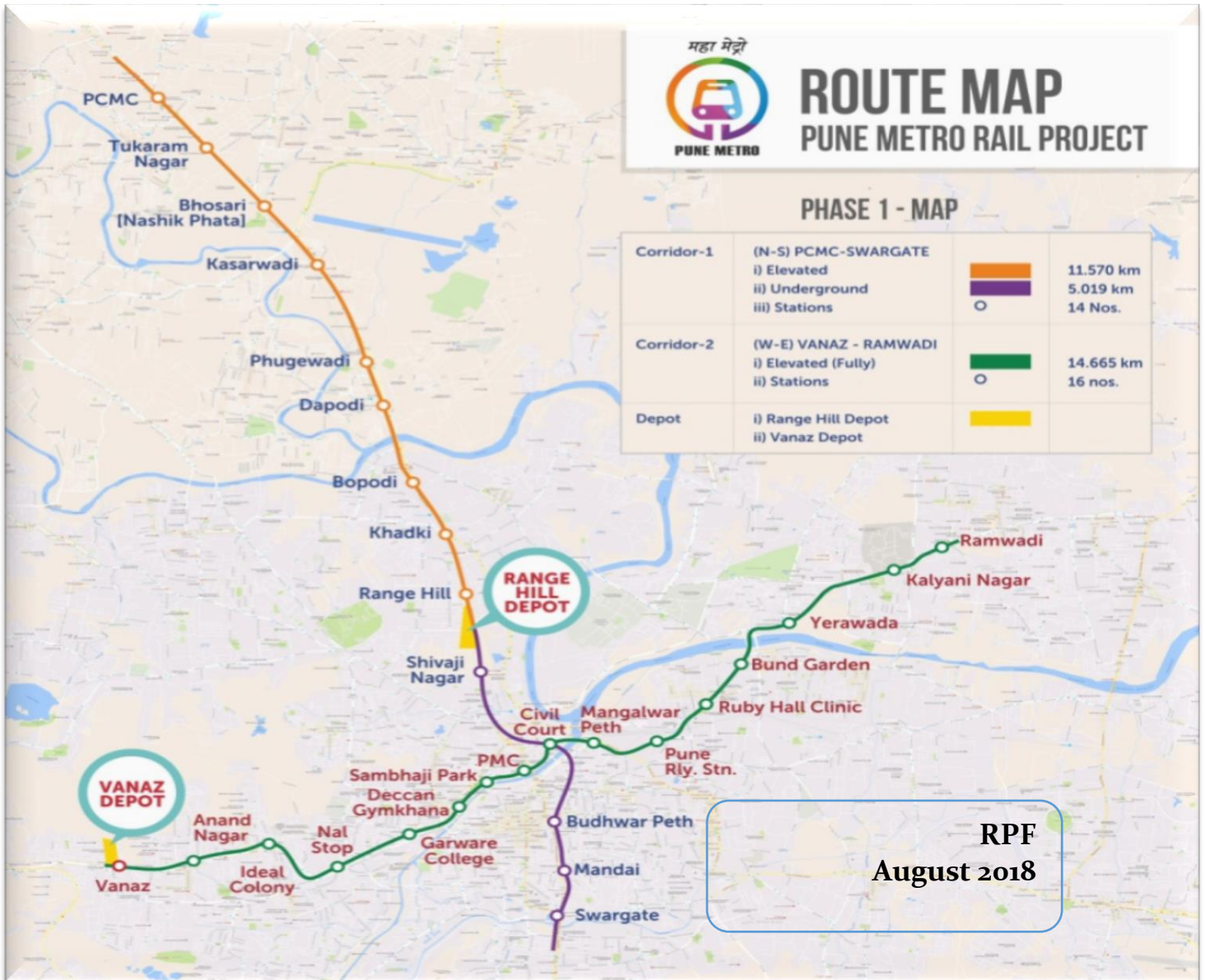


# MAHARASHTRA METRO RAIL CORPORATION LIMITED

## Draft Resettlement Policy Framework Pune Metro Rail Project (North-South and East-West)



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## Acronym

ADM	Additional District Magistrate
AFD	Agence Francaise De Developpement
BPL	Below Poverty Line
BSR	Basic Schedule of Rates
CPM	Chief Project Manager
CPR	Common Property Resources
DC	District Collector
DM	District Magistrate
DPR	Detailed Project Report
EIB	European Investment Bank
FGD	Focus Group Discussion
GRC	Grievance Redressal Committee
GOI	Government of India
GOM	Government of Maharashtra
IFI	International Financial Institution
LA	Land Acquisition
LAA	Land Acquisition Act
LAC	Land Acquisition Collector
MMRC	Maha Metro Rail Corporation
PMC	Pune Municipal Corporation.
PMRP	Pune Metro Rail Corporation
PMRP	Pune Metro Rail Project
PDA	Pune Development Authority
M&E	Monitoring and Evaluation
NGO	Non-Governmental Organization
NRRP	National Rehabilitation and Resettlement Policy
NTH	Non-Title holders
PAF	Project Affected Family
PAH	Project Affected Household
PAP	Project Affected People
PIU	Project Implementation Unit
PMU	Project Management Unit
PP	Project Proponent
PWD	Public Works Department
RCC	Reinforced Cement Concrete
R&R	Resettlement & Rehabilitation
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RFCTLARRA	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
SEMU	Social and Environmental Management Unit
SIA	Social Impact Assessment
SLAO	Special Land Acquisition Officer
SRA	Slum Rehabilitation Agency

## 1. INTRODUCTION

1.1 Maharashtra Metro Rail Corporation Limited (MMRCL) a joint venture company of Government of India (GoI) and Government of Maharashtra (GoM) is in the process of developing the Pune Metro Rail Project having North-South and East-West Corridors to strengthen and augment the transport infrastructure of the city with a holistic multi-modal transport system so as to address constrained public transport infrastructure issues of city Pune. Construction of rail metro would entail acquisition of land and structures as well as impacts other assets and Common Property Resources, and may disrupt livelihood. Assessments indicate that the Pune Metro Project shall require permanent acquisition/transfer of the total land of 40.96 hectares (ha), of which 37.25 ha is government land and 3.70 ha is private land impacting around 688 families.

1.2 Recognising the need to address involuntary displacement of people and their properties, the MMRCL has framed the Resettlement Policy Framework (RPF) to provide guidance dealing with adverse impacts associated with land acquisition and propose systems and measures to avoid and mitigate the adverse impacts. It is developed in consistence with the relevant Indian National laws, RFTLARR, 2013, and the policies of Government of Maharashtra, International Funding Institutes - European Investment Bank (EIB) and Agence Francaise De Developpment (AFD). This RPF is applicable for all subprojects implemented under the Pune Metro Rail Project. This document serves to define procedures, principles and applicable legal regulations, institutional arrangements for dealing LA and R&R for the Pune Metro Rail Project covering 31.254 kms of North – South (N-S) and East – West (E-W) corridors.

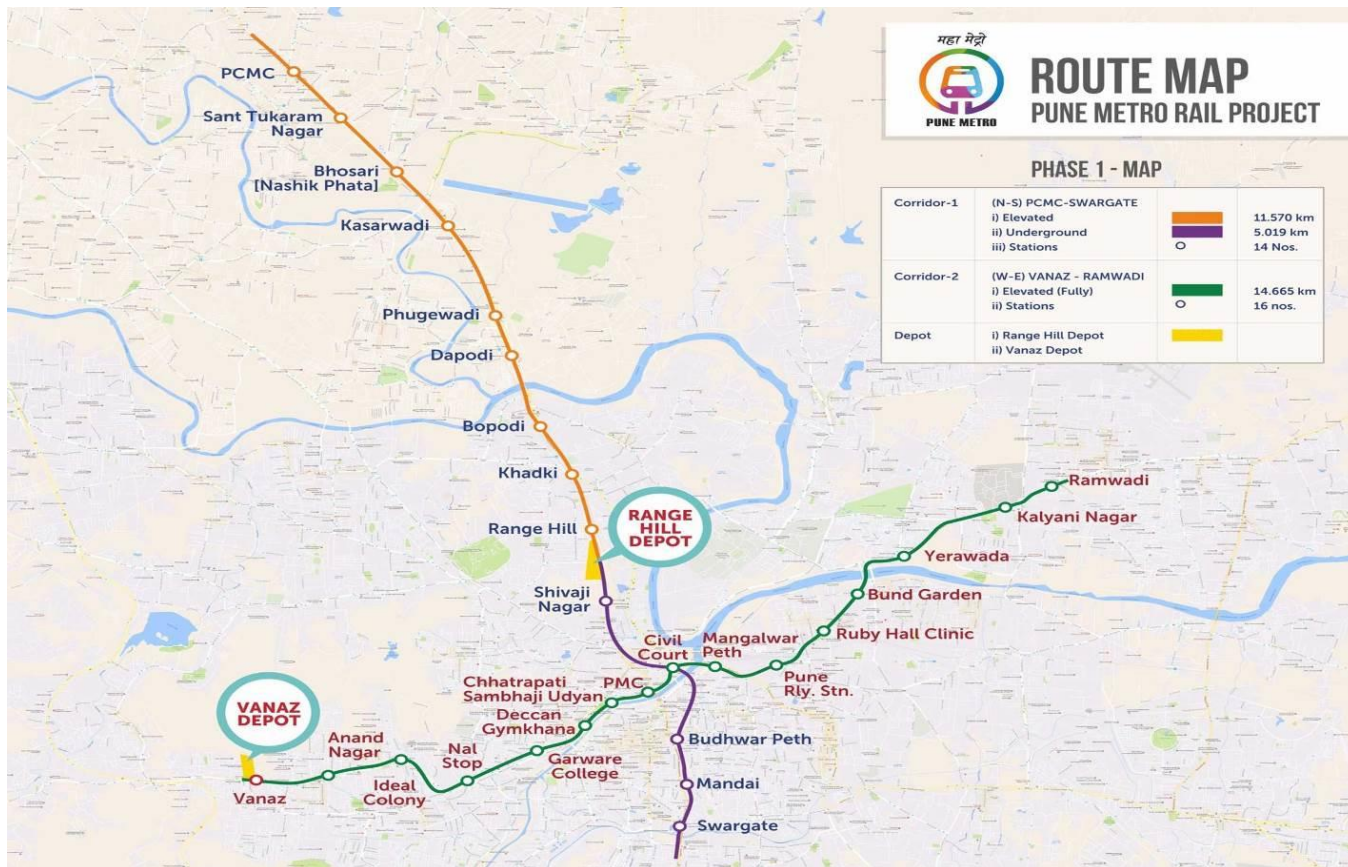
### Project Description

1.3 The total length of the proposed route is 31.254 km of which 16.589 km is under North-South corridor and remaining 14.665 km is under East-West corridor. The proposed alignment of N-S Corridor starts from PCMC in the North as elevated section and heads towards Swargate in South as underground (UG) section. Total 14 stations have been proposed along the N-S corridor of which 9 stations are elevated; and 16 on E-W corridor and all are on elevated corridor. Two maintenance cum workshop depots with test tracks are planned for the Project - one is at Range Hill Station (Agriculture College Land) to cater the need of North-South Corridor and the other is at Vanaz Station (Katchra Depot Land) for the East-West Corridor. The corridor details are presented below. The index map of Pune Metro Rail Project (PMRP) showing station locations is given in Figure 1.1.

**Table 1.1: Route Length**

S. NO	ROUTE	LENGTH (in KM)		STATIONS	
1.	North–South Corridor (PCMC to Swargate)	Elevated	11.570	16.589	9
		Underground	5.019		5
2.	East–West Corridor (Vanaz to Ramwadi)	Elevated		14.665	16
TOTAL				31.254	30

**FIGURE 1.1 - INDEX MAP**



## 2. TERMS AND DEFINITIONS

2.1 The terms used in the document and their definitions are presented below.

**Project:** means the Pune Metro Rail Project (PMRP) covering 31.25 Km consisting North-South corridor and West - corridor.

**Project Affected Person (PAP):** means a person whose place of residence or other properties or sources of livelihood are affected within the area being acquired/used for the project preceding the cut-off date. PAP is either Title holder or Non - Title holder.

**Titleholders/owners:** are those who have legal title of land, structure and other assets.

**Non-titleholder:** Affected persons/families with no legal title to the land, structures and other assets adversely affected by the project. Non-titleholders include encroachers, squatters, kiosk operators, etc.

**Squatters (Non Titleholders):** Squatter are those persons who have occupied government/public lands illegally for residential, business and or other purposes prior to cut off date.

**Encroachers (Non Titleholders):** Are those persons who have extended their building, business premises or work places or agriculture activities into government/public lands.

**Tenants:** Are those persons having bonafide tenancy agreements, written or unwritten, with a private property owner with clear property titles, to occupy a structure or land for residences and business. Those who don't have any written documents need to furnish documentary proof such as telephone bills, electricity bills, ration cards, any postal evidence, passport and any other legal documents to prove occupation of the premises.

**Displaced Family:** means any Affected Family, (i) who on account of acquisition of land has to be relocated from the affected area.

**Family:** means a person, his or her spouse, parents, children, brothers and sisters dependent on him/her. Widows/divorcees and women deserted by families shall be considered as separate families.

**Entitled Person (EP):** A person, who is adversely impacted by the project and is thus entitled for assistance as per the project RPF/entitlement framework.

**Vulnerable Groups:** are those persons such as people differently abled, women headed households, and people belonging to Scheduled Caste and Scheduled Tribes persons or families below the poverty line and other groups as may be specified by the State Government.

**Below poverty line or BPL Family:** means below poverty line families as defined by the Planning Commission of India from time to time, and those included in the State BPL list in force.

**Award / Compensation:** refers to the amount paid under Land Acquisition Act for private property, structures and any other assets acquired for the project using compensation principles and provisions of RFCTLARR Act 2013

**Consent Award:** refers to the amount paid as compensation under the Maharashtra Government Resolution Revenue and Forest Department No MIS -03/2015/C.N.34/A-2ON 12 th May and 30<sup>th</sup> Sept 2015 in the context of acquiring land from private owner by method of direct purchase through private negotiations for irrigation and other projects.

**Cut off Date:** is the date of first notification for land acquisition for the project under applicable Act or Government Order in the cases of land acquisition affecting legal titleholders. For the Non-Title holders cut-off date shall be the date of Census Survey.

**Land acquisition** means acquisition of land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or any other prevailing Government Orders.

**Severance of Land:** means a land holding divided into two or more pieces due to acquisition of land mainly for laying new project alignment or a re-alignment.

### **3. ACTS AND POLICIES REVELVANT TO THE PROJECT**

3.1 The following section deals with the acts and policies with the entitlements and eligibility for compensation and other resettlement entitlements.

#### **Right to Fair Compensation and Transparency in Land Acquisition and Resettlement and Rehabilitation Act, 2013**

3.2 This RFCTLARR, 2013 repeals the Land Acquisition Act, 1984 and is applicable to all states in India (except the state of Jammu and Kashmir). RFCTLARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement. This new Act provides an enhanced framework for providing compensation and resettlement and rehabilitation assistances through a participative and transparent process for land acquisition in the public interest. The Act lays down procedures for estimating fair compensation of the affected families (and not just the titleholders) due to land acquisition, rehabilitation and resettlement. Some of the key features include the following: (i) Preliminary investigations/preparation of Social Impact Assessment (SIA) and preparation Social Impact Management Plan (SIMP) or Resettlement Action Plan (RAP) (ii) Preliminary Notification stating: project/ public purpose; reasons necessitating land acquisition; summary of SIA; and particulars of the Administrator appointed for the purpose of rehabilitation and resettlement; receipt of Objections and Hearing after the approval of SIA and within 12 months from the date of SIA approval; (iii) Preparation of Rehabilitation and Resettlement Scheme and its declaration by the District Collector after the same is approved by the Commissioner-Rehabilitation and Resettlement. (iv) Public notice and award of compensation and R&R assistances by District Collector within a period of twelve months from the date of the Award publication.

**Salient features of the RFCTLARR Act, 2013 are listed below:**

- The Act provides for land acquisition as well as rehabilitation and resettlement. It replaces the Land Acquisition Act, 1894 and National Rehabilitation and Resettlement Policy, 2007.
- The Act provides for the baseline for compensation and has devised a sliding scale which allows States to fix the multiplier (which will determine the final award) depending on distance from urban centres;
- The affected communities shall be duly informed and consulted at each stage, including public hearings in the affected areas for social impact assessment, wide dissemination of the details of the survey to be conducted for R&R plan or scheme;
- Compensation in rural areas would be calculated by multiplying market value by up to two and adding assets attached to the land or building and adding a solatium. In urban areas, it would be market value plus assets attached to the land and solatium;
- The Collector shall take possession of land only after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons; families will not be displaced from land till their alternative R&R sites are ready for occupation;
- The benefits to be offered to the affected families include - financial support to the affected families for construction of cattle sheds, shops, and working sheds; transportation costs;
- Rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees;
- For ensuring transparency, provision has been made for mandatory dissemination of information on displacement, rehabilitation and resettlement, with names of the affected persons and details of the rehabilitation packages. Such information shall be placed in the public domain on the Internet as well as shared with the concerned Gram Sabhas and Panchayats, etc. by the project authorities;
- No income tax shall be levied and no stamp duty shall be charged on any amount that accrues to an individual as a result of the provisions of the new law.

## Maharashtra Guidelines and Rules for Land Acquisition 27-08-2014

3.3 Revenue and Forest Department of Maharashtra Government has issued Notification No. LQN.12/2013/C.R. 190/A-2 on 27th August 2014 framing the rules for Resettlement and Rehabilitation of PAPs for projects in the state of Maharashtra (Annexure-I)

### Maharashtra Government Resolution

3.4 Revenue and Forest Department of Maharashtra Government issued Government Resolution No: Misc.-03/2015/C.N.34/A-2 on 12h May 2015 and 30<sup>th</sup> September 2015 in the context of acquiring land of private sector by method of direct purchase through private negotiations for irrigation and other projects. Direct purchase method ensures that the property owners are negotiated directly for purchase of land by giving them an amount amicably accepted by the affected person which is 250% of the market value. In the process the concerned person is getting better price for the involved land and structure. The amount paid includes all the components of resettlement and rehabilitation.

### Other Applicable Laws

- 1) Minimum Wages Act, 1948
- 2) Contract Labour Act, 1970
- 3) The Bonded Labour System (Abolition) Act, 1976
- 4) Child Labour (Prohibition and Regulation) Act 1996 along with Rules, 1988
- 5) Children (Pledging of Labour) Act, 1933 (as amended in 2002)
- 6) The Building and Other Construction Workers Welfare Act, 1996
- 7) The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- 8) The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996
- 9) Untouchability Offences Act, 1955
- 10) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
- 11) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.

### GAPS between Indian Laws and AFD /EIB guidelines

3.5 There are certain gaps between the prevailing Indian laws and AFD/ EIB requirements for resettlement and rehabilitation of project affected persons (PAPs). A comparative table of EIB/ AFD and Indian laws is given in the following table:

**Table 3.1: GAP between Indian Laws and EIB and AFD Requirements**

S No.	Objectives	EIB/ AFD	RFCTLARRA 2013
1	Avoid involuntary resettlement	Involuntary resettlement should be avoided wherever possible	Yes
2	Minimize involuntary resettlement	Minimize involuntary resettlement by exploring all viable alternative project design	Yes



S No.	Objectives	EIB/ AFD	RFCTLARRA 2013
3	Mitigate adverse social impacts	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.	Yes
4	Identify, asses and address the potential social and economic impacts	Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g. relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas.	Yes
5	Prepare mitigation plans for affected persons	To address the project impacts, prepare resettlement plan or resettlement policy framework prior to project appraisal, estimating to the extent possible the total population to be affected and the overall resettlement costs.	Yes
6	Consider alternative project design	Assess all viable alternative project designs to avoid, where feasible, or minimize involuntary resettlement.	Yes
7	Involve and consult with stakeholders	Consult project-affected persons, host communities and local nongovernmental organisations, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the process for determining eligibility for compensation benefits and development assistance (as documented in a resettlement Plan), and for establishing appropriate and accessible grievance mechanisms. Pay attention to the needs of Vulnerable Groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.	Yes, However, definition of vulnerable group is slightly different from EIB's & AFD'S requirement. This has been addressed in the Entitlement Matrix.
8	Disclose and inform PAPs of RP and mitigation measures	Disclose draft resettlement plans, including documentation of the consultation process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.	Yes

<b>S No.</b>	<b>Objectives</b>	<b>EIB/ AFD</b>	<b>RFCTLARRA 2013</b>
9	Support existing social and cultural institutions of the affected persons	To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers preferences with respect to relocating in pre-existing communities and groups are honoured.	Yes
10	Build capacity of the borrower(s) in IR implementation	Financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations.	Yes
11	Categorization	Categorization of the affected families is defined as titleholders, non-titleholders including encroachers, Squatters, tenants, etc.	Yes
12	Resettlement Plan	To cover the direct social and economic impacts that are caused by the involuntary taking of land and/ or the involuntary restriction of access to legally designated parks and protected areas, the borrower will prepare a Resettlement plan or resettlement policy framework. The RP or framework will include measures to ensure that the displaced persons are aided during relocation; provided with residential housing or housing sites, or as required agricultural sites; offered transitional support; provided with development assistance in addition to compensation.	Yes
13	Supervision	The Bank regularly supervises resettlement implementation to determine compliance with the instrument	Yes .
14	Monitoring Evaluation	The borrower is responsible for adequate monitoring & evaluation of the activities set forth in the resettlement instrument. Assess whether the objectives of the resettlement instrument have been achieved, upon completion of the project, taking account of the baseline conditions and the results of resettlement monitoring.	Yes
15	Timeline for every process	Bank does give time schedule for activities'	Yes
16	Social Impact Assessment	Bank desire social impact assessment to be carried out for PAPs	Yes
17	Grievance Redressal Committee	Bank desire that mechanism shall be in place for redressal of grievances of PAPs	There is no such provision at project level in the Indian laws
18	Public consultation	EIB & AFD explicitly desire public consultation and interaction of Project authority and PAPs to develop RAP.	Yes

## **4. RESETTLEMENT AND REHABILITATION PRINCIPLES OF THE PROJECT**

### **R&R (RPF) Policy Objectives**

4.1 The Policy objectives are presented below.

- To avoid and minimize displacement;
- To plan the Resettlement and Rehabilitation of Project Affected Families (PAFs), including special needs of vulnerable sections;
- To assist affected persons in maintaining/restoring their former living standards, income earning capacity, and production levels.
- To facilitate harmonious relationship between the Implementing Authority ( Acquiring Body) and PAFs;
- To ensure that the affected persons are meaningfully consulted and provided opportunities to participate in the planning and implementation of the resettlement program so as to make the policy more participatory in nature.

### **RPF Principles**

4.2 Resettlement & Rehabilitation activities of PMRP will be governed by the following general principles, which are based on the national act RFCTLARR, state polcies and EIB and AFD policies.

- generally land acquisition will be undertaken in such a way that no project affected person, with or without formal title, will be worse off after land acquisition;
- all activities and procedures will be formally documented;
- the property and inheritance rights of project affected persons will be respected;
- if the livelihood of the project affected persons without formal title depends on the public land that they are using, they will be assisted in their effort to improve their livelihoods and standard of living to restore them to pre-displacement levels;
- if project affected person, without legal title, is not satisfied with the above decisions, they can approach the Grievance Redressal Committee;
- all information related to resettlement preparation and implementation will be disclosed to all concerned, and people's participation will be ensured in planning and implementing the project.
- in cases where there are persons working on the affected land or businesses, as determined by the Social Impact Assessment, where the project affected person does not have formal title to the land (e.g. workers, squatters, encroachers, etc.), then compensation/ assistance should be provided to these projects affected persons to ensure no loss, to the extent as determined appropriate by the Social Impact Assessment;
- in cases where land is needed on a temporary basis, project affected persons who have formal title will be compensated to the assessed fair rental price for the period;
- during which the land is used, and the land will be returned in the same condition or better as before it was rented;
- if resettlement is unavoidable in addition to the payment of fair market value for all land and immovable property, project affected persons will be aided in relocation and other related expenses (i.e. cost of moving, transportation, administrative costs etc.);
- these rights do not extend to individuals who commence any activities after cut- off date of the project;
- the compensation and eligible resettlement and rehabilitation assistance will be paid prior to taking over of land and other assets for construction purposes;

- all project affected persons (private and public, individual and businesses) entitled to be compensated for land acquired; losses, structures or damages will be offered compensation in accordance with the provisions of this RPF. Those who accept the compensation amount will be paid prior to taking possession of their land or assets. Those who do not accept it will have their grievance registered or referred to the Grievance Redressal Committee (GRC) / courts as appropriate.

### **Eligibility for Compensation, Assistance and Rehabilitation**

- Cut off Date is the date of first notification for land acquisition for the project under applicable Act or Government Order in the cases of land acquisition affecting legal titleholders. For the Non-Title holder's cut-off date would be the date of Census
- The unit of entitlement will be the family.
- Titleholder PAFs will be eligible for compensation as well as assistance if they are affected by the project.
- Non-titleholder PAF will also be eligible for R&R compensation as per the Act..
- In case a PAFs could not be enumerated during census but has reliable evidence to prove his/her presence before the cut-off date in the affected zone shall be included in the list of PAPs after proper verification.
- PAFs from vulnerable group will be considered for additional assistance.
- PAFs will be entitled to take away or salvage the dismantled materials free of cost without delaying the project activities.
- If a notice for eviction has been served on a person/family before the cut-off date and the case is pending in a court of law, then the eligibility of PAP will be considered in accordance with the legal status determined by the court and the PAP will be eligible for compensation/assistance in accordance with the provisions of the RPF.
- The land losers shall be reimbursed stamp duty towards purchase of alternate land/assets with the compensation amount received, if purchased within one year of the disbursement of compensation amount.
- In case of Common Property Resources, if the land and structure is privately owned the compensation for land shall be paid to the title holder. The reconstruction/replacement of the CPR shall be implemented in consultation with the community as appropriate.

**Table 4.1: Entitlement Matrix**

**Compensation, Rehabilitation and Resettlement entitlements of affected families will be as per the provisions of RFCTLARR Act 2013, MRTP Act 1966, Govt of Maharashtra's GR No: Misc.-03/2015/C.N.34/A-2 (May 12, 2015 and September 30 2015) and considering the ground situations.**

<b>Sr. No.</b>	<b>Categories</b>	<b>Entitlements</b>
1	Loss of land only	Land will be acquired on payment of compensation as per RFCTLARR Act 2013. <b>Or,</b> Compensation as per Govt of Maharashtra's GR No: Misc.-03/2015/C.N.34/A-2 (May 12, 2015 and September 30 2015).
2 a	Loss of land and residential structure for owner only.	Compensation as per RFCTLARR Act 2013 and modification therein by the state govt.:  <b>RFCTLARR Act 2013</b>

Sr. No.	Categories	Entitlements
		<p>a) Land &amp; structure will be acquired on payment of compensation as per RFCTLARR Act 2013.</p> <p>b) One-time subsistence allowance</p> <p>c) One-time Resettlement Allowance</p> <p>d) Transportation as per RFCTLARR Act 2013.</p> <p>e) The owner is entitled to a 50 sq mtr house at a place as may be offered by Mahametro Pune wherever available or alternatively in the vicinity of their existing area equivalent or more than the financial value of the above-mentioned area.</p> <p>f) If the build up area is greater than 50 sq mtr then owner will be entitled to a maximum of 50 sq mtrs only with the option to buy more area.</p> <p>Or,</p> <p>The cash in lieu of house will be as per RFCTLARR Act 2013.</p> <p>g) Right to salvage affected materials.</p> <p><i>Note: Stamp duty and registration charges will be born in case of new houses or sites</i></p> <p><b>Or,</b></p> <p><b>Modification:</b></p> <p>50% of Market value of land and structure as lump sum amount as Rehabilitation and Resettlement cost as per Maharashtra Act XXXVII of 2018 dated 26<sup>th</sup> April 2018 Amendment to RFCTLARR Act 2013 Section 31A.</p> <p>In the absence of agreement between Owner and tenant the collector will decide the apportionment of compensation.</p> <p><b>Or,</b></p> <p>h) Compensation as per Govt of Maharashtra's GR No: Misc.-03/2015/C.N.34/A-2 (May 12, 2015 and September 30 2015).</p>
2b	Loss of land and residential structure for owner and tenant staying in the same premises.	<p><b><u>Owner:</u></b></p> <p>a) Land and structure will be acquired on payment of compensation as per RFCTLARR Act 2013.</p> <p><b>Or,</b></p> <p>b) Compensation as per Govt of Maharashtra's GR No: Misc.-03/2015/C.N.34/A-2 (May 12, 2015 and September 30 2015)</p> <p><b>Entitlement Tenant &amp; Owner for option (a) only.</b></p> <p>Both Owner and Tenant will get the following allowances as per RFCTLARR Act 2013</p>

Sr. No.	Categories	Entitlements
		<p>a) One-time subsistence allowance  b) One-time Resettlement Allowance  c) Transportation assistance or payment in lieu of relocation from existing site will be provided.  d) The owner or tenant as the case may be is entitled to a 50 sq mtr house at a place as may be offered by Maha Metro Pune wherever available, or  e) Alternatively, in the vicinity of their existing area tenant will be offered built up area equivalent to their existing area on lease basis and the tenant shall have option to buy such area on payment of construction cost.  f) However, owners will be offered built up area on ownership basis with the criteria of financial value of the above-mentioned area upto a maximum of 50 sq mtr.  or  The cash in lieu of house will be as per RFCTLARR Act 2013  g) Right to salvage affected materials.</p> <p><i>Note: Stamp duty and registration charges will be born in case of new houses or sites</i></p> <p style="text-align: center;"><b>Or,</b></p> <p>50% of Market value of land and structure as lump sum amount as Rehabilitation and Resettlement cost as per Maharashtra Act XXXVII of 2018 dated 26<sup>th</sup> April 2018 Amendment to RFCTLARR Act 2013 Section 31A.</p> <p>In the absence of agreement between Owner and tenant the collector will decide the apportionment of compensation.</p>
2c	Loss of land and residential structure partially but continues to remain in the balance portion of the same premises.	Same as 2a for acquired land area only. However, structure value for complete structure may be taken in total if remaining structure will be left in not accessible condition.
2d	Loss of land and residential structure partially and willing to surrender the same completely to Project Authority.	As per section 94 of RFCTLARR Act 2013, the owner can request in writing. Compensation is same as 2a.
2e	Loss of land and residential structure. Owner not residing at the premises and if it is rented.	<p><b>Owner:</b></p> <p>a) Land will be acquired on payment of compensation as per RFCTLARR Act 2013.</p> <p style="text-align: center;"><b>Or</b></p> <p>b) 50% of Market value of land and structure as lump sum</p>

Sr. No.	Categories	Entitlements
		<p>amount as Rehabilitation and Resettlement cost as per Maharashtra Act XXXVII of 2018 dated 26<sup>th</sup> April 2018 Amendment to RFCTLARR Act 2013 Section 31A.</p> <p>In the absence of agreement between Owner and tenant the collector will decide the apportionment of compensation.</p> <p><b>Or,</b></p> <p>c) Compensation as per Govt of Maharastra's GR No: Misc.-03/2015/C.N.34/A-2 (May 12, 2015 and September 30 2015).</p> <p>And</p> <p>In lieu of Loss of rental income (livelihood) suitable compensation will determined and given.</p> <p><b>Tenant's compensation for option a) only:</b></p> <p>a) The resident tenants getting affected and displaced shall be entitled to following allowances as per RFCTLARR Act 2013.</p> <p>a) One-time subsistence allowance  b) One-time Resettlement Allowance  c) Transportation as per</p> <p>b) Right to salvage affected materials.</p> <p>c) The tenant is entitled to a 50 sq mtr house at a place as may be offered by Maha Metro Pune wherever available on tenancy basis. <b>Or,</b></p> <p>d) Alternatively, in the vicinity of their existing area, tenant will be offerd built up area equivalent to their existing area on tenancy basis only. Subject to a maximum of 50 sq mtrs.</p> <p><b>Or,</b></p> <p>The cash in lieu of house will be as per RFCTLARR Act 2013.</p> <p><i>Note: Stamp duty and registration charges will be born in case of new houses or sites</i></p> <p>In the absence of mutual agreement between Owner and tenant the collector will decide the apportionment.</p>
3a	Loss of land and commercial structure for owner only.	<p>a) Land and structure will be acquired on payment of compensation as per RFCTLARR Act 2013.</p> <p><b>Or,</b></p>

Sr. No.	Categories	Entitlements
		<p>b) 50% of Market value of land and structure as lump sum amount as Rehabilitation and Resettlement cost as per Maharashtra Act XXXVII of 2018 dated 26<sup>th</sup> April 2018 Amendment to RFCTLARR Act 2013 Section 31A.</p> <p>In the absence of agreement between Owner and tenant the collector will decide the apportionment of compensation.</p> <p style="text-align: center;"><b>Or,</b></p> <p>c) An alternate build up commercial structure of area equal to existing area subject to maximum of 500 sq. ft. will be provided as far as possible in the vicinity.</p> <p>d) Right to salvage affected materials.</p> <p style="text-align: center;"><b>Or</b></p> <p>Compensation as per Govt of Maharashtra's GR No: Misc.-03/2015/C.N.34/A-2 (May 12, 2015 and September 30 2015).</p>
3b	Loss of partial land and commercial structure but continues to run business in the same premises	Same as 3a for land area to be acquired only.
3c	Loss of partial land and commercial structure but owner willing to surrender complete property.	As per section 94 of RFCTLARR Act 2013 the owner PAP must request in writing. Compensation is same as 3a for the entire property.
3d	Loss of land and commercial structure owner not on premises. Tenants on property.	<p><b>Owner:</b></p> <p>a). Land and structure will be acquired on payment of compensation as per RFCTLARR Act 2013.</p> <p style="text-align: center;"><b>Or</b></p> <p>b) Compensation as per Govt of Maharashtra's GR No: Misc.-03/2015/C.N.34/A-2 (May 12, 2015 and September 30 2015).</p> <p style="text-align: center;">And</p> <p>In lieu of Loss of rental income (livelihood) suitable compensation will be determined and given to owner.</p> <p><b>Tenant:</b></p> <p>An alternate build up commercial structure of area equal to existing area subject to maximum of 500 sq. ft. will be provided as far as possible in the vicinity on lease basis.</p> <p>Right to salvage affected materials.</p> <p><i>Note: Stamp duty and registration charges will be borne in case of new houses or sites</i></p>



Sr. No.	Categories	Entitlements
		In the absence of agreement between Owner and tenant the collector will decide the apportionment.
3f	Loss of land and commercial structure for owner and tenant.	<p><b>The following compensation package will be offered:</b></p> <p><b>Owner:</b></p> <p>a) Land and structure will be acquired on payment of compensation as per RFCTLARR Act 2013.</p> <p style="text-align: center;"><b>Or</b></p> <p>b) Compensation as per Govt of Maharashtra's GR No: Misc.-03/2015/C.N.34/A-2 (May 12, 2015 and September 30 2015).</p> <p>In the absence of mutual agreement between Owner and tenant the collector will decide the apportionment.</p> <p><b>Owner &amp; Tenant</b></p> <p>An alternate build up commercial structure equal to existing area subject to maximum of 50 sq, meters on ownership basis to owner and on lease basis to tenant will be provided as far as in the vicinity.</p> <p>c). Right to salvage affected materials.</p> <p><i>Note: Stamp duty and registration charges will be born in case of new houses or sites</i></p>
4	Loss of land and residential cum commercial structure for owner only	<p>Land will be acquired as per RFCTLARR Act and commercial unit area or residential unit in accordance with 2a and 3a guidelines will be considered with mutual agreement</p> <p style="text-align: center;"><b>Or,</b></p> <p>Compensation as per Govt of Maharashtra's GR No: Misc.-03/2015/C.N.34/A-2 (May 12, 2015 and September 30 2015).</p>
5	Tenant – Residential cum Commercial	a) Compensation package will be worked out on above guidelines in 2(e) and/or 3(d) with mutual discussion.
6a	Residential (Slum & Others	<p>1. Each resident slum family getting affected and displaced shall be offered following allowances as per RFCTLARR Act 2013.</p> <p>a) One-time Resettlement Allowance</p> <p>b) One-time subsistence allowance</p> <p>c) One time Transportation assistance</p>

Sr. No.	Categories	Entitlements
		2. PAF losing residential units shall be offered SRA (Slum Rehabilitation Authority) housing unit of (25 or 30 sq mtr) with the formation of cooperative societies.  a) Right to salvage the affected materials.
6b	Commercial	a) PAF losing commercial units shall be offered alterenate commercial unit in or around SRA buildings or at place as may be available.  <b>Or,</b>  One time financial assistance  b) Transportation- Physical assistance
8.	Mobile Vendors/Kiosks	Urban Local Body will resettle the mobile vendors.
9.	Common Property resources	Community properties will be replaced in consultation with the community.  Civic infrastructure would be replaced in consultation with the affected community and the District/Urban/Rural administration
10.	Any other impact not identified	a) During transition if owner or tenants are required to be shifted they shall be offered tenements available with Pune/Pimpri Chinchwad Municipal Corporation  <b>or</b> b) Rent shall be paid in proportion with the existing area of affected family subject to maximum of Rs. 15,000/-. c) Any unforeseen impact would be mitigated/enhanced by mutual consent and within the framework of the RFCTLARR Act 2013 and Govt. of Maharashtra guidelines.

## 5. LAND ACQUISITION PROCESS

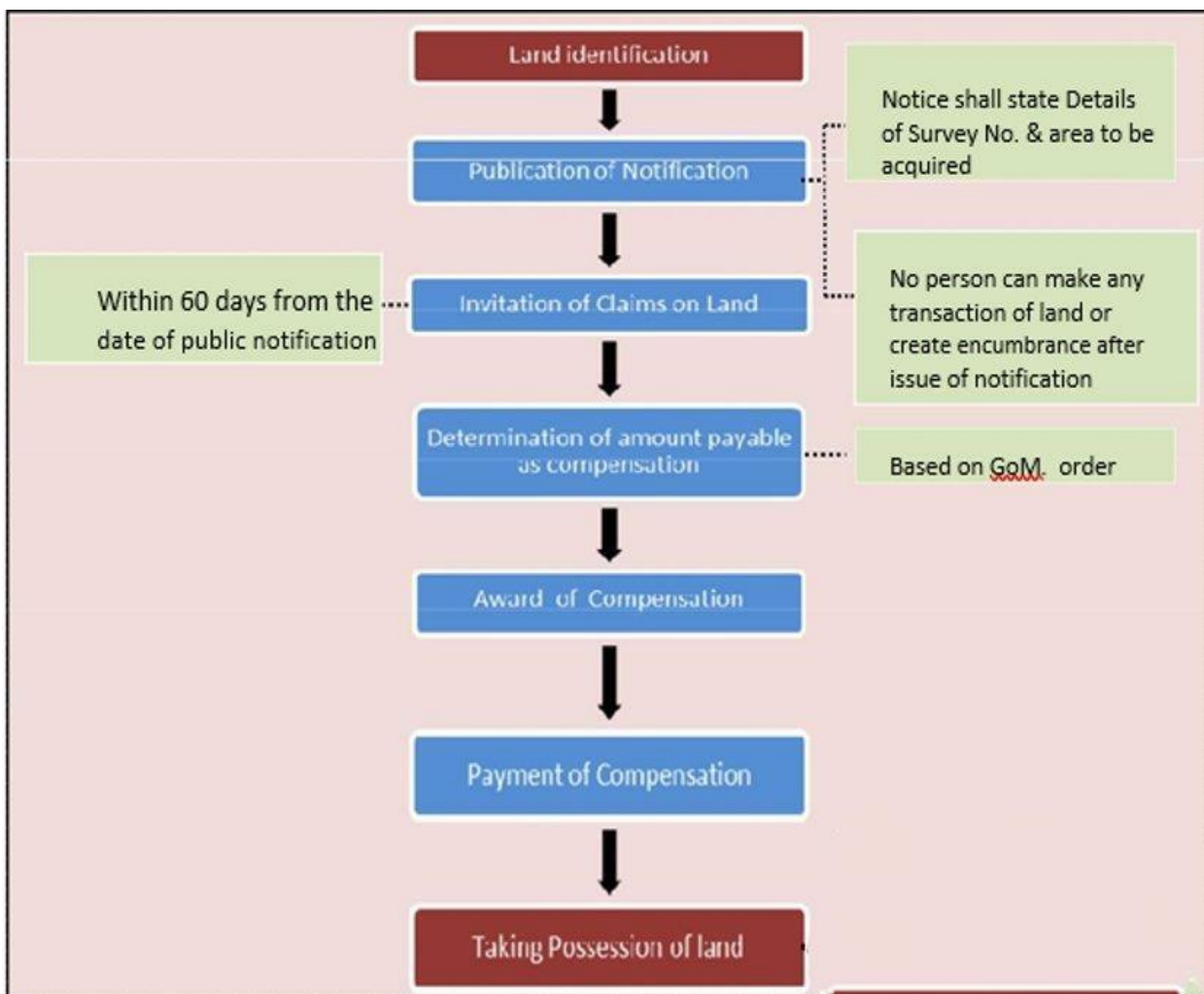
5.1 Land acquisition for the project will be guided by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and or relevant Maharashtra Government orders.

### As per RFCTLARR Act 2013

5.2 A Land Acquisition Plan will be prepared to indicate respective land plot (Khasra) revenue survey map boundaries and numbers referring to the land registration maps maintained by area level administration. It also includes collecting details such as owner of property, type of structure, number of floors and land use patterns, such as residential, agricultural commercial, barren, forest etc. Land acquisition proposal is prepared in the format prescribed by the Revenue Department including collection of property records, Khasra and city survey number including superimposition

of revenue record on proposed alignment and calculation of area to be acquired, preparation of statement of area to be acquired along with land owners details etc. This proposal is then submitted to the office of District Magistrate for acquisition. The land acquisition process is given in Figure 5.1.

**Figure 5.1 – Land Acquisition Process**



**As per Maharashtra Government Resolution – Direct Purchase**

5.3 The PMRP team will ensure issuing timely notices and implementing necessary procedures for land acquisition as per Government of Maharashtra Orders. The following procedure will be followed for land acquisition under direct purchase.

- Autorised person from Land cell of Maha Metro along with representative of CPM office will visit the property for verification to be acquired as per DPR.
- The list of affected persons will be prepared by the authorized person of Land cell.
- Notices to the affected persons will be issued for hearing and submission of ownership documents and consent letter to Maha Metro.

- On submission of ownership document and consent letter by affected persons, the demarcation will be done by authorized person from the Land cell/nominated agency by Maha Metro.
- The nominated agency will carry out the demarcation as per the DPR and same will be superimposed on city survey map.
- The case is prepared and sent to the nominated Advocate of Maha Metro for submission of search report.
- The complete case is sent to the nominated engineer of Land Cell, Maha Metro along with search report and relevant documents for valuation. The Engineer from the respective Section as nominated by CPM will submit to DGM (Land).
- Record for last three years sale/purchase for the particular area from the Registrar of Stamp Duty will be obtained and submit along with the documents.
- 7/12 of the land will be obtained from Patwari of that area and the property card is obtained from Land Record Department.
- On obtaining all the data as above, the compilation will be done by land cell of Maha Metro and will be submitted to DGM Finance for its scrutiny before submission to the District Collector.
- Government would recommend area of acquisition which shall be made public and a preliminary notification of acquisition to that effect shall be published. Land transaction can be made on award of R&R by Collector.
- District Level Committee will be formed under the chairmanship of Collector for fixing the amount of compensation of the land to be acquired for direct purchase. The Committee will fix the amount on compensation as per guidelines of GOM.
- The Collector passes the order for compensation of the land to be procured by direct purchase.
- The committee will review and process for execution of sale deed will be initiated by the land cell.
- Sale deed will be prepared and executed between MahaMetro and private land owner.
- Possession of land will be taken from private land owner by PMRP.

### **Land and Property Valuation under Direct Purchase**

5.4 Price of land to be acquired for PMRP will be based on negotiation with the owner based on Government Order (G.O) of Government of Maharashtra Government issued Government Resolution No: Misc.-03/2015/C.N.34/A-2 on 12th May 2015 and 30<sup>th</sup> September 2015. This is in accordance with provisions of Section 46 of the Act, 2013, formulating a committee of officials from relevant Government departments for determination of negotiated price for land acquisition. As mentioned above under direct purchase 250% of market price will be paid for land and structure

to the land owner. In case the owner is unwilling to engage with PMRP, then the PMRP will do compulsory acquisition through DC following the provisions of RFCTLARR Act 2013.

### **Valuation of Residual Plots**

5.5 If the residual plot (s) is (are) not economically viable, PMRP will follow the rules and regulations applicable in the state and compensate accordingly; if there are no state specific rules and regulations available regarding residual land, PMRP in agreement with the Affected Party, PMRP will then buy the residual land for the project.

### **Acquisition Process of Government Land**

5.6 Government land on permanent basis is required for implementation of priority section of North-South and W-E corridor of Pune Metro Rail Project. This land belongs to different departments/PSUs of State and Central Government. For acquisition of land from various departments, PMRP will submit the land requirement details along with ownership details to Collector. The PMC will then submit an application to individual departments who own the land for transfer of ownership to PMRP or for long term lease. PMRP shall start physical activity on government land only on getting a no objection certificate from the department concerned. Till date NOC for 90% of the government land has already been received by PMRP.

### **Compensation Payment Process**

5.7 PMRP will get approval of required funds for both land acquisition and implementation of RAP from State Government and will maintain a separate account for land acquisition including R&R under the project. Disbursement of compensation will be done by cheques signed by nominated officer of PMRP/ RTGS in case of direct negotiation. The PMRP will prepare all the documents required for taking possession of the land. The payment of R&R assistance will also be done in a similar fashion as per the Act. Compensation amounts will be paid to the title deed owners and the R&R assistance amounts in the names of wife and husband of the PAFs. All necessary arrangements for transferring the land title to PMRP with all legal formalities like purchase of stamp papers, handing/taking over land, attending the Revenue Department, all charges payable to Government such as stamp duty etc shall be paid by PMRP. Payment of compensation and other R&R benefits entitled to affected persons shall be done in consultation /negotiation with the affected families for taking the land into possession.

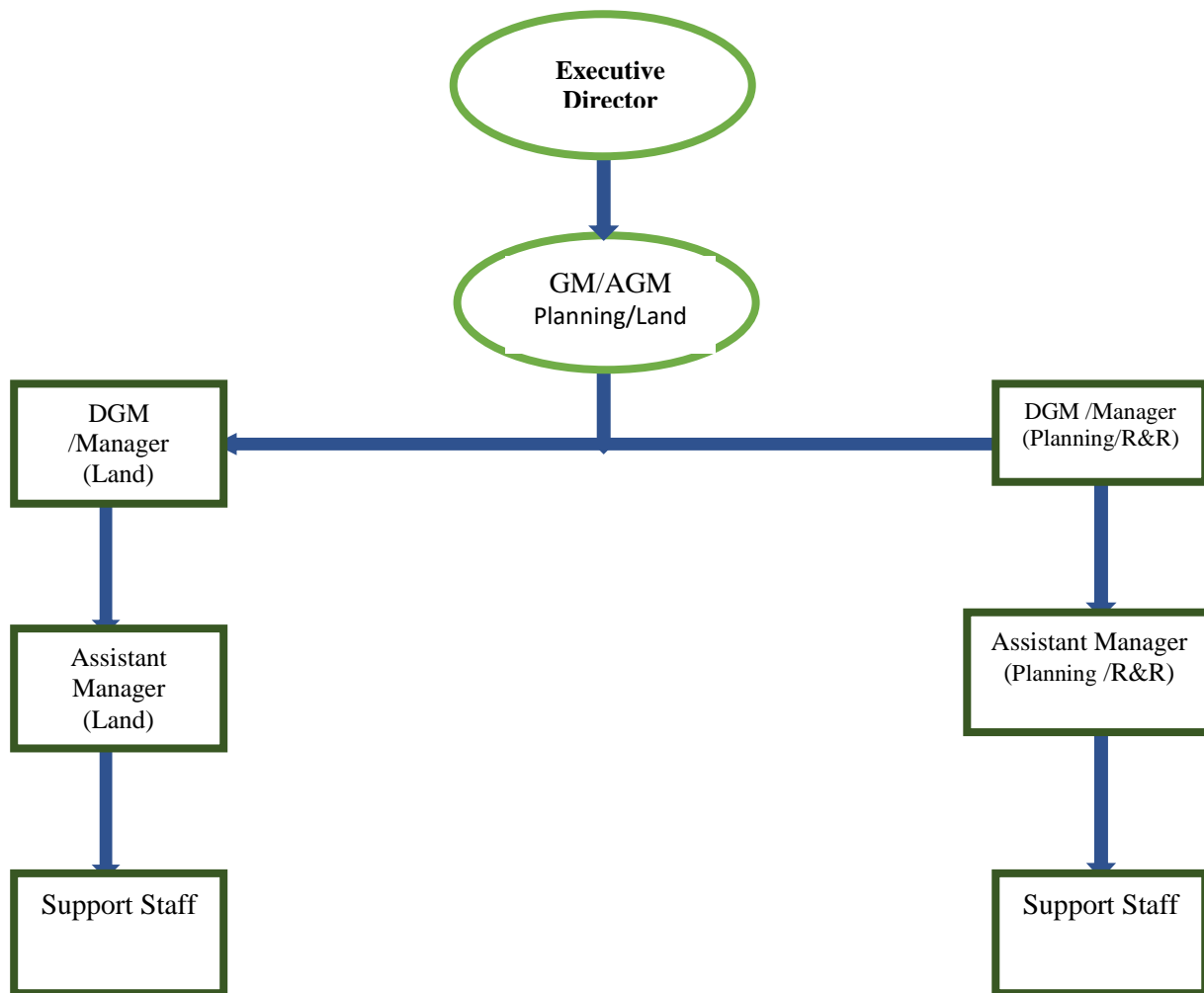
## **6. INSTITUTIONAL ARRANGEMENT**

6.1 The Social Management Unit (SMU) of PMRP will be overall in charge for land acquisition and rehabilitation and resettlement of PMRP. The responsibilities of the Unit include:

- Land acquisition and implementation of R&R activities
- Ensure availability of budget for R&R activities;
- Liaison with district administration for support for land acquisition and implementation of R&R;
- Monitor land acquisition and progress of R&R implementation;
- Develop communication strategy for disclosure of RAP;
- Liaison with district administration for government's income generation and development programmes for the PAPs;
- Organize meetings with all concern to review the progress on R&R implementation;
- To provide support for the affected persons on problems arising out of LA/ property acquisition

The organogram of LA and R&R under PMRP is given in Figure 6.1

**Fig 6.1 Organisation Structure of SMU**



**Table 6.1 RAP Implementation Team with their Responsibility**

S.No	Designation	Responsibility
1.	Executive Director	Over all responsibility for implementing LA and R&R as per RPF Review and brief MMRCL Management on progress of activities on the RR Resolve any issues that may need intervention. Address grievances on R&R issues.
2.	General Manager (Design)/AGM Planning LA&	Oversee and coordinate with RR and LA Teams on regular basis. Develop implementation plans with the teams Address Grievances on RR issues with the relevant team Resolve issues related to RR activities.

3	Deputy General Manager (Land)	Oversee and ensure land acquisition for the project. Ensure timely disbursement of compensation amounts Address grievances
4	Deputy General Manager (Planning/R&R)	Oversee and ensure implementation of R&R. Ensure timely disbursement of R&R assistance Ensure developing relocation sites and relocating PAFs as required Address grievances
5	Assistant Manager (Land)	Supports the GM, DGM and ensures acquiring the land for the project
6	Assistant Manager (Planning/R&R)	Supports the GM, DGM and implementation of R&R the project
7	Support Staff for both the Assistant Managers	Maintain records of grievances and assist the above as designed Scheduling meetings.

6.2 The SMU will be located in Pune Office of Maha Metro. Maha Metro will empanel and hire lawyers with experience on rehabilitation and resettlements required.

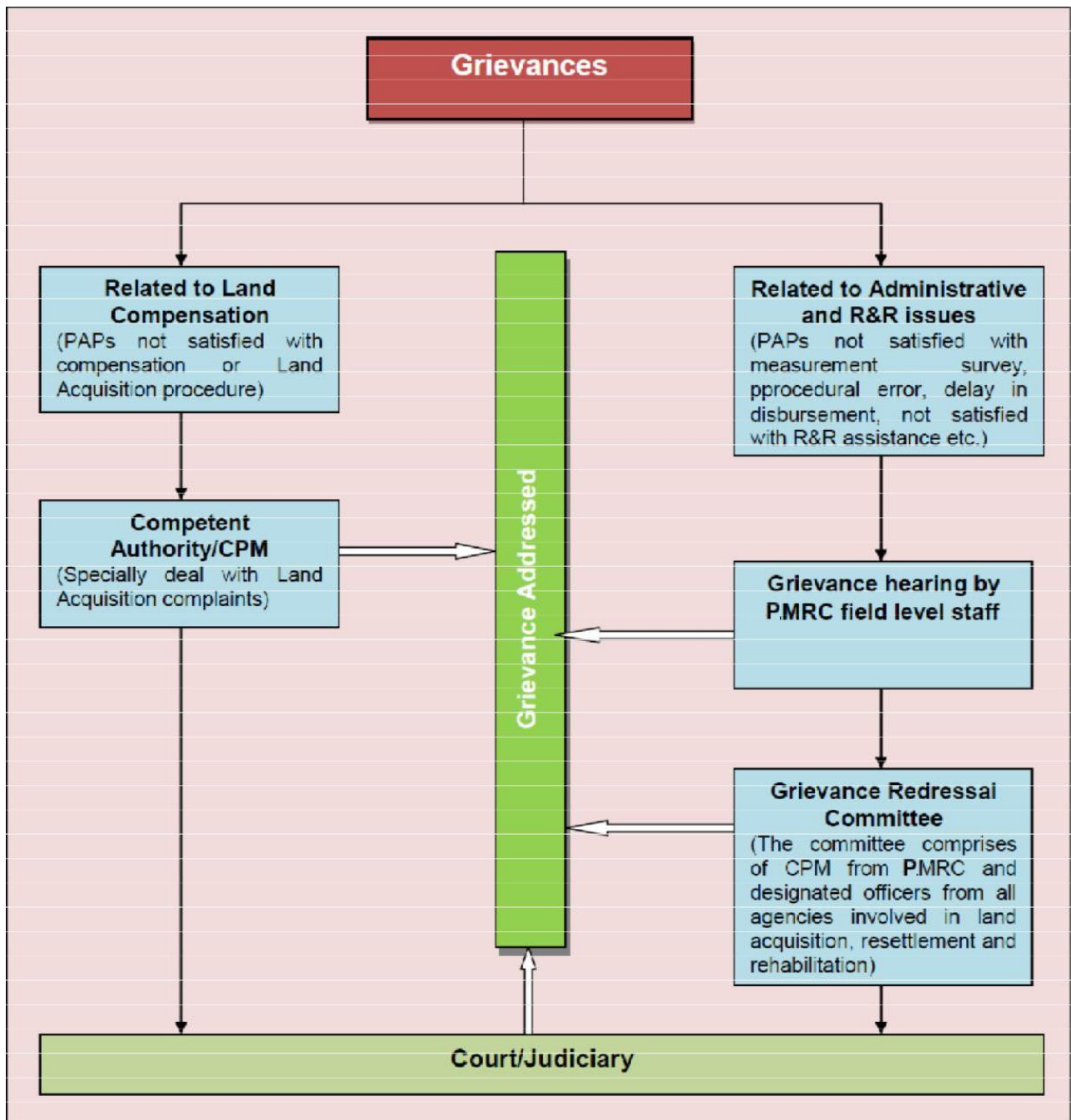
### **Grievance Redressal Mechanism**

6.3 It is possible that during the implementation of land acquisition and R&R, some PAFs may not be satisfied with the compensation/benefits offered and may have some grievances. To address this, a grievance redressal mechanism is placed to assist the PAPs resolve their queries and complaints. Grievances of PAPs will be first brought to the attention of field level staff (Asst. Engineers). Field staff will forward the received grievance to Chief Project Manager for consideration and redressal.

6.4 PMRP will maintain grievance register both at site offices and at head office. Grievances received at site offices will be sent to head office for registering in the record. Grievance that can be addressed at site level will be addressed at site level and copy of compliance will be sent to head office for record. Grievances not redressed by Additional CPM Level Officer will be brought to the Grievance Redressal Committee (GRC). The composition of the proposed GRC will have Chief Project Manager from PMRP, SMU and designated officers from Revenue Department Government of Maharashtra. The GRC will address only R&R issues both for title holders and non-title holders. Grievances related to compensation and ownership rights will be dealt in court as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 only after the project level GRM failed to resolve the issue.

6.5 When any grievance is brought to the field level staff (Asst. Engineers), it should be resolved within 30 days from the date of complaint. The GRC will meet every month (if grievances are brought to the Committee), determine the merit of each grievance, and resolve grievances within three months of receiving the complaint failing which the grievance can be referred to appropriate court of Law for redressal by the PAP. PMRP will maintain a log of grievances documenting the nature of grievance, date of submission, responsible party and date of resolution. A flow chart of grievances redressal is indicated in **Figure 6.2**

**Figure 6.2 – Grievance Redressal Mechanism**



## Training and Institutional Development

6.6 The implementation of the RAP will require capacity building and orientation of the officers in charge of land acquisition and R&R at PMRP. Therefore, it is planned that these officers will be imparted training and orientation on social safeguards and various aspects of land acquisition and R&R for effectively implementing the RAP. This training and orientation will be conducted with the help of consultants and experts. The following components will be covered in the training:

- Understanding of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Maharashtra Order related to land acquisition for the project;



- Understanding of the policy and procedure adopted under the Project including EIB and AFD;
- Understanding of the Implementation Schedule activities step-by-step;
- Understanding of the Monitoring and reporting mechanism.

## **Monitoring and Evaluation**

6.7 Monitoring & Evaluation are critical activities in involuntary resettlement. Monitoring involves periodic checking to ascertain whether activities are progressing as per schedule while evaluation is essentially to assess the performance of PAPs at the end of the project. For this purpose, a monitoring and evaluation (M&E) program is required to be developed to provide feedback to project management which will help keep the programs on schedule and make them successful. Monitoring provides both a working system for effective implementation of the RAP by the project managers, and an information channel for the PAPs to assess how their needs are being met. PMRP will be responsible for internal monitoring through their field level offices and will prepare quarterly reports on the progress of RAP implementation.

## **Internal Monitoring**

6.8 The internal monitoring for RAP implementation will be carried out by PMRP. The main objectives of internal monitoring are to:

- Measure and report progress against the RAP schedule;
- Verify that agreed entitlements are delivered in full to affected people;
- Identify any problems, issues or cases of hardship resulting from the resettlement process, and to develop appropriate corrective actions, or where problems are systemic refer them to the management team;
- Periodically measure the satisfaction of project affected people.

6.9 Field Offices will be responsible for monitoring the day-to-day resettlement activities of the project. Baseline socio-economic census and the land acquisition data provide the necessary benchmark for field level monitoring.

## **Reporting Requirements**

6.10 PMRP will be responsible for supervision and implementation of the RAP. Project authority will prepare quarterly progress reports on resettlement activities which will be shared with the funding agencies AFD/EIB.

## **Information Disclosure**

6.11 The affected families/persons will be well informed about the project and their entitlements. PMRP will prepare an information brochure in local language, and English, explaining the RAP, the entitlements and the implementation schedule. The draft of the RPF will be formally published in English language on the official website of the PMRP and hard copies will be made available in the offices of local authorities for two weeks inviting comments and suggestions from stakeholders. Subsequently, RPF & RAP will be discussed in a workshop with

relevant stakeholders including representations from revenue officials of RAP implementation team, representative of Pune Municipal Corporation and other officials. Suitable changes will be made to RPF & RAP to incorporate suggestions by the stakeholders. The final RPF & RAP after the approval by Board of Directors of PMRP will be published in English languages on the official website of PMRP.