

**DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA LIMITED  
(A Government of India Enterprise)**

**Ministry of Railway**



**ENVIRONMENTAL AND SOCIAL AUDIT AND GAP ANALYSIS REPORT**



**APRIL 2022**

## Table of Contents

<b>Executive Summary</b> .....	<b>3</b>
<b>0.1 Introduction</b> .....	<b>3</b>
<b>0.2 Objective of the Study</b> .....	<b>5</b>
<b>0.3 Approach and Methodology</b> .....	<b>6</b>
<b>0.4 E&amp;S Audit Findings</b> .....	<b>6</b>
<b>ESS 1 Assessment and Management of Environmental and Social Risks and Impacts</b> .....	<b>8</b>
<b>1 INTRODUCTION AND PROJECT OVERVIEW</b> .....	<b>12</b>
<b>1.1 SCOPE AND OBJECTIVES OF E&amp;S AUDIT-CUM-GAP ANALYSIS</b> .....	<b>16</b>
<b>1.2 E&amp;S Audit and Gap Analysis</b> .....	<b>18</b>
<b>1.3 APPROACH AND METHODOLOGY</b> .....	<b>19</b>
<b>1.3.1 Review of Project Documents and Literature</b> .....	<b>19</b>
<b>1.3.2 Sample Selection and Coverage</b> .....	<b>19</b>
<b>1.3.3 Data Collection:</b> .....	<b>20</b>
<b>1.3.4 Site visit to Project Activities:</b> .....	<b>20</b>
<b>1.3.5 Focus Group Discussion:</b> .....	<b>20</b>
<b>1.4 REGULATORY FRAMEWORK AND POLICIES</b> .....	<b>21</b>
<b>1.4.1 Environmental Policies</b> .....	<b>21</b>
<b>1.4.2 Social Policies</b> .....	<b>23</b>
<b>1.4.3 Country Specific Legal Provisions</b> .....	<b>24</b>
<b>2 CURRENT STATUS OF SAFEGUARDS</b> .....	<b>26</b>
<b>2.1 CURRENT STATUS</b> .....	<b>26</b>
<b>2.2 Social Impacts &amp; Safeguard Measures Implementation</b> .....	<b>26</b>
<b>2.3 Environmental Impacts &amp; Safeguard measures implementation</b> .....	<b>29</b>
<b>2.4 ENVIRONMENT AND SOCIAL REVIEW AND AUDIT</b> .....	<b>33</b>
<b>2.5 Demonstrates Compliance: Mitigation measures provided in the approved mitigation plans (EMPs, RAPs) have been fully applied/adhered to ASSESSMENT FINDINGS</b> .....	<b>33</b>
<b>2.5.1 Environment, Health &amp; Safety Management System</b> .....	<b>33</b>
<b>2.5.2 Environmental Safeguards Performance</b> .....	<b>35</b>
<b>2.5.1 Cumulative Impact Assessment (CIA)</b> .....	<b>40</b>
<b>2.5.2 Social Safeguards Performance</b> .....	<b>41</b>
<b>2.5.3 Land Acquisition and Mitigation Measures</b> .....	<b>47</b>
<b>2.5.4 Labour Influx and Management:</b> .....	<b>55</b>
<b>3 GAP Analysis</b> .....	<b>74</b>

3.1.1	ESS -1 Assessment and Management of Environmental and Social Risks and Impacts 74	
3.1.2	ESS 2 – Labour and Working Conditions .....	79
3.1.3	ESS 3 – Resource-Efficiency-and-Pollution-Prevention-and-Management .....	83
3.1.4	ESS 4 - Community-Health-and-Safety .....	85
3.1.5	ESS 5 - Land-Acquisition-Restrictions-on-Land-Use-and-Involuntary-Resettlement...	90
3.1.6	ESS 6 - Biodiversity-Conservation .....	102
3.1.7	ESS 8 Cultural Heritage .....	104
3.1.8	ESS 10: Stakeholder-Engagement-and-Information-Disclosure.....	106
4	Conclusion and Recommendations for ESCP .....	109
	Annexure 1: ESF vis -a-vis WORLD BANK OPERATIONAL POLICIES .....	9
	Annexure 2: LEGACY ISSUES OF EDFC 1. ....	Error! Bookmark not defined.

# EXECUTIVE SUMMARY

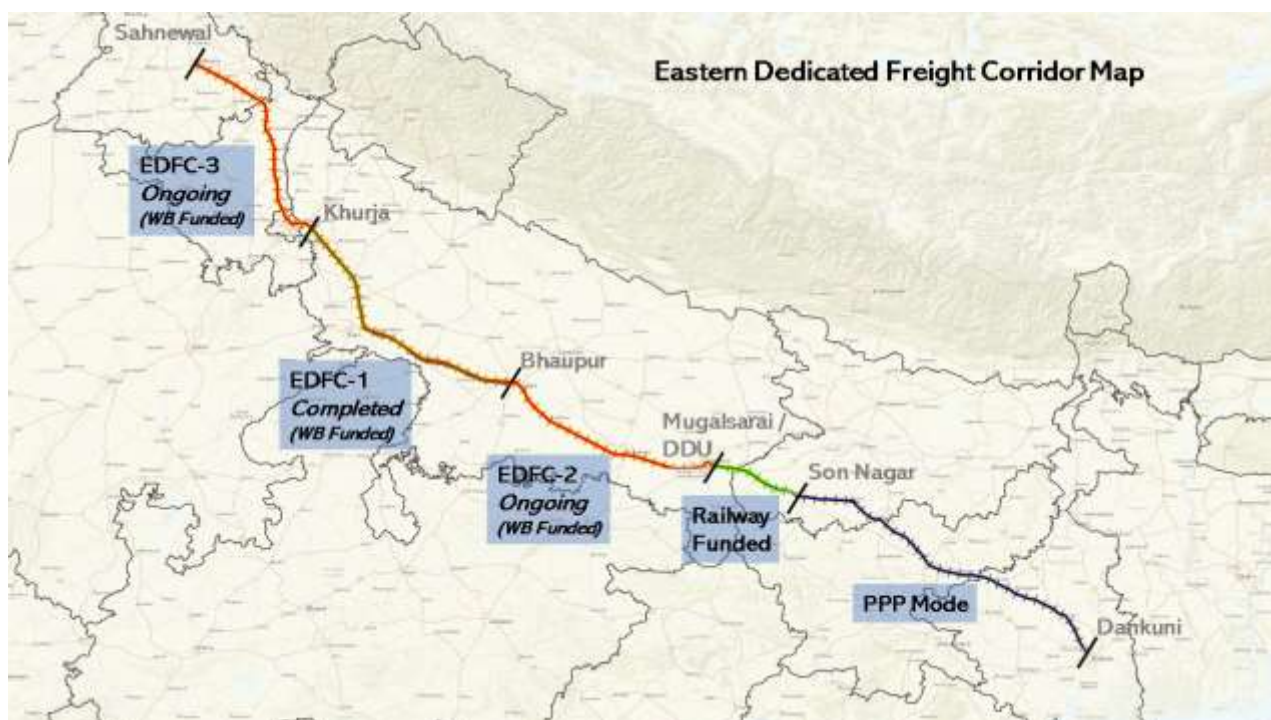
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## 0.1 INTRODUCTION<sup>1</sup>

1. Indian Railway (IR) is one of the largest railway systems in the world. It serves a landmass of over 3.3 million sq. m. and population of over one billion. The last 50 years have seen a tremendous growth in the Indian transportation sector. In the past few years, the volume of rail freight has increased by over five times and the number of passenger kilometers has increased over seven times. This rapid increase in freight traffic is attributed to India's economic growth, which resulted in traffic congestion on the existing railway track. To cater to the rapid growth and demand for additional capacity of rail freight transportation, Government of India has initiated development of 'Dedicated Freight Corridors' along eastern and western Routes, connecting the metro cities of Delhi-Kolkata and Delhi-Mumbai, which will carry the freight traffic and will reduce the burden on IR thereby leading to increased capacity of IR to carry passenger traffic.
2. Dedicated Freight Corridor Corporation of India Limited (DFCCIL) was established to undertake planning & development, mobilization of financial resources and construction, maintenance and operation of the dedicated freight corridors. It is a Special Purpose Vehicle of the Ministry of Railways (MOR), Government of India for construction, operation, and maintenance of the dedicated freight corridors across the country. Presently construction activities are in progress and in future logistic infrastructure will be developed to support the proper project operation. The World Bank has been supporting MOR and DFCCIL since 2011 for the infrastructure development of the Eastern Dedicated Freight Corridor (EDFC).
3. The Eastern Dedicated Freight Corridor (EDFC) project is part of India's Dedicated Freight Corridor (DFC) programme, which aims to create one of the world's biggest cargo operations. The main objective of the project is to support freight movement on the Eastern Corridor, which starts in West Bengal, and passes through the states of Jharkhand, Bihar, Uttar Pradesh (UP) and Haryana before finally ending at Punjab. It is depicted in **Figure 0.1**.
4. The EDFC program was financed by the World Bank through a series of three investment loans namely EDFC1, EDFC2, EDFC3. The overall Program Objective was to "meet the growing freight and passenger demand on the eastern corridor (Ludhiana-Delhi-Kolkata) with an improved level of service; and develop institutional capacities of DFCCIL and Indian Railway to build and operate the DFC network".

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<sup>1</sup> The report has been prepared by Egis India as an independent auditor and accepted by DFCCIL



**Figure 0-1: Eastern Dedicated Freight Corridor**

In the EDFC program, at present, construction in Khurja-Bhaupur (**EDFC1**) section is complete and this section is operational.

5. **Bhaupur to Deen Dayal Upadhyay (DDU) section (original EDFC-2):** The length of project section from Bhaupur to DDU is 393 km (as per design the length is 417 km), out of which about 263 km is in parallel to the existing North Central Railway track and 126/143 km is bypass & detours. Construction is progressing in Bhaupur to DDU section (75% physical progress)

**Sahnewal to Khurja (original EDFC 3):** This corridor comprises of two sections: Sahnewal-Pilkhani section (175 Km) and Pilkhani-Khurja section (221 Km). Sahnewal to Khurja (54% physical progress) section

The proposed Rail Logistics Project (RLP) will support completion of Civil, System and Electrical Contracts in both these above-mentioned sections. It will also support the continued institutional development and capacity building of DFCCIL and IR to develop customer-oriented services to boost use of rail freight capacity and multimodal logistics infrastructure. Component 2 is expected to lead to improvements in railway infrastructure provision and rail freight service delivery.

6. The Rail Logistics Project (RLP) has the following components:

**Component 1: Creation of infrastructure to deliver multimodal transport services** This component will finance the capacity creation along EDFC corridor from Bhaupur -DDU section and Sahnewal-Khurja section, and last mile connectivity to freight terminals and terminal infrastructure.

- i. **EDFC Corridor Construction:** To finance (a) design, construction,

commissioning and testing of Sahnewal-Khurja section (396 kms) and Bhaupur-DDU section (393 kms) , (b) consultancy services for overall project management, social and environment management consultants, and quality and safety audit consultants. This component supports completion of activities envisaged under Bhaupur to DDU section (initially covered under EDFC 2) and Sahnewal to Khurja section (initially covered under EDFC3);<sup>2</sup>

- ii. **Last mile connectivity:** The terminals to be connected would be selected based on the findings of terminal feasibility studies that are currently being undertaken by DFCCIL.

**Component 2: Institutional Capacity Strengthening** This component will finance institutional development and capacity building of DFCCIL and MOR to develop customer-oriented services to boost use of rail freight capacity and multimodal logistics infrastructure. The component would finance related activities in the following areas: Commercial Management; Operation Management; Safety management system; and Training and Capacity Building.

## 0.2 OBJECTIVE OF THE STUDY

7. The World Bank updated its E&S Policy and Requirements in 2016. The new Bank Environmental and Social Framework (ESF) which includes application of ten Environmental and Social Standards (ESS) guide the approach by which the Bank assesses and ensures financed projects meet sustainability objectives.
8. E&S risk under the Rail Logistics Project has been categorized as High. Therefore, E&S impact and risk assessments and their management will need to be conducted in line with legal and regulatory framework of Government of India (GoI) as well as the World Bank's ESF. Based on assessment, all Environment and Social Standards (ESS) are deemed relevant, except ESS9, as there is no involvement of Financial Intermediaries envisioned.
9. **Objectives of the E&S Audit and Gap Analysis:** While the previous EDFC projects were prepared following the Safeguards Policies, which are being phased out and replaced by the Environmental and Social Framework (ESF), this new project – Rail Logistics Project, to be also implemented by DFCCIL needs to be prepared in accordance with World's Bank's Environment and Social Framework, which came into effect in November 2018. Hence, DFCCIL carried out an E&S Audit cum Gap Analysis. The purpose of the two exercises are summarized below:
  10. The E&S Audit examines the implementation of E&S aspects under EDFC, 2 and 3 project operations, which were prepared and implemented in compliance with national and state legislations and the World Bank now defunct safeguards policies, applicable at that time. The audit was also mandated to review the CIA prepared by the DFCCIL in 2016. It further aims to identify areas of compliance/non-compliance to E&S requirements and develop a Corrective Action Plan with timelines that would be implemented and monitored.
  - 11.

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1. Hence the E&S audit exercise undertaken towards preparation of Rail Logistics Project covers the sections of Bhaupur to DDU (initially covered under EDFC 2) and Sahnewal to Khurja section (initially covered under EDFC3);

12. The GAP analysis aims to i) identify gaps/additional measures that would apply as the project – RLP now needs to conform to the provisions of the relevant ESS under ESF and ii) identify measures and/or areas that need to be retrofitted to meet the ESF requirements.

### **0.3 APPROACH AND METHODOLOGY**

13. The study involved both quantitative and qualitative data collection and analysis. The data for the study were collected through household-surveys, focus group discussions (FGD) with various target groups, and institutional level discussions with DFCCIL, Project Management Consultant (PMC), Contractors, and Non-Government Organization (NGO). The evaluation entailed: review of available project documents and literature; selection of sample households and coverage of stretch for primary survey; review of data related to affected households/PAPs and potential sites for environmental management; data collection, including site verification; focus group discussion and in-depth interviews; data analysis and report preparation.

14. The relevant legislative requirements for the EDFC 2 and EDFC 3 project were as follows: The Railways (Amendment) Act, 2008; National Rehabilitation and Resettlement Policy, 2007; Right to Fair Compensation and Transparency In Land Acquisition And Resettlement And Rehabilitation Act, 2013 (RFCT-LARR); Right to Information Act, 2005; The Forest (Conservation) Act, 1980; EIA Notification, 2006; Water (Prevention and Control of Pollution) Act, 1974; Air (Prevention and Control of Pollution) Act, 1981; several sets of Rules under Environment (Protection) Act, 1986; and The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. The applicable World Bank's Operational Policies included OP4.01 Environmental Assessment, OP4.11 Physical Cultural Heritage, OP4.12 Involuntary Resettlement and OP4.36 Forests. All these requirements have formed the basis of preparation of Resettlement Policy Framework and Environmental Management Framework that guided the preparation of corridor specific instruments – EIA including EMP, and SIA including RAP.

### **0.4 E&S AUDIT FINDINGS**

15. The projects Bhaupur to DDU section (initially in EDFC 2, which closed on December 31, 2020) and Sahnewal to Khurja section (in EDFC 3, which closed on March 31, 2022) involved major construction activities including construction of earthen formation / embankments for laying of new rail track, both major and minor bridges, lined and un-lined drains, station buildings, staff quarters, electrification, rail fly overs, underpasses and ancillary buildings. These activities caused significant environmental and social impacts comprising change of land use from designated forest land, cutting of trees both inside and outside forests, alteration of drainage, noise and vibration close to sensitive receptors, impact on community and cultural resources, and land acquisition and involuntary resettlement including economic and physical displacement. Construction stage impacts

have also included deterioration of air and water quality and labour, community health and safety. Considering the above, all EDFC Projects have been categorized as 'Category A' and triggered four safeguards policies- Environmental Assessment (OP/BP 4.01), Forests (OP / BP 4.36), Physical Cultural Resources (OP/BP 4.11) and Involuntary Resettlement (OP/BP 4.12).

16. Present status of safeguards, extent of compliance (compliant, partially compliant, and non-compliant) based on E&S Audit findings, are summarized in the compliance categories below:

- **Non-compliance:** Mitigation measures provided in the approved mitigation plans (EMPs, RAPs) have not been applied to fulfil the objective of the agreed instruments.
- **Partial Compliance:** Mitigation measures provided in the approved mitigation plans (EMPs, RAPs) have been partially applied or applied in an inconsistent manner; applied at certain locations but not all to fulfil the objective of agreed instruments.
- **Demonstrates Compliance:** Mitigation measures provided in the approved mitigation plans (EMPs, RAPs) have been fully applied/adhered to.

**Environment:**

17. **Current status:** The current status (as of March 2022) of progress on implementation of environmental management measures is summarized below in **Table 0.1:**



**Table 0-1: Environmental Status as on March 2022**

Sections	Noise Barrier (No's)			Borrow area (No's)			Forest Diversion in Ha		Green Belt Area Development (No of Trees)			Mid-Drain (Km)			Side Drain (Km)		
	Scope	Completed	Balance	Approved	Rehabilitated	Pending for closing	Total scope Completed	Balance	Scope	Planted	Survived	Scope	Completed	Balance work	Scope	Completed	Balance
EDFC2: Bhaupur -Allahabad- DDU section																	
Lot 201 (Civil Works from Allahabad to DDU)	11	2	9	422	262	31	1.5451	0	13460	8970	6757	123.69	57.8	65.89	23.160	6.222	16.938
Lot 202 (Civil Works from Bhaupur to Allahabad)	9	2	7	745	438	8	1.9205	0	21524	4962	2459	138.349	27.020	111.32	60.66	0.620	60.04
Lot 204 (System Contract for Bhaupur to DDU)	-	-	-	24	1	-	-	-	-	-	-	-	-	-	-	-	-
EDFC3: Sahnewal - Pilkhani - Khurja section																	
Lot 301 (Civil Contract)	9	0	9	442	263	35	188.0724	0	30000	3319	No RFI	204	109	95	18	1.85	16.15

Sections	Noise Barrier (No's)			Borrow area (No's)			Forest Diversion in Ha		Green Belt Area Development (No of Trees)			Mid-Drain (Km)			Side Drain (Km)		
	Scope	Completed	Balance	Approved	Rehabilitated	Pending for closing	Total scope Completed	Balance	Scope	Planted	Survived	Scope	Completed	Balance work	Scope	Completed	Balance
from Sahnewal to Pilkhani)											Raised						
Lot 303 (Civil Contract from Pilkhani to Khurja)	3	0	3	1010	769	196	86.04884	0.71	55112	12000	Survival RFI nor raised	135.05	99.6	35.45	<b>8.86</b>	7.51	1.35
Lot 304 (System Contract from Sahnewal to Pilkhani)	-	-		6	0		-	-	-	-		--	-		-	-	
Lot 305 (System Contract from Pilkhani to Khurja)	-	-		11	0		-	-	-	-		-	-		-	-	

## **SHE Status:**

18. **Bhaupur to Deen Dayal Upadhyay (DDU) section (initially EDFC 2):** In this section a total of 41.45 million man hours has been worked till March 2022 and are all safe Man hours. Thirteen dangerous incidents and 1015 first aid cases have occurred. There are no lost time incidents or fatal cases.
19. **Sahnewal to Khurja section (EDFC 3):** In this section a total of 49.18 million man hours have been worked through March 2022, out of which 49.18 million hours are safe hours. Eighteen dangerous incidents, 900 first aid cases have occurred. There are no lost time incidents or fatal cases.
20. SHE statistics of the construction packages are given below in **Table 0.2** as on March '2022.

**Table 0-2: SHE statistics of all the active packages as on March'2022**

Name of Package	Man-Hours Worked till March'22 (in millions)	Safe Man hours worked till March'22 (in million)	LTI Frequency Rate till March'22	Dangerous occurrence till March'22	First Aid Cases till March'22	Fatal Cases till March'22
201	17.78	17.78	0	5	558	0
202	19.17	19.17	0	6	437	0
204	4.5	4.5	0	2	20	0
301	17.9	17.9	0	18	416	0
303	29.40	29.40	0	0	459	0
304	0.75	0.75	0	0	11	0
305	1.13	1.13	0	0	14	0

## **Environment: Extent of Compliance**

21. **Project Preparation:** DFCCIL demonstrated **compliance** with requirements of the Safeguards Policies during Project Preparation through the following:
- Environmental Impacts identification and Assessment, even though current regulations of Government of India do not require railway project to obtain for Environmental Clearance from the Ministry of Environment and Forests (MoEFCC). In compliance with Bank Policy requirements, and the Environmental Management Framework developed during the preparation of EDFC1, the project has carried out an Environmental Assessment (EA) and prepared Environmental Management Plans (EMPs) to mitigate the anticipated impacts of the project and these documents were disclosed (see details in Table 0.3) as well as a Safety Health and Environment (SHE) Manual to handle relevant issues during construction that defines the principal requirements on safety, health and environment for works associated with the contractor/sub-contractors. Considering the nature and scale of construction activities, DFCCIL has also developed 'Silicosis Reduction Strategies' to ensure proper dust handling at work sites, which has

been integrated with the SHE Manual.

- Public Consultations were held in line with OP4.01 requirements for Category A project.
- Assessment of impacts to avoid or mitigate adverse impacts on physical cultural resources and included chance find procedures.
- Though these alignment stretches were mostly in Protected Forests, and plantation on edges of Right of Way of linear infrastructure, with very little biodiversity value and also no protected areas or important natural habitats are encountered along the current alignments, DFCCIL has obtained permissions for non-forest use as per national legislative requirements.

22. **Implementation, Process Procedures and Systems:** **Partial Compliance** has been recorded. Environmental monitoring, inspections, and management of mitigatory measure was undertaken through a third-party M&E consultancy (SESMRC) that helped augment DFCCIL's capacity. This was in addition to the Project Management Consultant team that was staffed with qualified Environment, Health and Safety professionals supervising large contractor teams with formal units to work on environment and safety aspects.

23. However, shortcomings were observed following measures: rehabilitating exhausted borrow areas (85% rehabilitated in line with EMP) and construction of noise barriers (Out of 32, 4 completed); incomplete drains, low plantation survival rates for non-compensatory plantation, incomplete rehabilitation of plant sites and delays in mitigation measures for sensitive receptors like schools. Compliance with requirements of SHE manual provisions was partial and in some cases the Quality and Safety Audit Consultants and SESMRC observed persistent deficiencies in safe work sites.

24. **Non-compliance:** There were no observed and recorded non-compliance on environment based on the audit.

**Table 0.3: Compliance status of Safeguard Documents**

Name of Documents	Status (Yes/No)	Status of Approval	Date
<b>Design Stage Documents</b>			
EMF	Mughalsarai – Ludhiana Section	Approved	2015
RPF	Mughalsarai – Ludhiana Section	Approved	September 2011 (Original) January 2015 (Updated)
EMP	Khurja – Pilkhani Section (Final EA)	Approved	Aug 2016
	Khurja- Ludhiana Section	Approved	March 2012

Name of Documents	Status (Yes/No)	Status of Approval	Date
<b>Design Stage Documents</b>			
	(Draft EA)		
	Pilkhani- Sahnewal section (Draft EA)	Approved	May 2015
RAP			
	Sanehwal Pilkhani Section (Final RAP)	Approved	Jan 2015
	Khurja-Ludhiana Section (Draft RAP)	Approved	March, 2012
	Khurja-Pilkhani Section (Final RAP)	Approved	March 2016

## **Social**

### **Current Status:**

25. The project impacted 2446 hectares of land impacting 54843 landowners across the three states of Punjab, Haryana and Uttar Pradesh. As of end-Dec 2021, more than 99% of land acquisition is completed and more than 90% of landowners have received compensation payments. In addition, 93% of 26946 PAPs have received livelihood support under old act. Along Sanewal - Khurja and Bhaupur - Deen Dyal Upadhyay , a total of 2977 PAPs are affected by loss of structures, out of that 2935 have been compensated and remaining 42 PAPs are yet to be compensated. However, DFCCIL has taken physical possession of these assets. As per new act a total of 11840 PAPs are eligible for livelihood support of INR 0.5 million out of that 8406 comprising of 71% have been compensated and remaining will also be compensated. The remaining outstanding implementation is planned to be implemented and monitored through social safeguards rectification action plan under the proposed project. COVID-19 induced disruptions and lockdown contributed partly to the delays. DFCCIL has received 4927 grievances and 99% of these have been resolved The details are summarized in **Table 0.4**.

**Table 0-4: Social status**

S .No.	Impact	Unit	Scope/Total Number					Status as on 31.12.2021					%age
			EDFC-201	EDFC-202	EDFC-301	EDFC-303	Total	EDFC-201	EDFC-202	EDFC-301	EDFC-303	Total	
1	No. of villages impacted	Nos.	200	173	124	190	687	200	173	124	190	687	100
2	Quantum of land taken												
2a	Private land as per old act	Ha	670	577	316	120	1683	670	577	316	120	1683	100
2b	Private land as per new act	Ha	58	81	17	607	762	58	81	17	607	762	100

S .No.	Impact	Unit	Scope/Total Number					Status as on 31.12.2021					%age
			EDFC-201	EDFC-202	EDFC-301	EDFC-303	Total	EDFC-201	EDFC-202	EDFC-301	EDFC-303	Total	
2c	As per UP State Policy/ Mutual Negotiation	Ha	0	0	0	0	0	0	0	0	0	0	
	<b>Total private</b>	<b>Ha</b>	<b>728</b>	<b>658</b>	<b>333</b>	<b>727</b>	2446	<b>728</b>	<b>658</b>	<b>333</b>	<b>727</b>	2446	100
2d	Govt. land	Ha	93	115	44	61	313	93	115	44	61	313	100
3	No. of PAPs	Nos.	-	-	-	-		-	-	-	-		
3a	as per old act	Nos	17780	14869	4140	3784	40573	16716	13589	3601	2867	36773	91
3b	as per new act	Nos	2333	1216	689	10032	14270	1524	982	475	8842	11823	83
	<b>Total PAPs</b>		<b>20113</b>	<b>16085</b>	<b>4829</b>	<b>13816</b>	54843	<b>18854</b>	<b>14571</b>	<b>4076</b>	<b>11709</b>	49210	90
4	Structures impacted	Nos.	-										
4a	Residential	Nos.	1041	1007	334	149	2531	1037	1005	325	122	2489	98
4b	Commercial	Nos.	0	0	124	57	181	0	0	124	57	181	100
4c	Kiosks	Nos.	0	0	4	261	265	0	0	4	261	265	100
	<b>Total</b>	<b>Nos</b>	<b>1041</b>	<b>1007</b>	<b>462</b>	<b>467</b>	2977	<b>1037</b>	<b>1005</b>	<b>453</b>	<b>440</b>	2935	99
5	Structures impacted fully	Nos.											
5a	Residential	Nos.	1041	976	306	0	2323	1041	976	306	0	2323	100
5b	Commercial	Nos.	0	0	120	0	120	0	0	120	0	120	100
5c	Kiosks	Nos.	0	0	4	0	4	0	0	4	0	4	100
	<b>Total</b>	<b>Nos</b>	<b>1041</b>	<b>976</b>	<b>430</b>	<b>0</b>	2447	<b>1041</b>	<b>976</b>	<b>430</b>	<b>0</b>	2447	100
6	PAPs losing business/shops	Nos.	3	48	107	0	158	3	47	107	0	157	99
6a	Livelihood losers	Nos.	17780	8186	980	0	26946	16716	8091	177	0	24984	93
6b	Vulnerable PAPs	Nos.	1499	629	30	0	2158	1466	625	30	0	2121	98
6c	Displaced BPL PAPs	Nos	19	75	146	0	240	19	71	134	0	224	93
6d	Training Assistance	Nos	11173	8138	1430	0	20741	0	8062	244	0	8306	40
6e	<b>Annuity</b>	Nos	2103	807	629	8301	11840	0	528	365	7513	8406	71
6f	One time resettlement assistance	Nos	0	830	0	8301	9131	0	560	0	7513	8073	88

## 26. Social Extent of Compliance: DFCCIL demonstrated

- a) **compliance** in i) establishing an overarching project specific RPF which defined the objectives and principles to guide the project in line with WB OP 4.12 and applicable country legal framework and in preparing and disclosing corridor specific SIAs & RAPs; ii) Efforts made to avoid risks and impacts or in minimization of impacts; iii) identifying differential impacts and vulnerable persons and groups and ensuring additional provisions in the Entitlement Matrix and the RAPs; iv) provided for mitigation measures for loss of access to agricultural land and cultural properties have been covered in the SIA/RAP.
- b) **partial compliance** with: i) assessment and management of impacts arising due to components integral to the project but not funded by the World Bank such as RUBs/ROBs which are associated facilities to the projects have not been identified using a similar process though number of PAPs affected and entitled for payments; ii) non-compliance in adherence to provisions of the RPF were not followed for those impacted by these other components integral to the project; iii) significant delays in payment of compensation due to lack of coordination with district administration; iv)

varied institutional capacity during entire project as there were delays in hiring social consultant in SEMU besides high turnover of consultant, no dedicated social staff in the CPM offices, besides services of NGO responsible for RAP implementation terminated prior to implementation of RAP in all lots except in lot 303; v) adopted a varied/non-uniform approach to payment of livelihood/R&R assistance of INR 5 lakhs (0.5 million) and disbursed it on basis of 'per family to PAPs in Lots 301 and 303 and to others on gata (parcel) even though RPF clearly stated "the unit of entitlement will be the family"; vi) Project consulted project affected communities throughout the project period to update communities on project issues; vii) though district level GRC were established in some cases early but in most cases late, these committee barring a few hearing remained non-functional. DFCCIL level (CPM and HQ) grievance mechanism too ineffective except in Lots 301 and 303 where there were established and advertised, and grievances were tracked well.

- ⊖) **non-compliance** such as: i) Impacts by associated facilities or impacts that may occur later have not been included in the SIA/RAP; ii) did not hire an independent valuer for land value estimation; iii) deducted tax from compensation disbursed; (5 such cases have been come to DFCCIL) iv) in a few cases took physical possession of land taken without paying compensation (about 10% of the affected PAPs are yet to receive compensation, though DFCCIL has already deposited the amount with SLAOs/Court<sup>3</sup>); and v) is yet to compensate for residual land that is economically unviable.

27. Other social aspects such as Gender Based Violence risk mitigation plan was retrofitted and included an Internal Committee for Complaints (ICC) constituted at DFCCIL and at the contractors' offices. Project has over 6200 laborers who reside in labor camps/rented accommodation in villages/areas across the corridor. No female labor is engaged in these sites including for cooking or camp maintenance work. Labour Management particularly COVID management by DFCCIL and Contractors was a good practice. Implementation of afore-mentioned pending actions are being monitored continuously through Safeguards Remedial Action plan (SRAP)s for each corridor.

**Institutional arrangements:**

28. DFCCIL has set up a Social and Environmental Management Unit (SEMU) headed by a General Manager (GM) and staffed with one environmental and one social specialist. The SEMU was tasked to confirm the implementation of E&S management and safeguard activities. SEMU uses the services of a Social and Environmental Safeguards Monitoring and Reporting Consultant (SESMRC) team to provide third party monitoring and evaluation, provide reports on a quarterly and annual basis, and provide, training and capacity building support in the field. DFCCIL's Chief Project Manager (CPM) office in the field supervised these contracts through Project Management Consultant (PMC) teams. These PMC teams have suitably qualified Environmental and Safety professionals. In addition, in each CPM office one Assistant Project Manager (APM) holds additional charge of Environmental aspects, though originally it was to have a separate APM for Environment. In addition, a Quality and Safety Audit Consultant (QSAC) team is also mobilized to report on the quality and safety aspects.

**Findings and Recommendations of E & S Audit**

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<sup>3</sup> This figure also includes those who are non-traceable, have ownership disputes or other court cases.

29. Based on the E&S Audit the following findings and corrective actions are given in **Table 0.5**.

**Table 0-3: Corrective Action Plan**

S. No.	Description	E&S Audit Findings	Corrective action with Timeline
1	Reports document progress on EMP implementation by Contract	<p>Key shortcomings have included:</p> <ul style="list-style-type: none"> <li>i) delays in rehabilitating exhausted borrow areas (completion rate: %).</li> <li>ii) delays in construction of noise barriers (completion rate: %)</li> <li>iii) incomplete drains (completion rate: %)</li> <li>iv) low plantation survival rates for non-compensatory plantation (survival rate: %)</li> <li>v) incomplete rehabilitation of plant sites (completion rate: %)</li> <li>vi) delays in mitigation measures for sensitive receptors like schools</li> </ul>	<p>As these actions are linked to construction schedule, timelines to follow the same to avoid damage to these installations from vehicular movement or temporary storage of material.</p> <p>DFCCIL and Contractor will review and update the timelines already stated in the Safeguards Rectification Action Plan</p> <p>This will be monitored by SEMU for ensuring agreed timelines. Non-compliance to be reported by SESMRC in their periodic reports.</p>
	Cumulative Impact Assessment	No significant changes has been anticipated due to addition of few of the new developments in the project influence area. Hence, no additional measures are required.	
2.	<p>SIA was carried out by independent consultants that provides E&amp;S baseline data.</p> <p>The SIA considered all relevant risks and impacts of the project and those who were likely to be affected by such risks and impacts including individuals and groups that are considered vulnerable.</p> <p>Provisions have been made for vulnerable individuals and groups in the Entitlement Matrix</p>	<p>Social impacts identified during SIA. However, impacts due to components integral to the project but not funded by the World Bank such as RUBs/ROBs have not been identified using a similar process though no. of PAPs affected and entitled for payments were quantified.</p> <p>Risks and impacts due to third party involvement have not been covered in the SIA/RAP.</p> <p>Impacts due to components integral to the project but not funded by the World Bank such as RUBs/ROBs have been highlighted by the SESMRC.</p> <p>Provisions of the RPF were not followed but list of all landowners was shared by DFCCIL with the WB.</p>	DFFCIL shall share the details of identified Linked activities with World bank with in 12 months of signing the RLP, for its review. All future associated facilities will be planned and implemented as per the project ESMF.



S. No.	Description	E&S Audit Findings	Corrective action with Timeline
		Where land was required for the Linked Activities such as RUBs / ROB / underpasses, it was purchased as per the provisions of the UP Direct Land Purchase Policy. Payment is pending in some cases.	
3.	The RPF and SIA/RAP have covered loss of land, structure and livelihood, and Compensation and R&R Assistance thereof.	Impacts from Linked facilities or impacts that may occur later have not been included in the SIA/RAP	DFCCIL shall share details of identified Linked activities with World Bank for its review within 12 months of effectiveness. All future associated facilities will be planned and implemented as per the project ESMF.
4.	<p>In cases where land has been acquired as per the LA Act, all provisions and stipulations of the Act and described in the RAP, have been followed from Notification to Award to disbursement of Compensation</p> <p>In instances where land has been purchased through consent, the provisions of the land Purchase Acts through consent of the respective States have been followed.</p>	<p>There are delays in payment of compensation due to lack of coordination with district administration.</p> <p>Independent valuer for land value estimate was not hired by DFCCIL.</p>	DFCCIL to compensate remaining PAPs as per the agreed timelines of the SRAP updated as of April 2022.
5.	<p>As per RPF, no income tax shall be levied and no stamp duty shall be charged on any amount that accrues to an individual as a result of the provisions of the new law;</p> <p>The Collector shall take possession of land only after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons.</p>	<p>As per new EM there has been no TDS deduction done from the payment of compensation, except few cases.</p> <p>SESMRC reported that income tax is deducted on compensation amount in case of non-agricultural assets.</p> <p>Physically possession of land taken without paying compensation in a few cases.</p>	DFCCIL will help those PAPs whose TDS has been deducted, in filing of ITR so that they get back the deducted amount within six months of effectiveness of RLP. This measure during implementation will be discussed with the PAPs for their agreement.
6.	In case only a part of any land plot is affected and its owner desires that the whole plot be acquired on the grounds that the plot has been rendered uneconomic or has been severed due to LA (u/s94 RFCT-LARR 2013 and Note C), the competent authority can award compensation for the remaining part of the plot, or award 25% of actual value of remaining land holding as additional compensation allowing the owner to retain the remaining land plot, if agreeable to the land loser.	<p>DFCCIL on a later date published the provision of residual land in local newspapers for the benefit of all concerned for submitting claim against Residual Land.</p> <p>Although many of the affected PAPs have not applied for compensation under this provision (Residual land) due to lack of information, there are some instances where applications have been made which have been forwarded to the SLAO by DFCCIL.</p>	<p>DFCCIL to undertake the following actions:</p> <ol style="list-style-type: none"> <li>1. share with bank the list of all PAPs who have submitted claims.</li> <li>2. re-issue newspaper advertisements every quarter for the next one year starting June 2022.</li> <li>3. ensure awareness creation on this provision and monitoring by SESMRC during their visits and report on the same in the QPRs.</li> </ol>
7.	As per the RPF, either annuity or one time grant of INR 500,000 in lieu of employment was to be disbursed to all landowners whose land was acquired.	There has been substantial delay in disbursement of R&R assistance across the project corridor.	DFCCIL will disburse the amount to the balance PAPs as per the updated April 2022 version of

S. No.	Description	E&S Audit Findings	Corrective action with Timeline
		<p>Concerned district authorities are integrally involved in determination and disbursal of R&amp;R.</p> <p>The compliance status was differential across EDFC. In case of EDFC 3 (Lots 301 and 303), livelihood R&amp;R assistance has been paid INR 5.5 lakhs per affected family. Disbursal of R&amp;R Assistance of Rs. 5 lakh has been done as per Entitlement Matrix and subsequent policy guidelines from the Ministry of Railways. At all other locations, this payment was made gata-wise. Although in line with the new Circular of the railway Board, this goes against the provisions of the RPF.</p> <p>Though RPF clearly say "The unit of entitlement will be the family", in practice assistances were disbursed based on gata ownership. Variations in R&amp;R amount between CPM Offices due to differential micro plans prepared by the NGO and also due to the timing of disbursement. In December 2019, the Railway Board issued a circular limiting this disbursement from individual landowners to gata (plot of land) equally distributing the R&amp;R Assistance amount to all the landowners of the gata. This considerably brought down the quantum of Assistance amount disbursed to the landowners. The disbursement of R&amp;R Assistance in EDFC 2 started after December 2019.</p> <p>The cash based assistances have not been adjusted to annual inflation rate though such a provision was made in the in the RPF.</p>	<p>the SRAP. For future cases DFCCIL will:</p> <p>i) amend the provision of payment of INR 5.0 lakh in the existing RPF within 3 months of Effectiveness of RLP;</p> <p>ii) Revised RPF will be approved by DFCCIL board and share with the Bank for its review and action; and</p> <p>iii) issue a notice/advertise the change in provision on their website;</p>
8.	<p>SEMU established with clear lines of responsibility and authority. Social consultant appointed in SEMU with well-defined responsibility.</p> <p>SESMRC hired for capacity building trainings.</p>	<p>Delay in hiring social consultant in SEMU. High turnover of consultant.</p> <p>No dedicated social staff in the CPM offices. The APMs have been given additional responsibility and designated as APM (Social).</p> <p>Services of NGO responsible for RAP implementation terminated prior to implementation of RAP in all lots except in lot 303.</p>	<p>DFCCIL will ensure adequate Social and Environment staff at HQ and will ensure dedicated social, environment official CGM throughout the project implementation phase. Further, there would be dedicated/designated personnel at the CPM Office to expedite the balance R&amp;R actions. A dedicated staff will be designated at filed unit within 3 months of Loan agreement signing.</p>
9.	<p>Establishment of the GRM with clearly defined membership of the GRC at field and HO level.</p>	<p>In EDFC 2 GRC was established during the initial phase of the project. The GRC however remained non-functional as no meetings of the</p>	<p>As a corrective measure DFCCIL will reconstitute the GRC committee involving</p>

S. No.	Description	E&S Audit Findings	Corrective action with Timeline
	<p>At DFCCIL level, there is a Field Level GRC comprising Additional District Magistrate (LA) with other district administration official as its members and representative from DFCCIL and local NGO representatives. PAPs approach this committee as the first level. If not satisfied, they can appeal to Project Level Committee at the Corporate level chaired by Director Projects and with representatives from IR and Head, SEMU.</p> <p>The Divisional Commissioners as Arbitrators hear grievance cases relating to payment of compensation for land.</p> <p>An Ombudsman has been appointed for hearing cases not resolved to the satisfaction of the aggrieved PAP/PAF at the levels mentioned above, including cases directly referred by the DFCCIL.</p>	<p>GRC were held. The concerned APMs worked as the point of contact for Grievances and the grievances received by them during their visits to the site were acted upon on a case-to-case basis. A complaint register was maintained at the CGM office which listed the complaints, but the remarks column only had the date of reply, (an acknowledgement of receipt of complaint) with no details of action taken on the complaints. The formal GRM was not functional.</p> <p>In EDFC 3, GRM was established during the initial phase, and it even included the facility of lodging of complaints through phone. In January 2020, DFCCIL issued 'revised' detailed guidelines on processes and timelines relating to land use type, impact area, eligibility, and structure and land valuation. All complaints are recorded and tracked until resolved. DFCCIL has advertised the availability of GRM, helpline numbers, including handholding support by the NGO involved in RAP implementation to help PAPs submit requisite documentation. However, PAPs prefer to approach CPM offices to seek redressal since they consider it faster and quicker and only if they do not get satisfactory resolutions, they approach the district level grievance mechanism.</p>	<p>concerned staff of DFCCIL/ Section staff.</p> <p>It will be a multi-tier Grievance Redressal Mechanism, at site level/CPM Level, and HQ level within 3 months of effectiveness of RLP.</p>

## Gap Analysis

30. While the instruments under safeguard policies prepared and implemented by DFCCIL, conform to many provisions of ESS under ESF, there are additional provisions that need to be included and adhered to, for the new activities under RLP. The details of Key gaps are given in **Table 0-6**. These are presented in the ensuing section on 'recommendations for ESCP are in Table 0-7'.

**Table 0-6: Key Gaps Identified**

WB E&S Standard Requirements	Gap Identified
ESS 1 Assessment and Management of Environmental and Social Risks and Impacts	<ul style="list-style-type: none"> <li>ESIA for associated facilities will be undertaken for new activities under RLP project. The ESMF will capture and detail the requirements.</li> <li>DFCCIL shall engage qualified Environment and Social Professionals with appropriate qualification and experience in line with upcoming activities such as new corridor.</li> </ul>

WB E&S Standard Requirements	Gap Identified
ESS 2 – Labour and Working Conditions	<ul style="list-style-type: none"> <li>No laid down procedure for engagement of contracted workers, community workers and primary supply workers.</li> <li>No formal grievance mechanism for direct or contracted workers for raising workplace concerns.</li> <li>No separate risk and hazard analysis in OHS management plan but included in SHE manual for Contractors</li> </ul>
ESS 3 – Resource-Efficiency-and-Pollution-Prevention-and-Management	<ul style="list-style-type: none"> <li>Water Balance for water intensive construction is not undertaken</li> </ul>
ESS 5 - Land-Acquisition-Restrictions-on-Land-Use-and-Involuntary-Resettlement	<ul style="list-style-type: none"> <li>.The RPF broadly defines eligibility for titleholders and non-titleholders but not as specific as ESS 5.</li> </ul>
ESS 6 – Biodiversity-Conservation and Sustainable-Management of Living Natural-Resources	<ul style="list-style-type: none"> <li><del>Since the stretches supported by the Bank in the EDFC program did not include any designated wildlife havens or important forest resources, applicable laws for change of land-use were applied.</del></li> </ul>
ESS 8- Cultural Heritage	<ul style="list-style-type: none"> <li>Current project documentation does not consider intangible cultural heritage and assets. This will be added in the ESMF for new activities under RLP.</li> <li>No Cultural Heritage Plan was prepared. However, for new activities likely to be undertaken under RLP, ESMF will comprise of CHMP materially consistent with ESS 8.</li> </ul>
ESS 10: Stakeholder-Engagement-and-Information-Disclosure	<ul style="list-style-type: none"> <li>RPF addresses one of three stakeholder categories fully i.e., project affected and disadvantaged and within that category those vulnerable and disadvantaged PAPs.</li> <li>However, it does not address the other two categories i.e., other interested parties and disadvantaged and vulnerable groups. RPF identifies stakeholders in respect of affected persons and communities, only and no other interested parties associated with other project activities. However, ESS 10 requires the overall project to engage with stakeholders categorized under the aforementioned three categories.</li> <li>Reporting back to stakeholders on a periodic basis</li> </ul>

## Recommendations for ESCP

**Table 0-7: Recommendations from GAP Analysis to ESCP**

ESS No. and Name	Recommendations
ESS 1 –	Preparation

ESS No. and Name	Recommendations
Assessment and Management of Environmental and Social Risks and Impacts	<ul style="list-style-type: none"> <li>Ensures integrated assessment and management of E &amp; S risks and impacts for Associated facilities as defined under ESS1 and that future ESIsAs will cover associated facilities. Details will be spelled out in the ESMF.</li> <li>Ensure engaging qualified Environment and Social Professionals with appropriate qualification and experience in line with upcoming activities such as new corridor.</li> </ul>
ESS 2 – Labor and Working Conditions	Prepare, adopt and implement the Labor Management Procedures (LMP) that specifies, provisions on working conditions, management of workers' relationships, OHS, forced labor, child labor, grievance arrangements for Project workers and also engagement of third party contracted workers, community workers and primary supply workers. Strengthening the risk and hazard analysis in OHS management plan in line with SHE manual.
ESS 3 – Resource Efficiency and Pollution Prevention and Management	Water Balance study will be carried out for water intensive construction activities. Include measures to incorporate resource efficiency and pollution prevention and management measures such as re-use of waste concrete, plastic, etc. where feasible as part of implementation.
ESS 4 – Community Health and Safety	<ul style="list-style-type: none"> <li>maintain measures to manage traffic and road safety risks as required in the ESMP.</li> <li>Manage specific risks and impacts to the community arising from Project activities, including, inter alia, noise and vibration, accidental release of VOCs in case of spills, behavior of Project workers, risks of labor influx through labor influx management plan.</li> <li>continue to implement the SEA/SH Action Plan throughout Project implementation.</li> </ul>
ESS 5 – Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	Update the RPF to: <u>Preparation (scope, impact identification, etc.)</u> <ul style="list-style-type: none"> <li>Align the scope of RPF and thereby definitions of Titleholders and Non-titleholders (e.g. where affected persons other than sellers may be displaced on account of such land purchase, etc.)</li> <li>Include Impacts by related facilities or impacts that may occur later</li> </ul>
ESS 6 – Biodiversity Conservation and Sustainable Management of Living Natural Resources	Proposed ESMF for new activities under RLP, should include a Biodiversity Assessment, including Critical Habitat Assessment, and Management Strategy, and when required, a Biodiversity Management Plan (BMP) that considers no net loss and net gain, where relevant and applicable.
ESS 8 – Cultural	Proposed ESMF for new activities under RLP, should include:

ESS No. and Name	Recommendations
Heritage	<ul style="list-style-type: none"> <li>• Include consideration, identification and management measures for intangible cultural heritage and assets, for new activities under RLP</li> <li>• a Cultural Heritage Management Strategy (CHMS) with guidance for preparing Cultural Heritage Management Plan</li> </ul>
ESS 10 – Stakeholder Engagement and Information Disclosure	<p>Prepare SEP that:</p> <ul style="list-style-type: none"> <li>• Identifies other two categories of stakeholders: i) other interested parties and ii) disadvantaged and vulnerable groups and proposes modes and topics of engagement</li> <li>• Report back to stakeholders on engagement approaches and results/outcomes</li> <li>• Publicizes, strengthen, maintain, and operate the grievance mechanism as per provisions outlined as per revised guidelines in January 2020 and based on implementation experience</li> </ul>

# 1 INTRODUCTION AND PROJECT OVERVIEW

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Dedicated Freight Corridor Corporation of India Limited (DFCCIL) is a Special Purpose Vehicle of the Ministry of Railways (MOR), Government of India for construction, operation, and maintenance of the dedicated freight corridors across the country.

The World Bank has been supporting MOR and DFCCIL since 2011 for the infrastructure development of the Eastern Dedicated Freight Corridor (EDFC). The EDFC program was financed through a series of three investment loans namely Kurja-Bhaupur (EDFC1), Bhaupur-DDU (EDFC2), and Sahnewal-Khurja (EDFC3).<sup>4</sup> The WB funded corridor spanned three states in the north of India, namely Punjab, Haryana and Uttar Pradesh. The overall Program objective was to “meet the growing freight and passenger demand on the eastern corridor (Ludhiana-Delhi-Kolkata) with an improved level of service; and develop institutional capacities of DFCCIL and IR to build and operate the DFC network”.

At loan signing, the sections included in each project were:

- EDFC 1 (P114338; approved in 2011) finances the Khurja –Bhaupur<sup>5</sup> section (343 km); restructured in October 2015 to include the Khurja – Dadri section (47 kms); Originally US\$ 975 million restructured to US\$ 550 million;
- EDFC2 (P131765; approved in 2014) finances the Bhaupur – DDU section (393 km); originally approved for US\$ 1100 million restructured to US\$ 660 million; and
- EDFC3 (P150158; approved in 2015) finances the Sahnewala – Khurjal section (401 km); originally approved for US\$ 650 million restructured to US\$ 560 million.

The construction is complete and operational in Khurja-Bhaupur section and is progressing in Bhaupur to DDU section (75% physical progress) and Sahnewal-Khurja section (54% physical progress). The EDFC projects were approved for loans totaling US\$ 2.725 billion. The loans were reduced to US\$ 1.770 billion. The Western and Eastern Dedicate Freight corridors (WDFC and EDFC, respectively) once completed over the next two years, would open possibilities of efficient multimodal transport service delivery. The DFCCIL has been entrusted with developing 6 more corridors over Indian Railways (IR) and leveraging ongoing IR initiatives to partner with private sector to develop multimodal infrastructure facilities. Considering MOR’s initiatives to involve private sector in both creation of infrastructure assets and infrastructure service provision, DFCCIL, given its independence as a corporation, can set the course for private sector to play a larger role in the rail sector. As fundamental requirements of the three previous World Bank operations with MOR and DFCCIL, there were E&S

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<sup>4</sup> The EDFC Program was originally conceived as an Adaptable Program Loan (APL) but the Bank was no longer using APLs by the time the second project was ready for approval.

<sup>5</sup> Bhaupur and Kanpur are the same location, and EDFC1, EDFC2 and EDFC3 lines are connected.

instruments developed and approved under the World Bank E&S Safeguard requirement which are currently being successfully applied, namely an Environmental Management Framework (EMF) and a Resettlement Policy Framework (RPF)<sup>6</sup> and the ESIA's and RAPs that were prepared, disclosed and implemented based on the EMF and RPF.

The Figure 1.1 showing the alignment of EDFC under World Bank Loan.

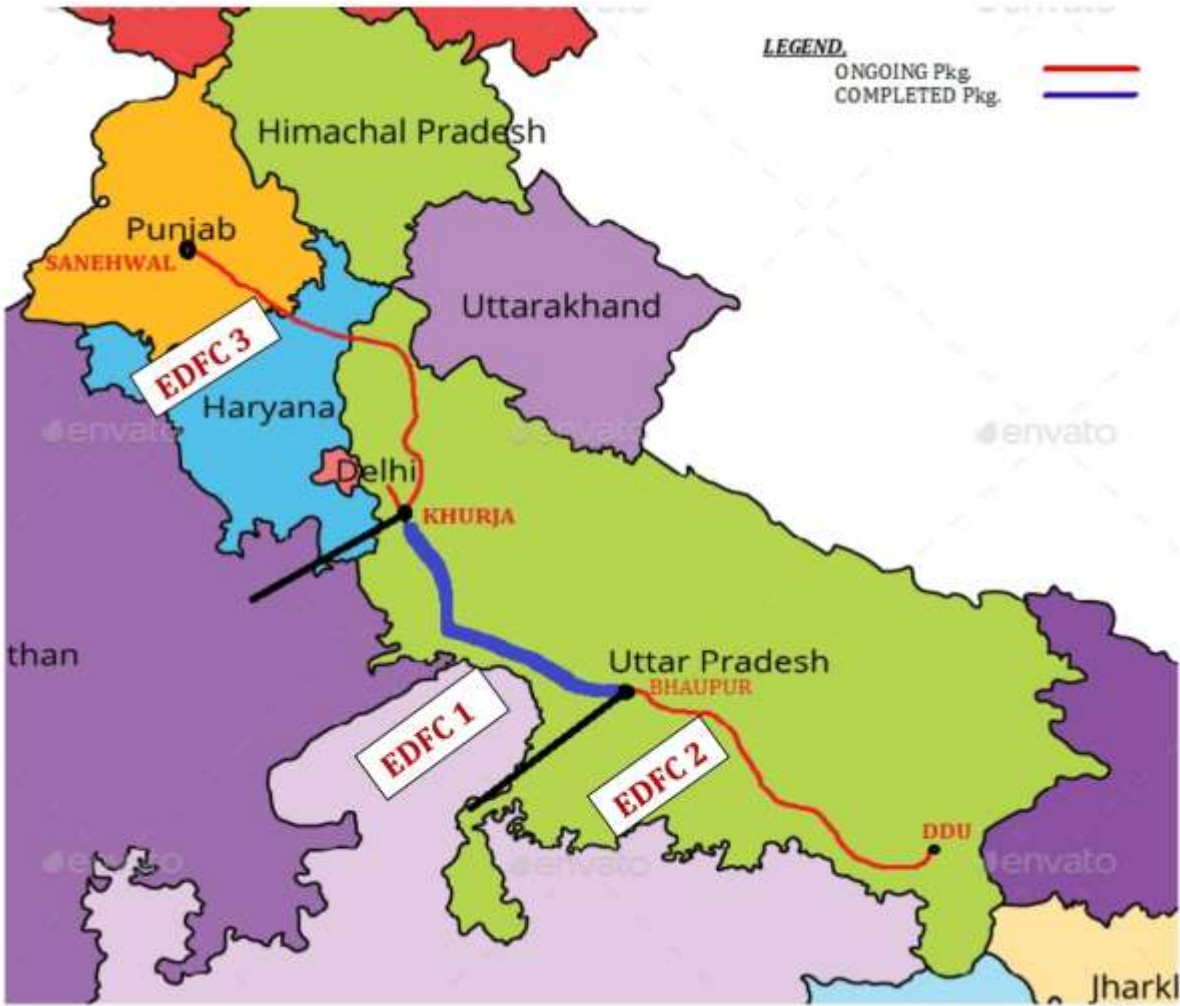


Figure 1-1: Map showing EDFC Sections supported by World Bank

Of these three projects, unfinished works of Bhaupur-DDU section (initially in EDFC 2) and Sanehwal-Khurja section (EDFC 3) are being transferred to the current project – Rail Logistics Project. These two sections are briefly described below:

- **Bhaupur to Deen Dayal Upadhyay (DDU) section (initially EDFC-2):** The length of project

<sup>6</sup> That would apply to the balance works for EDFC2/3.



section from Bhaupur to DDU is 393 km (as per design the length is 417 km), out of which about 2503 km is in parallel to the existing North Central Railway track 143 km is bypass & detours.

- **Sahnewal to Khurja section (EDFC 3):** This corridor comprises the following three sections: Sahnewal- Pilkhani section (175 Km); and Khurja- Pilkhani section (221 Km).

The project salient features are given Table below:

S. No.	Description	EDFC-2	EDFC 3
1	Length (Km)	393	442
2	Length parallel to IR (Km)	250	311
3	Length in detour (Km)	143	131.051
4	Nos. of villages	373	366
5	Nos. of Districts	7	21
6	Important Bridge (No.)	1	2
7	ROB's Modification (No.)	-	2
8	Major Bridge (No.)	59	87
9	RFO (No.)	-	4
10	Major RUB (No.)	9	41
11	Minor Bridge (No.)	381	605
12	Minor RUB (No.)	127	217
13	RUB Level Xing (No.)	21	23
14	FOB (No.)	-	21
15	Total Land Acquisition (ha.)	1574.7	1401.26
16	Forest Area Involved (ha.)	3.4656	278.4107
17	PAPs	39195	23384

S. No.	Description	EDFC-2	EDFC 3
18	Contract Value (INR)	5,080.68 Cr.	5144.5 Cr.

Source: QPRs

- The Rail Logistics Project (RLP), through its focus on modernization of rail freight and logistics infrastructure and supporting the institutional development of the MOR and DFCCIL, will facilitate modal shift of traffic from road to rail in the freight segment as well as enable private sector investment in the rail sector. The project development objective is (i) to promote freight modal shift to safe and low carbon transport along the Eastern Dedicated Freight Corridor and (ii) to strengthen Dedicated Freight Corridor Corporation of India Limited as a commercial organisation to provide multimodal logistics services. The project has two components as given below:

**Component 1: Creation of safe and climate resilient Infrastructure to deliver multimodal transport services.** This component will support the provision of civil works, structures, tracks and systems works to complete the EDFC sections from Kanpur to Mughalsarai, and Khurja to Ludhiana, last mile connectivity to freight terminals and terminal infrastructure.

- Sub-component 1.1. EDFC Corridor Construction:** This subcomponent will focus on completion of design, construction, commissioning and testing of Khurja-Ludhiana section (401 kms) and Kanpur – Mughal Sarai section (393 kms) of EDFC. Engineering design review, construction, and construction supervision consulting services related to civil structure track and systems works will be financed under this subcomponent. The financing of these activities was supported by EDFC3, which closes in March 2022 and will be completed in this project.
- Sub-component 1.2. Terminal and last mile connectivity:** This subcomponent will finance design, construction, commissioning and testing of civil, structure track, electrical and signaling systems work and supervision consulting to provide last mile connectivity to terminals and design, civil, electrical and systems work of terminal infrastructure at locations to be identified in future. The terminals to be financed would be selected based on the findings of terminal feasibility studies and engineering designs that are currently being undertaken by DFCCIL.

**Component 2:** This component will support the continued institutional development and capacity building of DFCCIL and MOR to develop customer-oriented services to boost use of rail freight capacity and multimodal logistics infrastructure. The component would finance related activities in the following areas.

- Sub-component 2.1. Commercial Management: Policy development and implementation for commercial activities:** This sub-component will support analytical studies and implementation support that would be needed to develop (i) open access regime, (ii) PPP policy structuring, (iii) terminal development strategy and policy, (iv) pricing of services and access charges, (v) Business and Financial plans and policy.
- Sub-component 2.2. Operational Management: Safety management system:** The activity

would support implementation of safety manual established in the earlier EDFC projects to help DFCCIL implement a digitally enabled safety management system over the corridor including preventive mechanism for disaster risk mitigation during flood, fog and extreme heat.

3. **Sub-component 2.3.** *Environment Management:* This subcomponent will support Implementation of energy optimization driver advisory system and climate resilience in project design. Pilot driver advisory system to reduce fuel consumption and GHG, with the potential of scaling up across DFCs. Based on the World Bank Study of “Strengthening climate resilience of DFCs” (2019), support the adoption of Climate resilient design and construction methodologies in Indian Railway codes to aid future construction of DFC particularly for drainage systems.
4. **Sub-component 2.4.** *Training and Capacity Building:* This subcomponent will support capacity building activities of DFCCIL specifically in designing policies and instruments needed for accessing commercial finance. This would include analytical reports, workshops, seminars and stakeholder engagements. This subcomponent would also support training needs of DFCCIL human resources in social and environment safeguards management practices, procurement, financial management, operations, safety, and commercial management amongst other aspects.

## 1.1 SCOPE AND OBJECTIVES OF E&S AUDIT-CUM-GAP ANALYSIS

The new project – Rail Logistics Project, to be implemented by DFCCIL needs to be prepared in accordance with World’s Bank’s Environment and Social Framework, 2016. As the current project needs to conform to the requirements of WB’s Environment and Social Framework (ESF), DFCCIL carried out an E&S Audit cum Gap Analysis of the existing works and documentation of EDFC2 and EDFC3 whose remaining activities will be financed by this proposed project.

Specifically, the E&S Audit looks at the implementation of E&S aspects under EDFC 2 and EDFC 3 that were prepared in compliance with national and state legislations and the World Bank safeguards policies, applicable at the time. It further aims to identify areas and extent of compliance (full compliance, partial compliance and non-compliance) and suggest remedial actions towards formulation of a Corrective Action Plan to ensure full compliance.

Hence as part of preparation an E&S audit is being conducted, with the following objectives:

- Assess the implementation experience of the EMPs and RAPs prepared for corridor sections under EDFC 2 and 3.
- Summarize the relevant characteristics of the Project related to environmental, social, and health and safety (ESHS) aspects based on a review of existing information and a site reconnaissance. Relevant characteristics include: the Project description; institutional and legal framework; environmental and social conditions; ESHS impacts and risks; environmental and social mitigation and monitoring measures; labour / workforce

- requirement and consultation with affected population.
- Evaluate the adequacy of the instruments prepared and procedures and present conclusions and recommendations associated with identified issues.
- Identify deviations from existing requirements as per the already approved instruments for the sections for Khurja – Sahnewal, Bhaupur - DDU and additional guidance developed relating to management of Covid impact, GBV, SEA/SH Risk.
- Identify deviations from existing requirements as per the currently approved instruments and guidance developed under Safeguards. Formulate a Corrective Action Plan (CAP) that would form the basis for implementation and completion of pending E&S actions.

The GAP analysis aims to i) identify gaps/additional measures that would apply since as the project – RLP -- now needs to conform to the provisions of the relevant ESS under ESF; and ii) identify measures that need to be retrofitted. The specific ESS that shall be applicable to this project are: ESS 1: Assessment and Management of Environmental and Social Risks and Impacts; ESS 2: Labor and Working Conditions; ESS 3: Resource Efficiency and Pollution Prevention and Management; ESS 4: Community Health and Safety; ESS 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement; ESS 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources; ESS 8: Cultural Heritage; ESS 10: Stakeholder Engagement and Information Disclosure.

To undertake the audit and gap analysis following tasks were followed:

- A. **Documentation Review:** Review of all relevant environmental, social, labor, occupational health and safety documents and information (e.g., environmental impact assessments, environmental licenses and associated studies and applications) and after the site visit, review of additional information obtained. To perform the audit and determine the gaps, information that is publicly available and developed by DFCCIL were sourced. This included:
- I. Study the available project information – EMF,RPF, EIAs, ESMPs, RAPs, CIA to appreciate the context within which the framework and plan documents need to be carried-out; understand / review any E&S Audit of the ongoing works in EDFC 2 and EDFC3 and status of the corrective actions. This covered inter-alia, review of reports from PMC, Quarterly report of SESMRC and QSAC to the extent relevant to the assignment.
  - II. Identify the sources of secondary information on the project and on the project area.
  - III. Take cognizance of existing state and national's social and environmental Acts, rules and regulations, review environmental and social legal requirements set forth per local regulations to assess their applicability to the project during its entire cycle (pre-construction; construction stage, and O&M phase) including permissions and clearances required for implementation of the project.
  - IV. Collection of broad socio-economic profile of the direct and indirect Project's area of

influence from review of relevant secondary literature.

- V. Collect information on the existing environment & social setting from authentic secondary sources, and identify gaps to be filled, relevant to the environmental & social screening needs from primary surveys.

**B. Site Visit:** A site investigation was performed consisting of visual observation of relevant areas directly and indirectly affected by the project, meetings with relevant individuals/entities associated with the project to discuss the environmental and social issues to obtain any additional information required. The site visit included 27 project-affected villages; and 2 contractor's labor camps. In all, 34 community consultations were carried out covering 394 individuals, together with 26 in-depth interviews with other stakeholders such as concerned CPMs/ APM, officials at DFCCIL; revenue department, forest department; NHAI, NCRTC, Town planning, and Pollution Control Board. Interviews were conducted with key stakeholders virtually and in the field. Field visits were undertaken to salient locations where work is on-going to confirm extent to which agreed safeguards requirements are being met in the field. Existing SRAP, prepared at the time of closing of EDFC1 and EDFC2 projects, were also assessed to ensure they include clear timelines, deliverable / KPIs, and responsibilities. Gaps, liabilities and significant delays were identified.

## 1.2 E&S AUDIT AND GAP ANALYSIS

The E&S Audit and Gap Analysis will:

- a) assess existing institutional capacity and structure of DFCCIL to deal with overall project's E&S aspects as well as currently firm plans for its (increased) responsibilities; current levels and modes of engagement with various stakeholders; and availability and access to grievance redressal mechanisms for communities to seek redressal.
- b) Determine the adequacy of the Cumulative Impact Assessment (CIA) performed by DFCCIL in 2016 to cover the EDFC 1, EDFC 2 and EDFC 3. Given the current configuration of the project, identify activities with likely cumulative impacts under the Project that may not have been covered under the 2016 CIA. Also confirm that the findings are valid and recommend updates where there are substantial changes. The Consultant shall engage with the stakeholders, including project proponents, relevant government departments, and local NGOs, to estimate the magnitude and significance of such impacts within the Project area. The Consultant shall prepare recommendations to ensure that cumulative impacts are managed in line with the requirements of ESF as well as with applicable requirements at the central, state, or local levels. For this deliverable, the consultant will review and use from relevant reports such information as may already be available for the assessment of cumulative impacts.

## **1.3 APPROACH AND METHODOLOGY**

The study involved both quantitative and qualitative data collection and analysis. The data for the study was collected through household-surveys, focus group discussions (FGD) with various target groups, and institutional level discussions with DFCCIL, Project Management Consultant (PMC), Contractors, and Non-Government Organization (NGO). The evaluation entailed the following tasks:

- Review of available project documents and literature.
- Selection of sample households and coverage of sample stretch for primary survey; review data related to impacted household / PAPs and locations for environment management.
- Data collection, including site verification.
- Focus Group Discussion and In-depth interviews.
- Data analysis and report preparation.

### **1.3.1 Review of Project Documents and Literature**

The various documents and records were collected from the DFCCIL such as Environmental Management Framework, Environmental policy, Environmental assessments(EA), and Social Impact Assessment ( SIA), Environmental management plans, Cumulative impact assessment, Safety, health & environment manual, E & S Compliance reports, OHS Management Plan, Resettlement Action Plan (RAP), Award Copies, Payment of Compensation and Disbursement details, Micro Plans, Valuation Reports (structure, land and trees) and data related to Grievance Redress Committee (GRC), and SESMRC QPR/Annual report. In addition, data and information associated with time taken for various stages of land acquisition, reasons for delay in handing over of encumbrance-free land to the contractor as per the contract provision and its impacts on construction was collected and analyzed.

### **1.3.2 Sample Selection and Coverage**

A total of 942 households were surveyed from February 8<sup>th</sup> to 24<sup>th</sup>, 2022, selecting different villages from different districts considering compensation based of New Act, Old Act and direct negotiation. Further, sample of project affected persons (PAPs) have been considered based on loss of land as well as loss of land + structure. The sampling considered the following parameters:

- Various affected categories of PAPs.
- PAPs located in detour and parallel sections.
- PAPs located in respective Lots.
- PAPs who have been provided R&R assistance based on Resettlement Policy Framework (RPF) disclosed in 2011 and as per revised RPF disclosed in 2015<sup>7</sup>.

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<sup>7</sup> The revision of the RPF was in view of the new land acquisition Act – Right to Fair Compensation and Transparency in Land Acquisition and

### **1.3.3 Data Collection:**

Data at household level were collected applying direct interview method. A total number of 15 trained enumerators were deployed to collect the data, of which 6 were female. The enumerators were guided by 2 field supervisors.

A structured questionnaire was formulated covering the indicators for PAPs such as (i) compensation and R&R assistance received; (ii) utilization of compensation amount; (iii) income generation activities; (iv) household/ individual income; (v) debts; (vi) household facilities; (vii) grievance redress; (viii) satisfaction level; and (ix) feedback/ opinion on Land acquisition and R&R processes. A questionnaire for the control population was also prepared covering the indicators such as (i) income and occupation; (ii) debts; (iii) household facilities; and (iv) feedback/ opinion on change of living condition.

### **1.3.4 Site visit to Project Activities:**

The EGIS team consisting of environmental and social experts visited selected sites (Lot 201, 202, 301 and 303) wherein works was ongoing. The sites in Lots 201 and 202 included batching plant and casting yards, rehabilitated borrow areas, constructed noise barrier site, Dagampur drain, plantation sites, contractor camp, Yamuna Bridge site, borrow area locations and labour camp sites during the field visits. During the visit to one of the labour camps located near Tons River, it was observed that the camp location lacks basic infrastructure and facilities as stipulated in the EMP related to availability of first aid box, proper rest room areas, kitchen facility.

The sites in Lot 301 and 303 included labour camps, casting yards, noise barrier locations, rainwater harvesting facilities, associated facilities (ROB), open and closed borrow areas, batching plant and gantry sites. There were lapses observed at a few sites in safety including usage of the PPE by the sub-contractors.

### **1.3.5 Focus Group Discussion:**

Altogether, 34 FGDs were conducted. The objective of FGD was to assess the impact of RAP implementation. The focus groups included (i) physically displaced people, (ii) PAPs received compensation and R& R assistance, (iii) PAPs whose land acquired as per UP Direct Land Purchase Policy, (iv) PAPs filed Grievance cases, (v) Vulnerable Groups (SC, ST, BPL, WHH and Differently-Abled), (vi) Formal Settlers (Titleholders -THs) and informal settlers (Non-titleholders -NTHs), (vii) Civil Work Contractor, (viii) PAPs Employed by the Contractor, (ix) Community Representatives for

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Rehabilitation and Resettlement (RFCT-LARR), 2013. This report uses the term 'Entitlement Matrix (EM) 2011 and Entitlement Matrix (EM) 2015' denoting the respective RPFs.

Common Property Resources and Religious Structures, (x) Control Population, (xi) PAPs who filed Complaints to World Bank, and (xii) PMC.

The consultant team visited the project sites; interacted with PAPs, DFCCIL officials, implementing agencies (Contractor, PMC & NGO) and other concerned departments.

## **1.4 REGULATORY FRAMEWORK AND POLICIES**

The applicable policies and laws for the EDFC 2 and EDFC 3 project are as follows: The Railways (Amendment) Act, 2008; National Rehabilitation and Resettlement Policy, 2007; Right to Fair Compensation and Transparency In Land Acquisition And Resettlement And Rehabilitation Act, 2013 (RFCT-LARR), Right to Information Act, 2005; World Bank's Operational Policy/Bank Policy-4.12 on Involuntary Resettlement. All these policies formed the basis of preparation of Resettlement Policy Framework. An entitlement matrix has been approved by the Railway Board. Any other relevant laws if applicable shall be considered. Following section describes about various Acts and Policies.

### **1.4.1 Environmental Policies**

#### **1.4.1.1 Forest (Conservation) Act, 1980**

This Act requires prior permission of the Ministry of Environment, Forests and Climate Change (MoEFCC) before any land classified as forest can be used for non-forest purposes. Project proponents are required to obtain this through a well-established two-stage process, which has (since 2014) simplified procedures for linear projects such as the Dedicated Freight Corridor. The final/2nd stage permission is conditional on deposit of costs of compensatory plantation in lieu of the trees to be cut (the ratio of number of saplings to the trees cut varies by location). This cost includes: the cost of plant raising and upkeep and amount equal to Net Present Value of land where land use changes to non-forest. In some states, like Punjab, select stretches of avenue plantation along canals, RoW of linear infrastructure like roads and railway tracks are designated 'forest' land. Hence, substantial length of the corridor in Punjab requires clearance of MoEFCC to ensure land availability for construction, though the biodiversity value of these stretches is clearly limited. DFCCIL has obtained permissions from the MoEFCC in a timely manner, even as small changes in alignment along some sections have required applications after the site handover to Civil Contractor has been completed.

#### **1.4.1.2 EIA notification 2006 {under Environmental (Protection) Act, 1986}**

The Environmental (Protection) Act has the provision of subsidiary legislation through notifications, including one on requiring project proponents in scheduled activities to undertake Environmental Impact Assessment (EIA). However, Railway projects are not listed in the Schedule to the notification and hence are not required to undertake EIA. Where applicable, other subsidiary legislation would



apply to the project's subsequent activities, such as those undertaken by the Contractors. Requirements on the contractor, described below, have been integrated with the bidding/contract documents.

#### **1.4.1.3 Water (Prevention and Control of Pollution) Act, 1974**

This act requires entities discharging pollutants into the environment through outlets discharging water to obtain permits (called consents) to establish and operate such facilities. The Consent applies to Contractors' plants and facilities and is granted for a fixed duration. All Contractors have obtained the requisite permits from respective state's Pollution Control Board to establish and operate their plants. PMC monitors these for being current for the duration of the use of the plants for the project.

#### **1.4.1.4 Air (Prevention and Control of Pollution) Act, 1981**

This Act requires entities discharging pollutants into the environment through outlets discharging gaseous emissions to obtain consents to establish and operate such facilities. The Consent applies to Contractors' plants and facilities like the Batching plants for concrete and is granted for a fixed duration. All sites of contractors, where air polluting activities have been sited, applied for and obtained such consents. PMC monitors these for being current for the duration of the use of the plants for the project.

#### **1.4.1.5 Rules under Environment (Protection) Act, 1986**

Contractors are also required to obtain authorizations for managing hazardous material and wastes on their premises with specific measures, including limitation on quantities, method for handling, storage, processing, and removal as specified in the various rules. These cover Hazardous material and wastes (specified in schedule), E-wastes, Construction and Demolition wastes. Permissions for these are granted by the respective state's Pollution Control Board. PMC monitors these for being current for the duration of the use of the plants for the project.

#### **1.4.1.6 The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996**

This act requires Contractors to ensure that proper facilities are provided to workers, inter alia including requirements of i) safe working environment, ii) segregated facilities for men and women, iii) creches, iv) payment of proper wages, etc. in the project sites. The PMC monitors the Contractors' compliance with these provisions for the project – statutory permissions are taken from the Labour Welfare Department in the respective state.

#### **1.4.1.7 Environmental Assessment (OP) (BP 4.01)**

The project was categorized as 'Category A', due to the significant impacts anticipated during construction and operation phase on use of material, requirement of change in land-use, and likely impacts on drainage as well as health and safety of labourers involved and people living near work sites. Impacts due to movement of heavy goods trains were also anticipated due to vibration and noise. An Environmental Assessment to identify the environmental impacts was carried out and an Environmental Management Plan was prepared and disclosed for the stretch. The EMP was integrated with the contract documents for implementation by the contractor. Since, the project is third in the series of programmatic support to DFCCIL, a cumulative impact assessment of Eastern dedicated freight corridor (Ludhiana to Mughal Sarai section) was also completed in December 2016.

#### **1.4.1.8 Physical Cultural Resources OP 4.11 / BP 4.11**

The project activities are likely to impact 42 physical and cultural properties, after careful efforts to avoid impacts on the cultural resources. The suitable mitigation measures (restoration or relocation) formulated as part of the EMP are being implemented during the construction phase of the project.

#### **1.4.1.9 Forest OP 4.36 / BP 4.36**

OP 4.36 was triggered as the project has acquired 284.50 ha of protected forest. In these highly agrarian states, since classical forests are minimal, strips of plantation at the edge of the RoW are designated 'protected' forests and are covered under the Forest (Conservation) Act, which stipulates mitigation measures like compensatory plantation and payment of net present value of land diverted from forest to non-forest use. Appropriate compensatory afforestation measures are being implemented in compliance to OP 4.36 and as per the requirements of The Forest (Conservation) Act 1980.

#### **1.4.1.10 Natural Habitats (OP) (BP 4.04)**

OP 4.04 has not been triggered, as the project activities under EDFC 3 do not impact any natural habitats.

### **1.4.2 Social Policies**

#### **1.4.2.1 World Bank OP/BP 4.12 on Involuntary Resettlement**

The key objective of the Bank's safeguard Policy 4.12 is to "ensure that displaced persons are assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher". The key principles in the World Bank Policy are as follows:

- a) Ensure that the displaced persons are informed about their options and pertaining to

resettlement.

- b) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.
- c) Prompt and effective compensation at full replacement cost for losses of assets.
- d) Provided assistance and allowances.
- e) Eligibility of Benefits should include the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who do not have formal legal rights to land at time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying.
- f) Particular attention will be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc.
- g) The displaced persons and their communities will be provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing and monitoring resettlement. Appropriate and accessible grievance mechanisms will be established for these groups.
- h) A Grievance Redressal Mechanism will be made functional to resolve all complaints and grievances of PAPs.

### **1.4.3 Country Specific Legal Provisions**

#### **1.4.3.1 RAILWAYS (AMENDMENT) ACT, 2008**

The Railways Act, 1989, which consolidated and amends the law relating to Railways, was further amended in 2008. This Act is called the Railways (Amendment) Act 2008 (RAA 2008). The RAA 2008 has been prepared for execution of a special railway project, notified as such by the Central Government from to time, to provide national infrastructure for a public purpose in a specified timeframe, covering one or more states or Union territories. The RAA 2008 has been repealed in 2016 by the Repealing and Amending Act 2016. This is not replaced by The RFCTLARR Act 2013. However, a new Chapter –IV-A has been inserted in The Railways Act 1989 for acquisition of land for special railway project.

The provisions of RFCTLARR Act ( first and Second schedule) shall be applicable to the Railways Act 1989.

#### **1.4.3.2 RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION AND RESETTLEMENT AND REHABILITATION ACT, 2013 (RFCT-LARR)**

This RFCT-LARR, 2013 repeals the Land Acquisition Act, 1984 and is applicable to all states in India (except the state of Jammu and Kashmir). RFCT-LARR 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement. This new act provides an enhanced

framework for providing compensation and resettlement and rehabilitation assistances through a participative and transparent process for land acquisition in the public interest. The act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to land acquisition, rehabilitation and resettlement. The RFCT-LARRA, 2013, represented a significant milestone in the development of a systematic approach to address land acquisition and resettlement issues in India and closes significantly the gap in terms of compensation, procedures for impact assessment, compensation and assistance requirements, monitoring and grievance redressal, etc. between Indian national policies and operational policy 4.12 of the World Bank.

## 2 CURRENT STATUS OF SAFEGUARDS

### 2.1 CURRENT STATUS

The projects Bhaupur-DDU section (initially in EDFC2, closed on December 31, 2020) and Sahnewal-Khurja section (EDFC 3, closed on March 31, 2022) involved major construction activities including construction of earthen formation / embankments for laying of new rail track, both major and minor bridges, lined and un-lined drains, station buildings, staff quarters, electrification, rail fly overs, underpasses and ancillary buildings. These activities caused significant environmental and social impacts comprising diversion of change of landuse from designated forest land, cutting of trees both inside and outside forests, alteration of drainage, noise and vibration close to sensitive receptors, impact on community and cultural resources, and land acquisition and involuntary resettlement including economic and physical displacement. Considering the above, the Project has been categorized as 'Category A' and triggers four safeguards policies- Environmental Assessment (OP/BP 4.01), Forests (OP / BP 4.36), Physical Cultural Resources (OP/BP 4.11) and Involuntary Resettlement (OP/BP 4.12). The status of all three sections is described below.

### 2.2 SOCIAL IMPACTS & SAFEGUARD MEASURES IMPLEMENTATION

The total land acquisition involved across all Lots of EDFC- 2 & 3 projects was 2446 hectares impacting 54,843 landowners across the three states of Punjab, Haryana and Uttar Pradesh. **Table 2.1** below summarizes the overall LA & R&R impacts.

**Table 2-1: Summary of Social data as on 31st December 2021**

S.No.	Impact	Unit	Scope/Total Number					Status as on 31.12.2021					%age
			EDFC-201	EDFC-202	EDFC-301	EDFC-303	Total	EDFC-201	EDFC-202	EDFC-301	EDFC-303	Total	
1	No. of villages impacted	Nos.	200	173	124	190	687	200	173	124	190	687	100
2	Quantum of land taken												
2a	Private land as per old act	Ha	670	577	316	120	1683	670	577	316	120	1683	100
2b	Private land as per new act	Ha	58	81	17	607	762	58	81	17	607	762	100
2c	As per UP State Policy/ Mutual Negotiation	Ha	0	0	0	0	0	0	0	0	0	0	
	<b>Total private</b>	<b>Ha</b>	<b>728</b>	<b>658</b>	<b>333</b>	<b>727</b>	2446	<b>728</b>	<b>658</b>	<b>333</b>	<b>727</b>	2446	100
2d	Govt. land	Ha	93	115	44	61	313	93	115	44	61	313	100
3	No. of PAPs	Nos.	-	-	-	-		-	-	-	-		
3a	as per old act	Nos	17780	14869	4140	3784	40573	16716	13589	3601	2867	36773	91
3b	as per new act	Nos	2333	1216	689	10032	14270	1524	982	475	8842	11823	83
	<b>Total PAPs</b>		<b>20113</b>	<b>16085</b>	<b>4829</b>	<b>13816</b>	54843	<b>18854</b>	<b>14571</b>	<b>4076</b>	<b>11709</b>	49210	90
4	Structures impacted	Nos.	-										

S.No.	Impact	Unit	Scope/Total Number					Status as on 31.12.2021					%age
			EDFC-201	EDFC-202	EDFC-301	EDFC-303	Total	EDFC-201	EDFC-202	EDFC-301	EDFC-303	Total	
4a	Residential	Nos.	1041	1007	334	149	2531	1037	1005	325	122	2489	98
4b	Commercial	Nos.	0	0	124	57	181	0	0	124	57	181	100
4c	Kiosks	Nos.	0	0	4	261	265	0	0	4	261	265	100
	<b>Total</b>	<b>Nos</b>	<b>1041</b>	<b>1007</b>	<b>462</b>	<b>467</b>	<b>2977</b>	<b>1037</b>	<b>1005</b>	<b>453</b>	<b>440</b>	<b>2935</b>	<b>99</b>
5	Structures impacted fully	Nos.											
5a	Residential	Nos.	1041	976	306	0	2323	1041	976	306	0	2323	100
5b	Commercial	Nos.	0	0	120	0	120	0	0	120	0	120	100
5c	Kiosks	Nos.	0	0	4	0	4	0	0	4	0	4	100
	<b>Total</b>	<b>Nos</b>	<b>1041</b>	<b>976</b>	<b>430</b>	<b>0</b>	<b>2447</b>	<b>1041</b>	<b>976</b>	<b>430</b>	<b>0</b>	<b>2447</b>	<b>100</b>
6	PAPs losing business/shops	Nos.	3	48	107	0	158	3	47	107	0	157	99
6a	Livelihood losers	Nos.	17780	8186	980	0	26946	16716	8091	177	0	24984	93
6b	Vulnerable PAPs	Nos.	1499	629	30	0	2158	1466	625	30	0	2121	98
6c	Displaced BPL PAPs	Nos	19	75	146	0	240	19	71	134	0	224	93
6d	Training Assistance	Nos	11173	8138	1430	0	20741	0	8062	244	0	8306	40
6e	<b>Annuity</b>	Nos	2103	807	629	8301	11840	0	528	365	7513	8406	71
6f	One time resettlement assistance	Nos	0	830	0	8301	9131	0	560	0	7513	8073	88

### 2.2.1.1 Status of implementation of social safeguard measures:

The subsequent sections detail out the social safeguard issues of Bhaupur to DDU (initially in EDFC 2) and Sahnewal to Khurja (EDFC 3).

### 2.2.1.2 Bhaupur to DDU (initially part of EDFC 2).

The section comprised of two civil works packages – Lot 201 and Lot 202. The key social impacts include the loss of land, shelter/business, farming livelihoods, incomes and community properties and temporary construction related impacts. The land acquisition (LA) for EDFC was carried out applying the Railway Amendment Act (2008), with adopting the National Rehabilitation and Resettlement Policy (NRRP) 2007 for giving resettlement and rehabilitation (R&R) assistance, as was done for EDFC -1. Some land parcels were also acquired using RFCTLAR&R Act of 2013. DFCCIL has carried out a Social Impact Assessment and prepared a Resettlement Action Plan (RAP). The RAP for lot 201 and 202 are in line with the RPF agreed for the project. Project has acquired the entire 1,386 ha of private land impacting 36,865 landowners. Compensation has been disbursed to 90.67% of the total landowners. The rest are either not available to take the compensation amount or have land

ownership dispute. Out of total 36,865 PAPs eligible for Resettlement and Rehabilitation assistance, 89.79% has been paid and rest are either not interested, as the amount of resettlement assistance is modest, or are not traceable<sup>8</sup>. A total of 1,812 PAPs (62%) out of total 2,933 eligible for livelihood support have received support to date. For residual land that is economically unviable, RPF has provision for additional assistance which was not implemented during the project life. However, DFCCIL has now published notice in local newspaper inviting landowners to apply for R&R provisions.

### **2.2.1.3 Sahnewal to Khurja (EDFC 3).**

The section comprised two civil works packages – Lot 301 and Lot 303. A total of 1,110 hectares (ha) of land is required for EDFC3 over 401 kms, of which 1060 ha land is privately owned and 50 ha land is government owned. Social Impact Assessment (SIA) and RAPs had been approved and disclosed as required. Key social impacts associated included loss of land, shelter/business, farming livelihoods, incomes and community properties and temporary construction related impacts. 17,993 PAPs are impacted by this corridor and these include 10,282 PAPs whose lands and structures were acquired under the new LA act and therefore eligible for higher R&R provisions. Traditional occupiers living on 'abadi deh' lands are recognized as title holders and have received compensation for their occupied land. A total of 929 private residential/commercial properties and eight community property structures are affected and these included 265 kiosks and structures that are fully affected and have been compensated. Compensation for land and structures has been paid to 100% of the PAPs; 100% PAPs have received R&R assistance and 88% PAPs have received livelihood support of INR 0.5 million. In respect of grievance, as of December 2021, 99.5% of the 2289 grievances received have been resolved. These grievances mostly relate to delay in compensation payments, low rate of compensation, inaccurate measurement of land parcels, and delay in provision of Rs. 5 lakh due as R&R assistance. DFCCIL established a timebound Social Rectification Action Plan or completing the balance activities relating to compensation and R&R payments, and dealing with arbitration cases, which the Bank is monitoring every month.

Vulnerable households including single women and women headed families, below poverty line families and aged, physically handicapped, etc. have been provided additional R&R assistances under the entitlement matrix. The temporary construction related impacts such as health and safety, labor in-migration, accident risks, dust and noise, movement of materials etc. are covered in the EIA.

For mitigating outstanding land acquisition and resettlement actions in EDFC- 3, the borrower has prepared a "Social Safeguards Rectification Plan" with specific target dates for various actions identified in the plan. According to this plan, all outstanding compensation and resettlement payments were supposed to be completed by end July 2021, however, it is not yet completed.

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<sup>8</sup> Field offices has put up additional camps in affected villages to locate and disburse compensation and R & R assistance

#### 2.2.1.4 Project Labour

Project has over 6,200 laborers (Contract workers deployed by civil works contractor) who reside in labor camps/rented accommodation in villages/areas across the corridor . No female labor is engaged in these sites including for cooking or camp maintenance work. All the labor camps have indoor and outdoor recreation facilities, first-aid box and fire-fighting equipment. Despite additional strain on maintenance of labor camps due to the lock-down and adherence to COVID-19 protocol, the camps are being maintained in strict accordance with the SOPs established under the project. These include Awareness raising posters like safe workplace, GBV, fair wages at worksites, social distancing and sanitization measures, quarantine measures and health facilities, including tie-ups with local hospitals. The PMC monitors and reports strict adherence to COVID related SOPs.

#### 2.2.1.5 Gender-based Violence (GBV):

Following the retrofitting of the GBV risk mitigation plan in 2019<sup>9</sup>, GBV awareness is ensured through Audio-Visual Induction; Workshop & Training; and Tool-Box Talk (TBT) on site. Contractors have circulated Project specific GBV and Sexual harassment at workplace policy have been circulated throughout the entire site by displaying banners & posters. The code of conduct with Do's and Don'ts have also been circulated at work sites and is signed by all workers/ staffs. The Quarterly Progress Reports (QPRs) submitted by Social & Environmental Safeguards Monitoring and Review Consultant (SESMRC) report on the progress of GBV action plan. Till date, no GBV case has been reported.

### 2.3 ENVIRONMENTAL IMPACTS & SAFEGUARD MEASURES IMPLEMENTATION

In compliance with Bank Policy requirements, and the Environmental Management Framework developed during the preparation of EDFC1, the project has carried out an Environmental Assessment (EA) and prepared Environmental Management Plans (EMPs) to mitigate the anticipated impacts of the project which have been disclosed. The table below lists the documents disclosed.

Document Disclosed	Time of disclosure
Green house gas emission reduction analysis	June 2011
Draft EIA (Mugal Sarai – Bhaupur)	January 2013
Environmental management framework	October 2014
Environmental assessment for Pilkhani - Sahnewal section	May 2015
Final environmental assessment for Khurja - Pilkhani section	April 2016

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<sup>9</sup> Separate GBV Risk Mitigation Plan for Bhaupur to DDU, Khurja to Sahnewal, were prepared by DFCCIL and retrofitted to project activities



Document Disclosed	Time of disclosure
Scoping Report on Cumulative Impact Assessment	April 2015
Cumulative Impact Assessment Report	March 2017

The project has also integrated the Silicosis Reduction Strategies (SRS) and Green House Gas Emission Reduction analysis for the entire EDFC.

### 2.3.1.1 Khurja –Bhaupur section (EDFC 1):

There are no pending tasks under EDFC -1:

- All 10 required noise barriers have been constructed.
- 1,407 borrow areas have been utilized and rehabilitated as per the EMP requirements.
- Storm water drainage has been completed as per EMP.
- Forest Clearance for 10.4967 ha obtained. and
- Compensatory afforestation in 12.95 ha done by the forest Department, with a total of 44,800 compensatory plantation done.

### 2.3.1.2 Bhaupur to Deen Dayal Upadhyay (DDU) section (initially EDFC 2);

Tasks are in progress in Lots 201 and 202:

- A total of 20 noise barriers (lot 201 – 11 and lot 202 – 9) need to be constructed of which 4 have been constructed so far (2 in each lot 201& lot 202).
- A total of 1,191 borrow areas (lot 201 -422, lot 202- 745 and lot 204-24) have been approved of which 701 (Lot 201-262. Lot 202- 438 and lot 204-1) has been successfully rehabilitated as per the EMP requirements.

A total of 34,984 green belt development need to be undertaken of which 13,932 has been planted.

- 6.84 km of planned length of drain at edge of DFC corridor has been completed out of 83.82 kms. For drain between IR and DFC track, approximately 84.82 kms has been completed out of 262.039 km.

### 2.3.1.3 Sahnewal to Khurja section (EDFC 3).

Tasks are in progress in Lots 301 and 303:

- (i) A total noise barrier at 12 sensitive locations (Lot 301 – 9 and lot 303 – 3) has been identified, of which work is in progress on one site (lot 301) as of 28th February 2022.
- Borrow areas approved under the project are 1,469 (Lot 301- 442, Lot 303- 1010, Lot 304- 6

and lot 305-11), of which 976 (Lot 301- 256, Lot 303- 720, Lot 304- 0 and lot 305-0) have been successfully rehabilitated as per the EMP requirements,

- A total of 85,112 trees need to be planted as per contract and a total of 24,684 trees are planted till Feb 2022.
- 101.45 km of side drainage (lined / unlined) has been completed out of 153.05 kms for lot 301 & lot 303, however, mid drain of length 190.47 km completed out of 315.72 km between IR and DFCC corridor.
- Forest clearance for 185.4964 Ha has been obtained and for 2.57 Ha is pending in Lot 301 whereas in lot 303, forest clearance for 85.338 Ha has already been obtained and only 0.71 ha is pending.

The above section is summarized in **Table 2.2**.

**Table 2-2: Summary of Environmental Features as on 28<sup>th</sup> February 2022**

Sections	Noise Barrier (No's)		Borrow area (No's)		Forest Diversion in Ha		Green Belt Area Development (No of Trees)		Mid-Drain (Km)		Side Drain (Km)	
	Scope	Completed	Approved	Rehabilitated	Completed	Balance	Scope	Planted	Scope	Completed	Scope	Completed
EDFC2: Bhaupur -Allahabad- DDU section												
Lot 201 (Civil Works from Allahabad to DDU)	11	2	422	262	1.5451	0	13460	8970	123.69	57.8	23.160	6.222
Lot 202 (Civil Works from Bhaupur to Allahabad)	9	2	745	438	1.9205	0	21524	4962	138.349	27.020	60.66	0.620
Lot 204 (System Contract for Bhaupur to DDU)	-	-	24	1	-	-	-	-	-	-	-	-
EDFC3: Sahnewal - Pilkhani - Khurja section												
Lot 301 (Civil Contract from Sahnewal to Pilkhani)	9	0	442	256	188.0724	2.576	30000	3319	204	109	18	1.85
Lot 303 (Civil Contract from Pilkhani to Khurja)	3	0	1010	720	86.04884	0.71	55112	21365	111.72	81.47	135.05	99.6
Lot 304 (System Contract from Sahnewal to Pilkhani)	-	-	6	0	-	-	-	-	--	-	-	-
Lot 305 (System Contract from Pilkhani to Khurja)	-	-	11	0	-	-	-	-	-	-	-	-

## 2.4 ENVIRONMENT AND SOCIAL REVIEW AND AUDIT

This Section presents the review and audit of the EDFC2 and EDFC3, and the activities proposed to be associated with its development. Where environmental and social assessments have changed due to amendments to the Project and approval obligations that have occurred since the inception of the project, these changes are specified and accordingly evaluation has been carried out.

Within each sub-section, an introductory paragraph is included to provide the most relevant observations and to facilitate the understanding of the compliance table that follows. Therefore, the narrative paragraphs preceding the compliance tables for each principle are aimed to provide the “rationale” for the identified gaps. The most important identified gaps, which require action from the Project, have been formatted in bold within this text to facilitate identification.

The compliance tables included in the report compare Project activities with the requirements of specific principles and compliance is identified with a color-coded scheme. Compliance categorizations are as follows:

- **Non-compliance:** Mitigation measures provided in the approved mitigation plans (EMPs, RAPs) have not been applied to fulfil the objective of agreed instruments.
- **Partial Compliance:** Mitigation measures provided in the approved mitigation plans (EMPs, RAPs) have partially applied or in an inconsistent manner; applied at certain locations but not all to fulfil the objective of agreed instruments.
- **Demonstrates Compliance:** Mitigation measures provided in the approved mitigation plans (EMPs, RAPs) have been fully applied/adhered to.

## 2.5 ASSESSMENT FINDINGS

The consultants completed the site visit to assess compliance with the environmental and social audit criteria (payment of compensation, disbursement of various entitlements, process followed for RAP implementation, GRM, extent & timeliness of compliance of relevant EMP measures, etc.) from 27<sup>th</sup> January to 24<sup>th</sup> February 2022. The site visit included a focus on the status of implementation of environmental and social safeguard measures as agreed during the project preparation and subsequent amendments by Ministry of Railways from Bhaupur to Ludhiana. Sections below summarizes the key findings and observations from the site visit and review and analysis of publicly available information.

### 2.5.1 Environment, Health & Safety Management System

To manage the social and environmental aspects of construction of the Dedicated Freight Corridors, DFCCIL has set up a Social and Environmental Management Unit (SEMU) headed by a General Manager (GM). SEMU is tasked with confirming the implementation environmental management and

safeguard activities for DFCCIL. In addition to the GM, SEMU is staffed with one environmental and one social specialist, both hired from the market.

SEMU uses the services of a Social and Environmental Safeguards Monitoring and Reporting Consultant (SESMRC) team to provide third party monitoring. SESMRC reports on the progress in EMP implementation on a quarterly basis, and provides annual reports. Their Terms of Reference also includes providing training and capacity building support in the field.

Since EDFC is being constructed with Design-Build Contracting, contractors are required to develop their own Contractor's Environmental and Social Management Plan (C-ESMP), which is monitored for implementation. DFCCIL's Chief Project Manager (CPM) office in the field supervises these contracts through Project Management Consultant (PMC) teams. These PMC teams have suitably qualified Environmental and Safety professionals, who are responsible for Environment, Occupational Health and Safety. In addition, in each CPM office one Assistant Project Manager (APM) holds additional charge of Environmental aspects. Originally, it was expected to have separate APM for Environment. In addition, a Quality and Safety Audit Consultant (QSAC) team is also mobilized to report on the quality and safety aspects.

DFCCIL has developed an Environmental Policy and Environmental Management Framework applicable for all its activities. These have guided preparation of the Environmental Impact Assessments and attendant management plans for the EDFC corridor covering Ludhiana to Deen Dayal Upadhyay (DDU – previously known as Mughalsarai).

DFCCIL has prepared a Safety Health and Environment (SHE) Manual to handle relevant issues during construction. This manual defines the principal requirements on safety, health and environment for works associated with the contractor /sub-contractor. The document applies to all aspects of contractors' scope of work, including all aspects conducted by sub-contractors. The contractor signs a MOU before the award of the work, for mandatory implementation of various provisions on safety, health and environment during the construction works. Considering the nature and scale of construction activities DFCCIL has also developed 'Silicosis Reduction Strategies' to ensure proper dust handling at work sites, which has been integrated with the SHE Manual.

DFCCIL has also carried out a Green House Gas Emission Analysis. DFCCIL undertook a study on Energy Optimization to reduce consumption of energy. Salient recommendations of this study will be implemented as part of the Rail Logistics Project, contributing to costs savings from reduction in energy costs, and to some extent in GHG emission, in as much as the energy would be produced from non-renewable energy sources. In addition, a study to strengthen Climate Resilience of EDFC was undertaken with Bank TF support and its recommendations were deliberated in a workshop to identify key aspects needed attention to ensure that the infrastructure would continue to provide effective services in a changing climate.

For EDFC, DFCCIL has undertaken Environmental Impact Assessment of individual sections, and formulated management plans that are to be implemented by the Works Contractors and supervised by PMC. Given that the alignment for EDFC passes mostly through alluvial plain areas of Punjab, Haryana and Uttar Pradesh for almost its entire length, key environmental impacts relate to change in land-use, removal of trees/vegetation, hindrance to drainage, increase of noise levels at sensitive receptors, increased potential for pollution during construction at camp and plant sites, potentially unsafe areas, including work sites, for workers and other users of such areas. DFCCIL is directly responsible payment of monies for the implementation of compensatory plantation where 'forest' land is involved as it must obtain the permission for diversion of forest land to non-forest use. For the other environmental measures, the responsibility rests with the contractors. Through the Contractors, DFCCIL has been implementing relevant measures from the environmental management plan to address the impacts identified and specific mitigation measures. The key measures include: (i) additional plantation, beyond the regulatory compensatory plantation undertaken by the respective state's Forest Department, (ii) Rehabilitation Plan for the Borrow Areas developed for the earth work for the project; (iii) noise barriers at critical locations affected with high noise levels; (iv) provision of drainage along and across the alignment; and (iv) specific construction safety and environmental management measures for the construction phase of the project . These latter EMP measures were integrated in the bid documents for implementation by the contractors of the project.

### **2.5.2 Environmental Safeguards Performance**

Below sub sections depicts the environmental safeguard compliance status under the EDFC-3 project with the agreed instruments prepared in line with Bank policies OP4.01 and 4.36.

Objective	Safeguard Instruments	Description	Compliance Status	Remarks	Corrective Action and time frame
<b>Environmental Impacts identification and Assessment</b>					
A range of instruments can be used to satisfy the Bank's EA requirement. Breadth, depth, and type of analysis depend on the nature, scale, and potential environmental impact of the proposed project. EA takes into account the natural environment (air, water, and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples, and physical cultural resources); and transboundary and global environmental aspects. It also takes into account the variations in project and country conditions; the findings of country environmental studies; national environmental action	Environmental and Social Impact Assessment Studies	Preparation of an environmental assessment, environmental management plan based on the environmental management framework approved for EDFC projects.	Comprehensive EA studies were conducted prior to the start of the project implementation carried out by independent EA experts. Separate SIA was undertaken (see details in Social Section)  <b>Demonstrates Compliance</b>	Current regulations of Government of India do not require railway project to obtain for Environmental Clearance from the Ministry of Environment and Forests (MoEFCC).	<del>Construction of Multimodal Hub, which is extended part of Freight Corridor. Project shall be assessed w r t provision of EIA notification 2006.</del>  Time frame: Preparation of RFP / Contract Document for the project
Public Consultations in line with OP4.01 requirements for Category A projects	Environmental & Social Impact Assessment Studies	Carried out as part of the EA process and dissemination of relevant information to various stakeholders.	Consultations were carried out as part of the EA process. The EA reports and summary of the report was made available to project affected groups and local NGOs (including in vernacular language).  <b>Demonstrates Compliance</b>	The documents were disclosed as per the OP4.01 public disclosure requirements on the DFCCIL website and Bank portal.	
During project implementation,	SHE QPR;	Reports document	The reports from SESMRC	Key shortcomings have	

Objective	Safeguard Instruments	Description	Compliance Status	Remarks	Corrective Action and time frame
<p>the borrower reports on (a) compliance with measures agreed with the Bank on the basis of the findings and results of the EA, including implementation of any EMP, as set out in the project documents; (b) the status of mitigatory measures; and (c) the findings of monitoring programs. The Bank bases supervision of the project's environmental aspects on the findings and recommendations of the EA, including measures set out in the legal agreements, any EMP, and other project documents.<b>21</b></p>	<p>Reports for SESMRC, QSAC</p>	<p>progress on EMP implementation by Contract</p>	<p>include description of training, when undertaken, including contents, and participant profiles. The monthly and quarterly monitoring reports by SESMRC is tracked by SEMU and coordinated with CPM office for compliance by the respective contractor, The overall implementation has varied across various contracts. Two fatalities happened in Lot 104 after the activities were transferred from Khurja to Bhaupur (EDFC 1) to Bhaupur to DDU (EDFC-2) in 2017</p> <p><b>Partial Compliance</b></p>	<p>included:  i) delays in rehabilitating exhausted borrow areas;  ii) delays in construction of noise barriers  iii) incomplete drains  iv) low plantation survival rates for non-compensatory plantation  v) incomplete rehabilitation of plant sites  vi) delays in mitigation measures for sensitive receptors like schools. C</p>	<p>As these actions are linked to construction schedule, timelines to follow the same to avoid damage to these installations from vehicular movement or temporary storage of material.</p> <p>DFCCIL and Contractor will review and update the timelines already stated in the Safeguards Rectification Action Plan</p> <p>This will be monitored by SEMU for ensuring agreed timelines. Non-compliance to be reported by SESMRC in their periodic reports.</p>
<p>When the borrower has inadequate legal or technical capacity to carry out key EA-related functions (such as review of EA, environmental monitoring, inspections, or management of mitigatory measures) for a proposed project, the project includes components to strengthen that capacity.</p>	<p>Environmental Impact Assessment and ToR for SESMRC</p>	<p>SESMRC's Terms of Reference include the training to field staff on management of environmental and social impacts</p>	<p>The reports from SESMRC include description of training, when undertaken, including contents, and participant profiles. The monthly and quarterly monitoring reports by SESMRC is tracked by SEMU and coordinated with CPM office for compliance by the</p>		



Objective	Safeguard Instruments	Description	Compliance Status	Remarks	Corrective Action and time frame
			respective contractor. <b>Demonstrates Compliance</b>		
<b>Physical Cultural Resources OP4.11</b>					
To avoid or mitigate adverse impacts on physical cultural resources from development projects, borrower develops a physical cultural resources management plan that includes measures for avoiding or mitigating any adverse impacts on physical cultural resources, provisions for managing chance finds.	Environmental Impact Assessment and Environmental Management Plan	Environmental Management Plan includes Chance find Procedures and	These were assessed as an integral part of the EA process adopted by the borrower. <b>Demonstrates Compliance</b>	No 'chance find' till date.	
<b>OP4.36 Forests</b>					
Policy applies to the following types of Bank-financed investment projects: projects that have or may have impacts on the health and quality of forests;	Environmental Impact Assessment and Environmental Management Plan	EIA identified that designated forest land would be required for the construction of the project	Following application national legislative requirements, DFCCIL has obtained permissions for non-forest use.  <b>Demonstrates Compliance</b>	These stretches are mostly in Protected Forests, and plantation on edges of Right of Way of linear infrastructure, with very little biodiversity value. No protected areas or important natural habitats are encountered along the current alignments.	
Bank may finance commercial harvesting operations only when the Bank has determined, on the basis of the applicable environmental assessment or	Environmental Impact Assessment and Management plan	The project does not involve any commercial harvesting	Not Applicable	The removal of trees is undertaken through supervision by Forest Department of respective state.	

Objective	Safeguard Instruments	Description	Compliance Status	Remarks	Corrective Action and time frame
other relevant information, that the areas affected by the harvesting are not critical forests or related critical natural habitats.					

### 2.5.3 Cumulative Impact Assessment (CIA)

DFCCIL conducted the cumulative Impact assessment (CIA) study for the Eastern dedicated freight corridor (EDFC) from Sahnewal (Ludhiana) to DDU for analyzing the potential impacts and risks of proposed developments in the context of potential effects on the chosen valued environmental and social components (VEC's) and proposed measures to mitigate the cumulative impacts as per the mitigation hierarchy to the extent feasible. The CIA study was completed in November 2016 considering existing and anticipated future developments within the project influence area through next ten years. DFCCIL has decided to validate the potential impacts and risks of a proposed and other developments over time on a chosen Valued Environmental Component (VECs), and to identify any new development and associated risk which were not covered in CIA study, 2016.

The main objective of this current study included assessing the potential impacts of new developments over the cumulative impact assessed in 2016 to verify that the new cumulative social and environmental impacts and risks are within the threshold limits affecting the sustainability of the selected VEC's.

Stakeholders which are directly & indirectly impacted due to EDFC development have been selected with the help of expert's advice and discussion with DFCCIL. Stakeholders consulted include Government officials/agencies like NCRTC, NHRCL, UPEIDA, NICDC, PWDs, NHAI, Forest Departments etc. and General public. Cumulative opinions of stakeholders and primary desktop studies have been taken to identify new developments for estimating the magnitude and significance of their cumulative impacts in the Khurja, Agra, Kanpur, Mughal Sarai and Ludhiana hotspots. These hotspots have been considered based on the CIA study. All the new developments are broadly classified into major heads viz. industrial development, infrastructural development, urbanization, and road development.

To assess the cumulative impact, condition of VECs has been quantitatively assessed by assigning rating to the anticipated impacts. The rating has been assigned based on Scale, Sensitivity, Probability, Duration (SSPD) method provided in CIA report to determine the significance of impact on the sustainability of the selected VEC's. Based on the rating given to each parameter and weightage assigned, the cumulative impacts of new developments have been added to the average score of impact assessed earlier to identify the incremental, and/or combined effect.

The anticipated impacts have been assessed on the identified VECs. Comparing the impacted VECs from CIA, 2016 development, it is observed that new development will further impact VECs which are already impacted either by improving or deteriorating the condition. The cumulative impacts have been assessed from the point of various new developments that are passing across EDFC. The CIA 2016 study considered both construction and operation stage cumulative impacts. In almost all the hotspots, impacts on VECs falls within the same range of impact as assessed in 2016 study. The

incremental impact on VEC's parameter such as noise levels is insignificantly higher followed by pressure on existing resource, quality of life etc. The noise level is anticipated to be marginally higher at Khurja, Agra and Mughal Sarai hotspots but at localized level where new development is crossing or crossed by EDFC and the adjoining rail systems such as RRTS in NCR region and new NHs and SHs. The water quality also received a marginally higher score in Khurja and Ludhiana, however within the same range of impact. The pressure on existing resources was also slightly higher. The higher pressure on natural resources may be attributed to the new developmental activities which will be requiring additional resources from the same region.

The assessment found that impacts anticipated on VECs within the assessed hotspots varies from Moderately low to High, which is in line with the previous CIA study, 2016. The incremental change compared to 2016 is low and insignificant because change in the development activities is not critical. Further, the government has brought various measures to regulate the output of pollutants such as BS-VI emission norms for vehicle, stricter stack emission norms for power plants, enforcement of Construction & Demolition Rules 2016, implementation of stricter condition of CPCB on Industrial pollution, green belt development, use renewable energy, and change in building material, which will have positive impact on VECs. It is further assessed that that improved road conditions and EDFC will ease the traffic movement and ultimately reduce the GHG emission through reduction in vehicle operating cost as well as fuel saving. Overall, it is anticipated that positive impacts like development of new infrastructure, creation of new employment opportunities, livelihood improvement leading to improved quality of life, socio-economic parameters, improved access to goods and services are higher than anticipated negative impacts.

CIA, 2016 was undertaken to identify the key issues and concerns with environmental, economic, and social VECs. To assess the significance of cumulative impact on VECs and recommendations. The methodology and study adequately cover the spatial and temporal analysis for CIA and identified that the cumulative impacts are within the threshold limits at which VEC's response. The significance of additional impact on VECs was also considered. Despite the new developments the range of impacts is not depicting any abrupt change. Since no significant changes has been anticipated due to addition of few of the new developments in the project influence area, no additional measures are required. The measures suggested for mitigating the adverse impacts have been adequately covered in CIA 2016 report. This could be further strengthened by separating measures across the construction and operational phases. Social Safeguards Performance

### **2.5.2.1 Project Management:**

The implementation of social safeguard measures is the responsibility of DFCCIL. To do so, DFCCIL has established Social and Environment Management Unit (SEMU). SEMU is headed by a General Manager as well as other officials comes from Indian Railways. The SEMU is supported by social consultant hired from the market experienced and has adequate knowledge of local applicable laws

and WB safeguards policy requirement. However, there was substantial delay in hiring of social consultants in SEMU and SEMU saw a degree of turnover that affected continuity. At the site level, Chief Project Manager is the Chief Resettlement Officer (CRO) and is responsible for implementing the RAP under the overall guidance of the SEMU and the Director (PP). Though the RAPs proposed, that CRO will be assisted Assistant Project Manager (APM/Social) one for each package and Assistant Project Manager (APM/Environment) to look after the implementation of RAP, in practice, at site level/CPM offices, there were no dedicated social staff. The APMs were given additional responsibility and designated as APM (Social). In all the three EDFCs, services of NGOs were hired for the implementation of RAP. However, services of NGO responsible for RAP implementation were terminated prior to complete implementation of RAP in all lots except in lot 303.

### 2.5.2.2 Impact Identification

The Project conducted separate Social Impact Assessments and prepared Resettlement Action Plans for each of the sections as part of project preparation based on the project's approved Resettlement Policy Framework (original and updated versions).

The SIA identified impact on land, livelihood, residential and commercial structures, and common property resources. The measures to mitigate losses were provided in RAP in line with the entitlement matrix of RPF. The RAP includes quantification of impacts, measures to mitigate losses, measurable targets and indicators and assigns clear roles and responsibilities for time-bound implementation. Consultations were carried out as part of SIA and RAP preparation that demonstrate regular and meaningful engagement with the affected communities. The RAP also outlined mechanism for on-going consultation with potentially affected communities during the construction stage. The community engagement records include dates of meetings held, place of meeting, number and category of PAPs and issues discussed. The issues discussed were largely impacts and mitigation measures, local employment, training, public safety and the grievance process. The review found that the SIA and RAPs had been publicly disclosed by DFCCIL on their organization website as well as by the Bank, as required under OP 4.12 as per details given in table below:

**Status of Disclosure**

S.No.	Name of Document	Disclosure
1	Resettlement Action Plan: Bhaupur-Khurja	April 2011
3	Resettlement Action Plan: Mughalsarai -Bhaupur	January 2013
4	Resettlement Action Plan: Sahnewal-Pilkhani	January 2015
5	Resettlement Action Plan: Khurja-Pilkhani	March 2016
6	Resettlement Policy Framework	June 2015

The RPF clearly defines that the cut-off date for identifying the affected families including landowners, those having title claims recognized under other state and central laws, squatters and other non-title

holders shall be the date of first land acquisition (LA) notification issued under 20A of Railway Amendment Act of 2008. It is provided that the “PAP census survey” shall be the basis for finalizing the eligibility for extending R&R benefits including assistance towards the replacement of affected structures of non-title holder PAPs. The wage linked R&R benefits and house building allowances shall be at current rates to meet the NRRP requirements. Though RPF says, “the cash-based allowances shall be updated from time to time”, it has not been done in the project.

Project has taken measures to reduce adverse impacts. In EDFC 2 the measures taken to avoid or minimize adverse environmental, LA and involuntary resettlement impacts include: (a) maximum use of the existing railway land within the existing ROW; (b) using the minimum ROW at critical locations; (c) negotiation with the Indian Railways to transfer unutilized loop lines and yards to DFCC where available; (d) exploring alternative alignments, reducing track distances at some locations (Jigna, Baridubey, Bamrauli, Nodiya ahmadkarari, Dayramithepuri, Baragaon, Pansaur and Sayed Sarawan); (e) reducing embankment heights; (f) ruling out service roads in built-up stretches; (g ) providing retaining wall/fencing of DFC at suitable distance from last track of DFC; three meter extra width (if land is available) from residences to the retaining wall in order to provide access to the local residents, if additional land is not available, with access to residents from other side of their house, to be planned during implementation; and (h) making short detours at congested locations such as Fatehpur, Khaga, Sirathu, Barwari, Allahabad, Manda and Mirzapur.

In EDFC 3, particularly the final alignment of EDFC 3 (Khurja-Pilakhni that is 226 kilometers with detours over 111 kilometers) was altered to avoid large scale and sensitive stretches and provision of a detour around human settlements. Along the existing tracks, changes were made in the designs as far as feasible thereby reducing corridor of impact to 13 meters at Saharanpur, Yamunanagar Rajpura and Sirhind. Other impact minimizing measures taken included (i) ruling out service roads in built-up stretches; (ii) providing retaining wall/fencing for DFC tracks with three meters passage between habitations and retaining walls; and (iii) re-modelling of yards and reducing distance between yards and EDFC tracks.

### **2.5.2.3 Community Engagement:**

The Project had engaged with project affected persons and communities during the preparation and implementation of the project. Stakeholders Consultation was carried out in the very initial stage of the project as part of the Reconnaissance Survey of the corridor alignment across many villages. This was carried out for initially assessing the perception of the people who are either directly or indirectly affected by the upcoming project. Further this consultation framework has been continued during preparation of RAP, which in turn, has developed strategies for community dialogues and involvement in the project during implementation stage. While social assessment ensured involvement of local communities through participatory planning, structured consultations and FGDs have been conducted at strategic locations during RAP finalization stage to endorse and integrate important resettlement

issues in the project design. The follow-up consultations also intended to disclose R&R policy framework and have inputs/comments of people to integrate them in final RAP. During implementation project continued to engage with local communities during preparation and implementation through the following modes.

APM Social at CPM offices: They were face of the project for the community and to raise issues and grievances relating to land, compensation, land hand over, crop damage, assistance payments, stamp duty reimbursement, job request, and livelihood assistances. They constantly travelled and met with village communities to attend meetings, hold consultations and discuss and resolve issues. They followed up issues with management in DFCCIL and with district administration as required. On many occasions, these APMs were supported by Dy. PMs as well as CPMs in their site interactions. The ability of the APMs to respond in a timely manner was constrained due to the following reasons: i) coverage of a large linear area; ii) limited time to follow on environmental. and construction aspects, particularly once the contractor was mobilized at site, iii) lack of a well-functioning GRM that would support these APMs in timely resolution of issues.

NGOs hired for RAP implementation: In accordance with the RAP provisions, NGOs were hired for implementation of Resettlement Action Plan for verification of PAPs, help prepare their micro plans, obtain necessary ownership documents, discuss with them on their relocation and livelihood aspects. These NGO workers were constantly in the field over a prolonged period of 2-4 years as an interface between the project authorities and communities. They served as extended arm of DFCCIL in helping to hear and resolve many grievances. Deployment of NGOs in EDFC 2 and 3 varied. While duration of their contracts was severely limited in Lot 301, it continued almost till project closure in Lot 303. In Lot 201 and 202 NGO services were retained for three years. Post demobilization of NGO, the community engagement though continued but less intensive.

Construction Contractors: Some of the biggest construction contractors in India such as Messrs. Tata, Messrs. GMR, Messrs. L&T., were engaged by DFCCIL in the construction of the project corridors and associated infrastructure. These Contractors firms had their own CSR policy as well as extensive site management experience. Also, because of their long presence at project site, they required to engage and develop a good working relationship with communities, both with a view to ensure continued and unimpeded support to construction works as well for finding and staying in suitable accommodation within these villages in proximity to the corridor. The contractor led meetings were largely aimed at discussing measures to address gender-based violence and awareness generation on HIV/AIDS rather than providing information on current status of construction, employment issues and engagement with communities

SESMRC: SESMRC in their role were stipulated as per contract conditions to: i) visit select villages every month (10 villages in a quarter), meet with communities to hear their concerns, assess the

timeliness of payments, effectiveness of the policy provisions, iii) hold FGDs with women and also meet with ASHA and Anganwadi workers, police and other officials on the implementation of the GBV actions; iii) convey back concerns to authorities, if any and iii) submit Quarterly progress reports (QPRs) to DFCCIL and WB for their review and comments. The SESMR consultants engaged with community and reported back on delays in hand over of land to contractors as per contract provisions.

#### Grievance Mechanism:

RAP provided for Grievance redress/R&R committees to hear and redress the grievances, if any, of the PAFS & PAPs at field and Head Quarter levels. The Field level grievance committee (FLC) were to be convened by CPM where the District Collector would be the Chairperson, and other members will be the President, Zilla Parishad (District Council) and a representative from a reputed local NGO. The HQ level grievance committee (HLC) shall be convened by GM/SEMU where the Director, Project and Planning shall be the member. Arbitrators were to be appointed to hear grievance cases relating to payment of compensation for land to be acquired under RAA - 2008. An Ombudsman was appointed for hearing cases not resolved to the satisfaction of the aggrieved PAP/PAF at the levels mentioned above, including cases directly referred by the DFCCIL. However, the services of Ombudsman were not used, and no cases were brought to Ombudsman during the last 2 years. The position of Ombudsman since been discontinued by DFCCIL.

In EDFC 2 GRC was established during the initial phase of the project but did not function. The concerned APMs worked as the point of contact for Grievances and the grievances received by them during their visits to the site were acted upon on a case-to-case basis. A complaint register was maintained at the CGM office which listed the complaints, but the remarks column only had the date of reply, (an acknowledgement of receipt of complaint) with no details of action taken on the complaints. The formal GRM was not functional.

As of now, grievance mechanisms exist at the state level and also the DFCCIL level. At the state level, the Competent Authority for LA is the first level to hear and resolve issues relating to land acquisition which is mostly about rates of compensation, land parcel measurement, etc. In addition, Independent Arbitrators hear and redress grievances demanding higher compensation, though many cases are delayed due to long delays in conducting hearing.

In EDFC 3, GRCs were established early in the project in each of the six districts across the states of Punjab, Haryana and Uttar Pradesh, and these were notified through newspaper advertisements. These GRCs largely were non-functional except holding a few meetings. Project level GRM was established during the initial phase with setting up of complaint boxes in various revenue offices; provision of APMs numbers to PAPs. However, with an increase in numbers of grievances, CPM offices in both Lots 301 and 303, undertook the following measures: i) set up a GRM telephone number with a Computer Operator who would record and forward complaints to concerned authorities; ii) advertised this number in local newspapers and on a repeated basis; iii) included the number in the



micro-plans documents that were pasted at each village (in Lot 303) and pasted across many prominent locations such as community halls, places of worship e.g. gurudwaras, mosques (in Lot 301), Gradually the complaint boxes were withdrawn as they had proved ineffective. Most recently for more effective follow up, the CPM office at Ambala and Meerut have appointed dedicated people for follow up with PAPs on matters relating to compensation, R&R stamp duty, arbitration and their contact details have been well-advertised.

In 2019, the position of Ombudsman at HQ was also filled up, but his services were not utilized to deal with grievances. In January 2020, DFCCIL issued 'revised' detailed guidelines on processes and specific timelines for grievances relating to compensation and R&R assistances and with provision of escalating to Arbitrator, Ombudsman and MD of DFCCIL. All complaints were recorded and tracked until resolved. However, given that these guidelines were issued very late during project implementation, these remained unimplemented. Further PAPs prefer to approach CPM offices to seek redressal, since they were familiar with the project officials and considered it as faster and quicker way to redress their grievances. Only if they do not get satisfactory resolutions, they approach the district level grievance mechanism.

In addition, the project GRM now also covers issues related to GBV. Detailed assessment and mitigation plan for GBV has been laid out and that includes an Internal Committee for Complaints (ICC) constituted at DFCCIL led by Managing Director and with representation of two women members.

Thus far across all EDFCs 1, 2 and 3, DFCCIL has received and addressed 4927 complaints and only 0.81% are pending. In addition, Bank too has received 91 complaints from PAPs, of which 87% have been resolved and the remaining are being followed-up.

#### **2.5.2.4 Vulnerable Persons**

The RPF notes that Identification of vulnerable individuals will be done during implementation of RAP by NGOs through community consultation in the open meeting of respective Gram Sabha. NGO will verify the details of vulnerable persons such as disabled, destitute, orphans, widows, unmarried girls, abandoned women and persons above 50 years of age, who are not provided or cannot immediately be provided with alternative livelihood and who are not otherwise covered as a part of a family. In determining vulnerability, their poverty and social vulnerability shall be a key consideration. Further people below the poverty line will also be supported as per provision of entitlement matrix which provided for a special rehabilitation assistance @ 300 days of minimum wage to the vulnerable persons including the poor, widows, women headed women families, physically challenged, and the aged.

With regard to enlisting the physically disabled people, the level of disability was decided as per the

medical certificate issued by the CMO of the concerned district and a person having more than 50% disability certificate was considered for this benefit. This provision has been largely met except in a few cases wherein such certificates either were not obtained or are yet to be obtained.

### **2.5.3 Land Acquisition and Mitigation Measures**

Land taking in the project was through acquisition, government. land transfer and direct purchase. Land for the project was acquired using:

- Notification processes of Railway (Amendment) Act, 1989 and with R&R provisions as provided under NRRP 2007;
- Notification process of and compensation and R&R assistances as per RFCTLARRA, 2013, once it became applicable in January 2015: and
- U.P. Direct Purchase policy, 2015, particularly for parcels identified as required during construction/implementation stage.

#### **2.5.3.1 RPF 2011:**

To minimize the gap between National and International Policy, DFCCIL/MOR have formulated the Resettlement and Rehabilitation Policy including entitlements. The project RPF was prepared in 2011, amended twice subsequently – once in 2015 when the new LA Act – RFCTLARRA 2013 became applicable and again in 2018 when DFCCIL proposed to use state government (of Uttar Pradesh) - Direct Land purchase policy for acquisition of certain additional lands encountered during implementation as the project area of this project fell predominantly in Uttar Pradesh. In addition, there were other circular issued from time to time to clarify entitlement payments. These are presented below in chronological order:

**Addendum – 1 to RPF 2011, 2015:** The Entitlements in the RPF underwent a major change particularly in case of computation of compensation, application of multiplier (in rural or urban areas), 100% solatium on all assets, R&R assistances – categories and amounts; payment of livelihood assistance – choice of annuity or employment or one time lumpsum of INR 5.0 lakhs.

**Addendum-2 to Resettlement Policy Framework, 2011 (Revised in 2015),** December 2018: This addendum (Addendum-2 (2018) was to incorporate the provisions of Government of Uttar Pradesh Direct Land Purchase policy to acquire additional land acquisition encountered during the implementation. The Land compensation under direct land purchase policy is like RPF's entitlement matrix, i. e, the latest circle rate is considered and multiplied with 1 or 2 times in urban or rural areas respectively and 100% solatium is added to arrive at the final compensation. This was inconsistent with the Entitlement Matrix adopted for the project. However, there was a gap in asset valuation and resettlement assistance. In case of asset valuation, 100% solatium is not added and no resettlement assistance is provided in cases where there is a physical displacement. There was also a gap in case

of those who loose land, the lump sum payment of INR 5, 00,000 towards livelihood loss is not extended. To bridge the above gaps, DFCCIL has issued an order to extend all entitlements as available in the Entitlement matrix to those affected by Direct Purchase policy also.

**Circular issued by Ministry of Railways:** The Ministry of Railways in November 2019 issued a circular directing that in view of RFCTLAR&R Act of 2013, the provisions of schedule 1, 2 and 3 of the Act will be applicable for all land acquisition under the Railways Act as well. It further says that (i) Ministry's earlier policy of offering appointment to affected land losers stands withdrawn; (ii) Lumpsum payment of INR 5 lakhs to be paid to the affected families and in case of joint owners, the amount Rs. 5 Lakhs has been disbursed per Gata/ survey no. in EDFC. Additionally, 5 lakh is available only for those who are losing their entire land or are displaced and certified by the district administration, which is in contravention to the entitlement matrix for EDFC as approved by the Railway Board. This entitlement matrix can be modified after agreement with the Bank.

The planned approach versus practices adopted are presented below.

In cases where land has been acquired as per the RAA 1989 Act, all provisions and stipulations of the Act and described in the RAP have been followed from Notification of Award to disbursement of Compensation. In case of LA award declaration made after January 1, 2015, the provisions of RFCT-LARR 2013 have been applied about payment of compensation. Where award was already declared by the Competent Authority (CA) and there is difference in compensation, in such cases PAPs were guided to approach Arbitrator through Grievance Redressal Mechanism provided in the RAP. In case the land compensation has been made as per the RAA, 2008 after January 1, 2015, without taking into consideration applicable provisions of RFCT-LARR 2013, the difference in award was paid as per the RFCT-LARR, 2013. In instances where land has been purchased through consent, the provisions of the land Purchase Acts through consent of the respective States have been followed.

Compensation payments required timely submission of ownership documents by PAPs and their processing through the district administration. Implementation experiences as well as E&S Audit confirmed that though there were delays these mostly happened due to: i) slow processing by district administration and i) delayed or inaccurate/incomplete submission of documents. There were many cases of PAPs moving for Arbitration for rate enhancement and many cases to court. At present, there are 130 arbitration cases in EDFC-2 and 252 arbitration cases in EDFC-3. Lands were handed over and works commenced post compensation payments in most cases.

There were certain shortcomings in compliance with the policy requirements for "OP 4.12 Involuntary Resettlement" where: (i) compensation and resettlement assistance were not paid to the persons whose lands and assets have been taken over and handed over to the contractors; (ii) sale deed are not yet registered following direct purchase; and (III) a few instances of income tax deductions.

*Assessment of Replacement Cost and Valuation:* The RPF also mentioned that DFCCIL will hire an Independent Evaluator registered with Government, to assist the CA in assessing the replacement cost of land as follows and provide inputs to the Competent Authority as given in Entitlement Matrix: (i) Appraise recent sales and transfer of title deeds and registration certificates for similar type of land in the village or urban area and vicinity; (ii) Appraise circle rate in urban and rural areas of the district; (iii) Appraise agricultural productivity rate for land – 20 years yield. The Competent Authority may take inputs from the independent evaluator before deciding the compensation for the land. This is likely in cases especially where (a) more than “One Acre” of land is to be acquired; (b) where a wide variance between the local market rate and the circle rate, or (c) higher unit rates for similar land parcels offered by other projects in the impacted locality is reported. This independent evaluator was not hired by EDFC. The land valuation was done by the CA.

*Payment of severed and residual lands:* However, in case of residual land, the provisions of the RAP, as mentioned in Note C, have not been followed leading to instances of unpaid compensation for residual land. The Note C of RPF, clearly mentions that:

If the residual plot(s) is (are) not economically viable, the EA will follow the rules and regulations applicable in the state and compensate; accordingly, if there are no state specific rules and regulations available regarding residual land is less than average land holding of the district after EA purchase, the EA in agreement with the Affected Party, will follow one of the following:

- The EA will buy the residual land for the project following the entitlements listed in the entitlement matrix; or
- The EA will pay the Affected Party 25% of the land hardship compensation for that portion of land without its purchase

Following prolonged delays in compiling a list of landowners whose lands were either severed<sup>10</sup> or rendered non-viable as the for PAPs of EDFC 2 having nonviable economically residual plots, DFCCIL has published notice in local vernacular newspaper inviting landowners to apply for R&R provisions. Although many of the affected PAPs have not applied for compensation under this provision (Residual land) due to lack of information, there are some instances where applications have been made which have been forwarded to the SLAO by DFCCIL. This is in contravention to the provisions of the RAP, Note C.

The key issues from the household survey that have been considered in the review of the Land Acquisition arrangements include:

- a) About 10% of the total sampled PAPs reported that compensation is still pending.

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<sup>10</sup> Compensation computed under RAA 1989 considered damages incurred due to severance and hence no separate amount was payable.

- b) Over 88% of the PAPs covered in the sample reported that they have not utilized the compensation amount for purchase of land or any other productive asset.
- c) For 85.4% of the respondents, compensation and assistance grant did not help in improving their living standards.
- d) Of the total sampled HH surveyed, 28.54% are satisfied with the compensation amount and 5.91% are satisfied with the relocation assistance. The dissatisfaction is due to long delay in payment of compensation and R & R assistance. DFCCIL has deposited all the compensation in all the SLAOs accounts accordingly.

### **2.5.3.2 R&R Assistance:**

The entitlement framework in the RPF provides mitigation measures for losses as identified in the SIA. As per RPF, each PAF is entitled for various R&R assistances depending on type of impact. The review found (i) discrepancies in Micro Plan prepared by NGO leading to non-inclusion of entitlements of some of the PAPs in the Micro Plan of other villages; (ii) delay in disbursement of assistances; and (iii) DFCCIL deviating from agreed RPF.

The review found that in EDFC II, NGO made several mistakes while preparing the micro plans in terms of interpretation of Entitlement Matrix and as a result some PAPs were made ineligible or were paid lower amounts. Clarifications were sought by CPM Offices and provided by DFCCIL HQ and often with help from Bank. Though supplementary micro plans were prepared, still there are PAPs those who have not received their full R&R assistance.

Variations in R&R amount between CPM Offices due to differential micro plans prepared by the NGO and due to the timing of disbursement.

Livelihood Assistance of INR 5.0 lakhs: As per entitlement matrix of RPF, each project affected person is eligible for R&R assistance. However, implementation of this provision varied by CPM office. While in Lot 303, wherein majority of the LA was done using the new Act, this provision was implemented with each PAP getting INR 5.0 lakh (towards livelihood) plus INR 50000/- (as resettlement assistance). In other lots such as Lot 301, only INR 5.0 lakhs was given, whereas in Lot 201, 202 and 302 DFCCIL disbursed as per affected gata (agriculture land plot). In December 2019, the Railway Board issued a circular limiting this disbursement from individual landowners to gata equally distributing the livelihood assistance amount to all the landowners of the gata. This considerably brought down the quantum of Assistance amount disbursed to the landowners. The disbursement of livelihood Assistance in EDFC 2 started after December 2019 and soon after compensation payment in EDFC 3 (Lot 303) to help expedite land handover.

Vulnerable households: Concurrent monitoring by SESMRC and E&S Audit findings indicate provisions relating to vulnerable PAPs were complied with and any occasional delays were mainly

due to either submission of inadequate documentation by PAPs or intra-household issues.

The key issues from the household survey that have been considered in the review of the R&R assistance arrangements include:

- a) As per the survey recorded Nearly 20% of the sampled PAPs reported that they have not received R&R assistance. As per the verification with CGM data it was revealed that there are pendency's due to reasons like: Share dispute. Arbitration, court cases, PAPs non-traceable.
- b) About 93% of the sampled PAPs reported that they have not received any kind of training for skill enhancement. However, the training assistance was given as one time grant to the PAPs not interested in training.

### **Monitoring and Evaluation (M&E).**

The RPF and RAP (in much detail) describes how social safeguard issues will be monitored and reported. The RAP provides an overview of the concurrent monitoring and periodic evaluation which include self -verification by the client and independent monitoring by third party. Specifically, the RAP provided Annual Social Audit that is to be done by an NGO/Consultant firm and will verify implementation of R&R as per RAP and submit the report to the SEMU who will plan and implement corrective action. In accordance with this, different consultancy firms were contracted as SESMRCs by DFCCIL to concurrently monitor and evaluate implementation of RAP and EMP.

Regular performance monitoring of RAP implementation had been carried out by the internal oversight mechanisms of DFCCIL, in which SEMU and the CPM office have key roles. SEMU and the CPM office is assisted by PMC and the facilitating NGOs. DFCCIL has hired SESMRC for third party monitoring and quality audit of LA and R&R measures and this agency has been providing quarterly progress reports (QPR) and yearly Safeguard Review Reports for necessary follow up and any remedial action that may be required. The SESMRC visits helped DFCCIL as they brought out several issues of delayed payments, grievances, non-payments and delayed payments due to lack of documents, which were largely resolved by concerned Project Managers of DFCCIL. Although there were occasional breaks both in EDFC 2 and 3 primarily due to contract closure, renewal or fresh contracting of another firm, DFCCIL largely managed to ensure that this M&E mechanism worked almost throughout the project periods as well as extended their tenure to help continue the process, as was done in case of EDFC 2 when the project closed in December 2020.

Social Safeguards Rectification Plan. For the outstanding resettlement activities in the closed EDFC-programmes , DFCCIL has prepared a rectification plan for the remaining actions with target dates and the proposed mitigation measures. All these outstanding actions are targeted to be completed by the end of July 2022.

### **2.5.3.3 Sexual Exploitation and Abuse / Sexual Harassment (SEA/SH)**

The plan to address issues related to SEA/SH was retrofitted in the project in 2018. The interventions were planned at two levels, that of DFCCIL and the Contractor. An Action Plan on GBV prevention and response has been prepared clearly defining the roles and responsibilities of DFCCIL and the Contractor. The action plan has been implemented to address the risk of gender-based violence in the project and adjoining communities. These include.

- a) Develop an IEC strategy and prepare IEC material in the local language on gender equality, zero tolerance for SEA or SH in the project including information on the policy against sexual harassment at the workplace.
- b) Mandatory and ongoing training and awareness raising for the workforce about refraining from unacceptable conduct toward local community members, specifically women.
- c) Informing workers about national laws that make sexual harassment and gender-based violence a punishable offence which is prosecuted.
- d) Introducing a Worker Code of Conduct as part of the employment contract, and including sanctions for non-compliance (e.g., termination).
- e) Inclusion gender-based violence in safety induction trainings.
- f) Mandatory trainings for the workforce on the GBV grievance redressal mechanism for reporting and response of GBV incidents.
- g) Sensitization and awareness generation of community members and at-risk groups to be carried out regularly on GBV risks, prevention, reporting and response.
- h) Continuous stakeholder consultation will be carried out in the adjoining villages to inform the community about GBV risks and redressal mechanisms.
- i) Strengthen institutional linkages with other departments and response actors for GBV risk mitigation and response.
- j) Monitoring to be integrated into project safeguard monitoring with a special focus on identified hot spots.

**2.5.3.4 The GBV Action Plan**

Based on the gender risk assessments and field consultations and findings, a GBV action plan (see below) was prepared outlining the key actions and responsibilities of project partners

<b>S. No.</b>	<b>Particular</b>	<b>Actions</b>	<b>Responsibility</b>	<b>Implementation Status</b>
1	Policy for GBV	Prepare IEC material in the local language for policy against Sexual harassment	DFCCIL, Contractor	Complied.

<b>S. No.</b>	<b>Particular</b>	<b>Actions</b>	<b>Responsibility</b>	<b>Implementation Status</b>
		at workplace and display in strategic locations		
2	Training staff on GBV	Capacity building of staff on GBV	DFCCIL, Contractor	Complied. Several rounds of training given to DFCCIL staff. SESMR Consultants conduct these trainings every quarter. Findings are part of quarterly report.
3	Training focal social specialists	Ongoing capacity building of social specialists	DFCCIL / SESMRC	Complied. Training completed. Part of quarterly training imparted by SESMRC.
4	GBV in safety Induction	Inclusion of GBV in safety induction	Contractor	Complied. GBV issues are now part of tool box talk.
5	GBV in Tool Box Talk and task Briefing	Inclusion of GBV in Tool Box Talk and Task Briefing	Contractor	Complied. GBV issues are now part of tool box talk.
6	Developing a Code of Conduct for GBV	Signing of the CoC by all labourers	Contractor	Complied. The COC is signed by labourers and staff of contractor.
7	GBV in Community interface	Orienting and building awareness of the community on GBV prevention, reporting and response mechanisms.	Contractor / SESMRC	Completed. Continuous exercise to be carried out by SESMRC every quarter along with the contractor.
8	Stakeholder consultations	Continuous stakeholder consultation will be carried out in the adjoining villages	Contractor / SESMRC	Complied. Being done on continuous basis by



<b>S. No.</b>	<b>Particular</b>	<b>Actions</b>	<b>Responsibility</b>	<b>Implementation Status</b>
		to inform the community about GBV risks and redressal mechanisms		SESMRC along with contractor.
9	Monitoring	To be integrated into projects monitoring (PMC, SESMRC). Focused monitoring of identified hot spots	DFCCIL / PMC / SESMRC	Complied. Every quarterly report have section on actions taken on GBV.
10	Strengthen institutional linkages with other departments and response actors for GBV risk mitigation and response	Leveraging existing institutional mechanisms (WCD, police, local NGO's) for GBV risk mitigation and response	DFCCIL / Contractor	Complied. Project Information board have name and number of response actors.
11.	Grievance Redress Mechanism	A two-tier mechanism for registering grievances and redressal of GBV has been proposed by DFCCIL, at the corporate level and CPM level.	DFCCIL	Partially Complied. The corporate level committee, named "Senior Management Committee on GBV" has already been notified while that at the CPM level has not been established.

### 2.5.3.5 Review Findings

Regular community consultations on GBV are being carried out. Close linkages have also been established with the police departments for working together on GBV issues. The village schoolteacher, the gram Pradhan, one social worker and Asha/Aanganwadi worker have been designated as the focal point of contact for the community in case of GBV related issues faced by

them. Regular meetings are held with the focal points to identify any GBV related issue faced by the community members. The contact details of NGOs active in the region have also been shared with the community. Posters and banners containing the Dos and Don'ts and the zero-tolerance policy of the company in case of GBV related cases have been prominently displayed at various locations in the project affected villages. The ICC of the contractor is also in place for internal issues, if any, related to GBV. However,

- a) It was observed that complaint boxes and posters had GBV messages written often in English rather than in the local language.
- b) There should be continuous efforts to disseminate information and awareness amongst the communities- on the purpose and usage of the GBV complaint boxes and, anonymity of the complaints.
- c) Regular dialogue and consultations with multiple stakeholders should be carried out, for identification of GBV risks and hotspots and context specific mitigation measures in collaboration local partners and communities.

#### **2.5.4 Labour Influx and Management:**

Currently 6,200 laborers are working in the project of which 721 are migrant. Migrant labourers have been accommodated in 18 labour camps. Apart from labour camps, there are rented accommodations in EDFC II. In EDFC 3 across both Lots 301 and 303, 90% (3733) of the total labor in were locally sourced i.e., within the state. The camps are self-sufficient with accommodation, drinking water facility, toilets and bath area, kitchen and dining space. The kitchens have facility of fuel that helps in avoiding labourers mixing up with local population.

The project has generated 82,51,378 local employment days<sup>11</sup> since inception. Local entrepreneurs also emerged as part of the project for supply of local labour as well as construction materials, construction vehicles, etc. Majority of the PAPs were satisfied with the employment conditions, wages and facilities provided by the contractor. The number of man-days vary from a day/week to a year or more depending on the project duration. The per day rate of wages being paid to each category of workforce, skilled, semi-skilled and unskilled are INR 603, INR 500, and INR 427 respectively. The principal contractor operates through sub-contractors for supply of labour and does not pay wages directly to the workers. Payment is made on monthly basis and is calculated based on attendance and payment released by the contractor to subcontractor's labour based on PF challan / wages register. All the labourers are registered with the local labour welfare authority. A certificate of registration has been submitted by the contractor as proof. All the workmen are covered under ESIC Policy.

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<sup>11</sup> **Sources:** (i) Employment Records of the Contractor, (ii) Discussion with DFCCIL Officials, (iii) FGD with the local people employed by the Contractor.

The audit findings are summarized below:

	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
<b>Policy</b>	Establish and overarching project specific policy which defines the objectives and principles and will guide the project to achieve the stated objectives	Resettlement Policy Framework	RPF prepared in line with WB OP 4.12 and applicable country legal framework. The RPF have been subsequently revised in line with the change country specific legal framework. The RPF includes: <ol style="list-style-type: none"> <li>1. Legal framework and Bank policy requirements and measures proposed to bridge gaps between them</li> <li>2. Process to identify risks and impacts</li> <li>3. Process for preparing required resettlement plans; eligibility criteria for defining various categories of impacts and mitigation</li> </ol>	<b>Demonstrates Compliance</b>		New policies provision such as circulars from Railway Board, Conducting SIA for Associated facilities will be incorporated in RPF

Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
		<p>measures / entitlements</p> <p>4. Institutional arrangement for delivery of entitlements and indicates within the client organization who will ensure conformance with the policy and responsible for its execution.</p> <p>5. A description of the implementation process, linking resettlement implementation to civil works</p> <p>6. Grievance redress mechanisms</p> <p>7. Mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring;</p>			

	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
			and 8. Monitoring and Evaluation mechanism for both internal by DFCCIL and independent monitors.			
<b>Identification of Risks and Impacts</b>	Establish and maintain a process for identifying project related E&S risks and impacts (both direct and indirect) including associated facilities. OP 4.12 para 4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary	Social Impact Assessment and Resettlement Action Plan	SIA was carried out by independent consultants that provides E&S baseline data. The SIA considered all relevant risks and impacts of the project and those who were likely to be affected by such risks and impacts including individuals and groups that are considered vulnerable.  Provisions have been made for vulnerable individuals and groups in the	<b>Partial Compliance</b>	Impacts due to components integral to the project but not funded by the World Bank such as RUBs/ROBs have not been identified using a similar process though no. of PAPs affected and entitled for payments were quantified.  Risks and impacts due to third party involvement have not been covered in the SIA/RAP  Impacts due to components integral to the project but not funded by the World Bank such as RUBs/ROBs have been	DFCCIL shall share details of identified Linked activities with World Bank for its review. Timelines for filling up any gaps identified will be agreed during implementation support missions. All future associated facilities will be planned and implemented as per the project ESMF.

	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
	resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.		Entitlement Matrix.		<p>highlighted by the SESMRC.</p> <p>Provisions of the RPF were not followed but list of all landowners was shared by DFCCIL with the WB.</p> <p>In all instances where land was required for the RUBs/ROBs/underpasses, it was purchased from the owners on willing buyer -willing seller basis and compensation for land and assets was calculated and paid as per the provisions of the UP Direct Land Purchase Policy. Payment is pending in some cases.</p>	
Linked Facilities	Analyze risks and impacts in the context of project's area of influence encompassing: The likely area to be affected by the project and related facilities;	SIA and RAP	The RPF and SIA/RAP have covered loss of land, structure and livelihood, and Compensation and R&R Assistance thereof.	<b>Non-compliance</b>	Impacts by related facilities or impacts that may occur later have not been included in the SIA/RAP	DFCCIL shall share details of identified Linked activities with World Bank for its review. Timelines for filling up any gaps identified will be agreed during

	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
	unplanned by predictable development caused by the project that may occur later or at a different location.					implementation support missions. All future associated facilities will be planned and implemented as per the project ESMF.
	Identify individuals and groups directly and or indirectly affected by the project because of their disadvantaged status and implemented differentiated measures to ensure they are not disproportionately impacted	RPF; SIA/RAP	Differential impacts and vulnerable persons and groups have been covered in the RAP and additional provisions have been made for them in the Entitlement Matrix.	<b>Demonstrate Compliance</b>		
<b>Mitigation Measures</b>	Establish management programs that describes mitigation measures and	RPF and RAP	The RPF has entitlement framework developed in line with applicable local laws and WB	<b>Demonstrate Compliance</b>		



	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
	performance improvement measures		<p>OP 4.12 that defines mitigation measures vis-à-vis impacts along with the eligibility criteria.</p> <p>Mitigation measures for loss of access to agricultural land and cultural properties have been covered in the SIA/RAP.</p>			
	Efforts made to avoid risks and impacts over minimization	SIA	<p>Socially sensitive stretches have been avoided through selection of alternative links, provision of bypass around settlements and realignments. Along the existing tracks, changes were made in the designs as far as feasible thereby resulting in reduction, if not elimination of</p>	Demonstrates Compliance		

	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
			impacts. Examples can be given of some realignment stretches in EDFC 2 and 3			
<b>Land Acquisition and Involuntary Resettlement</b>	Land acquired at replacement value (using LA act and direct purchase); compensation disbursed within an agreed timeframe;	RAP and SESMRC reports; Addendums and circulars issues by Indian Railways	<p>In cases where land has been acquired as per the LA Act, all provisions and stipulations of the Act and described in the RAP, have been followed from Notification to Award to disbursement of Compensation</p> <p>In instances where land has been purchased through consent, the provisions of the land Purchase Acts through consent of the respective States have been followed.</p>	<b>Partial Compliance</b>	There have been delays in payment of compensation and assistances and at project closure of EDFC 3 many PAPs were due their eligible payments. In addition, there have been instances of taking over of lands without payment of compensation. Independent valuer for land value estimate was not hired by DFCCIL as provisioned for in the RPF	DFCCIL to compensate remaining PAPs as per the agreed timelines of current SRAP.
<b>Tax</b>		RPF,	As per RPF, No	<b>Non-</b>	Monitoring consultants	DFCCIL will help

	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
	<b>deduction from compensation disbursed</b>	SESMRC reports	<p>income tax shall be levied and no stamp duty shall be charged on any amount that accrues to an individual as a result of the provisions of the new law;</p> <p>The Collector shall take possession of land only after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons.</p>	<b>Compliance</b>	reported that income tax is deducted on compensation amount in case of non-agricultural assets. As per new EM there has been no TDS deduction done from the payment of compensation, except few cases.	identified PAPs in filing of ITR so that they get back the deducted amount within 6 months of Effectiveness of RLP. This measure will be discussed with the PAPs during the implementation of CAP for their agreement.
	Residual land that is economically unviable to be compensated	RPF	In case only a part of any land plot is affected and its owner desires that the whole plot be acquired on the grounds that the	<b>Non-Compliance</b>	DFCCIL on a later date published the provision of residual land in local newspapers.  Although many of the affected PAPs have not	DFCCIL to undertake the following actions  1. Within three months of signing of

Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan	
		plot has been rendered uneconomic or has been severed due to LA (u/s94 RFCT-LARR 2013 and Note C), the competent authority can award compensation for the remaining part of the plot,; or award 25% of actual value of remaining land holding as additional compensation allowing the owner to retain the remaining land plot, if agreeable to the land loser		applied for compensation under this provision (Residual land) due to lack of information, there are some instances where applications have been made which have been forwarded to the SLAO by DFCCIL.	<p>agreement, share with bank the list of all PAPs who have submitted claims and offer compensation to those with valid claims</p> <p>2. re-issue newspaper advertisements every quarter for the next one year starting June 2022.</p> <p>3. ensure awareness creation on this provision and monitoring by SESMRC during their visits and report on the same in the QPRs</p>	
<b>R&amp;R Assistance</b>	R&R assistances disbursed as per the eligibility	RAP and Addendums and Circulars issues by	As per the RPF, either annuity or one time grant of INR 500,000 in lieu of employment was	<b>Partial compliance</b>	There has been substantial delay in disbursement of R&R assistances across the project corridor.	DFCCIL will disburse the amount to the balance PAPs as per the updated April 2022 version of the SRAP. For future cases

Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
		Indian Railways	to be disbursed to all landowners whose land was acquired.	<p>The compliance status was differential across EDFC. In case of EDFC 3 (Lots 301 and 303), livelihood R&amp;R assistance has been paid INR 5.5 lakhs per affected family. At all other locations, this payment was made gata-wise. Although in line with the new Circular of the railway Board, this goes against the provisions of the RPF.</p> <p>Though RPF clearly say “The unit of entitlement will be the family”, in practice assistances were disbursed based on gata ownership. Variations in R&amp;R amount between CPM Offices due to differential micro plans prepared by the NGO and also due to the timing of disbursement. In December 2019, the</p>	<p>DFCCIL will:</p> <p>i) amend the provision of payment of INR 5.0 lakh in the existing RPF within 3 months of Effectiveness of RLP;</p> <p>ii) ii) Revised RPF will be approved by DFCCIL board and share with the Bank for its review and action; and</p> <p>iii) issue a notice/advertise the change in provision on their website.</p>

Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
				<p>Railway Board issued a circular limiting this disbursement from individual landowners to gata (plot of land) equally distributing the R&amp;R Assistance amount to all the landowners of the gata. This considerably brought down the quantum of Assistance amount disbursed to the landowners. The disbursement of R&amp;R Assistance in EDFC 2 started after December 2019.</p> <p>The cash based assistance has not been adjusted to annual inflation rate though such a provision was made in the in the RPF.</p> <p>Concerned district authorities are integrally involved in determination and disbursal of R&amp;R.</p> <p>Disbursal of R&amp;R Assistance of Rs. 5 lakh has been done as per Entitlement Matrix and</p>	

	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
					subsequent policy guidelines from the Ministry of Railways.	
<b>Organizational capacity</b>	Established and maintained an appropriate organizational structure to manage social risks and impacts	RPF	SEMU established with clear lines of responsibility and authority. Social consultant appointed in SEMU with well-defined responsibility. SESMRC hired for capacity building trainings	<b>Partial Compliance</b>	Delay in hiring social consultant in SEMU. High turnover of consultant. No dedicated social staff in the CPM offices. The APMs have been given additional responsibility and designated as APM (Social). Services of NGO responsible for RAP implementation terminated prior to implementation of RAP in all lots except in lot 303.	DFCCIL has established Dedicated SEMU department at its headquarters, it will ensure to have adequate Social and Environment staff at HQ and will ensure dedicated social, environment official CGM throughout the project implementation phase. Further, there would be dedicated/designated personnel at the CPM Office levels to expedite the balance R&R actions
	Personnel with responsibility must have appropriate knowledge and	In-depth Interview with SEMU staff	SEMU is headed by a General Manager as well as other officials comes from	<b>Demonstrates Compliance</b>		

	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
	skills and experience necessary to perform their work including implementation of the measures and actions described in safeguard instruments and knowledge of local laws and WB OPs.		India Railways and do not have subject knowledge. The SEMU is supported by social consultant hired from the market. The consultant is well experienced and has adequate knowledge of local applicable laws and WB OP requirement.			
<b>Monitoring and Evaluation</b>	Project has established procedures for monitoring and measuring effectiveness of processes followed and mitigation measures implemented in compliance with legal obligations and regulatory requirements.	RPF and RAP	The RPF and RAP (in much detail) describes how social safeguard issues will be monitored and reported. The RAP provides and overview of the concurrent monitoring and periodic evaluation which include self - verification by the client and independent monitoring by third	<b>Demonstrate Compliance</b>	DFCCIL hired the services of SESMRC for third party concurrent monitoring where report was submitted to higher management every quarter.	



	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
			party.			
<b>Ongoing community engagement</b>	Project to consult project affected communities throughout the project period to update communities on project issues	Reports submitted by NGOs and SESMRC	Community consultations were carried out by the project during the preparation stage as part of SIA and RAP preparation. During implementation stage, NGO responsible for RAP implementation conducted community consultations. SESMRC during site visits consults the community.	<b>Partial Compliance</b>		DFCCIL will ensure dedicated staff for community engagement.
<b>Grievance Mechanism</b>	Accessible procedures appropriate to the project to address grievances	RPF/RAP	Establishment of the GRM with clearly defined membership of the GRC at field and HO level  At DFCCIL level, there is a Field Level GRC comprising	<b>Partial Compliance</b>	In EDFC 2 GRC was established during the initial phase of the project. The GRC however remained non-functional as no meetings of the GRC were held. The concerned APMs worked as the point of contact for Grievances and the	As corrective measure DFCCIL will reconstitute the GRC committee involving concerned staff of DFCCIL/ Section staff. It will be a multi-tier Grievance

Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
		<p>Additional District Magistrate (LA) with other district administration official as its members and representative from DFCCIL and local NGO representatives. PAPs approach this committee as the first level following which, if not satisfied, they can appeal to Project Level Committee at the Corporate level chaired by Director Projects and with representatives from IR and Head, SEMU. The Divisional Commissioners as Arbitrators hear grievance cases relating to payment of compensation for land. An Ombudsman</p>		<p>grievances received by them during their visits to the site were acted upon on a case-to-case basis. A complaint register was maintained at the CGM office which listed the complaints, but the remarks column only had the date of reply, (an acknowledgement of receipt of complaint) with no details of action taken on the complaints. The formal GRM was not functional.</p> <p>In EDFC 3, GRM was established during the initial phase, and it even included the facility of lodging of complaints through phone. In January 2020, DFCCIL issued 'revised' detailed guidelines on processes and timelines relating to land use type, impact area, eligibility, and structure and land valuation. All complaints</p>	<p>Redressal Mechanism, At site level, CPM Level, and HQ level.</p>

	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
			has been appointed for hearing cases not resolved to the satisfaction of the aggrieved PAP/PAF at the levels mentioned above, including cases directly referred by the DFCCIL.		are recorded and tracked until resolved. DFCCIL has advertised the availability of GRM, helpline numbers, including handholding support by the NGO involved in RAP implementation to help PAPs submit requisite documentation. However, PAPs prefer to approach CPM offices to seek redressal since they consider it faster and quicker and only if they do not get satisfactory resolutions, they approach the district level grievance mechanism.	
Gender and Social inclusion	Gender segregated data to provide R&R benefits to women. Women and girls targeted as beneficiaries of income generation activities and livelihood	RPF	NGO to ensure that gender issues are duly addressed in the implementation process.  Gender equality and Gender inclusion (participation) have	<b>Demonstrate s Compliance</b>	Provisions to address potential Gender Based Violence issues in the project had been retrofitted in the project wide separate risk mitigation plans  GBV Action Plan has been laid out which also	

	Objective	Safeguard Instruments	Description	Compliance Status	Explanation	DFCCIL Action Plan
	trainings. Special benefits to vulnerable sections		been covered in the RAP		includes an Internal Committee for Complaints (ICC) constituted at DFCCIL and at the contractors' offices	
Labour	Applicability of labour laws	RPF	NGO to ensure compliance with labour laws. SESMRC to review if labour camps have been setup as per the EMP and verify whether health and safety measures are in place for labours.	<b>Demonstrate Compliance</b>	Complaint boxes have now been provided at the site level; plants, camp sites and labour camps, after the retrofitting of GBV since the last two years	

### 3 GAP ANALYSIS

This section summarizes the gaps and additional measures by each relevant ESS, that would apply to (new activities) RLP that needs to conform to the provisions of the ESF.

#### 3.1.1 ESS -1 Assessment and Management of Environmental and Social Risks and Impacts

WB Requirements	E&S Standard	Current Practices Adopted under the project	Gap Analysis as per the ESF requirements
<b>Environmental and Social Risk Classification / Screening &amp; Scoping</b>			
ESS1 sets out the Borrower's responsibilities for assessing, managing, and monitoring environmental and social risks and impacts associated with each stage of a project supported by the Bank through Investment Project Financing, to achieve environmental and social outcomes consistent with the Environmental and Social Standards (ESSs).		The project was categorized as 'Category A', due to the significant impacts anticipated during construction and operation phase on use of material, requirement of change in land-use, and likely impacts on drainage as well as health and safety of labourers involved and people living near work sites. Impacts due to movement of heavy goods trains were also anticipated due vibration and noise.	<i>No Gaps</i>
The Bank classifies a project as High Risk, Substantial Risk, Moderate Risk or Low Risk considering all relevant potential risks and impacts.		RLP project is categorized as High Risk	
<b>Environmental &amp; Social Review &amp; Assessment Studies</b>			
Para 3, The ESA will be conducted and will consider, in an integrated way, all relevant direct, indirect, and cumulative environmental and social risks and impacts of the project to help ensure that projects are environmentally and socially		An EIA and SIA have been prepared and disclosed for the corridor. The EMP has been integrated with the contract documents for implementation by the contractor.  However, for Associated facilities that are: (a) directly and significantly related	<i>ESIA for associated facilities will be undertaken for new activities under RLP.</i>

WB Requirements	E&S Standard	Current Practices Adopted under the project	Gap Analysis as per the ESF requirements
<p>sound and sustainable.</p> <p>Para 32, The environmental and social assessment will also identify and assess, to the extent appropriate, the potential environmental and social risks and impacts of Associated Facilities.</p>		<p>to the project; and (b) carried out, or planned to be carried out, contemporaneously with the project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist but not financed by the project such as ROB / RUB, EIA &amp; SIA were not undertaken.</p>	
<p>Utilize national environmental and social institutions, systems, laws, regulations and procedures where appropriate.</p> <p>Requirement for management of contractors, associated facilities will meet the requirements of the ESSs to the extent that the Borrower has control or influence over them.</p> <p>Promote improved environmental and social performance, in ways which recognize and enhance Borrower capacity.</p>		<p>Borrowers national and state specific environmental and social framework was agreed and in compliance with the WB Operational policies was addressed under the environmental and social impact assessment studies.</p> <p>PMC with adequate staffing provide support to DFCCIL. For concurrent monitoring and periodic evaluation, SESMRC has been hired. Additional support for quality and safety, is provided by QSAC</p>	<p><i>No Gaps</i></p>
<p>These will include as appropriate, a combination or elements of the following:</p> <ol style="list-style-type: none"> <li>1. ESIA</li> <li>2. Environmental and Social Audit</li> <li>3. Hazard &amp; risk assessment</li> <li>4. Cumulative Impact Assessment</li> <li>5. Social and Conflict Analysis</li> <li>6. Environmental and Social Management Plan</li> <li>7. Environmental and Social Management Framework</li> <li>8. Regional ESIA</li> <li>9. Sectoral ESIA</li> <li>10. Strategic Environmental and Social Assessment</li> </ol>		<p>The following documents were prepared for EDFC project:</p> <p>EMF RPF EIA with EMP, SIA with RAP, and Cumulative Impact Assessment (CIA) study</p>	<p><i>No explicit requirement of ESCP. Recommendation on methodology will be incorporated in revised ESMF and ESCP will be prepared.</i></p>

WB Requirements	E&S Standard	Current Practices Adopted under the project	Gap Analysis as per the ESF requirements
<b>Scope of Environmental Assessment Studies / Detailed studies of particular elements</b>			
<p>Para20, Type, Location, sensitivity, and scale of the project, the nature and magnitude of the potential environmental and social risks and impacts. Identifies a wide (non-exclusive) list of social risks and impacts to consider in the ESA process</p> <p>Para 28, Emphasizes need for differentiated measures so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable , and that they share in development benefits and opportunities. emphasis on non-discrimination and inclusion.</p> <p>Identifies a wide (non-exclusive) list of social risks and impacts to consider in the ESA process. Description of residual risks (not avoidable or fully mitigatable)</p>	<p>SIA was undertaken to prepare RAP. RAP included quantified impacts, differentiated mitigation measures, institutional arrangement, consultation framework, budget and GRM.</p> <p>Consultation was integral to project preparation and implementation.</p> <p>The EIA &amp; SIA reports and summary of the report was made available to project affected groups and local NGOs (including in vernacular language).</p>	<p><i>No Gaps</i></p>	
<p>Assessing the capacity of relevant institutions, the World Bank will carry out an assessment of the relevant laws, regulations and institutional capacity to determine whether they are sufficient to enable project to achieve objectives materially consistent with the ESS's</p> <p>The Borrower is obliged to require contractors engaged on the project to operate in a manner</p>	<p>EA &amp; SIA documents were prepared considering the applicable borrower country legislation and local conditions as well as borrowers' capacity and implementation mechanism.</p> <p>DFCCIL is ensuring the implementation of the environmental management plan by the contractor through PMC, and it is also concurrently monitored and evaluated by SESMRC as well as QSAC</p>	<p>No gaps</p>	

WB Requirements	E&S Standard	Current Practices Adopted under the project	Gap Analysis as per the ESF requirements
consistent with the requirements of the ESSs, including specific requirements set out in the ESCP and relevant management plans			
<b>Stakeholder Engagement &amp; Consultations</b>			
Para 51, Stakeholder consultation at appropriate stages and disclose information at appropriate stages as per ESS 10. providing opportunities for stakeholder engagement at design stage, during implementation, preparing stakeholder engagement plans, consultation as elaborated further in the ESS 10		Extensive consultations were carried out as part of the EIA, SIA process and also subsequently during project implementation with stakeholders – persons directly affected by the land taking, construction works and also with communities around locations wherein construction works were undertaken in proximity to the corridor, labour camps were established etc.	Engagement of interested parties and ongoing reporting back to the stakeholders
<b>Information Disclosure Requirements</b>			
The public disclosure of the project specific documents is prior to presenting the projects to its board of directors for approval generally. The ESIA report and other related documents are made publicly available on the client website as well as the Bank portal.		The disclosure of the documents including the Environmental and Social Assessment reports was undertaken as per the Bank disclosure policy. The documents were also made available on the client website as well as the World Bank External Website.	Annual report prepared by third party (SESMRC) will be disclosed on DFCCIL Website within 1 month of receipt of the report.
<b>Project Monitoring &amp; Reporting</b>			
Para 15, the borrower will conduct monitoring and reporting on the environmental and social performance of the project against the ESS. Monitoring and reporting provide the basis for tracking performance of the project and verifying		Environmental and Social performance are being monitored as per approved E & S documents.  Project contracted SESMRC and QSAC to monitor progress and performance and report on periodic basis to DFCCIL	<i>No Gaps</i>



WB Requirements	E&S Standard	Current Practices Adopted under the project	Gap Analysis as per the ESF requirements
<p>compliance with the ESCP and the requirements of the ESSs.</p>			
<p>The extent and mode of monitoring will be agreed upon with the Bank and will be proportionate to the nature of the project, the project’s environmental and social risks and impacts, and compliance requirements.</p> <p>The Borrower will ensure that adequate institutional arrangements, systems, resources, and personnel are in place to carry out monitoring</p>		<p>DFCCIL established SEMU with clear lines of responsibility and authority.</p> <p>SESMRC consultants appointed for monitoring as a third-party agency; QSAC services for periodic monitoring of the project implementation activities</p>	<p>DFCCIL has shall engage qualified Environment and Social Professionals with appropriate qualification and experience. For upcoming activities such as new corridor designated field staff for E&amp;S work throughout the project implementation cycle will be ensured</p>

### 3.1.2 ESS 2 – Labour and Working Conditions

WB E&S Standard Requirements	Current Practices adopted under the project	Gap Analysis as per ESF requirements
<p>Objective and Scope ESS2 recognizes the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth and applies to all project workers including all-time, part-time, temporary, seasonal and migrant workers.</p> <p>The scope of application of ESS2 depends on the type of employment relationship between the Borrower and the project workers. The term “project worker” refers to: direct workers, contracted workers, primary supply workers, and community workers.</p>	<p>The ESF and the EIA &amp; SIA defined the requirement of compliance to the various Acts and regulations related to engagement of workers including labourers. Workers are grouped into two categories, employees and contractual workers and procedures for engagement of employees and labour is well defined and being followed by the contractors.</p>	<p>No laid down procedure for engagement of contracted workers, community workers and primary supply workers. The Labour Management Procedure has been prepared for the proposed project that covers other workers in line with ESS 2.</p>
<p>Working Conditions and Management of Workers’ Relationship: Develop and implement written labour management procedures applicable to the project. The LMP will include working conditions and management of worker relationships, protection of work force from child and forced labor, grievance mechanism for raising workplace concerns and occupational health and safety.</p>	<p>Applicability of Acts related to Child Labour, Bonded labour, Contract labour, equal remuneration and minimum wages has been maintained in the RPF. NGOs appointed to assist the package manager to ensure that contractors are abiding by the various provisions of the applicable laws concerning workers' safety, health and hygiene, women's issues and child labour issues. The procedure for labour camps and OHS requirements have been included in the EMP and SESMRC appointed to review proper implementation of the same.</p>	<p>No formal grievance mechanism for direct or contracted labourers for raising workplace concerns. Gender Based Violence and Labour Management have been retrofitted in the project. GBV Action Plan has</p>

WB E&S Standard Requirements	Current Practices adopted under the project	Gap Analysis as per ESF requirements
		<p>been laid out which also includes an Internal Committee for Complaints (ICC) constituted at DFCCIL and at the contractors' offices. A labour Management Procedure has been prepared for the proposed project.</p>
<p>Terms and Conditions of Employment Project workers will be provided with information and documentation that is clear and understandable regarding their terms and conditions of employment. Para 11: Project workers will be paid on a regular basis as required by national law and labor management procedures. They will be provided with adequate periods of rest per week, annual holiday and sick, maternity and family leave, as required by national law and labour management procedures.</p>	<p>EIA and EMP cover these aspects and EMP is part of the contract document. Labour camps for with all facilities have been set up as per the EMP. Workers are appointed formally. Payment is made on monthly basis and is calculated based on attendance and payment released by the contractor to subcontractor' labour based on PF challan / wages register</p>	<p>Include specific clause on labor payment. Payment to the labourers directly instead of routing through labour contractor.</p>

WB E&S Standard Requirements	Current Practices adopted under the project	Gap Analysis as per ESF requirements
<p>Non-discrimination and equal opportunity</p> <p>The employment of project workers will be based on the principle of equal opportunity and fair treatment, and there will be no discrimination with respect to any aspects of the employment relationship, such as recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, job assignment, promotion, termination of employment or retirement, or disciplinary practices.</p>	<p>The LMP, under applicable legal framework covers all the Acts and policies regarding non-discrimination and equal opportunity.</p>	<p>No gaps</p>
<p>Child labour, Minimum Age and Forced Labour:</p> <p>The labor management procedures will specify the minimum age for employment or engagement in connection with the project, which will be the age of 14 unless national law specifies a higher age. A child over the minimum age and under the age of 18 may be employed or engaged in connection with the project only under specific conditions but will not be employed will not be employed or engaged in connection with the project in a manner that is likely to be hazardous or interfere with the child's education or</p>	<p>Contract documents reflect all the applicable labor laws</p>	<p>No gaps.</p>

WB E&S Standard Requirements	Current Practices adopted under the project	Gap Analysis as per ESF requirements
<p>be harmful to the child's health or physical, mental, spiritual, moral or social development.</p>		
<p><b>Grievance Mechanism</b> A grievance mechanism will be provided for all direct workers and contracted workers (and, where relevant, their organizations) to raise workplace concerns.</p>	<p>No grievance mechanism for dealing with the labour grievances is provided in the EMF, RPF or RAP/SIA. Consequently, no formal grievance mechanism for direct or contracted labourers exists either at DFCCIL level or at Contractor's level.</p>	<p>The Labour Management Procedure (LMP) incorporating grievance mechanism for all direct and contracted workers to be applicable as per the ESS.</p>
<p><b>Occupational Health and Safety:</b> Measures relating to occupational health and safety will be applied to the project. The OHS measures will include the requirements of this Section, and will take into account the General EHSGs and, as appropriate, the industry- specific EHSGs and other GIIP. The OHS measures applying to the project will be set out in the legal agreement and the ESCP.</p>	<p>The DFCCIL has prepared SHE Manual. The construction contractors have to prepare their OHS manual incorporating site/activity specific safety measures as specified in the SHE Manual as well as the relevant Acts &amp; Rules. The OHS measures applying to the project have been set out in the Contract document</p>	<p>No gaps, as SHE manual requires the contractor to undertake risk hazard assessment along with the method statement for different activities. The LMP, applicable for all future projects, is prepared.</p>

### 3.1.3 ESS 3 – Resource-Efficiency-and-Pollution-Prevention-and-Management

ESS Requirement	Current Practices Adopted	Gap Analysis as per ESF
Para 4: The borrower will consider ambient conditions and apply technically and financially feasible resource efficiency and pollution prevention measures in accordance with the mitigation hierarchy. The measures will be proportionate to the risks and impacts associated with the project and consistent with GIIP, in the first instance the EHSGs	<p>The mitigation hierarchy was adopted as part of the EIA studies under the EDFC-3 project.</p> <p>Adequate pollution prevention and control measures were adopted by the contractor onsite as per EMP provisions.</p> <p>On some occasions, the contractor has failed to adhere to the environmental quality monitoring frequency guidelines.</p>	No Gaps
Resource Efficiency (Para 5): Promote the sustainable use of resources, including energy, water, and raw materials	<p>Energy optimization study was undertaken for the operational phase by DFCCIL.</p> <p>The project does not have significant use of water during the construction and operations phase nor have any significant impacts on water quality.</p>	No Gaps
11. The Borrower will avoid the release of pollutants or, when avoidance is not feasible, minimize and control the concentration and mass flow of their release using the performance levels and measures specified in national law or the EHSGs, whichever is most stringent.	<p>EMP includes plans to manage and control air and water pollution to conform the national and state regulatory standards and EHSG's for railways. Manage specific risks and impacts to the community arising from Project activities, including, inter alia, noise and vibration, accidental release of VOCs in case of spills, behavior of Project workers, risks of labor influx through labor influx management plan.</p>	No Gaps
13. Avoid or minimize adverse impacts on human health and the environment caused by pollution from project activities	<p>To ensure safe work environment and incident free execution of the project, WBG Safety, Health and Environment guidelines for railways were adopted as part of the EMF.</p> <p>SHE Manual applies to all aspects of the contractor's scope of work,</p>	<p><del>Strengthening the risk and hazard analysis in OHS management plan.</del></p> <p>No gap</p>

ESS Requirement	Current Practices Adopted	Gap Analysis as per ESF
	including sub-contractors.; Silicosis exposure strategy was implemented along with EMP.	
15, the Borrower will consider alternatives and implement technically and financially feasible and cost-effective options to avoid or minimize project-related air emissions during the design, construction, and operation of the project	The EIA and EMP has considered suitable measures to control air emissions and measures are being implemented at construction sites and plant locations.	
Avoid or minimize project related emissions of short- and long-lived climate pollutants	GHG emission reduction analysis was undertaken for the EDFC corridor considering the “with and without scenario”.	No Gaps
17. The Borrower will avoid the generation of hazardous and non-hazardous waste. Where waste generation cannot be avoided, the Borrower will minimize the generation of waste, and reuse, recycle and recover waste in a manner that is safe for human health and the environment. Where waste cannot be reused, recycled or recovered, the Borrower will treat, destroy, or dispose of it in an environmentally sound and safe manner that includes the appropriate control of emissions and residues resulting from the handling and processing of the waste material.	<p>The EIA has analyzed potential impacts of the hazardous waste and recommended mitigation measures as required.</p> <p>The contractor has adopted the necessary EMP provisions for hazardous materials handling, storage, and disposal requirements; necessary authorizations (regulatory clearances) to handle hazardous waste / material has been obtained by the contractor.</p>	No Gaps
Minimize and manage the risks and impacts associated with pesticide use	Not applicable under the project	Not Applicable under the project

### 3.1.4 ESS 4 - Community-Health-and-Safety

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p><b>Objectives.</b></p> <ul style="list-style-type: none"> <li>• To anticipate and avoid adverse impacts on the health and safety of project-affected communities during the project life cycle from both routine and non-routine circumstances.</li> <li>• To promote quality and safety, and considerations relating to climate change in the design and construction of infrastructure, including dams.</li> <li>• To avoid or minimize community exposure to project-related traffic and road safety risks, diseases, and hazardous materials.</li> <li>• To have in place effective measures to address emergency events.</li> <li>• To ensure that the safeguarding of personnel and property is carried out in a manner that avoids or minimizes risks to the project-affected communities.</li> </ul>	<p>The impacts were identified during the EIA stage and mitigation measures were undertaken as per the EMP provisions.</p>	
<p><b>Community Health and Safety</b></p> <p>5. The Borrower will evaluate the risks and impacts of the project on the health and safety of the affected communities during the project life cycle, including those who, because of their particular circumstances, may be vulnerable. The Borrower will identify risks and impacts and propose mitigation measures in accordance with the mitigation hierarchy.</p>	<p>During preparation, the EIA and SIA helped identify locations that would have experienced significant impacts. As part of the design considerations, detour sections were identified to avoid impacts on densely populated areas.</p>	<p>No Gaps</p>
<p><b>Infrastructure and Equipment Design and Safety</b></p>	<p>For project design elements, RDSO design standards have been</p>	<p>No gaps</p>



ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>6. The Borrower will design, construct, operate, and decommission the structural elements of the project in accordance with national legal requirements, the EHSs and other GIIP, taking into consideration safety risks to third parties and affected communities. Structural elements of a project will be designed and constructed by competent professionals and certified or approved by competent authorities or professionals. Structural design will consider climate change considerations, as appropriate.</p>	<p>followed, Explicit climate considerations were considered under the EIA study, A separate resilience study was undertaken, and workshop was organized to discuss its findings – strengthening climate resilience for EDFC. Relevant parts are included in the RLP document.</p>	
<p><b>Safety of Services</b> 9. Where the project involves provision of services to communities, the Borrower will establish and implement appropriate quality management systems to anticipate and minimize risks and impacts that such services may have on community health and safety. In such circumstances, the Borrower will also apply the concept of universal access, where technically and financially feasible.</p>	<p>Contractors are required to have quality assurance systems in place. DFCCIL requires the successful contractors to be ISO14000, ISO9000 and OSAS 18000 certified. These requirements do not cover main contractors' sub-contractor agencies.</p>	<p>Second level certification not required.</p>
<p><b>Traffic and Road Safety</b> 10. The Borrower will identify, evaluate, and monitor the potential traffic and road safety risks to workers, affected communities, and road users throughout the project life cycle</p>	<p>The EMP provides the guidelines for ensuring haul road management, traffic management and safety measures for movement of heavy machinery which has been followed by the contractors. Haul road management plan was</p>	<p>No gaps</p>

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>and, where appropriate, will develop measures and plans to address them. The Borrower will incorporate technically and financially feasible road safety measures into the project design to prevent and mitigate potential road safety risks to road users and affected communities.</p>	<p>prepared under the project.</p>	
<p><b>Ecosystem Services</b> 14. The project's direct impacts on ecosystem services may result in adverse health and safety risks to and impacts on affected communities.4 With respect to this ESS, ecosystem services are limited to provisioning and regulating services as defined in ESS1. Where appropriate and feasible, the Borrower will identify the project's potential risks and impacts on ecosystem services that may be exacerbated by climate change. Adverse impacts will be avoided, and if they are unavoidable, the Borrower will implement appropriate mitigation measures.</p>	<p>No important eco system service areas were impacted due to the project. The project is in compliance to the national and state specific regulations for diversion of forest land and is undertaking compensatory plantations where forest land has been diverted for non-forest use. . Only Protected Forests is affected, which are linear plantation along the alignment.</p>	<p>No gaps</p>
<p><b>Community Exposure to Health Issues</b> 15. The Borrower will avoid or minimize the potential for community exposure to waterborne, water based, water-related, and vector-borne diseases, and communicable and non-communicable diseases that could result from project activities, taking into consideration differentiated</p>	<p>The adverse impacts on the health and safety of project affected communities is avoided through implementation of EMP measures including haul road management. Noise barriers at sensitive locations has been installed to reduce impacts due to anticipated increased level of noise during operations phase. Drainage measures have been provided at the edge of the RoW and cross drainage structures have been</p>	

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>exposure to and higher sensitivity of vulnerable groups. Where specific diseases are endemic in communities in the project area, the Borrower is encouraged to explore opportunities during the project life cycle to improve environmental conditions that could help minimize their incidence.</p>	<p>constructed to allow passage of water. In some locations/stretches, review is required to ensure that adequate measures / structures are available to allow smooth passage of water. Contract provision for such assessment would need to be operated in the remaining stretches, whenever such issues are encountered.</p>	
<p>16. The Borrower will take measures to avoid or minimize transmission of communicable diseases that may be associated with the influx of temporary or permanent project labor.</p>	<p>Though not included in the original EIA/EMP the contractor has responded by adopting applicable guidelines for hygiene and workplace practices to control spread of the covid-19 pandemic. Awareness programs were conducted by DFCCIL &amp; contractors (under CSR initiatives) in coordination with district authorities on HIV-AIDS for the community in proximity of the corridor.</p>	No Gaps
<p>Management and Safety of Hazardous Materials 18. The Borrower will implement measures and actions to control the safety of deliveries of hazardous materials, and of storage, transportation, and disposal of hazardous materials and wastes, and will implement measures to avoid or control community exposure to such hazardous material.</p>	<p>The EMP requires contractors to adopt measures in line with the national standards for managing hazardous materials and wastes. Regulatory clearances have been obtained upon implementation of the required measures in line with the applicable standards.</p>	No Gaps
<p>Emergency Preparedness and Response 19. The Borrower will identify and implement measures to address emergency events. The measures will be designed to address the emergency event in</p>	<p>Emergency response plan in coordination with the local authorities have been prepared under the EMP provisions.</p>	No Gaps

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>a coordinated and expeditious manner; to prevent it from injuring the health and safety of the community; and to minimize, mitigate, and compensate for any impacts that may occur.</p>		
<p><b>Security Personnel</b>  24. When the Borrower retains direct or contracted workers to provide security to safeguard its personnel and property, it will assess risks posed by these security arrangements to those within and outside the project site.  The Borrower will not sanction any use of force by direct or contracted workers in providing security except when used for preventive and defensive purposes in proportion to the nature and extent of the threat.</p>	<p>Private security has been hired by the contractor directly for preventive and defensive purposes in proportion to the nature and extent of the threat.</p>	<p>No gaps</p>

### 3.1.5 ESS 5 - Land-Acquisition-Restrictions-on-Land-Use-and-Involuntary-Resettlement

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>Objectives:            To i) avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;            ii) avoid forced evictions;            iii) mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use;            iv) To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure; v) To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant. vi) To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.</p>	<p>Objectives in RPF: To provide guidelines for preparing RAP for the project affected people for improving or at least retaining the living standards in the post resettlement period; to outline the entitlements for the affected persons for payment of compensation and assistance for establishing the livelihoods; to provide in detail implementation arrangements including SIA, preparation of RAP, consultation, grievance redress, disbursement of compensation and resettlement and rehabilitation benefits, and monitoring and implementation; to set out communication mechanism to establish harmonious relationship between DFCCIL and Project Affected Persons(PAPs); to provide guidelines for expeditious implementation of R&amp;R with adequate budget</p> <p>To understand the potential impact of land acquisition and mitigate/minimize its adverse impact, the RPF notes: Minimum land acquisition and disturbance to existing features will be a prime objective of the design. Socially sensitive stretches will be avoided through selection of alternative links, with providing bypass around settlements and realignments. Along the existing tracks, changes will be made in the designs as far as feasible thereby resulting in reduction, if not elimination of impacts. Minimization of impacts within the limitations of technical requirements and cost effectiveness will be emphasized during entire course.</p>	<p>The RPF will be aligned with the requirements of the ESF to include additional requirements such i) as support to displaced families for housing; ii) R&amp;R assistance amounts adjusted to inflation adjustments; iii) application of certain policy provision; iv) the grievance mechanism will be strengthened; v) engagement with the community will be deepened; and vi) capacity enhancement of field level units for managing LA and R&amp;R issues</p>
Requires "Replacement cost"	RPF requires compensation payment	No gap

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>to replace affected assets, plus necessary transaction costs associated with asset replacement. undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs.</p> <p>In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety.</p>	<p>based on a calculation of the market value, where the market value of the land is updated as per prevalent rates and calculated:</p> <p>by applying these factors and will be multiplied by 1 if in an urban area and 1-2 if in a rural area.</p> <p>Solatium of 100% on the amount arrived at. An amount of interest at the rate of 12 % per annum shall be added to the market value which will be awarded from the date of the notification of the SIA to the date of the Award.</p>	
<p>Scope: It applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use</p> <p>Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law; Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures</p>	<p>The provisions of the Act and RPF govern land acquisition, compensation, rehabilitation and resettlement when the appropriate Government acquires land for its own use, hold and control.</p> <p>DFCCIL has also purchased land directly under UP Direct Purchase Policy 2015. Provisions relating to rehabilitation and resettlement under RPF applies in such cases</p> <p>The RPF covers families as affected families whose primary source of livelihood is dependent on land such as. Registered “lessees”, ‘tenants’ or ‘share-croppers” occupiers of <i>Abadi</i> (residential land without revenue records) lands, assigned lands, or tribes occupying forest lands) with claims/ rights recognized under state/ Central laws) covered u/s 3 c (iii), (v) of RFCT-LARR, 2013</p>	<p>The RPF broadly defines eligibility for titleholders and non-titleholders but not as specific as ESS 5.</p>

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project</p> <p>Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project-specific cut-off date</p> <p>Displacement of people as a result of project impacts that render their land unusable or inaccessible</p> <p>Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;</p> <p>Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation; and</p> <p>Land acquisition or land use</p>		

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.		
Affected persons frequently do not have formal ownership. This may include freshwater and marine environments. This ESS does not apply to restrictions of access to natural resources under community-based natural resource management projects, i.e., where the community using the resources collectively decides to restrict access to these resources, provided that an assessment satisfactory to the Bank establishes that the community decision-making process is adequate and reflects voluntary, informed consensus, and that appropriate measures have been agreed and put in place to mitigate adverse impacts, if any, on the vulnerable members of the community.	The RPF covers families as affected families whose primary source of livelihood is dependent on land such as. Registered “lessees”, ‘tenants’ or ‘share-croppers” occupiers of <i>Abadi</i> (residential land without revenue records) lands, assigned lands, or tribes occupying forest lands) with claims/ rights recognized under state/ Central laws) covered u/s 3 c (iii), (v) of RFCT-LARR, 2013	No gap. The RPF is aligned with the requirements of the ESF
When ESS is not applicable: to voluntary, legally recorded market transactions in which the seller is given a genuine opportunity to retain the land and to refuse to sell it, and is fully informed about available choices and their implications. However, if such transactions result in the	No provision in RAA or RPF. The provisions of the 2013 Act with relation to rehabilitation and resettlement shall apply in cases where a private company purchases land, equal to or more than 40 hectares in rural areas and 20 hectares in urban areas, through private negotiations with the owner of the land in accordance with the provisions of section 46. [Section 2(3) and Rule 15 of	No Gaps



ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>displacement of persons, other than the seller, who occupy, use or claim rights to the land in question, this ESS will apply.</p>	<p>Rules, 2015]</p> <p>The R&amp;R provisions of the Act apply in case of land purchases above the prescribed limits and when done in accordance with Section 46. However, there is no reference to cases where affected persons other than sellers may be displaced on account of such land purchase.</p> <p>Though not part of RAA and RPF, DFCCIL has gone ahead with direct purchase of land and R&amp;R assistances provisions of the RPF apply and have been paid in such cases.</p>	
<p>Eligibility</p> <p>(a) Who have formal legal rights to land or assets;</p> <p>(b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or</p> <p>(c) Who have no recognizable legal right or claim to the land or assets they occupy or use.</p>	<p>As per RPF, an Affected family includes-</p> <p>a family whose land or other immovable property has been acquired</p> <p>a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;</p> <p>the Scheduled Tribes and other traditional forest dweller who have lost any of their forest rights recognized under Forest Rights Act, 2006 due to acquisition of land family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;</p> <p>a member of the family who has been assigned land by the State Government</p>	<p>Aligned with the requirements of the ESF</p>

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
	<p>or the Central Government under any of its schemes and such land is under acquisition</p> <p>a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land.</p>	
<p>At the request of affected persons, it may be necessary to acquire entire land parcels if partial acquisition would render the remainder economically unviable or make the remaining parcel unsafe or inaccessible for human use or occupancy.</p>	<p>In case only a part of any land plot is affected and its owner desires that the whole plot be acquired on the grounds that the plot has been rendered uneconomic or has been severed due to LA (u/s94 RFCT-LARR 2013 and Note C), the competent authority can award compensation for the remaining part of the plot,; or award 25% of actual value of remaining land holding as additional compensation allowing the owner to retain the remaining land plot, if agreeable to the land loser.</p>	<p>Aligned with the requirements of ESF</p>
<p>Compensation standards for categories of land and fixed assets will be disclosed and applied consistently. Compensation rates may be subject to upward adjustment where negotiation strategies are employed. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.</p>	<p>Before declaration of award u/s 20 F of RAA' 2008, CA will also consider the compensation by State Government through any act or Gazette Notification or as approved by any authority of State Government (duly authorized for the purpose) as per their approved procedure has fixed a rate for compensation of land. Under RFCTLARR&amp;R Act, compensation is calculated as per Sections 26, 28 and 29 of the Act. The rehabilitation and resettlement award is calculated as per Section 31 of the Act. This is done based on the details laid out in the First and Second Schedules of the Act. Each PAPs shall be advised individually about the details of compensation and the how the rates are calculated. The details</p>	<p>Aligned with the requirements of the ESF</p>

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
	of compensation methods are available in the copy of award which available in CPM office.	
Where livelihoods of displaced persons are land-based, or where land is collectively owned, the Borrower will offer the displaced persons an option for replacement land, the Borrower will also provide opportunities to displaced communities and persons to derive appropriate development benefits from the project. In the case of affected persons Who have no recognizable legal right or claim to the land or assets they occupy or use resettlement assistance will be provided in lieu of compensation for land, as described	The RPF provides for a) house site and house to be allotted in case of displaced families or equivalent cash, and b) one-time subsistence allowance and transportation allowance in case of displaced families.	Aligned with the requirements of the ESF.
Possession of acquired land and related assets only after compensation in accordance with this ESS has been made available and, where applicable, displaced people have been resettled and moving allowances have been provided to the displaced persons in addition to compensation. livelihood restoration and improvement programs will commence in a timely fashion in order to ensure that affected persons are	As per RPF, the process of payment for compensation of the award of the landowners, and disbursement of applicable rehabilitation assistance to the concerned PAFs (especially for all the structure losers) shall be completed before taking the land into possession for carrying out any activity on the land. Adequate notice will be given to PAFs prior to start civil work. No structures shall be disturbed till PAFs receives their Entitlements.	Aligned with the requirements of the ESF

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.		
<p>Community engagement</p> <p>The Borrower will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS10.</p>	<p>RPF requires borrower to engage with affected persons and affected communities as well as host communities across various stages of the project: to carry out public/ stakeholder consultations during Baseline and socio-economic survey stage, with major focus disseminate information about the project and entitlements ii) continuous dialogues with the villagers during finalization of alignment and land acquisition process. information disseminations and consultations during land taking notifications issued (e.g. 20 A section 20 E) declaration of award stage. The consultation mechanism will ensure active participation of PAPs in understanding entitlement of each category of PAPs, grievance and complain handling mechanism, persons to be contacted in case of any ambiguity in disbursement procedure.</p>	<p>RPF is partly aligned with ESF as it addresses one of three stakeholder categories fully i.e. project affected and disadvantaged and within that category those vulnerable and disadvantaged PAPs. However, it does not address the other two categories i.e. other interested parties and disadvantaged and vulnerable groups</p> <p>The Stakeholder Engagement Plan has been prepared in line with ESS 10 as part of project preparation for the proposed project.</p>
<p>Grievance mechanism</p> <p>ESS 5 requires a grievance mechanism for the project in accordance with ESS10 as</p>	<p>RPF provided for constitution of a grievance redress/R&amp;R committee to hear and redress the grievances, if any, of the PAFS &amp; PAPs at field and Head Quarter</p>	<p>No gap. However, the experience shows that</p>

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>early as possible to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.</p>	<p>levels.</p> <p>The Field level grievance committee (FLC) shall be convened by CPM where the District Collector shall be the Chairperson, and other members will be the President, Zilla Parishad (District Council) and a representative from a reputed local NGO.</p> <p>The HQ level grievance committee (HLC) is convened by GM/SEMU where the Director, Project and Planning is the member. Arbitrators to hear grievance cases relating to payment of compensation for land to be acquired under RAA, 2008 have already been appointed.</p> <p>In addition, an Ombudsman was appointed for hearing cases not resolved to the satisfaction of the aggrieved PAP/PAF at the levels mentioned above, including cases directly referred by the DFCCIL.</p>	<p>suggested GRM was established only in few packages. The GRM largely remained non-functional.</p>
<p>Planning and Implementation As part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The social assessment is to also address the claims of communities or groups who, for valid reasons, were not be present in the project area</p>	<p>Census and Socio-economic survey of affected families were carried out as part of SIA and RAP preparation and these helped to detail all impacted assets and persons; formulate entitlements for each landowner and landless whose livelihoods were primarily dependent on the lands being acquired.</p> <p>The Cut-off date for identifying the affected families including landowners, those having title claims recognized under other state and central laws, and squatters was the date of first land acquisition (LA) notification issued under 20A of Railway Amendment Act of 2008</p>	<p>Aligned with the requirements of the ESF.</p>

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>during the time of the census, such as seasonal resource users.</p> <p>Based on the census, the Borrower is to establish a cut-off date for eligibility.</p>		
<p>Establish the roles and responsibilities relating to financing and implementation; include arrangements for contingency financing to meet unanticipated costs; arrangements for timely and coordinated response to unforeseen circumstances impeding progress toward desired outcomes.</p>	<p>The RPF clearly defines the institutional arrangement. The institutional arrangements are further expanded in RAPs along with the budget.</p>	<p>Aligned with the requirements of the ESF. The CGM as head of field unit is fully empowered for Land Acquisition and R&amp;R assistance.</p>
<p>Establish procedures to monitor and evaluate the implementation of the plan and take corrective action as necessary during implementation to achieve the objectives of this ESS. The extent of monitoring activities is to be proportionate to the project's risks and impacts. For all projects with significant involuntary resettlement impacts, the Borrower will retain competent resettlement professionals to monitor the implementation of resettlement plans, design corrective actions as necessary, provide advice on compliance with this ESS and produce periodic monitoring reports.</p>	<p>RPF provided for the performance monitoring of the RAP implementation by internal oversight mechanisms of the DFCCIL SEMU and CPM office with the help of the PMC and the facilitating NGOs. Quality and impact monitoring were to be done by independent Social &amp; Environment Safeguard Monitoring and Review Consultant (SESRMC) consultants.</p> <p>Consultation process with affected persons as part of the M&amp;E process is detailed out in RAPs with M&amp;E indicators, as well as in the TORs for Concurrent Monitoring and Evaluation.</p>	<p>Aligned with the requirements of the ES</p>

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
Affected persons will be consulted during the monitoring process. Periodic monitoring reports will be prepared and affected persons will be informed about monitoring results in a timely manner.		
Not resort to forced evictions of affected persons i.e. the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in the ESF.	In line with RAA and RPF, DFCCIL exercised eminent domain, while complying with the requirements of national law. DFCCIL provided adequate advance notice, meaningful opportunities to lodge grievances and appeals, and avoidance of the use of unnecessary, disproportionate, or excessive force). DFCCIL took physical possession of land to be acquired after ensuring that full payment of compensation has been transferred to SLAO accounts for disbursement to PAPs within the specified periods, though delayed on many occasions.	Aligned with the requirements of the ESF. However, SLAO needs to disburse the compensation before physical possession of land.
In the case of projects affecting livelihoods or income generation, measures to allow affected persons to improve, or at least restore, their incomes or livelihoods, should be provided.	The SIA study assessed livelihoods affected by the proposed land acquisition and the RAPs (in accordance with RPF) detailed the Rehabilitation and Resettlement Entitlements for those whose livelihood is primarily dependent upon the land taken.	Aligned with the requirements of the ESF
Collaboration with other responsible agencies or sub-national jurisdictions Establish means of collaboration between the agency or entity responsible for project implementation and any other governmental agencies, sub-national jurisdictions or entities that	DFCCIL hires an independent agency to conduct SIA and preparation of RAP. The agency responsible for SIA is also responsible for community consultations and obtaining consent of landowners.  Once the SIA is completed, evaluated by the expert group and it appears that the land required is for public purpose, the requiring body will make a requisition to	DFCCIL will rely on the ESF and propose supplemental measures in cases where there is no land acquisition and there are adverse impacts

ESS Requirement	Current Practices adopted under the project	Gap Analysis as per ESF
<p>are responsible for any aspects of land acquisition, resettlement planning, or provision of necessary assistance.</p> <p>where the capacity of other responsible agencies is limited, the Borrower will actively support resettlement planning, implementation, and monitoring.</p> <p>If procedures or standards of other responsible agencies do not meet the relevant requirements of this ESS, I prepare supplemental arrangements or provisions for inclusion in the resettlement plan to address identified shortcomings.</p> <p>The plan will also specify financial responsibilities for each of the agencies involved, appropriate timing and sequencing for implementation steps, and coordination arrangements for addressing financial contingencies or responding to unforeseen circumstances.</p>	<p>the District Collector Commissioner, R&amp;R for land acquisition. The requiring body will submit the estimated cost of land acquisition drawn based on an enquiry conducted by a committee formed by the Collector.</p>	<p>on encroachers (landowners who have encroached on government land) and squatters (landless but living illegally on affected lands).</p>



### 3.1.6 ESS 6 - Biodiversity-Conservation

ESS Requirements	Current practices adopted under the project	Gap analysis as per ESF
Protect and conserve biodiversity and habitats	No critical habitats or areas of high conservation value were identified to be impacted due to the project interventions. Therefore OP4.04 was not triggered.	No Gaps
Apply the mitigation hierarchy and the precautionary approach in the design and implementation of projects that could have an impact on biodiversity	The project involved for most part diversion of protected forest land (extensively modified habitat) with no significant biodiversity values. Compensatory afforestation is being undertaken to compensate the loss of forest land and tree cover in compliance with the national and state specific legislation related to diversion of forest land and compensatory tree plantations.	No Gaps
To promote the sustainable management of living natural resources	OP 4.36 was triggered as per the WB Operational policies as it involved diversion of protected forest land parcels. Almost all permissions have been obtained and compensatory monies paid to respective State Forest Department for plantation in lieu of diverted land and trees cut.	
Support livelihoods of local communities, including Indigenous Peoples/Sub Saharan African Historically Underserved Traditional Local Communities (IP/SSAHUTLC) SSAHUTLC), and inclusive economic development, through the adoption of practices that integrate conservation needs and development priorities	Not applicable under the project	Not Applicable
Other provisions of the standard	Not applicable	Will be integrated into the ESMF for



### 3.1.7 ESS 8 Cultural Heritage

ESS Requirements	Current practices adopted under the project	Gaps analysis as per ESF
<p><b>OBJECTIVES</b></p> <p>To protect cultural heritage from the adverse impacts of project activities and support its preservation.</p> <p>To address cultural heritage as an integral aspect of sustainable development.</p> <p>To promote meaningful consultation with stakeholders regarding cultural heritage.</p> <p>To promote the equitable sharing of benefits from the use of cultural heritage.</p>	<p>Meaningful consultations were carried out with local communities to identify affected cultural heritage and relocation sites. No commercial use of cultural heritage was envisaged under the project.</p> <p>The project has adopted Chance-Find procedures to handle situations where cultural heritage may be encountered during project implementation.</p>	<p>Current project documentation does not consider intangible cultural heritage and assets. This will be added in the ESMF for new activities under RLP.</p>
<p><b>SCOPE</b></p> <p>The requirements of ESS8 apply to cultural heritage regardless of whether or not it has been legally protected or previously identified or disturbed.</p> <p>The requirements of ESS8 apply to intangible cultural heritage only if a physical component of a project will have a material impact on such cultural heritage or if a project intends to use such cultural heritage for commercial purposes.</p>	<p>Only Physical Cultural resources have been considered as an important attribute of the project area. Project has impacted 77 cultural properties that have been relocated in consultation with relevant stakeholders, including local communities.</p>	<p>Current project documentation does not consider intangible cultural heritage and assets. This will be added in the ESMF for new activities under RLP.</p>
<p><b>Requirement:</b></p> <p>Consider direct, indirect and cumulative project-specific risks and impacts on cultural heritage. Through the environmental and social assessment, (i) determine the</p>	<p>Project considered impact and minimization measures on Physical Cultural Resources such as places of religious importance and historical monuments. As part of ESIA, location of such resources were identified and mitigation plan was prepared and</p>	<p>No Cultural Heritage Plan was prepared. However, for new activities likely to be undertaken under RLP,</p>

ESS Requirements	Current practices adopted under the project	Gaps analysis as per ESF
<p>potential risks and impacts of the proposed activities of the project on cultural heritage; (ii) avoid impacts on cultural heritage or identify and implement measures to address impacts on cultural heritage (iii) develop a Cultural Heritage Management Plan (iv) chance finds procedure to be followed if previously unknown cultural heritage is encountered and included in all contracts relating to construction of the project.</p> <p>In case of significant potential risks and impacts on cultural heritage, the project will engage cultural heritage experts to assist in the identification, valuation assessment and protection of cultural heritage.</p>	<p>implemented in consultation with the local communities and other stakeholders.</p>	<p>ESMF will comprise of CHMP materially consistent with ESS 8.</p>

### 3.1.8 ESS 10: Stakeholder-Engagement-and-Information-Disclosure

ESS Requirements	Current practices adopted under the project	Gap analysis as per ESF
<p><b>Objectives</b>            To: i) establish a systematic approach to help identify stakeholders and build and maintain a constructive relationship with them, project-affected parties; ii) assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be taken into account in project design and E&amp;S iii) promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life cycle on issues that could potentially affect them; iv) ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format; v) provide project-affected parties with accessible and inclusive means to raise issues and grievances, and allow Borrowers to respond to and manage such grievances.</p>	<p>.            RPF requires borrower to engage with affected persons and affected communities as well as host communities across various stages of the project: to carry out public/ stakeholder consultations during Base-line and socio-economic survey stage, with major focus disseminate information about the project and entitlements continuous dialogues with the villagers during finalization of alignment and land acquisition process. information disseminations and consultations during land taking notifications issued (e.g. 20 A section 20 E) declaration of award stage. The consultation mechanism will ensure active participation of PAPs in understanding entitlement of each category of PAPs, grievance and complain handling mechanism, persons to be contacted in case of any ambiguity in disbursement procedure.</p>	<p>RPF identifies stakeholders in respect of affected persons and communities, only and not other interested parties associated with other project activities. SEP prepared for RLP will target wide range stakeholders in addition to those involved in resettlement.</p>
<p><b>Scope</b>            Applies to i) to individuals or groups who (a) are affected or likely to be affected by the project (project-affected</p>	<p>RPF provides for engagement of only PAPs and affected communities and within that disadvantaged and vulnerable groups (e.g. small, marginal, and landless farmers, families living below poverty</p>	<p>RPF is partly aligned with ESF as it addresses one of three stakeholder</p>

ESS Requirements	Current practices adopted under the project	Gap analysis as per ESF
parties); and (b) may have an interest in the project (other interested parties).	lines, physically challenged, women and children, the elderly, SC and ST families, in extending the R&R assistance as per the EM)	categories fully i.e., project affected and disadvantaged and within that category those vulnerable and disadvantaged PAPs. However, it does not address the other two categories i.e., other interested parties and disadvantaged and vulnerable groups
Requirements: It requires engagement during project preparation in the form of i) stakeholder identification and analysis and ii) preparation of SEP. The SEP should present (i) stakeholder identification and analysis; (ii) planning how the engagement with stakeholders will take place; (iii) disclosure of information; (iv) consultation with stakeholders; (v) mechanisms to address and respond to grievances; and (vi) approach to reporting to stakeholders.	RPF identifies stakeholders in respect of affected persons and communities, only and not other interested parties associated with other project activities. Both RPF and RP provide modes, mechanisms and timelines of engagement and well defined grievance mechanism. Information Disclosure in the form of SIA/RAP that allow stakeholders to understand the risks and impacts of the project, and potential opportunities were disclosed in advance. Further, in practice, efforts were made to widely disseminate GRM helpline numbers through advertisements, DFCCIL advertises EOIs/RFPs for consulting and works opportunities/recruitments on its website/newspaper advertisements and seeks responses/applications	Only gap is that RPF identifies stakeholders in respect of affected persons and communities, only and not other interested parties associated with other project activities. The Stakeholder Engagement Plan has been prepared and it covers all Project stakeholders including Other interested stakeholders Specifies modes,

ESS Requirements	Current practices adopted under the project	Gap analysis as per ESF
		timelines, and topics of engagement Lists information that would be disclosed and timelines to respond and how such feedback would be incorporated Presents GRM as per all given elements

## 4 CONCLUSION AND RECOMMENDATIONS FOR ESCP

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Based on the E&S Audit the following recommendations to address partial and non-compliances are provided in **Table 4.1**



**Table 4-1: E&S Audit Findings and Corrective Action Plan (CAP)**

S. No.	Description	E&S Audit Findings	Corrective Actions with Timelines
1	<p>Reports document progress on EMP implementation by Contract</p>	<p>Key shortcomings have included:</p> <ul style="list-style-type: none"> <li>i) delays in rehabilitating exhausted borrow areas;</li> <li>ii) delays in construction of noise barriers</li> <li>iii) incomplete drains</li> <li>iv) low plantation survival rates for non-compensatory plantation</li> <li>v) incomplete rehabilitation of plant sites</li> <li>vi) delays in mitigation measures for sensitive receptors like schools</li> </ul>	<p>DFCCIL and Contractor will review and update the timelines already stated in the Safeguards Rectification Action Plan</p> <p>Timelines to follow the construction schedule to avoid damage to these installations from vehicular movement or temporary storage of material. This will be monitored by SEMU for ensuring agreed timelines. Non-compliance to be reported by SESMRC in their periodic reports.</p>
2.	<p>SIA was carried out by independent consultants that provides E&amp;S baseline data. The SIA considered all relevant risks and impacts of the project and those who were likely to be affected by such risks and impacts including individuals and groups that are considered vulnerable.</p> <p>Provisions have been made for vulnerable individuals and groups in the Entitlement Matrix</p>	<p>Social impacts identified during SIA. However, impacts due to components integral to the project but not funded by the World Bank such as RUBs/ROBs have not been identified using a similar process though no. of PAPs affected and entitled for payments were quantified.</p> <p>Risks and impacts due to third party involvement have not been covered in the SIA/RAP</p> <p>Impacts due to components integral to the project but not funded by the World Bank such as RUBs/ROBs have been highlighted by the SESMRC.</p> <p>Provisions of the RPF were not followed but list of all</p>	<p>DFCCIL shall share details of identified Associated facilities with World Bank for its review within 12 months of effectiveness.</p> <p>All future associated facilities will be assessed and managed as part of the ESIA as per the project ESMF.</p>

S. No.	Description	E&S Audit Findings	Corrective Actions with Timelines
		<p>landowners was shared by DFCCIL with the WB. Where land was required for the Linked Activities such as RUBs / ROBs /underpasses, it was purchased as per the provisions of the UP Direct Land Purchase Policy. Payment is pending in some cases.</p>	
3.	<p>The RPF and SIA/RAP have covered loss of land, structure and livelihood, and Compensation and R&amp;R Assistance thereof.</p>	<p>Impacts by Linked facilities or impacts that may occur later have not been included in the SIA/RAP</p>	<p>DFCCIL shall share details of identified Linked activities with World Bank for its review. Timelines for filling up any gaps identified will be agreed during implementation support missions. All future associated facilities will be planned and implemented as per the project ESMF.</p>
4.	<p>In cases where land has been acquired as per the LA Act, all provisions and stipulations of the Act and described in the RAP, have been followed from Notification to Award to disbursement of Compensation</p> <p>In instances where land has been purchased through consent, the provisions of the land Purchase Acts through consent of the respective</p>	<p>There are delays in payment of compensation due to lack of coordination with district administration. Independent valuer for land value estimate was not hired by DFCCIL.</p>	<p>DFCCIL to compensate remaining PAPs as per the agreed timelines of current SRAP.</p>

S. No.	Description	E&S Audit Findings	Corrective Actions with Timelines
	States have been followed.		
5.	<p>As per RPF, no income tax shall be levied and no stamp duty shall be charged on any amount that accrues to an individual as a result of the provisions of the new law;</p> <p>The Collector shall take possession of land only after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons.</p>	<p>As per new EM there has been no TDS deduction done from the payment of compensation, except few cases.</p> <p>SESMRC reported that income tax is deducted on compensation amount in case of non-agricultural assets.</p> <p>Physically possession of land taken without paying compensation in a few cases.</p>	<p>DFCCIL will help the PAPs, from whose monies TDS has been deducted, in filing of ITR so that they get back the deducted amount within six months of effectiveness of RLP. During the implementation of CAP, DFCCIL will consult such PAPs for their agreement.</p>
6.	<p>In case only a part of any land plot is affected and its owner desires that the whole plot be acquired on the grounds that the plot has been rendered uneconomic or has been severed due to LA (u/s94 RFCT-LARR 2013 and Note C), the competent authority can award compensation for the remaining part of the plot,; or award 25% of actual value of remaining land holding as additional compensation allowing the owner to retain the remaining land plot, if agreeable to the land loser</p>	<p>DFCCIL on a later date published the provision of residual land in local newspapers for the benefit of all concerned for submitting claim against Residual Land.</p> <p>Although many of the affected PAPs have not applied for compensation under this provision (Residual land) due to lack of information, there are some instances where applications have been made which have been forwarded to the SLAO by DFCCIL.</p>	<p>DFCCIL to undertake the following actions</p> <ol style="list-style-type: none"> <li>1. share with bank the list of all PAPs who have submitted claims</li> <li>2. re-issue newspaper advertisements every quarter for the next one year starting June 2022.</li> <li>3. ensure awareness creation on this provision and monitoring by SESMRC during their visits and report on the same in the QPRs</li> </ol>

S. No.	Description	E&S Audit Findings	Corrective Actions with Timelines
7.	<p>As per the RPF, either annuity or one time grant of INR 500,000 in lieu of employment was to be disbursed to all landowners whose land was acquired.</p>	<p>There has been substantial delay in disbursement of R&amp;R assistances across the project corridor. Concerned district authorities are integrally involved in determination and disbursal of R&amp;R. The compliance status was differential across EDFC. In case of EDFC 3 (Lots 301 and 303), livelihood R&amp;R assistance has been paid INR 5.5 lakhs per affected family. Disbursal of R&amp;R Assistance of Rs. 5 lakh has been done as per Entitlement Matrix and subsequent policy guidelines from the Ministry of Railways. At all other locations, this payment was made gata-wise. Although in line with the new Circular of the railway Board, this goes against the provisions of the RPF.</p> <p>Though RPF clearly say “The unit of entitlement will be the family”, in practice assistances were disbursed based on gata ownership. Variations in R&amp;R amount between CPM Offices due to differential micro plans prepared by the NGO and also due to the timing of disbursement. In December 2019, the Railway Board issued a circular limiting this disbursement from individual landowners to gata (plot of land) equally distributing the</p>	<p>DFCCIL will</p> <ul style="list-style-type: none"> <li>i) amend the provision of payment of INR 5.0 lakh in the existing RPF within 3 months of Effectiveness of RLP;</li> <li>ii) Seek Bank clearance on the revised RPF; and</li> <li>iii) issue a notice/advertise the change in provision on their website;</li> </ul>

S. No.	Description	E&S Audit Findings	Corrective Actions with Timelines
		<p>R&amp;R Assistance amount to all the landowners of the gata. This considerably brought down the quantum of Assistance amount disbursed to the landowners. The disbursement of R&amp;R Assistance in EDFC 2 started after December 2019.</p> <p>The cash based assistances have not been adjusted to annual inflation rate though such a provision was made in the in the RPF.</p>	
8.	<p>SEMU established with clear lines of responsibility and authority. Social consultant appointed in SEMU with well-defined responsibility.</p> <p>SESMRC hired for capacity building trainings</p>	<p>Delay in hiring social consultant in SEMU. High turnover of consultant. No dedicated social staff in the CPM offices. The APMs have been given additional responsibility and designated as APM (Social). Services of NGO responsible for RAP implementation terminated prior to implementation of RAP in all lots except in lot 303.</p>	<p>DFCCIL will ensure to have adequate Social and Environment staff at HQ and will ensure dedicated social ,environment official CGM throughout the project implementation phase. Further, there would be dedicated/designated personnel at the CPM Office to expedite the balance R&amp;R actions</p>
9.	<p>Establishment of the GRM with clearly defined membership of the GRC at field and HO level</p> <p>At DFCCIL level, there is a Field Level GRC comprising Additional District Magistrate (LA) with other district administration official as its members and representative from</p>	<p>In EDFC 2 GRC was established during the initial phase of the project. The GRC however remained non-functional as no meetings of the GRC were held. The concerned APMs worked as the point of contact for Grievances and the grievances received by them during their visits to the site were acted upon on a case-to-case basis. A complaint</p>	<p>As a corrective measure DFCCIL will reconstitute the GRC committee involving concerned staff of DFCCIL/ Section staff.</p> <p>It will be a multi-tier Grievance Redressal Mechanism, at site level, CPM Level, and HQ level.</p>

S. No.	Description	E&S Audit Findings	Corrective Actions with Timelines
	<p>DFCCIL and local NGO representatives. PAPs approach this committee as the first level following which, if not satisfied, they can appeal to Project Level Committee at the Corporate level chaired by Director Projects and with representatives from IR and Head, SEMU. The Divisional Commissioners as Arbitrators hear grievance cases relating to payment of compensation for land. An Ombudsman has been appointed for hearing cases not resolved to the satisfaction of the aggrieved PAP/PAF at the levels mentioned above, including cases directly referred by the DFCCIL.</p>	<p>register was maintained at the CGM office which listed the complaints, but the remarks column only had the date of reply, (an acknowledgement of receipt of complaint) with no details of action taken on the complaints. The formal GRM was not functional.</p> <p>In EDFC 3, GRM was established during the initial phase, and it even included the facility of lodging of complaints through phone. In January 2020, DFCCIL issued 'revised' detailed guidelines on processes and timelines relating to land use type, impact area, eligibility, and structure and land valuation. All complaints are recorded and tracked until resolved. DFCCIL has advertised the availability of GRM, helpline numbers, including handholding support by the NGO involved in RAP implementation to help PAPs submit requisite documentation. However, PAPs prefer to approach CPM offices to seek redressal since they consider it faster and quicker and only if they do not get satisfactory resolutions, they approach the district level grievance mechanism.</p>	

**Table 4.2** below summarizes the recommendations for ESCP by each ESS, based on findings from E&S Audit and recommendations emanating from Gap Analysis.

### Action Recommendations for the RLP ESCP from Gap Analysis

ESS No. and Name	Recommendations
ESS 1 – Assessment and Management of Environmental and Social Risks and Impacts	<p><b>Preparation</b></p> <ul style="list-style-type: none"> <li>• Ensures integrated assessment and management of E &amp; S risks and impacts for future subprojects (last mile connectivity,) and Associated facilities as defined under ESS1.</li> <li>• Ensure engaging qualified Environment and Social Professionals with appropriate qualification and experience in line with upcoming activities such as new corridor.</li> <li>• Implementation of the Rectification Action Plan?</li> <li>• Integration of EMF and SMF into ESMF?</li> </ul>
ESS 2 – Labor and Working Conditions	Prepare, adopt and implement the Labor Management Procedures (LMP) that specifies, provisions on working conditions, management of workers' relationships, OHS, forced labor, child labor, grievance arrangements for Project workers and also engagement of third party contracted workers, community workers and primary supply workers
ESS 3 – Resource Efficiency and Pollution Prevention and Management	Proposed ESMF for new activities under RLP, should include Measures to incorporate resource efficiency and pollution prevention and management measures such as re-use of waste concrete, plastic, etc. where feasible as part of implementation of the ES Strengthening the risk and hazard analysis in OHS management plan.MP.
ESS 4 – Community Health and Safety	<ul style="list-style-type: none"> <li>• maintain measures to manage traffic and road safety risks as required in the ESMP.</li> <li>• Manage specific risks and impacts to the community arising from Project activities, including, inter alia, noise and vibration, behavior of Project workers, risks of labor influx through labor influx management plan</li> <li>• continue to implement the SEA/SH Action Plan throughout Project implementation.</li> </ul>
ESS 5 – Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	Update the RPF to: <i>Preparation (scope, impact identification, etc.)</i> <ul style="list-style-type: none"> <li>• Align the scope of RPF and thereby definitions of Titleholders and Non-titleholders (e.g. where affected persons other than sellers may be displaced on account of such land purchase, etc.)</li> <li>• Include Impacts by related facilities or impacts that may occur later</li> </ul>
ESS 6 – Biodiversity Conservation and Sustainable Management of	Proposed ESMF for new activities under RLP, should include a Biodiversity Assessment and Management Strategy, and when required, a Biodiversity Management Plan (BMP) conforming with all requirements of ESS6 such as critical habitat assessment, no net loss, get gain, etc. wherever relevant.



ESS No. and Name	Recommendations
Living Natural Resources	
ESS 8 – Cultural Heritage	<p>Proposed ESMF for new activities under RLP, should include:</p> <ul style="list-style-type: none"> <li>• Include consideration, identification and management measures for intangible cultural heritage and assets, for new activities under RLP</li> <li>• a Cultural Heritage Management Strategy (CHMS) with guidance for preparing Cultural Heritage Management Plan</li> </ul>
ESS 10 – Stakeholder Engagement and Information Disclosure	<p>Prepare SEP that:</p> <ul style="list-style-type: none"> <li>• Identifies other two categories of stakeholders: i) other interested parties and ii) disadvantaged and vulnerable groups and proposes modes and topics of engagement</li> <li>• Report back to stakeholders on engagement approaches and results/outcomes</li> <li>• Publicizes, strengthen, maintain, and operate the grievance mechanism as per provisions outlined as per revised guidelines in January 2020 and based on implementation experience</li> </ul>

## ANNEXURE 1: ESF VIS -A-VIS WORLD BANK OPERATIONAL POLICIES

The ESF offers a broader and more systematic coverage of environmental and social risks. The ESF also requires attention to environmental and social issues throughout the preparation and implementation of a project, with increased focus on stakeholder engagement and monitoring. It clarifies roles and responsibilities between the World Bank and its Borrowers. The ESF sets out a risk management approach tailored to risks and impacts of projects. The table brings out key differences between World Bank’s OPs and ESF:

ESF Standard	Corresponding Operational Policy	Key Differences
ESS1: Assessment and Management of ES Risks and Impacts	OP/BP4.01(Environmental Assessment) The ESS 1 builds on the current policy on Environmental Assessment and applies to all projects supported by the Bank through investment project financing.	<p>Non-discrimination; adaptive management and timeframe for compliance. Specifically:</p> <p>Stronger provisions for social assessment: Include clear definition of social risks and how they need to be assessed and mitigated. Under the framework, the Borrower and the World Bank will agree on an Environmental and Social Commitment Plan after the assessment. This plan gets incorporated in the legal agreement and list actions that the Borrower will take to achieve compliance with the ESSs and manage the identified risks and impacts throughout the entire life of the project.</p> <p>Risk mitigation hierarchy: It is proposed that Borrowers will, first and foremost, strive to avoid adverse impacts. If avoidance is not feasible, the project will be designed to minimize or reduce adverse effects on people and the environment. Where residual impacts remain, Borrowers will compensate affected communities or offset adverse impacts.</p> <p>Using Borrower’s Framework: Where the Bank has agreed to use the Borrower’s environmental and social frameworks, or elements thereof, the Bank will work with Borrowers to identify and address any gaps in those frameworks to enable the project to achieve objectives materially consistent with the ESSs, thereby contributing to building and strengthening Borrower systems.</p> <p>Common Approach: In the jointly financed arrangements, the Borrower will cooperate with the</p>

ESF Standard	Corresponding Operational Policy	Key Differences
		<p>Bank and such agencies in order to agree on a common approach for assessing and managing environmental and social risks and impacts associated with the project. This common approach should not differ materially from the objectives of the proposed ESSs.</p> <p>Strengthened project monitoring and reporting: ESS 1 lays out clear and comprehensive requirements for the Borrower on how to monitor project impacts and risks in more detail. Under the proposed framework, the World Bank would require an annual report from the Borrower about how environmental and social risk is managed. As always, Bank monitoring and implementation support will continue until the completion of the project.</p>
<p>ESS2: Labor and working conditions</p>	<p>OP/BP4.01 and EHS Guidelines. ESS 2 is new but builds on the existing commitments of Borrower countries to international labor laws and conventions. ESS2 reflects (and expands on) the World Bank's existing Environmental Health &amp; Safety Guidelines, which set out general and industry-specific guidelines on occupational health and safety.</p>	<p>Prohibiting child labor and forced labor, focus on OHS, grievance mechanism. Specifically,</p> <p>ESS2 requires Borrowers to avoid child labor and forced labor.</p> <p>The employment of project workers is proposed to be based on the principle of equal opportunity and fair treatment, and there shall be no discrimination with respect to any aspects of the employment relations, such as recruitment and hiring, compensation, working conditions and terms of employment.</p> <p>All project workers will have the possibility to raise workplace concerns. The proposed ESS 2 requires setting up a grievance mechanism that addresses any complaints promptly and transparently.</p> <p>Borrowers should comply with national labour laws and other international commitments in a World Bank-financed project.</p>
<p>ESS3: Resource Efficiency and Pollution Prevention</p>	<p>OP4.09 (Pest Management) and EHS Guidelines. The provisions on waste, hazardous</p>	<p>Efficient management of energy, water, and other resources and materials. Specifically:</p> <p>ESS 3 require Borrowers to consider ways to reduce project related GHG emissions. In cases large GHG</p>

ESF Standard	Corresponding Operational Policy	Key Differences
	waste, and pesticides are similar to those in the current safeguard policies	<p>emissions, the Borrower will measure emissions with internationally recognized methodologies.</p> <p>The ESS 3 requires the Borrower to avoid using large quantities of water if possible or use alternative water supplies.</p> <p>The Borrower will avoid and minimize pollution and hazardous waste.</p>
ESS4: Community Health and Safety	OP/BP4.37 (Safety of Dams) and EHS Guidelines. ESS4 captures more explicitly many of the current World Bank’s provisions regarding the design and safety aspects of infrastructure, equipment, products, services, traffic and hazardous materials.	<p>Focus on risks and impacts on communities through design and safety of infrastructure, equipment, products, services, traffic, and hazardous materials.</p> <p>Specifically:</p> <p>The Standard covers a wide range of aspects of community health and safety through infrastructure and equipment design and safety, product and services safety, traffic and road safety, hazardous materials, and other aspects.</p> <p>This ESS requires Borrowers to conduct a risk hazard assessment for projects that could potentially cause an emergency. Borrowers also need to prepare an emergency response plan where the potential risks dictate this approach. Appropriate information on emergency response will be disclosed publicly and made accessible for project-affected communities.</p> <p>Borrowers will ensure that security personnel has not been involved in past abuses, that they are properly trained, and that they behave appropriately toward workers and affected communities.</p>
ESS5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement	OP/BP4.12 (Involuntary Resettlement)	<p>Greater clarity on treatment of state land, land titling, access to common resources, voluntary transactions, force evictions. Specifically:</p> <p>The ESS 5 provides greater clarity on the types of land-related transactions and restrictions on land use that need to be addressed by the Borrower.</p> <p>Borrowers will develop a resettlement plan or livelihood restoration plan, or a combination of both, to address the adverse impacts identify through the environmental and social assessment</p> <p>Borrowers will provide project-affected people with legal and other protections if they have to leave their homes</p>

ESF Standard	Corresponding Operational Policy	Key Differences
		<p>or lands. Due process must be observed, and the use of excessive force must be avoided.</p> <p>The proposed ESS 5 retains protections for affected people who may be informally occupying land. However, where people make money by renting multiple illegal housing on lands that they do not own, the compensation that would otherwise be available to such persons may be reduced with the prior agreement of the Bank.</p> <p>ESS 5 creates greater flexibility for the use of innovative techniques of in situ development. This would more explicitly allow project affected people in some contexts to benefit from development projects and increased property values, thus minimizing the need for involuntary resettlement.</p>
<p>ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources</p>	<p>OP/BP4.04 (Natural Habitats) and OP/BP4.36 (Forests)</p>	<p>Requirement to assess and mitigate impacts on biodiversity. Specifically:</p> <p>The standard strengthens the conservation of biodiversity and the management of living natural resources through introducing clearer requirements for mitigating impacts of Bank-financed projects on biodiversity. Under this standard, Bank funds cannot be used to finance or support projects that would involve a significant conversion or degradation of critical habitats. Where Borrowers are purchasing primary production such as food and fiber commodities that is known to take place in regions with a risk of significant conversion of critical habitats, the ESS6 sets out stringent requirements relating to screening its primary suppliers. The current safeguard policies cover only natural resources. ESS6 recognizes that biodiversity in man-made habitats often needs to be protected. This Standard covers all habitats.</p> <p>Borrowers will need to take informed decisions on how natural living resources can be used in a project without damaging the long-term viability of the resources and the environment.</p>
<p>ESS7: Indigenous</p>	<p>OP/BP4.10 (Indigenous People)</p>	<p>Clearer definitions, introduction of FPIC in specified circumstances. Specifically:</p>

ESF Standard	Corresponding Operational Policy	Key Differences
Peoples	s)	<p>ESS 7 introduces Free, Prior, and Informed Consent (FPIC). The Borrower is required to obtain FPIC of the affected Indigenous Peoples when projects will (a) impact lands and natural resources traditionally owned, used, or occupied by Indigenous Peoples;(b) cause relocation of Indigenous Peoples; or (c) have significant impacts on Indigenous Peoples’ cultural heritage. The Borrower will document the mutually accepted process as well as evidence of agreement between the parties. FPIC does not require unanimity and may be achieved even when individuals or groups within or among affected Indigenous Peoples explicitly disagree. When the Bank cannot ascertain the FPIC of the affected Indigenous Peoples, the aspect of the project relevant to those Indigenous Peoples will not be processed further. In such cases, the Borrower will ensure that the project will not cause adverse impacts on that group of Indigenous Peoples.</p> <p>This Standard proposes an alternative approach for use in exceptional circumstances to avoid a serious risk of inciting or exacerbating ethnic tension or civil strife, or where identification of Indigenous Peoples is inconsistent with the constitution of the country. Under ESS 7, in these situations the Borrower may agree with the Bank on an alternative approach in which the newly proposed and more rigorous risk assessment (ESS 1) and then any of the expanded and strengthened list of nine Standards are applied to their situation.</p> <p>Some groups of Indigenous Peoples move with their herds (pastoralists) or are otherwise nomadic. The proposed Standard clarifies that these groups are recognized as Indigenous Peoples and protected under ESS 7.</p> <p>ESS 7 requires Borrowers to take appropriate measures to protect Indigenous Peoples in voluntary isolation.</p>
ESS8: Cultural Heritage	OP/BP4.11 (Physical Cultural Resources)	<p>Adopt chance find procedure, enhanced consultation with affected communities. Specifically:</p> <p>The environmental and social assessment will identify all relevant stakeholders for cultural heritage that are</p>

ESF Standard	Corresponding Operational Policy	Key Differences
		<p>known to exist or likely to be encountered during the life of the project, through the application of the ESS10. The Borrower will consult with stakeholders and encourage them to participate in identifying and assigning value to cultural heritage affected by the project, assessing potential impacts, and exploring avoidance and mitigation options. The Borrower, in consultation with the Bank and persons with relevant expertise, will determine whether disclosure of information regarding cultural heritage required under the ESSs would compromise or jeopardize the safety or integrity of such cultural heritage. In such cases, sensitive information may be omitted from public disclosure.</p> <p>Where the Borrower's project site contains cultural heritage or prevents access to previously accessible cultural heritage sites, the Borrower will, based on consultations with users of the site, allow continued access to the cultural site, or will provide an alternative access route.</p> <p>Where a project intends to use cultural heritage, including knowledge, innovations or practices of local communities, for commercial purposes, the Borrower will inform the affected communities of: (a) their rights under national law; (b) the scope and nature of the commercial development and the potential impacts; and (c) the potential consequences of such development and impacts. The Borrower will not proceed with the project unless it: (a) carries out meaningful consultation as described in ESS10; (b) provides for fair and equitable sharing of benefits from commercialization of such cultural heritage, consistent with customs and traditions of the affected communities; and (c) identifies mitigation measures according to the mitigation hierarchy.</p>
ESS9: Financial Intermediaries	OP/BP 4.01	<p>Establish E&amp;S procedures commensurate with FI nature, risk level and impact. Specifically:</p> <p>FIs will screen, appraise and monitor all subprojects, in accordance with the environmental and social risk profile of the individual subprojects. All subprojects will</p>

ESF Standard	Corresponding Operational Policy	Key Differences
		<p>be structured to meet the relevant environmental and social requirements of national law.</p> <p>Where the FI proposes to provide financing to subprojects that will be classified as High Risk, such subprojects will also be structured to meet the requirements of . Specifically: ESSs1 to 8 and ESS10.</p> <p>The FI’s environmental and social procedures will include risk appraisal and monitoring mechanisms, as appropriate, to screen all subprojects against the FI Environmental and Social Exclusion List, which includes activities regulated under national law.</p> <p>The FI will submit to the Bank annual Environmental and Social Reports on the implementation of its environmental and social procedures, this ESS and ESS2, as well as the environmental and social performance of its portfolio of subprojects. The annual report will include details of how the requirements of this ESS are being met, the nature of the subprojects financed through the project, and the overall portfolio risk, profiled by sector.</p>
<p>ESS10: Information Disclosure and Stakeholder Engagement</p>	<p>ESS10 consolidates the provisions on consultation, information disclosure and grievance redress that are currently set out in several different policies.</p>	<p>Meaningful consultation, access to information and grievance redress. Specifically:</p> <p>For all projects, Borrowers will consult with stakeholders to identify issues and concerns in order to inform the environmental and social assessment and the design and implementation of the project.</p> <p>The Borrower will identify individuals and groups that may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. The Borrower will develop and implement a Stakeholder Engagement Plan (SEP). The SEP will be disclosed. It will be tailored to take into account the main characteristics and interests of the stakeholders, and the different levels of engagement and consultation that will be appropriate for different stakeholders.</p> <p>Where project-affected communities may be subject to significant adverse potential risks and impacts from a project, the Borrower will undertake a process of meaningful consultation in a manner that provides</p>



ESF Standard	Corresponding Operational Policy	Key Differences
		<p>stakeholders with opportunities to express their views on project risks, impacts, and mitigation measures, and allows the Borrower to consider and respond to them. Meaningful consultation will be carried out on an ongoing basis as the nature of issues, impacts and opportunities evolves. The consultation process with project-affected communities will be undertaken in a manner that is inclusive and culturally appropriate. The Borrower will provide ongoing information to the project-affected communities. This ongoing engagement will build upon the channels of communication and engagement established during the stakeholder engagement carried out as part of the environmental and social assessment process and reviewed periodically. If there are material changes to the project that result in additional risks and impacts of concern to the project-affected communities, the Borrower will inform them how these risks and impacts are being addressed.</p> <p>The Borrower will respond to concerns of project-affected communities related to the project in a timely manner. For this purpose, the Borrower will provide a grievance mechanism, process or procedure to receive and facilitate resolution of stakeholders' concerns and grievances regarding the Borrower's environmental and social performance. Where possible, such grievance mechanism will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements</p>