

GUIDANCE NOTE - II

Scope of Social Impact Assessment and Management

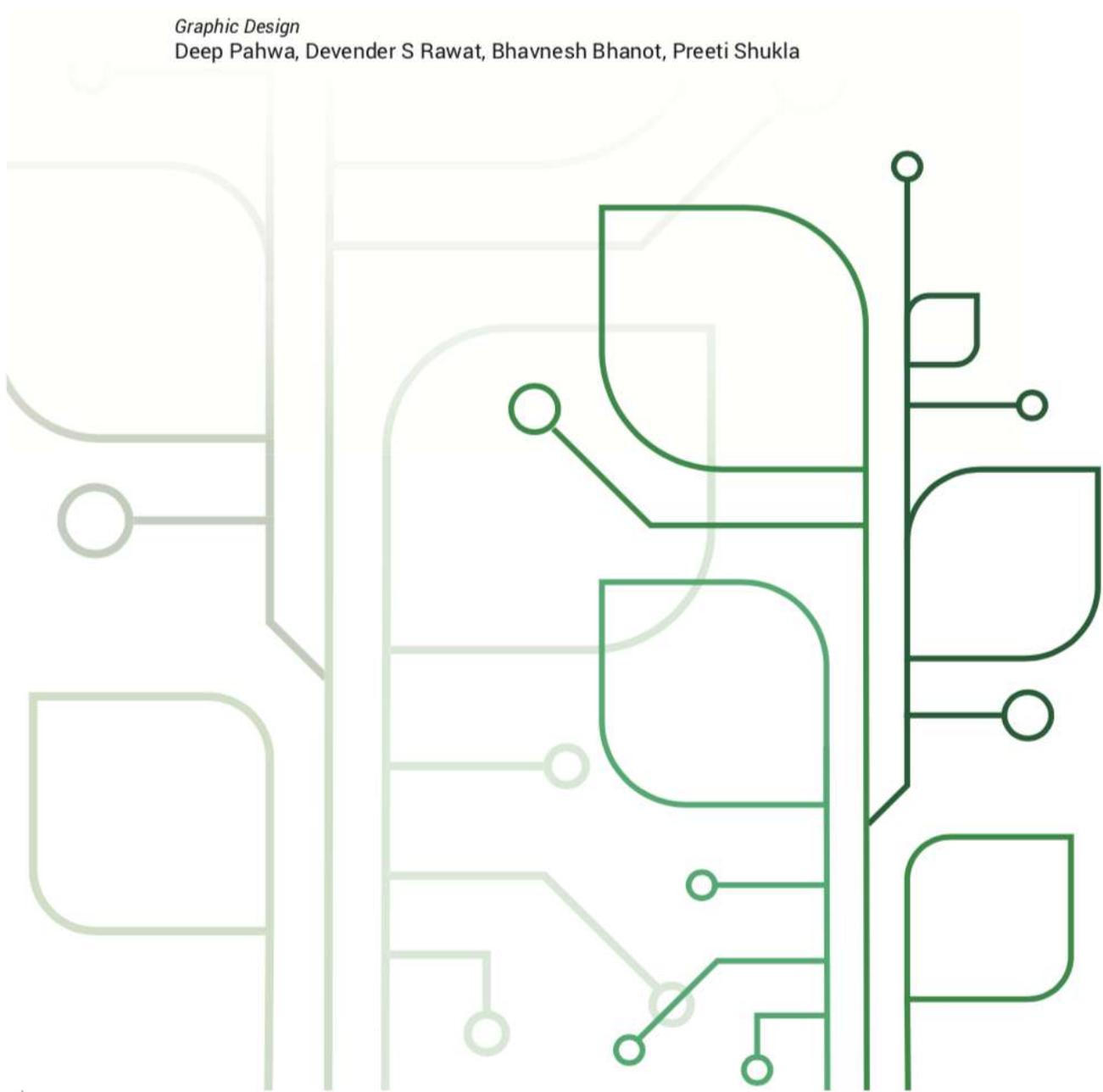
CITY INVESTMENTS TO INNOVATE, INTEGRATE AND SUSTAIN
CITIS

City Investments To Innovate, Integrate, and Sustain (CITIIS)

GUIDANCE NOTE - II
Scope of Social Impact Assessment and Management

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PREFACE

The ‘**Supporting Smart Cities Mission for a more Inclusive and Sustainable Urban Development in India**’ is a joint program of the Ministry of Housing & Urban Affairs (MoHUA), Agence française de développement (AFD), European Union, and National Institute of Urban Affairs (NIUA). It aims at putting in place a complementary instrument to the Smart Cities Mission to provide a financing incentive and technical support to demonstrative projects selected through a competitive process. It supports projects of excellence, and develops the capacity of Urban Local Bodies to implement integrated urban projects. The program shall also develop peer learning activities, develop cooperation between smart cities and enhance the capitalisation of best practices at state and national levels.

City Investments to Innovate, Integrate, and Sustain (CITIIS) is one of the key component of the program. Twelve projects have been selected in 12 smart cities under the program through a challenge process. The CITIIS Program Management Unit (PMU) established at NIUA is responsible for overall coordination and steering of the program.

Environmental and Social Safeguards is a key project compliance in the CITIIS program. Agence Française de Développement (AFD) has mandated the adherence to environmental and social safeguards that contribute to France’s Official Development Assistance (ODA) strategy, the implementation of the 2030 Global Agenda and the 17 Sustainable Development Goals (SDGs), as well as the 2015 Paris Climate Agreement.

AFD has developed Operating Procedures to identify, prevent or mitigate environmental and social risks and impacts, as well as any human rights violation that could result from AFD funded activities. The AFD follows World Bank principles and guidelines for Environment and Social Standards - Resettlement, Stakeholder Engagement, Grievance Redressal Mechanism. These aspects (Resettlement, Stakeholder Engagement and Grievance Redressal Mechanism) are discussed in the Guidance Document on Social Impact Assessment and Management.

This Guidance Document on the environmental assessment has been prepared by the CITIIS PMU to serve as a ready reference for the government officials, both at the centre and state level and the especially E&S Nodal Officers in the Urban Local Bodies (ULBs) who are involved in the Environmental and Social Impact Assessment Process.

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C. List of Abbreviations

AFD: Agence française de développement

BIS: Bureau of Indian Standard

CITIIS: City Investments To Innovate, Integrate, and Sustain

E&S: Environment and Social

ESMP: Environmental and Social Management Plan

EU: European Union

GRC: Grievance Redressal Cell

MoEFCC: Ministry of Environmental, Forests, and Climate Change

MoHUA: Ministry of Housing and Urban Affairs

NIUA: National Institute of Urban Affairs

ODA: Official Development Assistance

PMU: Project Management Unit

R&R: Resettlement and rehabilitation

SDG: Sustainable Development Goals

ToR: Terms of Reference

ULB: Urban Local Body

D. Intended Beneficiaries of the Guidance Note

This guidance document is being prepared for use by various participants in the Environmental and Social Impact Assessment¹ process, including the following.

Environmental and Social Nodal Officers

E&S Nodal Officers would be involved in the preparation of E&S compliance documents such as the screening checklist, ESIA, and Environmental and Social Management Plan (ESMP)². They will have to provide the MoEFCC³ with sufficient information about the project to allow them to make a screening decision. This guidance note lays down methods and procedures to be used for applying for environmental clearance so that the environmental assessment, if required, can be carried out as an integral part of the project development process. By doing so, environmental consideration would get factored into the project design from the very beginning, with minimum cost and environmental impact.

Smart City SPVs (including those who are not selected in the CITIIS program)

The guidance note on environmental assessments and integration in urban development projects aims to assist other smart city SPVs and policymakers in decision making. It consolidates important information from International and National legislation and procedures. Since all complex urban project may pose requirement of environmental clearance, this note can be a ready and comprehensive reference to project managers and SPV officials during all stages of project planning and implementation.

¹ Environmental and social impact assessment (ESIA) is an instrument to identify and assess the potential environmental and social impacts of a proposed project, evaluate alternatives, and design appropriate mitigation, management, and monitoring measures. Available at: <http://pubdocs.worldbank.org/en/837721522762050108/Environmental-and-Social-Framework.pdf>

² Environmental and social management plan (ESMP) is an instrument that details (a) the measures to be taken during the implementation and operation of a project to eliminate or offset adverse environmental and social impacts, or to reduce them to acceptable levels; and (b) the actions needed to implement these measures. Available at: <http://pubdocs.worldbank.org/en/837721522762050108/Environmental-and-Social-Framework.pdf>

³ Ministry of Environment, Forests, and Climate Change (MoEFCC), earlier called The Ministry of Environment and Forests (MoEF) is the prime regulatory body of Government of India (GOI) for formulating environmental policies, laws and rules, and for issuing environmental clearance (EC) for any developmental project, as in the Schedule of the Environmental Impact Assessment (EIA) Notification, dated 14 September 2006 under the Environmental (Protection) Act, 1986.

E. CITIIS Program-Relevance to Sustainable Development Goals

TABLE 1: MAPPING CITIIS PROGRAM THEMES TO SDGS

CITIIS Thematic Areas	Mapping CITIIS Thematic Areas to SDG Goals: CITIIS aims to foster innovation, integration, and participation in urban development practices in India through 12 unique projects across four themes.	
Public Open Spaces Theme	GOAL 11: Sustainable Cities and Communities GOAL 3: Good Health and Well-being	 
Sustainable Mobility Theme	GOAL 11: Sustainable Cities and Communities GOAL 9: Industry, Innovation and Infrastructure	 
Social and Organizational Innovation in Low-income Settlements	GOAL 1: No Poverty GOAL 3: Good Health and Well-being GOAL 6: Clean Water and Sanitation GOAL 10: Reduced Inequality GOAL 11: Sustainable Cities and Communities GOAL 4: Quality Education GOAL 9: Industry, Innovation and Infrastructure	   
Urban e-Governance and ICT	GOAL 9: Industry, Innovation and Infrastructure	

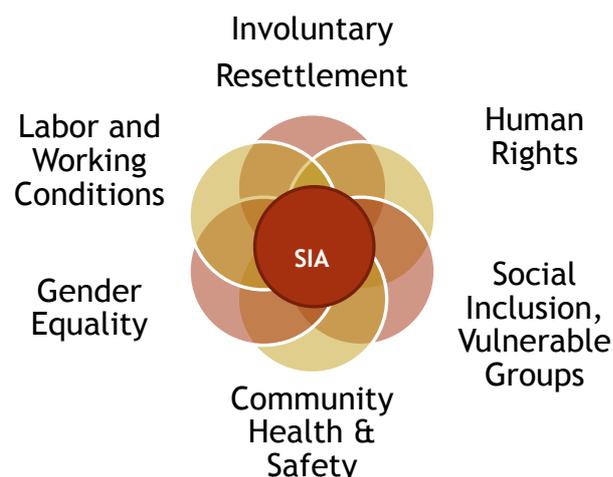
F. Social Impact Assessment in CITIIS Program

The International Principles for Social Impact Assessment (SIA) define SIA as being “the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions”⁴

i. Why undertake Social Impact Assessment of Projects?⁵

- **For assessment and management of project-related risks and benefits**
A major purpose of the SIA is to identify and manage potential adverse impacts, and to maximize project benefits to local communities and other groups.
- **Local understanding and support**
By addressing local needs and priorities, the SIA process helps to strengthen local understanding and support for the project.
- **Efficiency and effectiveness of project implementation**
During implementation, the SIA provides information and continued stakeholder engagement to enable adaptive, responsive, and cost-effective project management.
- **Evaluation of project outcomes and impacts**
The SIA process includes establishing robust baseline data, providing the basis and means to evaluate social outcomes and impacts of a project.

The SIA process should be reflected in project decision-making at all stages of a project cycle, in order to maximize value and minimize the social cost of an intervention. The illustration below shows topics/concerns addressed by an SIA.



⁴ *Social Impact Assessment: Guidance for Assessing and Managing the Social Impacts of Projects*, International Association of Impact Assessment, April 2015.

⁵ *Inter-American Development Bank's Series on Environmental And Social Risk And Opportunity*. Available at: <https://publications.iadb.org/en/social-impact-assessment-integrating-social-issues-development-projects>

ii. How can SPVs use SIA as a Project Planning and Management Tool?



Social Impact Assessment should be implemented at the earliest possible date of project planning. It allows the cost of mitigating and positive impact enhancement measures to be incorporated in the total cost analysis. In this way, Social objectives can be made a part of the projects objectives. Social Impact Assessment and Management can also be seen as a mechanism to ensure greater social good and equity.

The social costs (including impact mitigation including public disclosure and grievance redressal) when included in the overall project costs ensure that these form part of the project planning and management process.

iii. Can SIA be prepared for all projects and are all SIA reports similar?



Identification of impacts and their amelioration measures is possible for almost all kinds of projects. However, the magnitude of impact on social issues their reversibility and duration of impact will vary from project to project. Thus, an impact assessment and management report will vary in level of detailing for different parameters from project to project.

Hence, even though SIA can be prepared for all kinds of projects, not all reports will be similar due to variation in project parameters.

iv. What is the legal provisions that cover SIA and Land Acquisition in India?

Social Impact Assessment due to land acquisition and preparation of Resettlement⁶ and Rehabilitation Plan (R&R) plan is regulated by the “The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013” of the Government of India (GoI).

However, in the case of CITIIS program, not all projects would require land acquisition (reasons include many projects do not have land as a component and/or are proposed on government land). However, due to the mandate of the CITIIS program and the principles followed by the Agence française de développement (AFD) as part of its “Environment and Social Risk Management Policy for AFD funded operations”, a social impact assessment and management plan has to be prepared for all the projects (including sub projects) in the program. Thus, the projects under the CITIIS program would following the national (GoI) policy framework in case of any land acquisition and/or R&R involved and alongside follow the basic principles for the AFD policy.

⁶ Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both . The term “involuntary resettlement” refers to these impacts . Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement. Refer: World Bank E&S Framework.

G. Elements and Scope of Social Impact Assessment

A) STAGE 1: SCREENING



The 'Screening stage' ascertains whether the Project's effects on the people. The Social Impact Assessment study referred to in sub-section (1) of Gol Act 2013⁷ specifies that impact assessment would include all the following:

- assessment as to whether the proposed acquisition serves public purpose;
- estimation of affected families⁸ and the number of families among them likely to be displaced⁹;
- extent of lands, public and private, houses, settlements and other common properties likely to be affected by the proposed acquisition;
- whether the extent of land proposed for acquisition is the absolute bare- minimum extent needed for the project;
- whether land acquisition at an alternate place has been considered and found not feasible; and
- study of social impacts of the project, and the nature and cost of addressing them and the impact of these costs on the overall costs of the project vis-a-vis the benefits of the project.

CITIIS program defines Social category A project any project which presents significant resettlement and rehabilitation issues affecting more than 200 project affected persons, meaning 200 or more persons experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive (income generating) assets.¹⁰

AFD analyses and classifies all potential projects into High - Substantial - Moderate - Low environmental and social risks, depending on the extent of the potential risks borne by the operation. The classification takes into account the nature and scale of the operation, the location

⁷ "The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013." Available at:

<https://dolr.gov.in/sites/default/files/Right%20to%20Fair%20Compensation%20and%20Transparency%20in%20Land%20Acquisition%2C%20Rehabilitation%20and%20Resettlement%20Act%2C%202013.pdf>

⁸ Affected family includes– (i) a family whose land or other immovable property has been acquired; (ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land; (iii) the Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognised under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) due to acquisition of land; (iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land; (v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition; (vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land. Source: "The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013"

⁹ "displaced family" means any family, who on account of acquisition of land has to be relocated and resettled from the affected area to the resettlement area;

¹⁰ Involuntary resettlement safeguards - a planning and implementation good practice sourcebook - 2012. Available at: <https://www.adb.org/sites/default/files/institutional-document/32827/files/ir-good-practices-sourcebook-draft.pdf>

and sensitivity of the affected area, the severity of the potential environmental and social risks and impacts. AFD's financing decision is based on a preliminary analysis of the environmental and social assessment documentation. It involves a detailed Environmental and Social Assessment (ESA) for projects in both the High and Substantial Risks category. It may be in a simplified form (e.g. a specific chapter of the feasibility study) for those in the Moderate Risks category. Generally speaking, no environmental and social assessment is required for projects in the Low Risks category¹¹.

However, only a detailed screening of impacts can lead to the above categorisation of project (including all sub projects). The examination of impact screening would be done by the CITIIS PMU.

B) STAGE 2: INTEGRATING BASELINE AND REPORTING REQUIREMENTS



In order to assess the impacts, the project parameters have to be superimposed upon the social parameters. As per LARR 2013, the key social elements to be considered include the impact that the project is likely to have on various components such as livelihood¹² of affected families,¹³ public and community properties, assets and infrastructure particularly roads, public transport, drainage, sanitation, sources of drinking water, sources of water for cattle, community ponds, grazing land, plantations, public utilities such as post offices, fair price shops, food storage godowns, electricity supply, health care facilities, schools and educational or training facilities, *anganwadis*, children parks, places of worship, land for traditional tribal institutions and burial and cremation grounds. The baseline assessment would therefore, include all the above parameters.

C) STAGE 3: IMPACT ASSESSMENT METHODOLOGY AND TOOLS



This should describe the likely impact of the project on each of the social parameters as listed above, methods adopted for assessing the impact such as socio-economic surveys, community and stakeholder consultations. Social impacts need to also consider the anticipated impacts during the construction and operational phases for construction/ area development/ urban area. More impacts are likely to emerge on a case-to-case basis evaluation of projects and their components.

A census survey to document the impacts (in numbers/quantum) on people (displacement/loss of livelihood), land, private/community assets would require to be done.

¹¹ *Environmental and Social Risk Management Policy for AFD Funded Operations. Available at:*

<https://www.afd.fr/en/environmental-and-social-risk-management-policy-afd-funded-operations>

¹² *Livelihood* refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering. Refer World Bank E&S Framework.

D) STAGE 4: MITIGATION AND MANAGEMENT MEASURES

The details of mitigation, methods proposed to reduce adverse effects of the project would be given as part of the Social Impact Management Plan. As a good practice, the environmental and social assessment will apply a mitigation hierarchy, which will: (a) Anticipate and avoid risks and impacts; (b) Where avoidance is not possible, minimize or reduce risks and impacts to acceptable levels; (c) Once risks and impacts have been minimized or reduced, mitigate; and (d) Where significant residual impacts remain, compensate for or offset them, where technically and financially feasible¹⁴. An analysis of alternatives to reduce social risks will also be done.

In cases where the project/sub project involves displacement of persons, the impact management plan would include an R&R plan as per the “The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013” to determine the entitlements and compensation.¹⁵

▪ Land Acquisition and R&R Plan

In case of requirement of land acquisition, due procedure related to “notification and acquisition” as given in Chapter IV of the “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” would be followed.

The social impact management plan would include an R&R plan in case of need for resettlement. An R&R scheme (RRS) would need to be prepared as per Section 16 of the Act.

The RRS includes severity of impacts, public disclosure, consultation, compensation details, entitlements, grievance redress mechanism, schedule of activities, institutional arrangements for implementation and monitoring, budget, etc.

An entitlement framework shall also be prepared for the payment of compensation and R&R benefits to the affected families as per chapter V and the First, Second and Third schedule of the above mentioned act. The Act also lays down the constitution of a Land Acquisition, Resettlement and Rehabilitation Authority. The need for such an authority in the case of the projects in CITIIS

¹⁴ Environment and Social Framework, © 2017 International Bank for Reconstruction and Development/The World Bank

¹⁵ “Cost of acquisition” includes–

- Amount of compensation which includes solatium, any enhanced compensation ordered by the Land Acquisition and Rehabilitation and Resettlement Authority or the Court and interest payable thereon and any other amount determined as payable to the affected families by such Authority or Court;
- Demurrage to be paid for damages caused to the land and standing crops in the process of acquisition;
- Cost of acquisition of land and building for settlement of displaced or adversely affected families;
- Cost of development of infrastructure and amenities at the resettlement areas;
- Cost of rehabilitation and resettlement as determined in accordance with the provisions of this Act;
- Administrative cost,— for acquisition of land, including both in the project site and out of project area lands, not exceeding such percentage of the cost of compensation as may be specified by the appropriate Government; for rehabilitation and resettlement of the owners of the land and other affected families whose land has been acquired or proposed to be acquired or other families affected by such acquisition; and
- Cost of undertaking ‘Social Impact Assessment study.’

program needs to be ascertained by the SPV in consultation with the local authority (Municipal Corporation/District Administration) and as per any state laws.

Resettlement and rehabilitation shall be completed before the initiation of civil work, with special consideration given for compensation and assistance to vulnerable groups.

▪ **Public Disclosure**

The Social Impact Assessment study report and the Social Impact Management Plan as per the “The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013” would have to be made available in the local language to the Panchayat, Municipality or Municipal Corporation, as the case may be, and the offices of the District Collector, the Sub-Divisional Magistrate and the Tehsil, and shall be published in the affected areas, in such manner as may be prescribed, and uploaded on the website of the appropriate Government. In this case, it could be the website of the ULB or the SPV.

The document may also be uploaded on the CITIIS Management Platform.

▪ **Hearing of Objections and Grievance Redressal Mechanism**

As per the provisions of the “The Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013”, objections can be raised on the *“(a) area and suitability of land proposed to be acquired; (b) justification offered for public purpose; and (c) the findings of the Social Impact Assessment report” to the district collector.*”

As part of the CITIIS program, since the SPV is implementing the project, a Grievance Redressal Cell can be established to facilitate raising of grievances and addressal of the same. Continuous information to the affected families, local community and other stakeholders shall be given on the construction work, E&S impacts and implementation of the RRS, and grievance redressal mechanism shall be maintained during the project life cycle.

▪ **Gender Action Plan**

A Gender Action Plan would need to be prepared as part of the ESMF. The key elements that are required to be include are:

- Specific impacts on women due to the project- direct and indirect (impact on community resource, etc).
- Involvement of women in project design and concept;
- Mainstreaming of gender concerns in the project design;
- Mitigation of gender specific impacts in the project;
- Any additional measures that can enhance project benefits to women.

The aim of the gender analysis and GAP is to ensure that women and men will benefit equitably from the project development; in paying attention to the specific needs and constraints of each group.

For this reason, specific attention will be given to the promotion of gender equality and/or women empowerment the project can provide; with gender-differentiated identification of needs and constraints, and identification of actions to promote enhancing of women voices and rights (notably in decision-making processes and structures), gender sensitive design of the project, equal and safe access to the service and access to employment opportunities. This criterion will be analysed both through the expected positive impact that the project can bring on gender equality but also the consideration of this issue in the project team organization and management.

▪ **Community Participation Plan**

Stakeholder participation is an important value of the overall CITIIS program. A Stakeholder Engagement Plan is required to be prepared identifying the major stakeholders and the key stages of consultation that are held during the maturation phase of CITIIS projects. The mentors and domestic experts would also guide the process.¹⁶

Stakeholder engagement is an essential part of the SIA process, and is a cornerstone of informed decision-making and good governance. Some of the good practices with respect to conducting a meaningful stakeholder consultation are given in the box below.¹⁷

- The stakeholder consultation process should be ongoing and iterative throughout the project cycle, starting as early as possible;
- Equal representation and participation of varied category of stakeholders;
- Sufficient resources allocation. This includes budgets as well as staffing and capacity, and the willingness of SPV to take stakeholder views seriously, and to generate scenarios, modify project designs, and implementation to reflect stakeholder concerns where possible;
- Transparent, equitable and non-discriminatory process;
- Stakeholders should have prior information about relevant aspects of the project, in a language, format, and manner that is appropriate for them;
- Confidentiality of information and stakeholders should be ensured where appropriate;
- Systematic Documentation of the process followed by public disclosure.

▪ **Integrating Mitigation Measures to Contract Document**

Project specific mitigation measures, once identified separately for construction phase and for operation phase, are to be included in the contract document. The E&S officer in charge of the

¹⁶ Refer to the Project Monitoring Guide developed by CITIIS PMU and shared with SPVs for details of SEP.

¹⁷ *Inter-American Development Bank's Series on Environmental And Social Risk And Opportunity*. Available at: <https://publications.iadb.org/en/social-impact-assessment-integrating-social-issues-development-projects>

project shall carry out regular inspection and monitoring. Also, the officer needs to ensure that all R&R activities are complete before the beginning of the construction phase.

▪ **Budgetary Provision**

The ESMP/RAP would include the R&R budget (detailed) to cover the costs of the mitigation and management of social impacts. The budget would broadly include heads such as a) cost of land acquisition; b) compensation for acquired land for affected families, c) compensation of affected assets and livelihood; d) R&R costs; e) Management costs.

H. Additional References for Social Impact Assessment

1. 2016. “World Bank Environmental and Social Framework.” World Bank, Washington, DC. Available at: <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>
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