed poverty line at PRs 3,030.32 per head per month as cost of basic needs. The average household size of APs is 6.3 and this size of household will be in poverty if their income is less than 19,091. The monthly income of PRs 20,000 just close to the poverty line places them in vulnerable category. The income data provided by a vast majority of APs is not reliable from another angel. Sialkot is one of the least poor districts of Pakistan. In Sialkot 14.1% of the population was blow poverty line compared to provincial average of 31.4%.
42. About 84 shops (71%) have not employed any assistant while 35 shops (29%) have employed one or more persons for assistance. About 26 shops have one employee, 6 shops have two employees, and one shop each have three, four and five employees. About 16 shops were paying monthly salary of PRs 10,000 to their employees. About 5 shops paid monthly salary to employees in range of PRs 11,000 to 13,000 and another five shops paid salary of PRs 14,000 to 16,000. Two shops paid monthly salary from PRs 17,000 to 19,000 and seven shop paid their employees monthly salary of PRs 20,000 or above.
43. The total value of merchandise in shops is another indicator of volume of business and it appears that respondents have reported very low value. About 72 shops reported total value of merchandise in their shops at PRs 50,000, 15 shops reported value of merchandise in range of PRs 50,001 to 100,000; another 7 shops reported PRs 100,001 to 150,000. About 6 of the businesses reported worth of shop goods in range of PRs 150,001 to 250,000. Two shops reported worth of goods in range of PRs 250,001 to 300,000. Five shops reported value of merchandise in range of PRs 350,001 to 400,000. Six shops each reported value of goods in range of PRs 450,000 to 500,000 and above PRs 500,000. The small amount of less than 100,000 worth of merchandise was reported by 87 shops. The 29 tuck shops, 26 restaurants and 24 workshops (79 in total) may have small amount of investments.

Table No. 6: Estimated Value of Merchandise in shops

No	Worth of Merchandise	Number	Percent
1	Up to PRs 50,000	72	60
2	50,001 to 100,000	15	13
3	100,001 – 150,000	7	6
4	150,001 – 250,000	6	5
5	250,001 – 350,000	2	2
6	350,001 – 450,000	5	4
7	450,001 – 550,000	6	5
8	550,001 and above	6	5
9	Total	119	100

44. Women employment was not reported except by one household. This only graduate lady was employed as teacher in private school at very low salary of PRs 4,000 per month. Sialkot City has a very large proportion of men and women with artisanal skills. A vast majority of the sports goods, sporting gears, leather garments and surgical instruments are produced by men and women artisans working from their homes. None of the APs reported working women in their households. There are many large scale industries in the city where both men and women are employed. Educated women are not working and neither reported unemployed. Majority of the parents consider marriage of daughters as priority and discourage employment of young unmarried women.

E. Information Disclosure, Consultation, and Participation

45. Information about PICIIP and subproject for upgrade of bus terminals was provided to shopkeepers by the SCB staff posted at bus terminals and field teams conducting census of assets and socioeconomic survey. This was necessary to seek their cooperation in data collection in bus terminal. There is no association of shopkeepers of the bus terminal. Information about consultation meeting for bus terminal upgrade was provided to all shopkeepers and they were invited to attend this meeting.
46. SCB made arrangements for consultation meeting at the bus terminal on 22 February, 2017 at 1200 hours. Information about meeting date and time was provided to all shopkeepers in the bus terminal by SCB staff and census survey team. Information about purpose of consultation meeting: (i) information about bus terminal upgrade, (ii) document and address their concerns in design, (iii) incorporate their suggestions in design, was provided to all shopkeepers.
47. Consultation meeting was held as scheduled at the bus terminal at 1200 hours on 22 February, 2017. The meeting was attended by 21 shopkeepers and one driver. The Secretary of the SCB Cantonment Board participated in consultation meeting. The Deputy Team Leader of the PPTA consultant and LARP consultant conducted consultations. LARP team participated in the meeting. The Due Diligence Consultant of ADB attended the consultation meeting. The meeting lasted for nearly two hours. List of participants with their signatures is included as Appendix-I.



View of the Consultation Meeting at Sialkot bus terminal

48. Consultation meeting was held in free and fair atmosphere. All participants have expressed their concerns and gave suggestions for upgrade of bus terminal.

2. Consultation Meeting

49. At the beginning of the meeting participants were informed about the PICIIP and its subprojects for improvement of water supply, sanitation, solid waste management, improvement of public parks and urban transport that included upgrade of the bus terminals. They were informed that engineering design for upgrade of bus terminal is under preparation. Consultations of design will be held with SCB. The design will be presented to all stakeholders to document and consider their concerns and suggestions.

50. They were informed that the SCB will not evict any shopkeeper and will not increase value of monthly shop rent after completion of bus terminal upgrade. The construction plan will be prepared to minimise any disruption in business activities on the bus terminal.

3. Concerns Expressed

Acquisition of Shop

51. The most important concern was about eviction of shopkeeper for infrastructure development. The upgrade plan may require dismantling of shops in some area of the

bus terminal. In this case some persons may be displaced and their livelihoods destroyed. They were informed that no one will be displaced as a result of bus terminal upgrade. If any shop is demolished, the shopkeeper will be provided replacement shop before its acquisition.



View of the Consultation Meeting at Sialkot bus terminal

Accessibility of shop

52. Concern was expressed about size and location of replacement shops. APs informed that shops at some distance from bus departure bays have little business. They asked for provision of shops close to the departure bays and accessible to passengers. This concern was noted and they were informed that replacement shop will be accessible to passengers.

Size of replacement shop

53. Another concern was about the size of replacement shop. They wanted the same size replacement shops. They were ensured that replacement shop will be of the same size or larger than the acquired shops.

Increase in Rent of Shop

54. Another concern was about increase in rent of shop after completion of bus terminal upgrade. They were informed that the terms and conditions of their tenancy contract which include 30% increase in rent of shop after three years will remain unchanged.

4. Suggestions Given

55. Following nine suggestions were given for the improvement of bus terminal:
- a. Provision of waiting passenger's rooms
 - b. Provision of toilets
 - c. Provision of clean drinking water
 - d. Provision of adequate lights
 - e. Provision of storm water drainage
 - f. Pavement of all bus stand
 - g. Provision of parking space for vehicles
 - h. Provision of sheds at bus departure areas,
 - i. Provision of space for parking of buses

Participants were informed that their concerns and suggestions have been documented and will be considered in preparation and finalisation of design for bus terminal upgrade.

Another consultation meeting will be held after completion of the detailed engineering design to ensure that their concerns are addressed and suggestions are incorporated.

F. Grievance Redress Mechanism (GRM)

56. The PICIIP will provide GRM to ensure facilitation of the affected persons in all respects. The Grievance Redress Committee (GRC) will be established at the City Implementation Unit (CIU) of PICIIP at Sialkot. The GRC will ensure to redress specific complaint and any issues related to disruption of businesses or any affect on the livelihood of APs. The GRC will address complaints accurately and fairly, alleviating any adverse impacts on the APs. The GRC may be headed by the Chief Officer of SMC and shall comprise representatives of SCB, APs, elected representatives and line departments. The grievances shall be reviewed and resolved within three weeks from the date of submission to the GRC.

G. Legal Framework

The Land Acquisition Act, 1894

57. The Government of Pakistan's current legislation governing land acquisition for public purposes is the Land Acquisition Act (LAA) of 1894 with successive amendments. The LAA regulates the land acquisition process and enables the federal and provincial

governments to acquire private land for public purposes. Land acquisition is a provincial subject and each province has its own regulations for implementation.

58. The LAA specifies a systematic approach for acquiring and compensation of land and other properties for development project. It stipulates various sections pertaining to notifications, surveys, acquisition, compensation and apportionment awards and disputes resolution, penalties and exemptions. The LAA under eminent domain deals with the matters related with acquisition of private land and other immovable properties existing on the land for the public purpose. The public purpose, inter alia, includes the construction of development project of public interest.
59. The LAA with its successive amendments provides a framework for facilitating land acquisition and enables the State government to acquire private land for public purposes. The LAA is the most commonly used law for acquisition of land and other properties for development projects. It comprises of 55 sections pertaining to preliminary area notifications and surveys, acquisition, compensation and apportionment awards and disputes resolution, penalties and exemptions. A few relevant sections synthesized from the LAA are summarized in Table below.

Table 7: Salient Features of the LAA

Key Sections	Salient Features of the LAA
Section 4	Publication of preliminary notification and power for conducting survey.
Section 6	The Government makes a more formal declaration of intent to acquire land.
Section 7	The Land Commissioner shall direct the Land Acquisition Collector (LAC) to take order the acquisition of the land.
Section 8	The LAC has then to direct the land to be marked out, measured and planned.
Section 9	The LAC gives notice to all APs that the Govt. intends to take possession of the land and if they have any claims for compensation that should to be made to him at an appointed time.
Section 10	Delegates power to the LAC to record statements of the APs in the land or any part thereof as co-proprietor, sub-proprietor, mortgage, and tenant or otherwise.
Section 11	Enables the Collector to make enquiry into measurements, value and claim and issue the final "award". Included in the land's marked area and valuation of compensation.
Section 16	When the LAC has made an award under Section 11, he will then take possession and the land shall thereupon vest absolutely in the Government, free from all encumbrances.
Section 18	In case of AP's dissatisfaction with the award who may request the LAC to refer the case onward to the court for decision. This does not affect the taking possession of the land.

Section 23	The award of compensation for the owners for acquired land is determined at its market value plus 15% in view of compulsory nature of the acquisition for public purposes.
Section 28	Relates with determining compensation values and interest premium for land acquisition
Section 31	The Section 31 provides that the LAC can, instead of awarding cash compensation in respect of any land, make any arrangement with a person having an interest in such land, including the grant of other lands in exchange.
Section 35, 36	In case of temporary land acquisition these sections allow the LAC to directly negotiate the compensation rate or a lump sum amount for a maximum of three years.

60. The LAA prescribes provisions for fair and adequate compensation for land acquired involuntarily, however, its enforcement marred with many lacunas related with the whole process from notification to compensation and grievance resolution often encumbered with inordinate delays. Under the eminent domain of LAA, the state coercively acquires the citizen's property and pushes them to impoverishment with a little recourse. There is a need to redefine the scope of eminent domain and improve procedure and process required for land acquisition.

ADB's Policy and Resettlement Principles

61. The ADB Social Policy Statement 2009 in Involuntary Resettlement is based on the following principles:

- a. Involuntary resettlement will be avoided as much as possible when unavoidable, at least minimized by reviewing alternatives to the project;
- b. Where involuntary resettlement is unavoidable, APs are entitled to compensation for all types of losses, i.e., land, crops/trees, structures, business, employment, and wages at market/replacement value.
- c. Non-titled APs including informal dwellers/squatters and encroachers will be provided compensation and rehabilitation assistance. The absence of formal title to land is not a bar to resettlement assistance;
- d. Special assistance will be provided to APs from vulnerable groups to help improve their economic and social status;
- e. Access to infrastructure will be provided to communities equally, without discrimination on the basis of religion, social status, gender or any other factors;
- f. APs will be fully informed and consulted regarding project planning and implementation, including disclosure of LARPs and other project-related information;
- g. Physical project implementation works can only commence upon completion of compensation and rehabilitation measures before a No-objection Certificate can be provided by ADB for award of civil works contracts.
- h. The full resettlement costs are included in the costs of the project and may be considered for inclusion in ADB loan financing.

62. The above principles will apply to all projects to ensure that persons affected by land acquisition will be eligible for appropriate compensation and rehabilitation assistance. Detailed criteria, procedures and modus operandi for the implementation of these principles applicable to the project will be spelled out in the remainder of this LARP.

Difference between Key LAA and ADB Policy Principles and Practices

63. Table 8 presents comparison between LAA (1894) and ADB policy principles of key LAR aspects.

Table 8: Difference between Pakistan's LAA and the ADB Involuntary Resettlement Policy

Pakistan Land Acquisition Act (1894)	ADB Involuntary Resettlement Policy
Titled land owners or holders of customary rights are only recognized for compensation.	Lack of title should not be an excuse for compensation.
Registered landowners and sharecroppers/ lease holders are only eligible for compensation of crop losses.	Registration is not condition for crop compensation, which is provided according to their shares whether they are registered or not.
Tree losses are compensated on the basis of out dated officially fixed rates by the relevant forest and agriculture departments.	Tree losses are compensated according to the market rates based on productive age or wood volume depending on the type of the tree.
Land valuation based on the median registered land transfer rate over the previous 3 years before the establishment of Section 4.	Land valuation is to be based on current replacement (market) value and valued within 1 year before the delivery of compensation.
Valuation of built-up structures based on official rates, with depreciation deducted from gross value of the structure and 10 % for salvage material.	Valuation of structures is based on current market value/cost of new construction of the structure. APs can take the salvage material free of cost.
The powers are only vested to the Revenue Department to decide disputes and address complaints regarding quantification and assessment of compensation for the affected land and other assets.	Complaints and grievances are resolved informally through community participation in the Grievance Redress Committees (GRC), local governments and local-level community based organizations.

Pakistan Land Acquisition Act (1894)	ADB Involuntary Resettlement Policy
The decisions regarding land acquisition and the amounts of compensations to be paid are published in the official Gazette and notified in convenient places so that the people affected get aware of the same.	Information related to quantification and costing of land, structures and other assets, entitlements, and amounts of compensation and financial assistance are to be disclosed to the affected persons prior to project appraisal.
LAA is silent to provide income/livelihood rehabilitation measure, allowances for severely affected APs and vulnerable groups, or resettlement expenses.	ADB policy requires rehabilitation for lost losses, and for expenses incurred by the APs during the relocation process particular attention must be paid to the poor and vulnerable groups.

H. Entitlements, Assistance and Benefits

64. The exact dimension of the upgrade of the two bus terminals can only be ascertained after the detailed engineering design. However, during the stakeholder consultation, it was agreed that the upgrade of bus terminals will be done without any disruption to the normal business activities. The project will avoid any physical displacement and resettlement impacts of existing businesses. In case if any acquisition of shop is required the DPs will be provided replacement shop prior to acquisition of existing shop.

Eligibility

65. No displacement is envisaged at this stage and the detailed design will ensure that the existing business premises are not disturbed in any manner.
66. In the event that any shop is displaced, the SCB will provide replacement for the lost premises prior to its acquisition. In this case the DPs will be entitled for shifting allowance. The DPs are eligible for compensation and rehabilitation provisions under the PICIIP as follows:
67. All APs losing shop will be provided replacement shop by SCB.
68. Cost for shifting of merchandise will be provided in case of shifting to other business premises.
69. This LARP will need revision if any acquisition of shop is required after final design for upgrade of bus terminal. Impact assessment will be required to determine the extent of displacement and provisions for restoration of livelihood. If the DPs face any disruption in their business they will be entitled for award of livelihood restoration grant under the project. Budget for LARP will be required to be prepared after impact assessment.
70. After revision of LARP cut-off date will be announced by the City Implementation Unit through SCB. Anyone who claims to be DP in the bus terminal after the cut-off date will not be eligible for compensation.

Entitlements for DPs

71. The following entitlements are applicable for DPs losing business premises.

Replacement of Shop will be provided prior to acquisition of existing shop.

Relocation subsidy will be provided to those DPs who are forced to relocate and will receive a relocation subsidy sufficient to cover transport costs on actual cost basis at current market rates.

Employment of the workers, if any, in the shop will not be interrupted and no entitlement is determined.

Entitlement Matrix

72. Based on the inventory of losses, the Entitlement Matrix outlined below reflects the core involuntary resettlement principles to ensure DPs of their entitlements.

Table No. 8: Entitlement Matrix

Type of Loss	Specification	Displaced Persons	Compensation Entitlement
Acquisition of shop	Business	All DP tenants of SCB	Provision of Replacement shop prior to acquisition of existing shop
Relocation Subsidy	Transportation of merchandise	All DPs	Equivalent to actual cost of shifting according to current market rates

I. Resettlement Budget and Financing Plan

73. There is no engineering design at this stage and impacts of infrastructure development for bus terminal upgrade are not known. Therefore, budget requirements cannot be determined. After preparation of final engineering design impact assessment shall be carried out and consultations with stakeholders to be conducted.

74. The budget for resettlement will be prepared following the demarcation of the actual alignment based on the final design. The EA will ensure that adequate funds for resettlement are allocated during the course of project implementation.

J. Fund Flow Mechanism

75. Funds for all lost businesses, relocation and transfer allowances and administration of updated LARP preparation and implementation will be provided by the EA. The cost of external monitoring can be financed under the loan. To ensure the availability of sufficient funds for all LAR tasks the EA will allocate 100 percent of the cost of allowances anticipated and estimated in the updated LARP before its implementation.

76. Payment of compensation will be made prior to the actual start of work. DPs eligible for compensation will be given advance notice of the date, time, and place of payment through public announcements.

77. The Government of Punjab (GoP) will guarantee to supplement the resettlement budget, as may prove necessary, to meet any shortfall which emerges in achieving the resettlement objectives.
78. The resettlement implementation schedule will be prepared based on the subproject construction timetable agreed by GoP and ADB. The PIU will update this LARP and ensure that (i) resettlement impacts are accurately quantified, (ii) detailed mitigation measures formulated, where necessary, (iii) new information is disclosed to affected persons, and (iv) the updated DPs are submitted to ADB for concurrence prior to commencement of infrastructure development for upgrade of bus terminals.

K. Institutional Arrangements

79. The Project will be executed through SMC with support of SCB and all relevant departments and line agencies. The SCB will exercise its functions in subproject implementation in coordination with the City Implementation Unit (CIU) of PICIIP that will be responsible for subproject implementation. In this regard, a well-defined institutional structure will be placed in the CIU and PMU and staff will be assigned to specific roles associated with the process of LARP implementation. The PMU will provide technical supervision, execution of the project, and ensuring compliance to the ADB policies and procedures.

L. Implementation Schedule

80. An implementation schedule will be prepared in the updated LARP after preparation of final design and impact assessment.

M. Monitoring and Reporting

81. Implementation of LAR activities will be closely monitored to assess LAR progress and identifying potential difficulties and problems. Regular monitoring will be conducted internally by CIU as a whole through the PMU and approved by ADB. The PMU will engage an external monitoring agency chosen among local consultants to verify the progress and achievements according to the stated goal and purpose of the project.

APPENDIX -I**Participants of the Consultation Meeting at Sialkot General Bus Stand**

No.	Name	Designation	Contact No.
1	Muhammad Yousuf	Shopkeeper	054261786
2	Muhammad Yaseen	Shopkeeper	03110307676
3	Zaman Shah	Shopkeeper	03026111599
4	Rana Khalid Mehmood	Shopkeeper	03007117946
5	Altaf Hussain	Shopkeeper	03006129305
6	Muhammad Siddique	Shopkeeper	03338646792
7	Muhammad Lateef	Driver	03354570990
8	Muhammad Khalid	Shopkeeper	03457191885
9	Hammad Ahmed	Shopkeeper	03026323980
10	Muhammad Naseer	Shopkeeper	03404815241
11	Syed Yousuf Geelani	Shopkeeper	03334528303
12	Sarfraz Hussain	Shopkeeper	03016103590
13	Javed Akhtar	Shopkeeper	03455362171
14	Mubashir Hussain	Shopkeeper	03075119368
15	Qalb e Abbas	Shopkeeper	03216183806
16	Khalid Mahmood	Shopkeeper	03338639842
17	Muhammad Akram	Shopkeeper	03007158014
18	Ashiq Hussain	Shopkeeper	03025753184
19	Shabeer Ahmed	Shopkeeper	03006123108
20	Faizan	Shopkeeper	03024200006
21	Imran Gujjar	Shopkeeper	03476764409
22	Muhammad Basheer	Transport Manager	
Representative of Sialkot Cantonment Board			
1	Kamran Khan	Secretary SCB	
Consultant Team			
1	Saifur Rahman Sherani	LARP Consultant PPTA	
2	Azher Uddin Khan	Deputy Team Leader of PPTA	
3	Ayaz Asif	Due Diligence Consultant ADB	
4	Hafeez Buzdar	LARP Coordinator	
5	Muhammad Asher	LARP Assistant	

Signed list of participants given below

22-02-2017

جسر لب سنٹڈ سیالکوٹ

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