Terms of Reference for the Preparation of the Social Assessment (SA), Resettlement Action Plan (RAP)/Social Management Plan, Resettlement Policy Framework and Social Management Framework under the proposed Tamil Nadu Housing and Habitat Development Project

Background

1. Tamil Nadu has struggled to meet the increased demand for housing and urban services. Tamil Nadu’s population living in slums amounts to 5.8 million, representing 16.6 percent of the state’s urban population. Data from the 2011 Census show that infrastructure access in Tamil Nadu’s slums is less than 60 percent. Overcrowding and lack of basic housing amenities are also prevalent, with only 49 percent having adequate space, 50 percent having a kitchen available, and 61 percent having a toilet. Access to specific infrastructure services is as follows: tap water (81%), closed drainage (78%), water closet latrine (56%), electricity (93%), and cooking with electricity or gas (55%). Overall, housing conditions do not seem to vary much between slum and non-slum housing stocks (except access to a kitchen facility). The state faces a housing shortage in urban areas of around 1.25 million units. Based on a recent demand survey, there are 1.39 million registered applications requesting affordable housing units in Tamil Nadu under PMAY-U, of which about 465,000 have been approved. In Chennai, the slum population amounts to 300,000 households. Thousands of these informal settlements have been built along the banks of various waterways passing through the Chennai Metropolitan Area (CMA).

2. Recent weather events such as severe flooding in 2015 highlighted the extreme vulnerability of low-income households and their livelihood. The city’s high risk for climate-related disasters makes the slums extremely vulnerable to intense rainfall and recurrent flooding given their encroachment of the city’s natural drains, which are prone to overflow during heavy rainfall. For instance, in 2015, Chennai broke a 100-year record of rainfall, reaching 374 mm in a period of 24 hours. Major water bodies filled up and water was discharged into the 3 main rivers, causing them to overflow and inundate low lying regions. Around 492,000 dwellings (most of them in slums) were either damaged or completely destroyed by the flooding. Soon after, the Tamil Nadu High Court ordered the Government of Tamil Nadu (GoTN) to relocate around 50,000 households living in Chennai’s high-risk riverfront areas, occupying the banks of the Adyar River, the Cooum River, the Buckingham Canal, and 22 canals and drains linked to the Adyar and Cooum Rivers. The Chennai River Restoration Trust (CRRT), a trust wholly owned by the GoTN, has been actively involved in the restoration and rehabilitation of these waterbodies, which have been encroached due to rapid and unplanned urbanization. CRRT adopts a multi-sectoral coordination approach to improve the waterbodies and surrounding habitat through diverse interventions, including solid waste removal, provision of green space and parks, installation of sewerage infrastructure, and relocation of households, among others. To date, the GoTN has provided housing units to about 12,000 of these at-risk households. Aside from river flooding, a large portion of Tamil Nadu’s population,

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3 CRRT was originally created to reclaim land occupied by squatter along Chennai’s three rivers and the Buckingham Canal, and to prevent dumping of untreated sewage in this area.
4 The Tamil Nadu Slum Clearance Board (TNSCB) has identified the following waterways encroached by slums with remaining households to be rehabilitated in each: Adyar River (5,866), Cooum River (6,529), Buckingham Canal (29,660), 7 canals/drains in Adyar River (3,066), and 15 canals/drains in Cooum River (1,642). As of August 27, 2018, the TNSCB has rehabilitated 11,862 out of a total of 58,625 identified families.
especially households living in coastal areas, are exposed to other extreme weather events, such as coastal flooding, storm surge, tsunamis and cyclones. These events are likely to increase in frequency as a result of climate change, posing important risks to life, livelihoods, infrastructure, and economic assets (refer to Annex 1 for information on Chennai’s disaster and climate vulnerability context).

3. Key challenges remain if the GoTN is to achieve its slum-free vision; including the need to improve long-term sustainability of the existing housing programs, strengthen the institutional set-up, and foster diversification in the housing sector, and increase private sector participation to achieve greater scale.

4. As per the request from the State of Tamil Nadu, the World Bank is currently preparing the Tamil Nadu Tamil Nadu Housing and Habitat Development Project (the Project). The objective of the project is to improve housing conditions of eligible low-income households in Chennai. The proposed Project is expected to support the GoTN in both resolving the immediate issue of providing adequate housing for the at-risk population and improving the performance of the state’s housing sector at three levels: (i) policy, (ii) institution, and (iii) program level. At the institutional level, the Project would assist the GoTN to strengthen alignment of the institutional set-up and to enhance capacity that responds to the policy goals and efficient implementation. This would entail establishing formal coordination mechanisms between state and municipal-level agencies working on housing and urban development issues and strengthening of existing processes and procedures. At the program level, the Project would support the Government’s commitment to move away from one-size-fits-all approach of providing free housing to EWS by introducing a new way of housing delivery model that: (i) diversifies housing products (e.g. products for different income segments (within EWS and LIG), (ii) promotes mixed uses, (iii) integrates incentives for maintenance of the units, (iv) improves community participation in the design and maintenance of buildings; (v) is responsive to gender issues, and (vi) incorporates environmental considerations in location, design and construction.

5. The proposed project would include the following (selected) components:

6. **Sustainable and resilient housing component.** This component would finance the provision of housing by the TNSCB for the EWS and LIG populations in Chennai, particularly those living in slums in high-risk disaster areas. Housing units would be built using disaster-resilient design and standards and in areas with relatively lower risk of disasters.

7. To implement this component, the TNSCB would apply a comprehensive assessment and targeting tool to determine the eligibility of households living in high risk areas to receive improved housing. The GoTN presently employs a generic household profiling questionnaire (enumeration form) to determine eligibility. The objective is to strengthen the current enumeration methodology with additional information to develop a complete profile of the possible beneficiaries (including data on important economic and social variables, such as a household’s income, employment, education attainment and social conditions, among others). The tool should help the TNSCB to distinguish between varying levels of poverty and vulnerability among households to inform decision making and prioritization.

8. Once identified, eligible EWS households would receive a package of government assistance that may include one or more of the following support: (i) improved resilient housing unit with access to basic services located within the CMA in existing government-owned land; (ii) compensation and assistance for relocation, when applicable; (iii) menu of targeted social interventions to facilitate and support households’ integration and participation in their new environment (e.g. skills development, livelihood support, financial literacy, property
maintenance, among others). Eligible LIG households, with some ability to pay for housing, will receive support through the national PMAY-U program, including credit-linked subsidies and in situ development.

9. **Institutional reform and strengthening of Tamil Nadu’s urban housing sector component.** This component would identify key institutional and policy reforms and strengthening to support a comprehensive and integrated housing agenda in Tamil Nadu at three levels: (i) policy, (ii) institutional, and (iii) program-level. At the policy level, the Project would provide strategic assistance to the Government of Tamil Nadu to redefine its role in the housing sector, mainly from one of ‘provider’ to one of ‘enabler’ and channel a network of global knowledge and best practices. Technical assistance at the institutional level would support building a strong institutional set-up and bringing together relevant government agencies to achieve the policy objectives. Finally, the component would support improving the state’s current housing delivery program. Areas of focus may include strengthening TNSCB’s technical, institutional, and implementation capacity for enhancing the sustainability of housing programs, and diversifying housing solutions according to different household needs and characteristics. Additional TA will be explored for key housing and urban development agencies such as Chennai Metropolitan Development Authority and local government in the areas of spatial planning, land-use instruments, land-based financing, and building codes. Prioritization of technical assistance activities will be carried out during Project preparation.

10. **Applicability of the World Bank Policy on Involuntary Resettlement:** The project will support relocation of people affected severe flooding of 2015 that highlighted the extreme vulnerability of low-income households and their livelihood. Thus, World Bank’s Operational Policy on Involuntary Resettlement 4.12 is applicable to the project. The objectives of the policy are:
   a. avoid where feasible, or minimized, exploring all viable alternative project designs.
   b. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.
   c. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
   d. Displaced persons should be 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.

   e. **Objective and Scope**

   f. The objective of the proposed consultancy is to support the TNSCB to inform project preparation (including the technical design and implementation arrangements) to ensure: (i) adequate identification and management of social risks, (ii) due consideration of the cultural appropriateness and equitable access of beneficiaries to the program, and (iii) that the benefits, rights, interests and needs of vulnerable groups, including women, are adequately taken into account.

   - The consultancy is expected to produce the safeguard instrument to inform project preparation and implementation. A Social Assessment (SA) will be carried out to prepare the Resettlement Action Plan including the Entitlement Matrix (RAP) for Component 1. In the case of Component 2 where the individual subprojects would not be (investment for Shelter funds), will not be known until the implementation stage a framework approach will be adopted.
The tasks includes 4 phases.

h. **Phase 1 Screening and Scoping** : The purpose of this phase is to establish the boundary (scope and geographical boundary) for the detailed assessment that covers social inclusion, gender, transparency, accountability citizen engagement, grievance management, land requirements and labour management and gender based violence at public and work place.

   a. Carry out preliminary assessment the legal, regulatory framework and policies from the social lens (compensation and assistance in form of entitlements, social inclusion, gender, transparency, accountability citizen engagement, grievance management, land requirements and labour management and gender based violence at public and work place) that governs the housing sector.

   b. Identify and assess the land available for the provision of housing (on the basis of the information to be provided by the TNSCB), (ii) identify the specific geographical area (contour) and target beneficiaries, and (iii) specify the general expected impact on households from the provision of housing units.

   c. Undertake preliminary assessment of the key housing challenges faced by the EWS and LIG households living in precarious settlements in the project area with particular emphasis on the household situation in at-risk areas. This will characterize the demographic, social, gender-related and economic (income, livelihoods) characteristics of the population.

   d. Define the methodology and carry out a preliminary assessment of livelihood strategies of households that can be supported to assist the affected people in improving their livelihoods and living standards.

   e. Map out the institutions that facilitate delivery of entitlements, social inclusion, gender, transparency, accountability citizen engagement, grievance management, land required for facilities, labour management and safe and secured work and public place for women.

   f. Identify key stakeholders influence on project activities and outcomes. Preliminary stakeholder consultations at state and community level to understand their perspective of social issues and risks that are likely influence the project. It should consider the intergenerational aspirations, safeguard the rights of vulnerable and managing potential conflicts arising from diverse needs of stakeholders and public safety.

   g. Clearly define the scope for detailed social assessment and finalise the tools to carry out the detailed social impact assessment and preparation of safeguard instruments.

   h. Define the scope of social issues to develop Resettlement Policy Framework (RPF) including Social Management Framework for Component 2.

*Deliverable: Screening and scoping report. Detailed out the approach and methodology proposed to be adopted for undertaking the detailed assessment to prepare the Resettlement Action Plan/Social Management Plan and RPF and SMF, Gender Action Plan and Stakeholder Engagement Plan.*

**Phase II: Detailed Social Assessment to prepare the Draft Resettlement Action Plan.** The purpose of this phase is to carry out a detailed social assessment that will inform a draft RAP and carry out focus group consultations with primary stakeholders. The detailed social assessment will include, but not be restricted to, the following:

   a. **Legal Policy analysis.** Review and analyse secondary literature, National and state laws, policies and rules and engagement governing the housing solutions, to address the social risks (entitlements for relocation and rehabilitation, social inclusion, gender, transparency, accountability citizen engagement, grievance management, land requirements and labour management and gender based violence at public and work place) and comparative analysis with world Bank’s Operational Policy 4.12 on Involuntary Resettlement, and requirements on gender and labour and identify gaps and recommend
actions to align with Bank’s requirements. Assess and analyse the mechanism, methodology, processes and resources currently used by the implementation agency when providing a housing solution for a household living in a precarious settlement.

b. Social analysis of baseline information of beneficiaries to understand the social diversity and gender profile. Analyse the disaggregated socio-economic of the people who are the likely beneficiaries under component 1, 2 and 3 and review the social context within which the project will be implemented to identify groups that are vulnerable to exclusion from project benefits. Analyse and assess the mechanism that supports social inclusion, equity and access to benefits by the poor, vulnerable (homeless), women, youth, children and differently abled people. Assess and analyse the intergenerational aspiration to design sub-projects that addresses the needs of all for an inclusive and safe and secured settlements. And inform the project design to ensure that project implementation will be effective in reaching women, poor and vulnerable groups. Census-socio economic survey of dwelling and household (HH), characteristics of dwelling, well-being of HH including assets, typology and duration of occupation, intergenerational aspirations, access to services, safety at public space and home, deviancy (addiction), credit linkages. Analyse the general expected impact on households from the provision of housing units.

c. Livelihood Strategy: Assess and analyse the household economy and livelihood strategy and recommend action plan for improving their living standards,

d. Detailed gender analyses: The opportunities under for the project to contribute to a reduction of gender inequities and gaps in decision making, asset security and economic opportunities. The analysis of will cover the policy environment and practices to access to housing, finance, information, skill upgradation, safety and security including social cultural norms to identify the barriers and gaps for women to enhance secured shelter and economic opportunities. The analysis will lead to development of appropriate action plan and specific monitoring indicators to track the performance on gender “resource and agency and economic gains”.

e. Relocation Plan: identification and mapping of potential beneficiaries, selection of prioritized households, enumeration of potential beneficiaries, methodology for beneficiary participation throughout project implementation, methodology to identify complementary social interventions for the population to improve the project’s outcome and sustainability.

f. Stakeholder Engagement and Citizen Feedback: Identify, map stakeholders and primary affected people and beneficiaries (component 1 and 2). Assess and analyse the processes and procedures and mechanism for consultation (component 1,2 and 3) with primary affected people and beneficiaries during planning, design and implementation of the provision of housing. Analyse the stakeholders and their collective impacts and influence on project activities and outcomes. Analyse how their roles and relations impact and influence or get impacted and influenced by the project. Recommend mechanisms and systems and develop tools to (i) enable people to make informed choices in selection of alternate asset during planning and design of the housing solutions; (ii) community monitoring, and (iii) citizen feedback to mainstream voices of poor, marginalised and other stakeholders- Resident Welfare Associations, community.

g. Social audit for the resettlement by the Borrower. As part of the “phase II” task, a due diligence review/audit will be required to: (a) document and assess the adequacy of the resettlement (of project beneficiaries) undertaken by TNSCB (Tamil Nadu Slum Clearance Board); (b) assess compliance with national legislation; (c) identify gaps in meeting the requirements of OP4.12; (d)
identify any complaints, grievances, or other outstanding issues; and (e) determine measures to close identified gaps and address complaints.

h. Institutional Analysis and Capacity Building: Institutional analysis, which would identify key formal and informal institutions engaged in delivering the services assess their roles, skills and capacities that facilitates social inclusion, gender, transparency, accountability citizen engagement, grievance management, land required for facilities, labour management and safe and secured work and public place for women in context of the project. Recommend action plan to strengthen the capacity including a training plan to enhance social development outcomes including accountability and transparency in beneficiary selection, implementation of the housing solutions for beneficiaries.

i. Labour Welfare and Labour influx: For component 1 and 2, labour will be required to build settlements and infrastructure facilities. Assess the implementation of labour laws, develop an action plan to comply with the the Labour welfare laws particularly in activities related to sewage, septage and solid waste management. Assess the impact of labour influx on the host community and develop mitigation action plan including code of conduct for labour and formats for tracking the source and number of labour employed and monitoring applicable labour laws.

j. Resettlement Policy Framework (RPF) including Social management Framework (SMF). The framework will be required for Component 2 to carry out the detailed assessment and action plan to govern the sub-projects financed under “Shelter Funds”.

k. Policy Reforms: Due diligence review to assess potential downstream impacts of laws, procedures and guidelines for all components and governing the sector in its entirety.

l. Grievance Management Assessment of grievances and disputes resolution mechanism and recommend strengthening the system to ensure accessibility to all, particularly women and vulnerable and tracking management of grievances and reporting systems.

m. Audit of facilities to comply with laws: Develop auditing tools to audit the infrastructure and housing complex to comply with laws to protect the rights of differently abled people.

n. Monitoring: Review the existing monitoring mechanisms in place within the states, to assess the scope of the systems and their effectiveness in monitoring social indicators related to inclusion, gender, participation, accountability, transparency, citizen engagement, grievance management, labour welfare, gender based violence, land requirement for facilities. Develop specific indicators to track performance of social development outcomes and formats for monthly progress and quarterly progress reports and reporting. And develop MIS and mobile app system (geo-reference, photographs of family, assets) for efficient collection of data, tracking consultations during the preparation and tracking the implementation on real time basis and monitoring and generating reports.

o. Communication Strategy: Develop terms of reference for to prepare communication materials for disseminating information on project components for public awareness and legal literacy on the laws/policies that facilitates implementation of component 1, 2, and 3.

p. Interim Findings: Carry out a consultation with nodal agencies, key stakeholders, select public and private organizations working in the proposed project areas, civil society/CSO networks to share the interim findings, analysis and recommendations emerging from the SA and RAP.

q. Content of RAP: The findings from the analyses of the task listed above from a-n, will provide the information to prepare a stand-alone Resettlement Action Plan state laws ad complies with the Bank’s Safeguard Policies in Involuntary Resettlement (OP 4.12), gender, labour, citizen engagement, grievance management. The RAP will include the following but not limited to: The RAP will be based on the findings of the detailed Social Assessment (as per the broad social principles as mentioned above). The RAP will describe step by step the process to be followed by the implementation agency to ensure that
the project is in full compliance with National and state laws, WB OP 4.12, policies on gender, labour, citizen engagement and grievance management. In addition, the RAP will include recommendations to be followed by the implementation agency to ensure the social sustainability of the project, understood as the ability of the project to provide better living conditions for the beneficiaries in the short and medium term. Once an indicative list of beneficiaries is prioritized and suggested solutions for household (including the location of the site) indicated, the implementation stage will cover but not limited to verification and identification and mapping of potential beneficiaries, selection of prioritized households, enumeration of potential beneficiaries, methodology for beneficiary participation during design and throughout project implementation, methodology to identify complementary social interventions for the population to improve the project's outcome and sustainability.

The RAP includes but is not limited to the following sections: (i) Executive summary (ii) Project description, (iii) Legal Policy Framework including the entitlement matrix specified with compensation and assistance for each entitlement; (iv) baseline analysis of the likely beneficiaries (v) social inclusion strategy and gender action plan, (vi) stakeholder analysis to prepare citizen engagement action plan, (vii) communication and information dissemination action plan; (viii) relocation plan; (ix) Livelihood strategy and action plan; (x) labour influx risk mitigation action plan and system to monitor compliance of labour laws; (xi) institutional arrangement and capacity building plan; (xii) Grievance management system; (xiii) Recommendation for policy reforms to achieve social development outcomes; (xiv) indicators for monitoring and evaluation and reporting systems; (xv) Budget to cover cost towards implementation of RAP (compensation and assistance, institutional support, systems for GRM, citizen engagement, monitoring and reporting, thematic reviews, etc), (xvi) Annex with formats to prepare micro-plan for each HH, recording consultations, grievance management, monitoring and reporting, etc.

r. **Updating the RAP:** Develop ToR for updating the RAP and consultation and disclosure

s. **TA support:** Project will support activities under Component 3 that may have implications on social issues. Develop a ToR that outlines the requirements of compliance with the Social safeguard policy for activities supported under the TA.

**PHASE III**

a. **Disclosure of Draft RAP including SMP, RPF including SMF:** These documents will be available for review by people directly and indirectly impacted by the project, community institutions, private sector players, government agencies and civil society organizations for a period of at least two weeks prior to the public consultation.

b. State, regional and city/site level stakeholder consultation to be carried out following the disclosure of the Draft SA and RAP on websites of all institutions (implementing partners), project site and information disseminated through media on the availability of documents to elicit feedback from different stakeholders. All feedback and suggestions received in the Public Consultation and Disclosure Workshops convened by the PMU will need to be recorded, minutes of meetings and list of participants prepared and included in the final SA and RAP.

**Deliverable:** Draft detail RAP/SMP and RPF/SMF in state languages and minutes of consultations
Phase IV:

Finalization of the RAP/SMP and RPF/SMF. Based on the feedback received from different stakeholders and public after the final disclosure and during consultation workshop, the social assessment and RAP. The report should clearly and succinctly bring out key findings from the assessment, main intended and unintended impacts of the project interventions, proposed actions for mitigating negative effects and enhancing positive social impacts, capacity and institutional gaps needing attention, responsibilities of different agencies in implementing those actions and recommendations with year-wise timelines for completing them. Key recommendations, findings, main elements implementation plan should be abstracted and presented as an Executive Summary to the main report.

Deliverable: Final RAP/SMP and RPF/SMF that incorporates the findings from all stakeholder consultation in state language and English

Methodology

i. The assignment will rely on existing data sources (published and unpublished), primary field surveys, interactions with stakeholders and complemented. There will be Focus Group Discussion representing all social economic profile of the community benefiting and host community. The consultant for SA will capture baseline information of all the beneficiaries. For the enumeration methodology, the consultancy will build upon the methodology that the SCB currently applies for enumeration, and on the key findings of the SA, and will define and plan for the implementation of a new system of which a clear item will be an upgraded enumeration questionnaire and methodology, including the systems needed for its roll-out and implementation. Mobile application will be used to collect data on real time basis.

j. Data, Services and facilities to be provided by the Client

a. The client, will provide all the required documents, data and information that is available with them and within their reach. Further PMU will coordinate the consultant’s field and counterpart government offices and will decide for presenting the findings of the consultant to the key stakeholders.
b. The client will make available all background documents, data, progress reports, studies and evaluations that will inform the social assessment.
c. It will make all necessary arrangements for supporting the work of the Consultant(s), by facilitating access to selected states, other government authorities, project stakeholders, field staff and government institutions.
d. Support the disclosure of draft documents, send out invitations for consultation workshops, organize venues for public hearings and stakeholder consultation, and being present as participant at all the public consultations, disclosure workshops and meetings.
e. Periodically review the work and performance of the Consultant and provide feedback.
f. Provide detailed comments and feedback on the draft social assessment, and RAP reports prepared by the Consultant within 14 days of draft submission.
g. Submit the draft reports to determine their acceptability and for final clearance.
Deliverables

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<tr>
<th>S.No.</th>
<th>Report</th>
<th>Time Frame</th>
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<tbody>
<tr>
<td>1</td>
<td>Inception Report</td>
<td>Two weeks from signing the contract</td>
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<tr>
<td>2.</td>
<td>MIS and the mobile app for collecting (geo-referenced) data on real time</td>
<td>3 weeks after completing activity 1)</td>
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<td>3.</td>
<td>Screening and Scoping report</td>
<td>3 weeks (after completing activity 2)</td>
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<td>4.</td>
<td>Interim findings and stakeholder consultation</td>
<td>14 weeks (after completing activity 3)</td>
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<td>5</td>
<td>Draft Final Report</td>
<td>6 weeks (after completing activity 4)</td>
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<td>6</td>
<td>Disclosure &amp; State level consultation</td>
<td>2 weeks (after completing activity 5)</td>
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<tr>
<td>7</td>
<td>Final Report</td>
<td>3 weeks (after completing activity 6)</td>
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Required skills and experience

(a) Team Leader – More than 10 years of experience on housing, livelihood and urban development with Phd/Masters in social sciences and relevant applied sciences.

(b) Community Engagement specialist – experience with more than 8 years of working with communities and Master Degree in social sciences and relevant applied sciences.

(c) Livelihood expert - experience of more than 10 years on supporting urban household livelihood strategies with Masters in economic development or related applied sciences.

(d) Social development Specialist – experience with more than 10 years of working with youth and children and Master Degree in social sciences and related applied sciences.

(e) IT specialist – experience in developing MIS system, mobile applications, with more than 8 years of experience in software development and Master Degree in software engineering and related applied sciences.