

Social Safeguard Due Diligence Report

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May 2025

Pakistan: Emergency Flood Assistance Project

Prepared by Project Management Office (PMO), Irrigation Department, Government of Khyber Pakhtunkhwa, for the Asian Development Bank (ADB).

NOTES

- (i) The fiscal year (FY) of the Government of the Islamic Republic of Pakistan and its agencies ends on 30 June.
- (ii) In this report “\$” refers to US dollars.

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PAKISTAN: EMERGENCY FLOOD ASSISTANCE PROGRAM (EFAP)



Project Loan No. 56312-001

Social Due Diligence Report

**Pakistan: Emergency Flood Assistance Project (EFAP) Khyber
Pakhtunkhwa**

**Sub-Project: Package 07 - Repair and Rehabilitation of Flood
Protection Structures, Swat, Malakand Irrigation Division**

Prepared by: NESPAK Consultant for the Project Management Office (PMO), EFAP
Irrigation Department Government of Khyber Pakhtunkhwa, Pakistan to comply with the
Asian Development Bank (ADB) SPS 2009 Policy

May 2025

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LIST OF ABBREVIATION

ADB	Asian Development Bank
DED	Detailed Engineering Design
EFAP	Emergency Flood Assistance Project
FPWs	Flood Protection Works
GoP	Government of Pakistan
HHS	Households
JFPR	Japan Fund for Prosperous and Resilient Asia
JICA	Japan International Cooperation Agency
KP	Khyber Pakhtunkhwa
PD	Project Director
PMCSC	Project Management Construction Supervision Consultant
PDNA	Post-Disaster Needs Assessment
RoW	Right of Way
SDO	Sub-divisional Officer
SPS	Safeguard Policy Statement-2009
SDDR	Social Due Diligence Report
VLD	Voluntary Land Donation
UN	United Nations
UNDP	United Nations Development Program

Definition of Terms

Compensation	Payment in cash or in kind of the acquired/affected assets at replacement cost provided by the Project to displaced persons or households.
Cut-of-Date	The completion date of the census of project-displaced persons is usually considered the cut-off date. A cut-off date is normally established by the borrower government procedure that establishes the eligibility for receiving compensation and resettlement assistance by the Project displaced persons. In the absence of such procedures, the borrower/client will establish a cut-off date for eligibility.
Displaced Household	All members of a subproject affected household residing under one roof and operating as a single economic unit, who are adversely affected by the Project or any of its components; may consist of a single nuclear family or an extended family group.
Displaced Persons	In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Economic Displacement	Loss of land, assets, access to assets, income sources, or means of livelihood because of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Encroachers	People who have trespassed onto private/community land to which they are not authorized. If such people arrived before the entitlements cut-off date, they are eligible for compensation for any structures, crops or land improvements that they will lose.
Entitlement	Range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation, which are due to displaced persons, depending on the nature of their losses, to restore their economic and social base.
Meaningful Consultation	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

Physical displacement	Meaning relocation, loss of residential land, or loss of shelter a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions or land use or on access to legally designated parks and protected areas.
Rehabilitation	Compensatory measures provided under the ADB Policy Framework on Involuntary Resettlement other than payment of the replacement cost of acquired assets.
Replacement Cost	Calculation of compensation based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. In applying this method of valuation, depreciation of structures and assets should not be considered.
Squatters	People who do not own the land but are possessing and using it for residential, commercial, agricultural or other economic purposes, and as such they are not entitled to land compensation; they are, however, entitled to compensation for the loss of built-up structures, trees, crops and other non-land assets. They are also entitled to be supported to restore their livelihood.
Vulnerable Groups	Distinct group of people who may suffer disproportionately from resettlement effects. The policy defines vulnerable groups as households below the poverty line, the elderly, those without legal title to assets, landless, women, children and indigenous people.

1 INTRODUCTION

1.1 BACKGROUND OF 2022 FLOOD IN PAKISTAN

1. Pakistan is a flood prone country and one of the ten countries most affected by climate change in the world.¹ Flooding in Pakistan is primarily caused by heavy concentrated rainfall in the river catchments during the monsoon season which typically occurs from July through September. The floods are further supplemented by snowmelt/lake outbursts in upper snow covered reaches of the catchments. In the recent history, Pakistan witnessed unprecedented flooding in Khyber Pakhtunkhwa in 2010 and 2022. The occurrence of these flood events in upper most snow covered reaches of northern areas have proved that the climate change has severely impacted our region; 2022 flood was as a result of prolonged intense monsoon subsequent to unprecedented heat wave during April-Jun 2022 followed by intense rains experienced across the country and exposed our ill-planning towards adopting the climate resilient designs for irrigation as well as road infrastructure. The occurrence of these two rain-induced catastrophes within a span of just 13 years resulted in loss of life and major damages to irrigation and drainage infrastructure.
2. A post-disaster needs assessment (PDNA)² - an effort led by the Government of Pakistan (GoP) and supported by a core team comprising Asian Development Bank (ADB), the European Union (EU), United Nations (UN) agencies, and the Japan International Cooperation Agency (JICA) with facilitation from the United Nations Development Program and the World Bank was concluded on 28 October 2022, which provides the bases for the development of a disaster recovery framework and arrangements for effective, efficient and coordinated post-flood recovery and reconstruction plan. ADB with the assistance from the financiers Japan Fund for Prosperous and Resilient Asia and the Pacific (JFPR) has proposed emergency assistance to GoP through the Emergency Flood Assistance Project (EFAP). GoP and ADB agreed on financing of the total EFAP at \$531 million of which Irrigation Department of Khyber Pakhtunkhwa component is about \$62 million.
3. Total one hundred and forty-three (143) locations of south and north regions of Khyber Pakhtunkhwa, the Irrigation component under EFAP have been identified to be taken up under the project on priority basis including seventy- nine (79) irrigation and drainage structures, sixty- four (64) flood management infrastructures, and strengthening/re-sectioning of various protection embankments. For the ease of design and implementations, the project has been divided into the Packages and sub projects (schemes). To cover the South and North regions of Khyber Pakhtunkhwa, the project has been divided into 14 packages. Out of these 14 packages, 8 packages are allocated for the south region and 6 packages are allocated for the north region. South region primarily consists of canals and drains, including major canal systems like Chashma

¹ D. Eckstein, V. Kunzel, and L. Schafer. 2021. *Global Climate Risk Index 2021: Who Suffers Most from Extreme Weather Events? Weather-Related Loss Events in 2019 and 2000–2019*

² Government of Pakistan, Ministry of Planning, Development & Special Initiatives. 2022. *Pakistan Floods 2022: Post-Disaster Needs Assessment*. Islamabad.

Right Bank Canal (CRBC) and Paharpur. On the other hand, the focus in the north region is mainly on flood protection works (FPWs). The map showing the work package detail is given as **Figure 1.1**.

4. The proposed schemes under package 07 have been included in the overall scope of the EFAP Irrigation component financed by Asian Development Bank (ADB). Out of total \$ 531 million Loan agreed between, GOP and ADB of which a \$ 62 million has been allocated for EFAP KP Irrigation component. The Irrigation component rehabilitation/reconstruction once implemented will have long lasting positive impact on socio economic condition of local communities and will further safeguard the settlements and Agriculture crops being the main source of livelihood locally to a large extent and/or impacts of the future Floods will be minimized or mitigated.

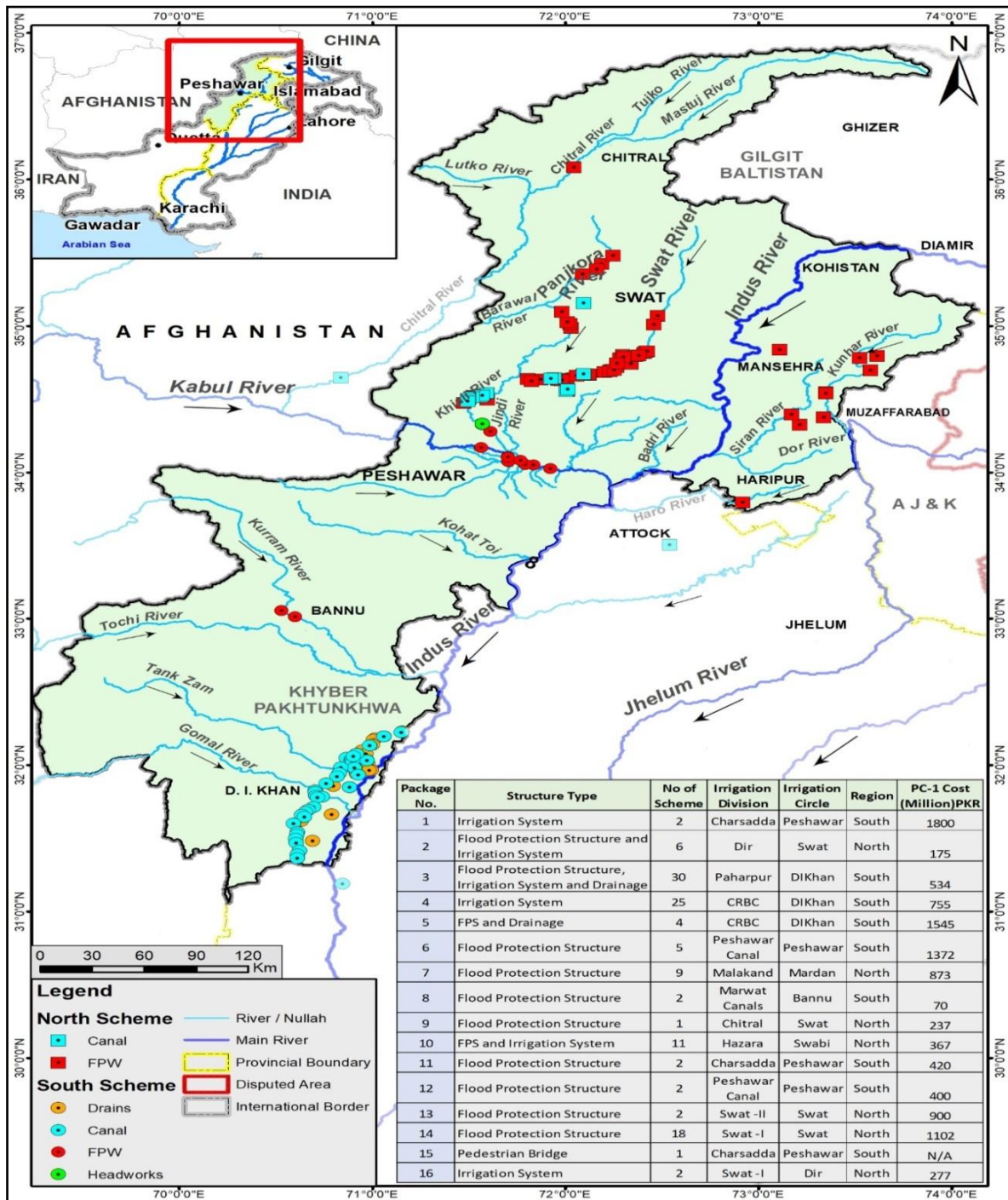


Figure 1.1: Locations Map of Packages

5. All packages are categorized under different circles, and each package consists of a varying number of schemes. The area wise package distribution is given in the pie chart below (**Figure 1.2**). The priority of the work packages is identified with the consent of client.

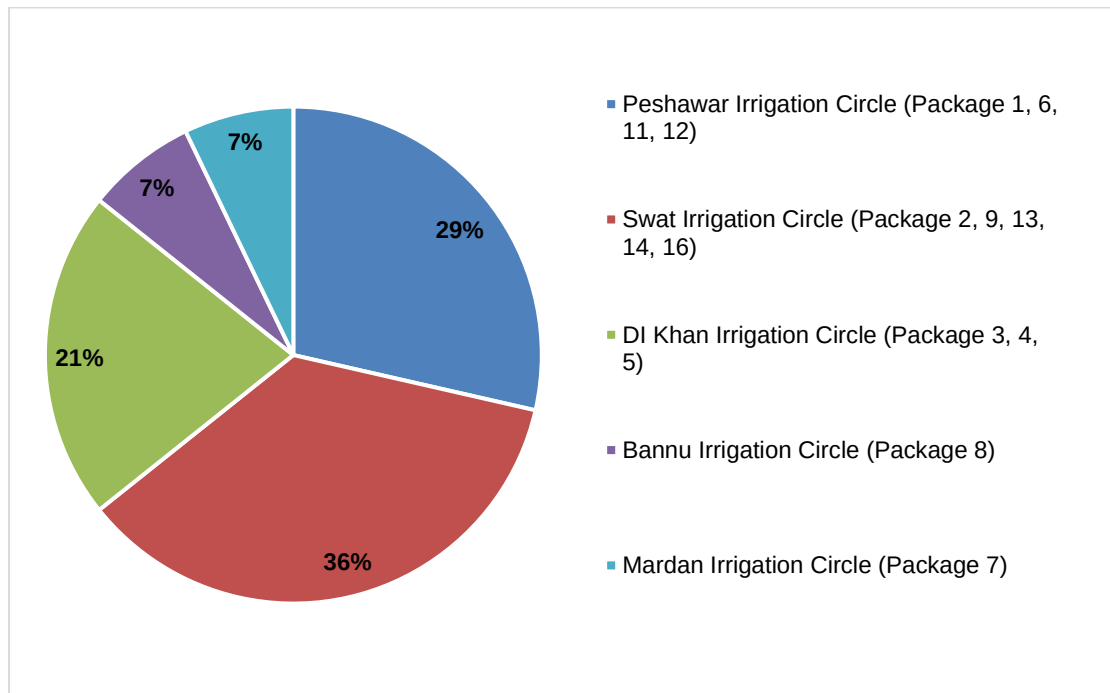


Figure 1.2: Area Wise Package Distribution

1.2 SCOPE OF WORK OF SCHEMES UNDER PACKAGE 07

6. Package 07 includes eight schemes that were identified as priority that includes various areas near Jalala, Haibat Gram, Tarrai, Matkani, Thana area, Totakan, Hissar, Batkhela Khar area, Johnsun Bund, Amandarra, Batkhela, Thana, Pul Chwaki, and Batkhela. Exemplary pre and post flood image of Tarai-Matkani is given in Figure 2.2 & 2.3:
7. The Package 7 existing damaged retaining wall does not involve any private land acquisition. The Khyber Pakhtunkhwa Irrigation Department (KPID) is the custodian of the land parcels of the above-mentioned scheme and scheme no. 2 (Johnsun Bund) reconstruction of flood protection wall is partially included private land and the landowner in the interest to safeguard the local area from future floods. The landowner has made an agreement to Voluntary Land Donation (VLD) and the Khyber Pakhtunkhwa Irrigation Department (KPID) is the custodian of the remaining land parcels of the above scheme of the proposed package 07. The land custodian of KPID for all the schemes of package 07 excluding scheme no. 2 (Johnsun Bund) that is subject partially land acquisition is attached as **Annexure A**. The reconstruction of the scheme will reduce the soil erosion which after the project implementation will be beneficial for the local farmers. The implementation of scheme shall bring about a remarkable progress and prosperity to the inhabitants locally. The location map for the proposed schemes under package 07 is presented in **Figure 1.3**.

Table 1.1: Proposed Rehabilitation Works of Flood Damaged Structures

Sr. No.	Location/Name of Work	Villages	Damage Status	Type of Rehabilitation Work
1	Rehabilitation of flood protection works on left bank of Swat River from Shamoza Bridge (Landaki) to Jalala Village;	Landaki and Jalala	Partially damaged	Earthen Embankment with slope protection and Gabion apron and Gabion Wall with Gabion Apron
2	Rehabilitation of flood protection work on left bank of Swat River (Johnson Bund) from RD:0+000 - University Bridge Malakand	Hibat Gram	Partially damaged	Earthen Embankment with slope protection and Gabion apron
3	Rehabilitation of flood protection works on left bank of Swat River from University Bridge to Chakdara Bridge	Thana	Partially damaged	Earthen Embankment with slope protection and Gabion apron
4	Rehabilitation of flood protection works on left bank of Swat River from Jalawanan to Amandara Head Works;	Jalalawanan	Partially damaged	Gabion wall with apron
5	Rehabilitation of flood protection works on left bank of Swat River from Amandara Head Works to Badwan Bridge.	Amandara	Left Banks damaged	Earthen Embankment with slope protection and Gabion apron
6	Rehabilitation of flood protection works on left bank of Swat River from Badwan Bridge to Shaheed Bund Khar Area;	Khar Sholgar	Partially damaged	Earthen Embankment with slope protection and Gabion apron
7	Rehabilitation of flood protection works on left bank of Swat River from Tarai to Matkani Village;	Tarri and Matkani	Partially damaged	Earthen Embankment with slope protection and Gabion apron
8	Rehabilitation of flood protection works on left bank of Swat River from Totakan to Hissara Village;	Totakan	Partially damaged	Gabion Walls with Gabion Apron

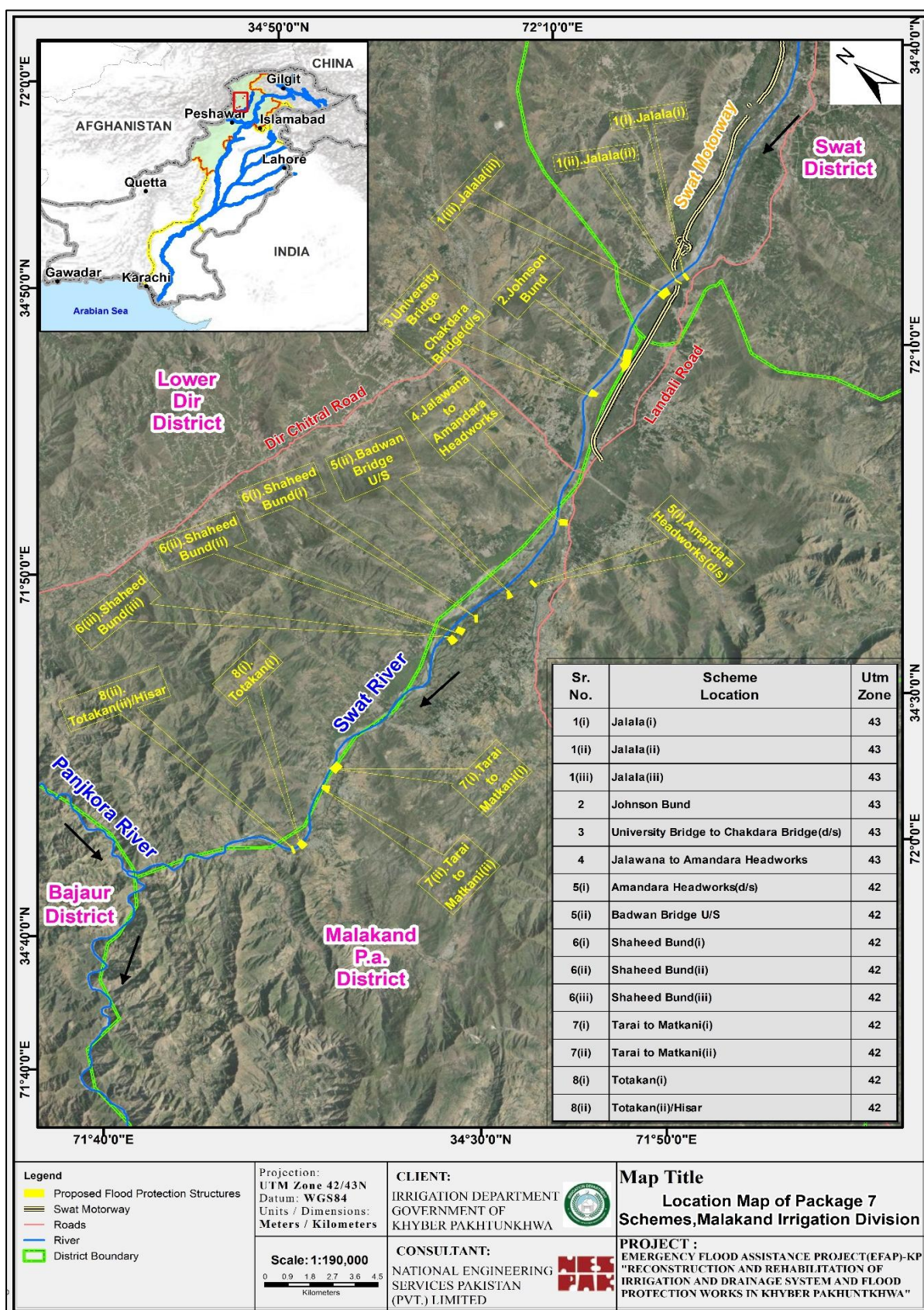


Figure 1.3: Location Map of Proposed Schemes under Package 07

2 FINDINGS OF SOCIAL DUE DILIGENCES AND METHODOLOGY ADOPTED

8. **Need for Due Diligence:** This social due diligence report (SDDR) has been prepared to screen and categorize the land, resettlement and indigenous people impacts. Various schemes of package 07 were affected by 2022 flood. Among other subprojects/schemes in 3 provinces of Pakistan namely, KP, Baluchistan and Sindh, the government of Pakistan requested Asian Development Bank (ADB) for financial support. This SDDR has been prepared by NESPAK Consultant for the Project Management Office Irrigation EFAP to comply with ADB's safeguard policy statement 2009. The due diligence was conducted including consultation with local community and land owner(s) who donated the land in the interest of to safeguard the community and agriculture for forthcoming floods. The PMO is headed by Project Director and a Deputy Director is safeguard focal based at PMO. The Provincial Irrigation Department is the Executing Agency (EA).
9. **Purpose of Due Diligences:** The ADB's Safeguard Policy Statement (SPS) 2009 (for IR policy) aims to "avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups". Following this aim of the SPS, the cross section or the design have been carefully reviewed to identify any potential land acquisition or resettlement impacts.
10. **Methodology Adopted by the PMO and NESPAK:** The LAR impact assessment was conducted based on detailed engineering design and available RoW land for rehabilitation works of the all the schemes residing in package 7. The proposed RoW has been screened out for IR and IP impacts through consultation with local committees and stakeholders. The Khyber Pakhtunkhwa Irrigation Department (KPID) is the custodian of the land parcels of the all the schemes all the schemes as mentioned in **Table 1.1**. While, in sub-scheme Johnsun Bund land acquisition is involved and land was donated by community persons through Voluntary Land Donation (VLD) agreement for the rehabilitation works of the proposed package 07. The local communities and government officials were consulted and design was shared with local people for a clarity on the schemes and scope of work. The objective of the schemes is the reconstruction of flood protection works, Malakand Irrigation Division.
11. **Findings of Due Diligences:** During field visit, it accrued that The Khyber Pakhtunkhwa Irrigation Department (KPID) is the custodian of the land parcels of the sub-scheme no. 1(i), 1(ii), 1(iii), 3,4 5(i), 5(ii) 6(i), 6(ii), 6(iii), 7(i), 7(ii), 8(i) and 8(ii) thus it does not involve any private land acquisition. While, in sub-scheme no. 2 (Johnsun Bund) partially land acquisition is involved (10,487 m² from five land owners) which was inundated due to flood of 2022. There are no squatters/encroachers nor the land fall in communal category.

12. Mr. Fazal Gafar CNIC No. 15402-1425788-3 resident of Thana, Mr. Muhammad Zahid, CNIC No. 15402-6843351-5, resident of village thana, Mr. Fazal Rabi, CNIC No. 15402-1450369-7, resident of Thana, Mr. Mushtaq Ali, CNIC No. 15402-0525143-9, resident of Thana, and Mr. Muhammad Mukhtiar Ali, CNIC No. 15402-3005240-1, resident of Thana, owns the land, and in the interest to safeguard the local communities and agriculture holding of people they all voluntarily donated the land under signed agreement with the respective Irrigation office and the agreement has been witnessed signed by Mr. Aslam Khan s/o Gul Dawar Khan CNIC No. 21504-9605725-1 and Mr. Nazar Gul Khan s/o Labati CNIC No. 21504-0276013-9 Residents of Thana, Malakand. The agreement has been signed by XEN Irrigation. There are no encroachments or squatters exist on the proposed private land, since the land has been donated, hence the IR doesn't trigger unless the expropriation that usually results upon the failure of voluntary donation or negotiated settlement, based on the meaningful consultation with land owner(s), the land owner(s) agreed to volunteer the land and in return no demands were made, the agreement with the land owners was documented and considered a legal document signed by both parties countersigned by the witness. The signed VLD agreement on Government stamp paper is annexed as **Annexure-B**.

Table 2.1: Land Owners and Witnesses of scheme No. 2 Johnsun Bund

Sr. No.	Name of Land Owner and CNIC	Witnesses	Village
1.	Mushtaq Ali (15402-0525143-9)	Siad Bacha 15402-7329504-5 Bubair Ali 15402—19722395-7	Thana
2.	Fazal Rabi (15402-1450369-7)	Sabir Jamal (15402-2800266-1 Sahrab Ali (15402-1936065-3	Thana
3.	Muhammad Zahid (15402-6843351-5	Riaz Ahmed (17301-3624334-5	Thana
4.	Fazal Gafar (15402-1425788-3	Siad Bacha 15402-7329504-5 Mushtaq Ali (15402-0525143-9)	Thana
5.	Muhammad Mukhtiar (15402-3005240-1	Khursheed Ali (15402-2602542-9 Taj Dar (15402-8444894-9	Thana

13. **The objective of SPS:** The objectives of SPS are to avoid/minimize involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons₁ in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

14. **Involuntary Resettlement:** The involuntary resettlement impacts of ADB-supported projects are considered significant if 200 or more persons will be physically displaced from home or lose 10% or more of their productive or income-generating assets. For those involving involuntary resettlement, a resettlement plan is prepared that is commensurate with the extent and degree of the impacts, the scope of physical and

economic displacement and the vulnerability of the affected persons. Projects are classified into the following categories: The filled and signed IR checklist is annexed as **Annexure-C**.

- **Category A.** A proposed project is likely to have significant involuntary resettlement impacts. A resettlement plan, which includes assessment of social impacts, is required
- **Category B.** A proposed project includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, which includes assessment of social impacts is required.
- **Category C.** A proposed project has no involuntary resettlement impacts. No further action is required.

15. **Indigenous People:** The project area was surveyed for identification of any indigenous people or groups having customary rights on use and access of land and natural resources, socioeconomic status, cultural and communal integrity and self-recognition as IPs. However, no such groups were found in the entire project area who can be categorized as IP. More specifically, the people consulted do not recognize themselves as IP or those falling under IP groups as described in IP policy of ADB's SPS. Therefore, the project is categorized as "C" for IP safeguards hence; no Indigenous peoples plan is required for this project. The filled and signed IP Checklist is annexed as **Annexure-D**.

2.1 DESIGN STATUS

16. **Scope of Schemes under EFAP:** Package 7 includes Jalala, Haibat Gram, Tarrai, Matkani, Thana area, Totakan, Hissar, Khar area, Johnsun Bund, Amandarra, Thana, and Pul Chwaki sites. Scope of work at all schemes is the construction of flood protection wall. Type of rehabilitation includes Earthen Embankment with slope protection and Gabion apron and Gabion Wall. **Table 2.2** shows design of proposed Gabion wall at Jalala, Haibat Gram, Tarrai, Matkani, Thana area, Totakan, Hissar, Khar area, Johnsun Bund, Amandarra, Thana, and Pul Chwaki sites on Swat River.

Table 2.2: Design of Proposed Gabion Wall at Project Sites

Sr. No.	Location/Name of Work	Type of Rehabilitation Work	Proposed Protection Works Length (m)
1	Rehabilitation of flood protection works on left bank of Swat River from Shamoza Bridge (Landaki) to Jalala Village;	Earthen Embankment with slope protection and Gabion apron and Gabion Wall with Gabion Apron	147, 69 & 439
2	Rehabilitation of flood protection work on left bank of Swat River (Johnson Bund) from RD:0+000 - University Bridge Malakand	Earthen Embankment with slope protection and Gabion apron	860

Sr. No.	Location/Name of Work	Type of Rehabilitation Work	Proposed Protection Works Length (m)
3	Rehabilitation of flood protection works on left bank of Swat River from University Bridge to Chakdara Bridge; and	Earthen Embankment with slope protection and Gabion apron	270
4	Rehabilitation of flood protection works on left bank of Swat River from Jalawanan to Amandara Head Works;	Gabion wall with apron	274
5	Rehabilitation of flood protection works on left bank of Swat River from Amandara Head Works to Badwan Bridge.	Earthen Embankment with slope protection and Gabion apron	155 & 200
6	Rehabilitation of flood protection works on left bank of Swat River from Badwan Bridge to Shaheed Bund Khar Area;	Earthen Embankment with slope protection and Gabion apron	148, 289 & 317
7	Rehabilitation of flood protection works on left bank of Swat River from Tarai to Matkani Village;	Earthen Embankment with slope protection and Gabion apron	423
8	Rehabilitation of flood protection works on left bank of Swat River from Totakan to Hissara Village;	Gabion Walls with Gabion Apron	250 & 295

17. Earthen embankments run parallel to the river and at some distance from the river. These are the flood embankments in continuation of guide embankments designed to contain the floodwater within the flood plains of the river. They may be constructed on both sides of the river or only one side, for some suitable river length, where the river is passing through towns or cities or any other places of importance. These embankment-walls, retain the flood water and thus, preventing it from spreading into the nearby lands and towns. A levee or a dyke is mainly used for flood protection by controlling the river and not by training the river (**Figure 2.1**). The alignment of levees should follow the normal meandering pattern of the river. They are designed to hold up the water up to a maximum anticipated HFL without the possibility of overtopping and with a view to withstand all external pressures. This condition is met with by providing sufficient free-board, bed width, top width and stone protection on adequate slopes. As the height of the embankment increases it becomes necessary to provide key trench, zoned section etc., to make the embankment stable. Like earth dams, embankments are also likely to fail due to overtopping, piping, rat holes, seepage and caving in of river side sloping face. It is therefore necessary to adopt adequate sections for various heights.

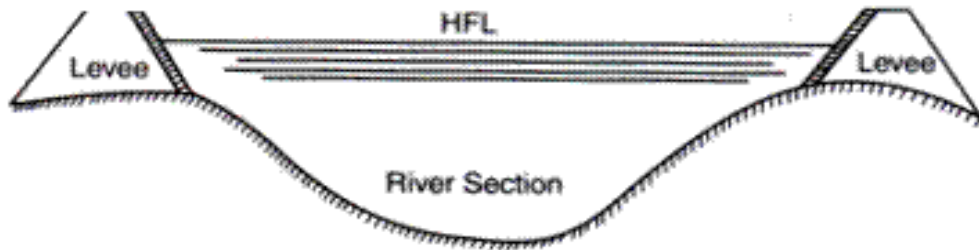


Figure 2.1:: Earthen Embankment or Levees

18. Gabion walls will be made up of row upon row of orthogonal cages or baskets (gabion) which will be filled with rock fragments/cobbles and tie together. This arrangement forms a block of gravity structure that is able to withstand lateral pressure on it. Furthermore, the permeability of rock fragments and the flexibility of gabion cages will make them practically suitable for use at sites which are liable to become saturated and where the foundation is composed of relatively compressible materials. When gabion is to be used as retaining structures, they should be considered as gravity retaining walls. There is no universally accepted method for designing the individual gabion units. The individual units are placed on each other to form a stable gabion wall. The basic shape of a gabion wall is trapezoidal, but the front and rear faces may be straight or stepped. However, the design method for verification and appropriate functionality of a gabion wall is carried out at the ultimate limits state analysis (ULS). The design of Gabion wall is shown in **Figure 2.2**.

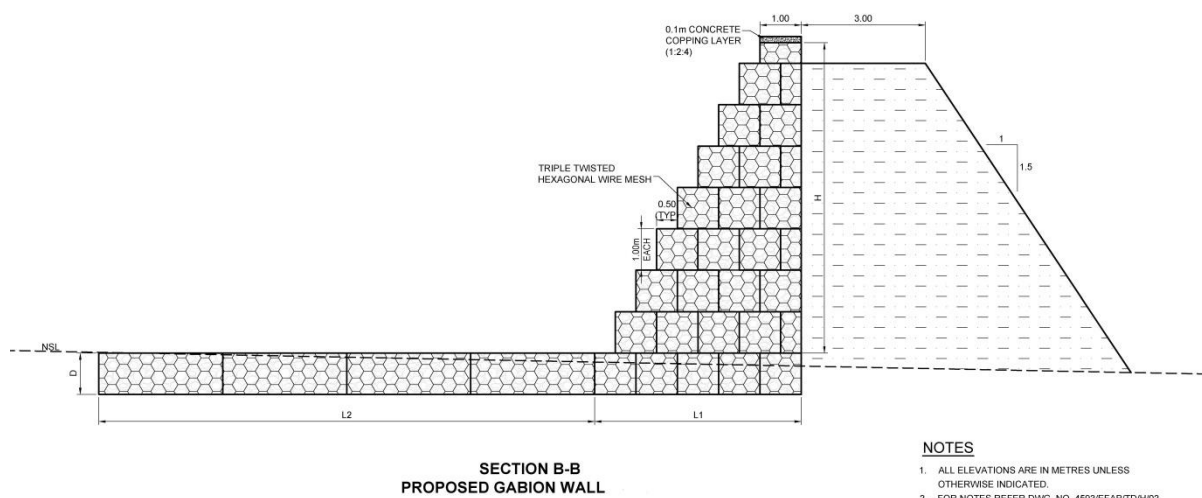


Figure 2.2:: Typical Section of Gabion Wall

3 SOCIO ECONOMIC

3.1 DISTRICT MALAKAND AT A GLANCE

19. Malakand District, located in the Malakand Division of Khyber Pakhtunkhwa, Pakistan, spans approximately 1,200 square kilometers and is home to a diverse population of around 800,000, with a nearly equal male-to-female ratio. Established in the late 19th century, the district shares borders with Swat and Upper and Lower Dir, and is represented by multiple Members of the Provincial Assembly. Its strategic location has contributed to its historical significance.
20. The district features several important archaeological sites, including Barikot, which dates back to the Gandhara period, reflecting its rich historical heritage. These sites have attracted scholarly interest and provide valuable insights into the region's past. The majority of Malakand's residents belong to various Pashtun tribes, primarily speaking Pashto, and share cultural practices that foster a strong sense of community.
21. Economically, Malakand is primarily agricultural, with a focus on cultivating fruits, vegetables, and grains. In addition to agriculture, small-scale industries, including handicrafts and furniture making, play a vital role in local livelihoods. The district's picturesque landscapes, characterized by lush valleys and the Swat River, not only enhance agricultural productivity but also support a growing tourism sector.
22. Culturally, Malakand is vibrant and rich in traditions, hosting various festivals that celebrate local arts and crafts. The annual Malakand Mela showcases these cultural expressions, reinforcing community bonds and cultural identity. This blend of history, community, and economic potential makes Malakand District a significant region within Khyber Pakhtunkhwa.

3.2 GENDER SITUATION

23. Rural-women are major contributors in four sub-sectors of the rural economy, crop production, livestock rearing, cottage industry, household and family maintenance activities, such as transporting water, fuel and fodder to and from the home, food preparation and preservation and caring for children. Most of the women stay home and only travel outside the village in case of visit to relatives and to hospitals in nearby towns in case of health emergencies. Whereas, females in urban settings were participating in different type of livelihood earning activities.

4 INSTITUTIONAL ARRANGEMENT

24. Irrigation Department KP is the Project Executing Agency while the PMO established for EFAP Mardan is mainly responsible. The overall coordination will be provided by Project Management Office (PMO) located in District Mardan headed by the Project Director in addition to contract signing and preparation of key reports. The Social and Environment team is headed by Deputy Director and the design and due diligence of both social and environment are the responsibility of the NESPAK Consultant.
25. Unanticipated Impacts: The SPS Policy will trigger if any unanticipated impacts of land and resettlement occurs during the scheme implementation and corrective measures will be adopted by the project management office in compliance with the Project Environment and social framework and or ADB SPS. The project management unit will ensure the safeguard the presence of social safeguard personal in the Project Management Suppression Consultant (PMCSC) team.
26. The organizational setup for implementation of EMP during construction phase is provided in **Figure 4.1**

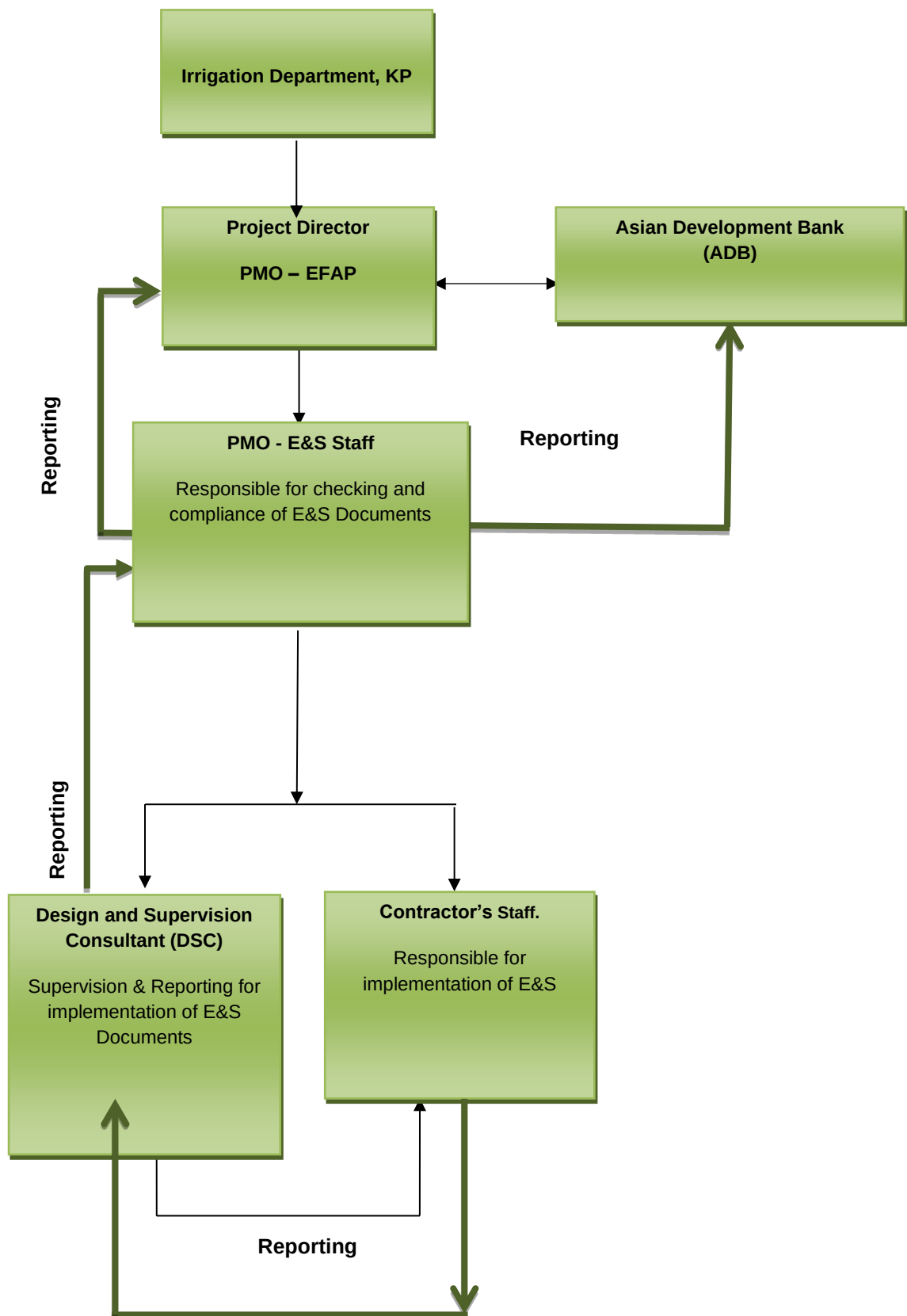


Figure 4.1: Organizational Setup for Implementation of Project

5 INFORMATION DISCLOSURE AND CONSULTATION

27. Stakeholders' involvement especially the local population is an important feature of social assessment study and can lead to a better and more acceptable decision-making regarding the project design and its implementation. It gives the feeling of an ownership to the local population. Consultation, is an integral part of IR planning and social safeguard documents preparation and implementation strategy for the project with LAR impacts. Consultation is an on-going process that: (i) begins in the project preparation stage and is carried out on an on-going basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information in manner readily accessible and understandable to affected people and beneficiaries; (iii) enables to document and address the concerns of stakeholders; iv) is undertaken in an atmosphere free of intimidation or coercion and is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation is carried out in a manner commensurate with social fabric of the project area and the impacts on affected communities.

28. Under the proposed project, public consultation was carried out in the subproject area with the local community members and the officials of the Irrigation department. These consultations were carried out from 31 May and 1 June, 2024, 22 August and 6 September, 2024. The consultations were carried out in five settlements in which 47 participants participated collectively. The feedbacks and issues raised during the consultation were recorded and documented for developing the strategy. The specimen list of participants is attached as **Annexure-E** while the pictures are depicted in **Photolog**.

5.1 OBJECTIVES

29. The objectives of stakeholder consultations were to contribute openness, transparency and dialogue. The concerned stakeholder groups were identified to include in the assessment process.

30. The objectives of stakeholders' engagement include:

- Informing the stakeholders about the proposed Project;
- Providing an opportunity to those who remained unable to present their views and values, therefore allowing more sensitive consideration of mitigation measures and trade-offs;
- Providing those involved with planning the proposal with an opportunity to ensure that the benefits of the proposal are maximized and that no major impacts have been overlooked;
- Providing an opportunity for the public to influence the project design in a positive manner;
- Increasing public confidence in front of proponent, reviewers and decision makers;
- Providing better transparency and accountability in decision making;

- Reducing conflict through the early identification of contentious issues, and working through these to find acceptable solutions;
- Creating a sense of ownership of the proposal in the minds of the stakeholders; and
- Developing proposals which are truly sustainable.

31. More intangible benefits flow from the public involvement as the participants realize that their ideas can help to improve the Project. People gain confidence and self-esteem through taking part in the decision-making process and perceptions are expanded by meeting and exchanging views with people who have different values and ideas.

5.2 STAKEHOLDER IDENTIFICATION

32. The first step for the stakeholder consultation is the identification of the stakeholders. Irrigation Department KP is the Project Proponent for the proposed Project. As per definition, stakeholder is an entity which is concerned with the proposed Project in any way. Direct stakeholders are those entities which are directly concerned with the Project. The Project has both primary as well as secondary stakeholders.

33. The primary stakeholders include all the local people because they suffer during flood situation, Provincial and District Level Government Departments of KP such as Environmental Protection Department (EPD), Irrigation Department and Agriculture Department, etc. However, the secondary stakeholders include the public and private agencies involved in the implementation of the Project.

5.3 DEPARTMENTAL CONSULTATIONS

34. Meetings and consultations were held with officials of the irrigation department. The official highlighted that the river water came and destroyed all their land. The land that has been spoiled. Mostly land fertile and garden on this land. Due to the construction of this project, the land of these people will be freed and the loss they have suffered will come to minimum level. He also emphasized the dire need of the proposed project on priority basis so that the other irrigation infrastructure and land of nearby community can be protected.

5.4 COMMUNITY CONSULTATIONS

35. For ascertaining the perceptions of different stakeholders about the project (during/ after construction) meetings were held with local communities and anticipated beneficiaries of the project within the subproject area. These meetings were held in an open atmosphere, in which participants expressed their views freely. Informal group discussions were also held as an additional tool for the assessment of the perceptions of the stakeholders about the project and potential impacts both positive and adverse likely to occur due to its implementation. The community highlighted that the proposed project will protect the residential area and agriculture land of nearby villages. Due to flood and soil erosion, land has been lost or badly affected. If you design a wall which can protect our land as well as residential areas then it would be beneficial for all. According to our point of view in respect of true beneficial design wall. If you favor us in

constructing of protection wall that area, then we will provide you free of cost land and also will ensure our full cooperation.

5.4.1 Locations of the Public Consultations and Participation

36. The detail of the locations of consultations is provided in the **Table 5.1**.

Table 5.1: Locations of Consultations

Sr. No.	Settlement	District	No. of Participants
1	Matkani & Totakan	Malakand	10
2	Thana	Malakand	08
3	Amandara	Malakand	06
4	Jalala	Malakand	07
5	Hibat Gram	Malakand	06

5.4.2 Findings of Community Consultations

37. The stakeholders recommended that the rehabilitation of proposed walls will protect the residential and agriculture area in nearby village which local community also pointed out the area for the wall construction and agreed to provide the land free of cost and also ensured their full cooperation.

38. The question raised and response given are provided in **Table 5.2** whereas, pictorial view of the community consultations, data collection and other filed activities is depicted as **Photolog**.

Table 5.2: Consultation Meetings

Sr. No.	Questions/Concerns Raised by Participants	Responses of Team Consultant
1.	Is there any land acquisition involved due to construction work?	It was explained to the participants that in sub-scheme Johnsun Bund, the construction work will be carried out in new proposed area. Hence, partially land acquisition will be involved. The proposed land has already been identified by locals and the owner of the land donated the land to the KPID for the construction of the wall. Hence, the land has been donated by the owners, therefore no land acquisition is involved in the proposed scheme.
2.	What advantages will this project bring?	Due to the construction of this project the residential structures and agriculture land of this village will be safe. Furthermore, the nearby irrigation infrastructure will be protected.
3.	Due to construction activities as well as influx of labor, movement of the citizens particularly of females, residing in the nearby villages will be restricted.	In order to tackle this situation, construction should be carried out in scheduled hours. So that after construction hours, local community, particularly females can easily move in the area.

Sr. No.	Questions/Concerns Raised by Participants	Responses of Team Consultant
4.	Local skilled and unskilled labour should be employed in the project construction work.	Employment opportunities will be created during construction. The bidding documents will include provisions for engaging local labour and contractors will provide jobs to the locals on priority basis.
5.	Dust and noise during construction activities will disturb the local community.	All protective measures shall be taken to manage the dust and noise during construction phase of the proposed project.
6.	Is there any fear regarding loss of income of the local inhabitants?	It was briefed to the participants that during the site visit of the proposed schemes under package-07, no livelihood activity was observed being carried out, hence, there will be no loss to livelihood of the local people. However, the proposed structure will protect the agriculture land of the local inhabitants and protect their livelihood by eliminating/reducing flood damages.

6 GRIEVANCE REDRESSAL MECHANISM

39. The borrower/client will establish a mechanism to receive and facilitate resolution of the local communities during project/scheme/subproject rehabilitation. The grievance mechanism will be scaled to the impacts of the project if any, it should address concerns and complaints promptly, using an understandable and transparent process that is culturally appropriate, gender responsive, and accessible to the all locally. The mechanism should not impede access to the country's judicial or administrative remedies.
40. Local Level Grievance Redressal Committee (LGRC) has been notified on dated August 08, 2024 in order to address any grievance receive from local community and is annexed as **Annexure-F**. The PMO has also notified project level Grievance Redressal Committee (GRC) at Project Management Office on dated June 27, 2024 annexed as **Annexure-G**.
41. To ensure women have access to the grievance mechanism, separate Focus Group Discussions (FGDs) will be held with them to design protocols that are suited to their needs including procedures and mechanisms to enable their access to the mechanism without any hurdle or cultural norms.
42. The complaint register will be placed at an accessible location (Union Council office, mosque, or at contractor camp site) for respective community so anyone can register their complaint in this register and on weekly basis, it will be checked by the GRC. In case of any complaints, the following mechanism will be adopted to resolve it, the PMCS will ensure the presence the GRC officer in the Contractor camp office.
43. GRC will resolve the compliant in a week's time and inform in writing the action taken against that grievance.
44. If the complaint cannot be resolved at the GRC level, the issue will be brought to the notice in Irrigation Department and from there if not resolved will go to the 3rd tier Project Director office, the 2nd and 3rd tier formation OF GRC will be advised by ADB TA Consultant for GRC.
45. Any stakeholder of the project or community member who has any observation over the sub projects can approach to ADB for any grievance on <https://www.adb.org/where-we-work/pakistan/complaints>

7 CONCLUSION AND RECOMMENDATION

46. The main conclusion drawn from the due diligence study is outlined below:

- This SDDR has been prepared for package 07 Khyber Pakhtunkhwa Irrigation Department (KPID). The scope of the schemes involves only reconstruction of Gabion wall damaged in 2022 Flood;
- The Khyber Pakhtunkhwa Irrigation Department (KPID) is the custodian of the land parcels and no impacts on crops, trees observed by the Consultant safeguard team during due-diligence. However;
- In scheme Johnsun Bund partially land acquisition is involved and land was donated by owners through Voluntary Land Donation (VLD) agreement for the rehabilitation works and there is no physical dislocation, nor any resettlement or encroachment involve and no impacts on crops, trees observed by the Consultant safeguard team during due-diligence;
- The land owner has donated the land voluntarily in the interest to safeguard the adjacent settlement and agriculture farms from future calamity, the voluntary land donation has been witnessed by the safeguard team for any expropriation from the Irrigation or any other Government Department;
- The PMO safeguard unit will ensure the presence of social safeguard in the PMCSC team who will identify and report any unanticipated impacts during project implementation and will inform ADB or Project Director for corrective measures in compliance with ADB SPS 2009 or the project Environment and social Framework; and
- The LGRC has been notified locally at field level and also at the project level, the GRC register will be placed at Contractor camp office, the GRC TA Consultant ADB will advise the PMO on formation of different tiers of GRC and will further advise to notify all tiers before the commencements of civil works

7.1 RECOMMENDATION

47. The scope of package 7 under EFAP is reconstruction of the damaged Gabion wall affected by 2022 Flood, there is no new construction involve, since the project will comply with ADB SPS hence during consultation the Gabion previously included private land which has now legally been donated by the land owner in the interest to safeguard the adjacent settlements and crops. Hence the sub project is proposed Category C for IR and further it was screened during due diligence that no individual, groups or community recognized is indigenous is living in the scheme/sub project area therein the scheme is also proposed or recommended Category C for IP.
48. It is recommended that since the package involve private land donation and agreement matured between the land owners and the Irrigation department needs to validated by external monitoring social safeguard for monitoring expropriation that may involve to avoid complaints to ADB AM.



ANNEXURES

ANNEXURE-A: LAND CUSTODIANSHIP AGREEMENT KPID



OFFICE OF THE EXECUTIVE ENGINEER
MALAKAND IRRIGATION DIVISION MALAKAND
 E-mail: - irrigationmkd@yahoo.com



0932-452049

Agreement for Land Custodianship of Irrigation Department, Khyber Pakhtunkhwa

Package Name and No.: Package 07- Repair and Rehabilitation of Flood Protection Structures
Malakand Irrigation Division

District: Malakand

Irrigation Circle: Malakand Irrigation Circle

The proposed package involves rehabilitation and restoration works thus it does not involve any private land acquisition. It consists of Fourteen (14) number of schemes which are as follow:

Rehabilitation of Flood Protection Works Along

1. Jalala I
2. Jalala II
3. Jalala III
4. Jonson Bund
5. University Bridge to Chakdara Bridge (D/S)
6. Jalawanen to Amandara Headworks
7. Badwan Bridge
8. Shaheed Bund I
9. Shaheed Bund II
10. Shaheed Bund III
11. Tarai to Matkani I
12. Tarai to Matkani II
13. Totaken I
14. Totaken II Hisar

Jonson Bund (Sub-Scheme) is subject to Voluntary Land Donation (VLD) for which VLD agreements with owners are made. The Khyber Pakhtunkhwa Irrigation Department (KPID) is custodian of the remaining land parcels of the above scheme(s) as well as the mentioned sub scheme. During due diligence, it is reflected that there is neither any encroachment nor a private land is involved. Moreover, there is no third-party involvement in that land as well as no livelihood and income loss is envisaged due to proposed rehabilitation and restoration works under this package.

Engr. Asif Khan XEN Malakand

Name of the Irrigation Division Officer

Stamp and Signature Executive Engineer
Malakand Irrigation Division
Malakand

Muhammad Ashraf

Name of the Due Diligence Officer (Consultant)

Ashraf

Stamp and Signature

Project Director - EFAP

Stamp and Signature
Inspector
Tah. Thana Bazar
Malakand

ANNEXURE-B: VOLUNTARY LAND DONATION

U730712

Agreement for Voluntary Donation of Land

The following agreement has been made on 26 day of July 2024 Between Mr/ Ms. Muhammad Mukhtyar Ali CNIC 15402-3605240-1 aged 66 (Years) resident of Thana Village, district Malakand (the owner) and Azif Khan (the recipient/subproject proponent).

1. That the land with certificate no. X is a part of Sawat River is surrounded from eastern side by Azham western side by Jahansum northern side by Sawat and southern side by Village Thana Canal River
2. That the owner holds the transferable rights of land 32374 (area in sqm), with plot/acre No. 2229.673 (area in sqm) falls under this proposed work of package # 07
3. That the Owner testifies that the land is free of squatters or encroachers and not subject to any other claims.
- 3.1 That the Owner hereby grants to the irrigation Department (name of the recipient) this asset for the construction and development of the Azham and embankment bed for the benefit of the community
- 3.2 That the Owner will not claim any compensation against the grant of this piece of land nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations
- 3.3 That the irrigation Department (name of the project proponent) agrees to accept this grant of asset for the purposes mentioned.
4. That the recipient shall construct and develop the Azham and embankment bed of scheme and take all possible precautions to avoid damage to adjacent land/structure/other assets. Package 7
5. That the provisions of this agreement will come into force from the date of signing of this deed

Name and Signature of the Owner

Signature of subproject proponent/representative

Witnesses:

1. Name Khushheed Ali Signature [Signature]
 Address and Contact No. Mahallah Bazed Khel P/O Thana Tehsil
Batkhele Distt Malakand CNIC 15402-2602542-9

2. Name Fas Dar Signature [Signature]
 Address and Contact No. Mahallah Bazed Khel P/O Thana Tehsil P.O.
Batkhele Distt Malakand CNIC 15402-8444894-9

Tehsildar

0730711

100 Rupees

Criteria for Voluntary Land Donations

Voluntary donation of land by beneficiary households is acceptable where:

- (a) The impacts are marginal (based on percentage of loss and minimum size of remaining assets);
- (b) Impacts do not result in displacement of households or cause loss of household's incomes and livelihood;
- (c) The households making voluntary donations are direct beneficiary of the project;
- (d) Land thus donated is free from any dispute on ownership or any other encumbrances;
- (e) Consultations with the affected households is conducted in a free and transparent manner;
- (f) Land transactions are supported by transfer of titles; and
- (g) Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained.

(signature of owner) *[Signature]*

(signature of village head) *[Signature]*

Include record of any complaint raised by the owners: *[Signature]*

Attach map of the area showing location of affected land.

Executive Engineer
Mule and Irrigation Division
(signature of subproject proponent) *[Signature]*

U730710

100 Rupees

Agreement for Voluntary Donation of Land

The following agreement has been made on 26 day of July 2024 Between Mr/ Ms. Faqir Rabi CNIC 15402-1450369-7 aged 64 (Years), resident of Village Thana district Malakand (the owner) and Asif Khan (the recipient/subproject proponent).

1. That the land with certificate no. 1 is a part of SWAT River, is surrounded from eastern side by Agriana western side by Jahsun northern side by SWAT and southern side by Village Thana Bound River

2. That the owner holds the transferable rights of land 24281 (area in sqm), with plot/acre No. 3300.642 (area in sqm) falls under this proposed work of package # 07

3. That the Owner testifies that the land is free of squatters or encroachers and not subject to any other claims.

3.1 That the Owner hereby grants to the Irrigation Department (name of the recipient) this asset for the construction and development of the Ahramand Embankment fill for the benefit of the community

3.2 That the Owner will not claim any compensation against the grant of this piece of land nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations.

3.3 That the Irrigation Department (name of the project proponent) agrees to accept this grant of asset for the purposes mentioned.

4. That the recipient shall construct and develop the Ahramand embankment fill of scheme and take all possible precautions to avoid damage to adjacent land/structure/other assets. Package 7

5. That the provisions of this agreement will come into force from the date of signing of this deed

Name and Signature of the Owner: Asif Khan

Signature of subproject proponent representative: Asif Khan

Executive Engineer
Malakand Irrigation Division

Witnesses:

1 Name Sabir Jamal
Address and Contact No. Mahallah Danda P/O Thana Khas Tehsil
Battikhel out Malakand CNIC 15402-9800266-1

2 Name Saharab Ali
Address and Contact No. P/O Thana Haibat Gram Tehsil Battikhel
DIST Malakand 0312-6665772 CNIC 15402-1936065-3

Tehsildar
Sub: Thana Thana
Signature: Sabir

50709




Criteria for Voluntary Land Donations

Voluntary donation of land by beneficiary households is acceptable where:

- The impacts are marginal (based on percentage of loss and minimum size of remaining assets);
- Impacts do not result in displacement of households or cause loss of household's incomes and livelihood;
- The households making voluntary donations are direct beneficiary of the project;
- Land thus donated is free from any dispute on ownership or any other encumbrances;
- Consultations with the affected households is conducted in a free and transparent manner;
- Land transactions are supported by transfer of titles; and
- Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained.

.....
(signature of owner)

.....
(signature of village head)

.....
Executive Engineer
Water and Irrigation Division
Multan
(signature of subproject proponent)

Include record of any complaint raised by the owners;

Attach map of the area showing location of affected land.

#

U730720

100 Rupees

Agreement for Voluntary Donation of Land

The following agreement has been made on 26 day of July 2024 Between Mr./ Ms. Fajal Gafar CNIC 15402-1425788-3 aged 53 (Years) resident of Thana Village, district Malakand (the owner) and Asif Khan (the recipient/subproject proponent).

1. That the land with certificate no. 1 is a part of Swat River, is surrounded from eastern side by Azlam, western side by Jundam, northern side by Swat River and southern side by Jellash Thana Canal.

2. That the owner holds the transferable rights of land 28328 (area in sqm), with plot/acre No. 1371.6/22 (area in sqm) falls under this proposed work of package # 07.

3. That the Owner testifies that the land is free of squatters or encroachers and not subject to any other claims.

3.1 That the Owner hereby grants to the Irrigation Department (name of the recipient) this asset for the construction and development of the Alluvial and embankment fill for the benefit of the community.

3.2 That the Owner will not claim any compensation against the grant of this piece of land nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations.

3.3 That the Irrigation Department (name of the project proponent) agrees to accept this grant of asset for the purposes mentioned.

4. That the recipient shall construct and develop the Alluvial and embankment fill of scheme to avoid damage to adjacent land/structure/other assets.

5. That the provisions of this agreement will come into force from the date of signing of this deed.

Name and Signature of the Owner: Fajal Gafar

Signature of subproject proponent representative: Asif Khan, Executive Engineer, Malakand Irrigation Division

Witnesses:

1 Name: Said Bacha, Address and Contact No. Salwanan P/O Maudla Tehsil Battikheli, Distt Malakand, CNIC 15402-929504-5

2 Name: Mushtaq Ali, Address and Contact No. Mehalla Paili Pa P/O Thana wales, Distt Battikheli, CNIC 15402-0525743-9

0730719

100 Rupees

Criteria for Voluntary Land Donations

Voluntary donation of land by beneficiary households is acceptable where:

- (a) The impacts are marginal (based on percentage of loss and minimum size of remaining assets);
- (b) Impacts do not result in displacement of households or cause loss of household's incomes and livelihood;
- (c) The households making voluntary donations are direct beneficiary of the project;
- (d) Land thus donated is free from any dispute on ownership or any other encumbrances;
- (e) Consultations with the affected households is conducted in a free and transparent manner;
- (f) Land transactions are supported by transfer of titles; and
- (g) Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained.

(signature of owner)

(signature of village head)

Executive Engineer,
Molai and Irrigation Division
(signature of subproject component)

Include record of any complaint raised by the owners; No

Attach map of the area showing location of affected land.

#

U730716

100 Rupees

1♦♦

Agreement for Voluntary Donation of Land

The following agreement has been made on 26 day of July 2024 Between Mr./ Ms. Mushaq Ali CNIC 15402-0525143-9 aged 60 (Years), resident of Thana Village, district Malakand (the owner) and Asif Khan (the recipient/subproject proponent).

1. That the land with certificate no. 32374 is a part of Swat River, is surrounded from eastern side by Azra western side by Junsan Bund northern side by Swat River and southern side by Udail Thana.
2. That the owner holds the transferable rights of land 32374 (area in sqm), with plot/acre No. 2273.5398 (area in sqm) falls under this proposed work of Package #07.
3. That the Owner testifies that the land is free of squatters or encroachers and not subject to any other claims.
- 3.1 That the Owner hereby grants to the irrigation Department (name of the recipient) this asset for the construction and development of the Alien and embankment fill for the benefit of the community.
- 3.2 That the Owner will not claim any compensation against the grant of this piece of land nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations.
- 3.3 That the irrigation Department (name of the project proponent) agrees to accept this grant of asset for the purposes mentioned.
4. That the recipient shall construct and develop the Alien and embankment fill of Scheme Package 7 and take all possible precautions to avoid damage to adjacent land/structure/other assets.
5. That the provisions of this agreement will come into force from the date of signing of this deed.

Signature of the Owner: Mushaq Ali
Name and Signature of the Owner

Signature of subproject proponent: Asif Khan
Signature of subproject proponent

Witnesses:

1 Name Said Bacha Signature Said Bacha
Address and Contact No. Talwahan a P/O Mandori Tehsil Batkheli
DIST Malakand CNIC 15402-792954-5

2 Name Zubair Ali Signature Zubair Ali
Address and Contact No. Mehallah Sachabul Batkheli
DIST Malakand CNIC 15402-1972395-7

18/6
Tehsil
DIST Malakand

U730715

100 Rupees

Criteria for Voluntary Land Donations

Voluntary donation of land by beneficiary households is acceptable where:

- (a) The impacts are marginal (based on percentage of loss and minimum size of remaining assets);
- (b) Impacts do not result in displacement of households or cause loss of household's incomes and livelihood;
- (c) The households making voluntary donations are direct beneficiary of the project;
- (d) Land thus donated is free from any dispute on ownership or any other encumbrances;
- (e) Consultations with the affected households is conducted in a free and transparent manner;
- (f) Land transactions are supported by transfer of titles; and
- (g) Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained.

(signature of owner)

Executive Engineer
Irrigation and Drainage Division
(signature of supervisor)

(signature of village head)

Include record of any complaint raised by the owners; no

Attach map of the area showing location of affected land.

#

30707

100 Rupees

100

Agreement for Voluntary Donation of Land

The following agreement has been made on 26 day of July 2024 Between Mr/ Ms. Muhammad Zahid Thana CNIC 15402-68433515 aged 70 (Years) resident of Village, district Malakand (the owner) and Asif Khan (the recipient/subproject proponent)

1. That the land with certificate no. 1 is a part of Swat River, is surrounded from eastern side by Ashraf western side by Jahansum northern side by Swat and southern side by Village Thana River

2. That the owner holds the transferable rights of land 28328 (area in sqm), with plot/acre No. 2311/4276 (area in sqm) falls under this proposed work of package # 07

3. That the Owner testifies that the land is free of squatters or encroachers and not subject to any other claims.

3.1 That the Owner hereby grants to the Irrigation Department (name of the recipient) this asset for the construction and development of the Arsen and embankment fill for the benefit of the community

3.2 That the Owner will not claim any compensation against the grant of this piece of land nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations.

3.3 That the Irrigation Department (name of the project proponent) agrees to accept this grant of asset for the purposes mentioned.

4. That the recipient shall construct and develop the Arsen and embankment fill of Scheme and take all possible precautions to avoid damage to adjacent land/structure/other assets. Package 7

5. That the provisions of this agreement will come into force from the date of signing of this deed.

Name and Signature of the Owner: *Muhammad Zahid Thana*

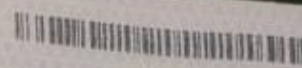
Signature of subproject proponent/representative: *Asif Khan*
Executive Engineer, Malakand Irrigation Division, Malakand

Witnesses:

1 Name: *Riaz Ahmed*
Address and Contact No: *0832-9229188*
Mehallah Ghalib Hazrat Khel
Tahsil Thana, Dist

2 Name: *Dusti Malakand*
Address and Contact No: *P/O Thana Khel*
Haibat Gham Tehsil Battikhela
CNIC: *17301-362434-5*
Signature: *[Signature]*
CNIC: *15402-1936065-3*

Tehsildar
Tahsil Thana
Signature: *[Signature]*

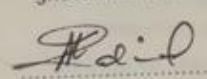
0708




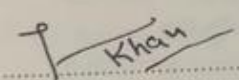
Criteria for Voluntary Land Donations

Voluntary donation of land by beneficiary households is acceptable where;

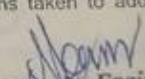
- The impacts are marginal (based on percentage of loss and minimum size of remaining assets);
- Impacts do not result in displacement of households or cause loss of household's incomes and livelihood;
- The households making voluntary donations are direct beneficiary of the project;
- Land thus donated is free from any dispute on ownership or any other encumbrances;
- Consultations with the affected households is conducted in a free and transparent manner;
- Land transactions are supported by transfer of titles; and
- Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained.



 (signature of owner)



 (signature of village head)



Executive Engineer
 Matsland Irrigation Division
 Matsland
 (signature of subproject proponent)

Include record of any complaint raised by the owners; **NO**

Attach map of the area showing location of affected land.

.....



ANNEXURE-C: INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION

INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION

Date: 03-09-2024

A. Instructions

- (i) The project team completes and submits the form to the Office of Safeguards (OSPT) for approval by OSPT Director.
- (ii) The classification of a project is a continuing process. If there is a change in the project components and/or site that may result in category change, the Sector Division submits a new form and requests for re-categorization, and approval by OSPT Director. The old form is attached for reference.
- (iii) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by OSPT Director. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.

B. Project Data

Country/Project No./Project Title : Pakistan, Khyber Pakhtunkhwa, Emergency Flood Assistance Project (EFAP) - Rehabilitation/Restoration of Flood Protection Works in Malakand Irrigation Division (Package 07)

Department/ Division : Central and West Asia Department (CWRD), Pakistan

Processing Stage : _____

Modality : _____

[] Project Loan [] Program Loan [] Financial Intermediary [] General Corporate Finance

[] Sector Loan [] MFF [✓] Emergency Assistance [] Grant

[] Results-based lending³³ [] Other financing modalities

C. Involuntary Resettlement Category

[✓] New [] Recategorization — Previous Category []

☐ Category A

☒ Category B

☒ Category C

☐ Category FI

D. Comments

Project Team Comments:
Scope of Work under Package 7 is rehabilitation of existing flood protection walls. There is no land acquisition, no resettlement, no legacy issues, no encroachment or third party uses, no disputes among nearby communities about the rehabilitation work are envisaged. ROW is owned by KPID excluding scheme No. 2 (Jhonson Bund) which involves voluntary land donation.


Name: Engr. Javed Khattak
Designation: Project Director

Syed Suliman, Deputy Director
(Environmental & Social Safeguard)

OSFG Comments:

E. Approval

Proposed by:

Reviewed by:

Project Team Leader, (CWRD, Pakistan)
Date: _____

Social Development Specialist (Safeguards), OSFG
Date: _____

Social Development Specialist, (CWRD, Pakistan)
Date: _____

Endorsed by:

Approved by:

³³ For Results-Based Lending (RBL) modality, please refer to the [Staff Instruction on Business Processes for RBL for Programs](#) issued on 17 March 2021. The [supplemental checklist](#) needs to be submitted to OSPT for confirmation of eligible activities under the RBL program by OSPT Director.



Director, (CWRD, Pakistan) Date:		Highly Complex and Sensitive Project
	Bruce Dunn, Director, OSFG Date:	

Involuntary Resettlement Impact Categorization Checklist

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?	✓			There will be no impact on the local community with respect to land acquisition or displacement of assets as rehabilitation work will be carried out in the existing ROW, which is owned by the irrigation department. Moreover, no Land Acquisition, no resettlement, no legacy issues, no encroachment or third party uses, no disputes among nearby communities about the rehabilitation work are envisaged.
2. Is the site for land acquisition known?	✓			In scheme no. 2 site is already identified because land is donated by the community persons.
3. Is the ownership status and current usage of land to be acquired known?	✓			In scheme no. 2 Land is already flood prone and reclaimed from river area and community members has donates land voluntarily
4. Will easement be utilized within an existing Right of Way (ROW)?		✓		No easement will be disturbed
5. Will there be loss of shelter and residential land due to land acquisition?		N/A		For Scheme-2 there will be no loss of shelter and residential land because river scoured land is donated voluntarily.
6. Will there be loss of agricultural and other productive assets due to land acquisition?		N/A		For Scheme-2 Land is not cultivable and no loss of agricultural and other productive assets are anticipated.
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?		N/A		For Scheme-2 no such assets exist on the land to be acquired as land is river scoured
8. Will there be loss of businesses or enterprises due to land acquisition?		N/A		For Scheme-2 no such business activities exist on the river scoured land. Therefore, no loss of businesses or enterprises in that particular area.
9. Will there be loss of income sources and means of livelihoods due to land acquisition?		N/A		For scheme 2 no such business activities exist on the river scoured land. Therefore, no loss of income sources or livelihood in that particular area.
Involuntary restrictions on land use or on access to legally designated parks and protected areas				

10. Will people lose access to natural resources, communal facilities, and services?		✓		No such impact is envisaged for both schemes.
11. If land use is changed, will it have an adverse impact on social and economic activities?		✓		No adverse impacts on social economic activities are envisaged for both schemes.
12. Will access to land and resources owned communally or by the state be restricted?		✓		There will be no restriction on such resources hence no such impact is envisaged on the scheme.
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? ☒ No ☐ Yes				
If yes, approximately how many? _____ N/A _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? ☒ No ☐ Yes				
Are any displaced persons from indigenous or ethnic minority groups? ☒ No ☐ Yes				

Note: The project team may attach additional information on the project, as necessary.



Sayed Suliman, Deputy Director
(Environmental & Social Safeguard)

ANNEXURE-D: INDIGENOUS PEOPLES IMPACT CATEGORIZATION CHECKLIST

INDIGENOUS PEOPLES IMPACT CATEGORIZATION

Date: 03-09-2024

A. Instructions (i) The project team completes and submits the form to the Office of Safeguards (OSPT) for approval by OSPT Director. (ii) The classification of a project is a continuing process. If there is a change in the project components and/or site that may result in category change, the Sector Division submits a new form and requests for re-categorization, and approval by OSPT Director. The old form is attached for reference. (iii) The project team indicates if the project requires broad community support (BCS) of Indigenous Peoples communities. BCS is required when project activities involve: (a) commercial development of the cultural resources and knowledge of indigenous peoples; (b) physical displacement from traditional or customary lands; and (c) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual use that define the identity and community of indigenous peoples. (iv) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by OSPT Director. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.																							
B. Project Data <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Country/Project No./Project Title</td> <td style="width: 70%;">Pakistan, Khyber Pakhtunkhwa, Emergency Flood Assistance Project (EFAP) - Rehabilitation/Restoration of Flood Protection Works in Malakand Irrigation Division (Package 07)</td> </tr> <tr> <td>Department/ Division</td> <td>Central and West Asia Department (CWRD), Pakistan</td> </tr> <tr> <td>Processing Stage</td> <td></td> </tr> <tr> <td>Modality</td> <td></td> </tr> </table> <table style="width: 100%; border: none;"> <tr> <td>☐ Project Loan</td> <td>☐ Program Loan</td> <td>☐ Financial Intermediary</td> <td>☐ General Corporate Finance</td> </tr> <tr> <td>☐ Sector Loan</td> <td>☐ MFF</td> <td>☒ Emergency Assistance</td> <td>☐ Grant</td> </tr> <tr> <td>☐ Results-based lending⁴</td> <td colspan="3">☐ Other financing modalities</td> </tr> </table>				Country/Project No./Project Title	Pakistan, Khyber Pakhtunkhwa, Emergency Flood Assistance Project (EFAP) - Rehabilitation/Restoration of Flood Protection Works in Malakand Irrigation Division (Package 07)	Department/ Division	Central and West Asia Department (CWRD), Pakistan	Processing Stage		Modality		☐ Project Loan	☐ Program Loan	☐ Financial Intermediary	☐ General Corporate Finance	☐ Sector Loan	☐ MFF	☒ Emergency Assistance	☐ Grant	☐ Results-based lending ⁴	☐ Other financing modalities		
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D. Project requires the broad community support of affected Indigenous Peoples communities. ☐ Yes ☐ No																							
E. Comments <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; padding: 5px;"> Project Team Comments: No community or individual recognize as indigenous living in the project area or nearby. Therefore, the project has been categorized as C for IP. Name: Engr. Javeed Khattak Designation: Project Director Sign/Stamp: Syed Suliman, Deputy Director (Environmental & Social Safeguard) </td> <td style="width: 50%; vertical-align: top; padding: 5px;"> OSFG Comments: </td> </tr> </table>				Project Team Comments: No community or individual recognize as indigenous living in the project area or nearby. Therefore, the project has been categorized as C for IP. Name: Engr. Javeed Khattak Designation: Project Director Sign/Stamp: Syed Suliman, Deputy Director (Environmental & Social Safeguard)	OSFG Comments:																		
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⁴ For Results-Based Lending (RBL) modality, please refer to the [Staff Instruction on Business Processes for RBL for Programs](#) issued on 17 March 2021. The [supplemental checklist](#) needs to be submitted to OSPT for confirmation of eligible activities under the RBL program by OSPT Director.

Indigenous Peoples Impact Screening Checklist

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, scheduled tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?		✓		As per the definition of ADB SPS 2009 about "indigenous communities" there are no indigenous people in the project area.
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?		✓		No IPs exist in the project area
3. Do such groups self-identify as being part of a distinct social and cultural group?		✓		Not Applicable
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?		✓		Not Applicable
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?		✓		Not Applicable
6. Do such groups speak a distinct language or dialect?		✓		Not Applicable
7. Has such groups been historically, socially, and economically marginalized, disempowered, excluded, and/or discriminated against?		✓		Not Applicable
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?		✓		Not Applicable
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?		✓		Not Applicable as no IPs exists
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)		✓		Not Applicable
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)		✓		Not Applicable

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?		✓		Not Applicable
C. Identification of Special Requirements <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?		✓		Not Applicable
14. Physical displacement from traditional or customary lands?		✓		Not Applicable
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?		✓		Not Applicable
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied, or claimed by Indigenous Peoples?		✓		Not Applicable
17. Acquisition of lands that are traditionally owned or customarily used, occupied, or claimed by Indigenous Peoples?		✓		Not Applicable

D. Anticipated project impacts on Indigenous Peoples

Project component/ activity/ output	Anticipated positive effect	Anticipated negative effect
1. Transportation of material for construction of retaining walls	N/A	N/A
2. Foundation preparation	N/A	N/A
3. Gabion Basket Assembly	N/A	N/A
4. Gabion filling	N/A	N/A
5. Drainage consideration for retaining walls	N/A	N/A
6. Provision of Free Drainage Granular Backfill	N/A	N/A

Note: The project team may attach additional information on the project, as necessary.



Sayed Suliman, Deputy Director
(Environmental & Social Safeguard)

ANNEXURE-E: SAMPLE ATTANDANCE SHEET OF PARTICIPANTS DURING CONSULTATION MEETINGS



NATIONAL ENGINEERING SERVICES PAKISTAN (Pvt.) LIMITED

Attendance Sheet

Package - 7

Village Name Matkani Tehsil Bithor District Malerkand Date 30-08-24

Sr. No.	Name	Occupation	Signature
1	Tahir Khan	shopkeeper	
2	0348-925465 Tahir Khan Muhammad	Farmer	
3	Afnan Khan	student	
4	Tibran Khan	student	
5	Asad	Farmer	
6	Sidra tul muntaha	house wife	
7	Talib Khan	Shopkeeper	
8	Nazaf-ullah	Patwari	
9	Iqbal	private job	
10	Saad Khan	private job	
11			
12			
13			
14			

ANNEXURE-F: NOTIFICATION OF LOCAL GRIEVANCE REDRESSAL COMMITTEE



PROJECT MANAGEMENT OFFICE
EMERGENCY FLOOD ASSISTANCE PROJECT KHYBER PAKHTUNKHWA
PHONE No. 0938-530103 Fax No. 0938530104
Email: efapirrigation@gmail.com

No. 442

/PMO/EFAP/17-W

Dated Swabi 08 /08/2024

OFFICE ORDER

The following Local Level Grievance Redressal Committee (LGRC) at Package No 07 (Jalala (i), Jalala (ii), Jalala (iii), Jhonson Bund, Univeristy Bridge D/S, Amandra Headworks, Badwan Bridge, Badwan Bridge to Shaheed Bund (i), Badwan Bridge to Shaheed Bund (ii), Badwan Bridge to Shaheed Bund (iii), Trai to Matkani (i), Badwan Bridge to Shaheed Bund (ii), Jalawanan to Amandra Headworks, Totakan to Hissar village to takn (i), Badwan Bridge to Shaheed Bund (ii)) under EFAP, Irrigation component Govt of Khyber Pakhtunkhwa is hereby notified with immediate effect with attached TORs till further order.

Local Grievance Redressal Committee (LGRC)

S.#	Name	Organization/Institution	Position in LGRC
1.	Kamal	Community Member	Chairperson
2.	Arshad Ali Khan	Community Member	Secretary
3.	Sidra tul Muntaha	Community – Female	Member
4.	Mushtaq Begum	Community – Female	Member
5.	Tahir Mehmood	Community	Member
6.	Khali ur Rehman	Community	Member
7.	Social Organizer Consultant	Consultant	Member
8.	Sub Engineer	Concerned Sub Division	Member

TORs of LGRC:

The committee shall raise awareness among the local community about the project's objectives and the Grievance Redressal Mechanism.

1. Shall receive, acknowledge, and document grievances, complaints, and concerns related to project interventions and components submitted by internal and external stakeholders, and forwarded by divisional offices.
2. The Committee shall register and categorize received grievances based on their nature, severity, and urgency, and maintain an up-to-date grievance log.
3. The Committee shall conduct sensitization and awareness outreach programs to engage with relevant stakeholders, including project beneficiaries, and community members.
4. Shall propose and implement appropriate actions to resolve the grievances promptly, seeking to mitigate any adverse impacts on affected parties.
5. The Committee shall conduct impartial investigations, propose remedies, and demand the complainant to produce any record in favor of his/her claim. Once the investigations are completed, the Committee shall give a decision within 2 to 3 weeks of receipt of the complaint.
6. Shall compile detailed reports of grievances, investigations, and resolutions, which include a clear record of findings, actions taken, and recommendations for improvements.
7. Maintain open channels of communication with affected communities, government bodies, and other relevant stakeholders to address concerns and build trust.
8. All decisions shall be notified in written form by the Member / Secretary to the aggrieved party within the shortest possible time and circulation at necessary levels.
9. The GRC shall operate in full compliance with all relevant laws, regulations, and project policies.
10. The Committee shall meet every month or whenever convened. A minimum of three members shall form the quorum for the meeting. Minutes of the meeting shall be prepared and maintained.
11. The Convener has the right to replace, remove, and/or include members of the Committee if required.
12. The Committee shall not deal with any matters under review or pending in a court of law.

PROJECT DIRECTOR

Copy of the above is forwarded to the:

1. Mr. Asad Ali Zafar, Project Officer, Pakistan Resident Mission ADB Islamabad.
2. Executive Engineer (Concerned) Irrigation Department, Khyber Pakhtunkhwa.
3. Engr. Mansoor Ali, General Manager, NESPAK, NESPAK House, 1-C, Block-N, Model Town Ext, Lahore.
4. All Members of the committee.

PROJECT DIRECTOR

ANNEXURE-G: NOTIFICATION OF PROJECT LEVEL GRIEVANCE REDRESSAL COMMITTEE



PROJECT MANAGEMENT OFFICE
EMERGENCY FLOOD ASSISTANCE PROJECT KHYBER PAKHTUNKHWA
PHONE No. 0938-530103 Fax No. 0938530104
Email: efapirrigation@gmail.com

No. 336 /PMO/EFAP/ 17.11

Dated Swabi 27/06/2024

OFFICE ORDER

The following Project level **Grievance Redressal Committee (GRC)** at Project Management Office (PMO) under EFAP Irrigation component, Govt of Khyber Pakhtunkhwa with attached TORs is hereby notified with immediate effect until further orders. The attached term of reference will apply to the committee's operation.

Project level Grievance Redressal Committee at PMO

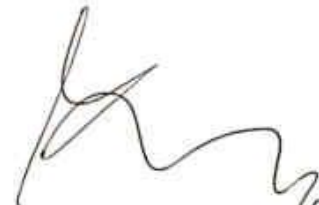
S No	Name	Designation/Organization	Position in GRC (PMO)
1.	Engr. Sardar Muhammad Zafar	Project Director (PMO)	Chairman/convenor of GRC
2.	Mr. Jahanzeb	Deputy Director (South) PMO	Member
3.	Engr. Rajab Ali	Deputy Director (North) PMO	Member
4.	Ubaid ur Rehman	E&S Safeguards (PMO)	Member
5.	Engr. Gohar Ali	Team Leader (Consultant)	Member
7.	Mr. Bilal Hayat	Deputy Collector PMO	Member
8.	Mr. Ali Sher	Legal Adviser PMO	Member
9.	Miss. Shazia	Female staff-PMO	Member

TORs OF THE PROJECT LEVEL COMMITTEE AT PMO:

The project level GRC at PMO will primarily be responsible for the following key functions:

1. Shall receive, acknowledge, and document grievances, complaints, and concerns related to project interventions and components submitted by internal and external stakeholders, and forwarded by divisional offices.
2. The Committee shall register and categorize received grievances based on their nature, severity, and urgency, and maintain an up-to-date grievance log.
3. The Committee shall conduct sensitization and awareness outreach programs to engage with relevant stakeholders, including project beneficiaries, and community members.
4. Shall propose and implement appropriate actions to resolve the grievances promptly, seeking to mitigate any adverse impacts on affected parties.
5. The Committee shall conduct impartial investigations, propose remedies, and demand the complainant to produce any record in favor of his/her claim. Once the investigations are completed, the Committee shall give a decision within 2 to 3 weeks of receipt of the complaint.
6. Shall compile detailed reports of grievances, investigations, and resolutions, which include a clear record of findings, actions taken, and recommendations for improvements.

7. Maintain open channels of communication with affected communities, government bodies, and other relevant stakeholders to address concerns and build trust.
8. All decisions shall be notified in written form by the Member / Secretary to the aggrieved party within the shortest possible time and circulation at necessary levels.
9. The GRC shall operate in full compliance with all relevant laws, regulations, and project policies.
10. The Committee shall meet every month or whenever convened. A minimum of three members shall form the quorum for the meeting. Minutes of the meeting shall be prepared and maintained.
11. The Convener has the right to replace, remove, and/or include members of the Committee if required.
12. The Committee shall not deal with any matters under review or pending in a court of law



PROJECT DIRECTOR

1. Mr. Asad Ali Zafar, Project Officer, Pakistan Resident Mission ADB Islamabad.
2. All Members of the committee.
3. Engr. Mansoor Ali, General Manager, NESPAK, NESPAK House, 1-C, Block-N, Model Town Ext, Lahore.



PROJECT DIRECTOR

PHOTOLOG

Consultation with Stakeholders



Consultation with local Community Village Hisar Baba



Consultation with Village Matkani Community People



Received Signature VLD Agreement Proforma



Consultation regarding VLD



Received Signature VLD Agreement Proforma



Consultation with Community People Village Thana