



MUMBAI URBAN TRANSPORT PROJECTS

MUMBAI RAILWAY VIKAS CORPORATION LTD.

MUMBAI, INDIA

RESETTLEMENT POLICY FRAMEWORK (RPF)

Version 1

FOR SOCIAL IMPACT ASSESSMENT FOR MUTP-III MUTP



मुंबई रेलवे विकास कॉर्पोरेशन म.

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**ABBREVIATIONS**

AIIB	Asian Infrastructure Investment Bank
BPL	Below Poverty Line
BSR	Basic Schedule of Rates
CA	Competent Authority
CE	Chief Engineer
CMD	Chairman and Managing Director
CPM	Chief Project Manager
CPR	Common Property Resources
DP	Displaced Person
EM	Entitlement Matrix
FGD	Focus Group Discussion
GO	Governmental Order
GOM	Government of Maharashtra
GR	Government Resolution
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
Ha	Hectare
HH	Households
IPDP	Indigenous Peoples Development Plan
IPPF	Indigenous Peoples Policy Framework
KM	Kilometer
M & E	Monitoring and Evaluation
MMRDA	Mumbai Metropolitan Region Development Authority
MOR	Ministry of Railways
MRVCL	Mumbai Railway Vikas Corporation Limited
MUTP	Mumbai Urban Transport Project
NGO	Non-Government Organization
NTH	Non-Title Holder



NTLO	Non-Titled Lease Occupier
PAF	Project Affected Family
PAH	Project Affected Household
PAP	Project Affected Persons
PIU	Project Implementation Unit
R & R	Resettlement and Rehabilitation
RAP	Resettlement Action Plan
RFCTLARR	Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
RKM	Route Kilometer
ROW	Right of Way
RPF	Resettlement Policy Framework
RRO	Resettlement & Rehabilitation Officer
SC	Scheduled Caste
SDC	Social Development Cell
SIA	Social Impact Assessment
SRD	Slum Redevelopment
ST	Scheduled Tribe
TDP	Tribal Development Plan
TDR	Transfer of Development Right



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EXECUTIVE SUMMARY

1. The Mumbai Metropolitan Regional Development Authority (MMRDA) expects the population in MMR to grow by about 42 percent to 28.4 million by 2025 and by 54 percent to 30.87 million by 2036. The Mumbai suburban railway is the main transport system in the MMR, consisting of 376 route-kms and 119 stations and operates as many as 2,900 trains each day, carrying around 8 million passengers.
2. The Asian Infrastructure Investment Bank (AIIB) has agreed to loan finance of a) Quadrupling of Virar-Dahanu Corridor section of 63 Rkm on Western Railway and b) Panvel-Karjat Double line Suburban Corridor of 30 Rkm on Central Railway of the MUTP-III Project.
3. The Resettlement Policy Framework for the Project, has been developed based on National Acts, Policies and Government Orders of a) Indian Railways Act, 1989, b) Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR), c) Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra) Rules, 2014 and (Amendment) Rules, 2016, d) The State Government Resolution: MRD-3318/C.R. 06 (Part 2)/ UD-7 of the Urban Development Department dated 5th December 2018, e) The State Government Resolution: MRD-3317/S.N. 15/ UD-7 of the Urban Development Department dated 20th August 2018, f) The R&R Policy for MUTP-III, 2018 (GR: MRD-3317/Pra.Ka.15/Navi-7 dated 20th August 2018) and g) Govt. Decision No. SANKIRNA-03/2015 dated 12/05/2015.
4. The Environmental and Social Framework (ESF), February 2016 and Project Affected Peoples' Mechanism (PPM) of AIIB are applicable in the project.
5. The provisions of the Government statutes and ESF of the AIIB have been compared and the gap filling measures have been incorporated in the Entitlement Matrix.
6. The Project will undertake land acquisition by Direct Purchase through negotiations with the land owners as per Govt. of Maharashtra's Decision No. SANKIRNA-03/2015 dated 12/05/2015. In case the land owner is not satisfied by the rates through the Direct Purchase, the land will then be acquired under RFCTLARRA 2013.
7. The date of publication of the preliminary notification as per Govt. Decision No. SANKIRNA-03/2015 dated 12/05/2015 will be treated as the cut-off date for titleholders. For non-titleholders the cut-off date will be 1st January 2018 (Govt. Decision Champa-2017/Pra.Kra.23/Navi-26 dated 13th June 2018)
8. An Entitlement Matrix summarizes the possible types of losses and the corresponding nature and scope of eligibility for entitlements. The Entitlement Matrix adopted the provisions of the Direct Purchase of Land and immovable assets attached with it and



Rehabilitation and Resettlement (R&R) assistances available in RFCTLARR Act 2013, RFCTLARR (Maharashtra) Act 2013 and R&R Policy for MUTP-III.

9. Mumbai Railway Vikas Corporation (MRVC) will be the Implementing Agency, responsible for execution of the Project. MRVC will be supported in implementation activities by Mumbai Metropolitan Regional Development Authority (MMRDA) for the non-titleholder affected families (Ref. Para 5 of Government Resolution: MRD-3318/C.R. 06 (Part 2)/UD-7 dated 05.12.2018 of Urban Development Department of Govt. of Maharashtra).
10. A Rehabilitation Action Plan (RAP) will be prepared, based on this Resettlement Policy Framework. The salient features of RAP and the R&R policy shall be translated in Marathi and disclosed through the MRVC website and in prominent places of respective offices. The RAP will be prepared using the Social Impact Assessment carried out for the project.
11. The Grievance Redress Mechanism includes Grievance Redress Committee (GRC) at the field and headquarters levels for redressing grievance of people in issues related to land acquisition, resettlement and rehabilitation and other implementation issues. The affected person may approach the AIIB if not fully satisfied with the decision of the GRC. The affected person will also have the option of taking recourse to court of law if the person is not satisfied with the GRC decisions.
12. Government of Maharashtra through respective District Collector (who is the competent authority of land acquisition) will complete the land acquisition process through direct purchase method including negotiations and pay compensation to land/structure owners as per approved policy.
13. The process of direct purchase will be observed and documented through a qualified agency. The effectiveness of the RAP implementation will be monitored by the MRVC. The MRVC will have assistance of Independent third Monitors for evaluation of RAP implementation.
14. This Resettlement Policy Framework may be updated as and when changes or amendments to the applicable laws and policies are made and based on implementation experience and lessons learnt.



1 INTRODUCTION

1.1 Background

1.1.1 Mumbai Metropolitan Region (MMR), contributing about 8 percent of India's GDP, is home for about 22 million people. According to Census 2011, the density of population was 25,908 people per square kilometer area. The Mumbai Metropolitan Regional Development Authority (MMRDA) anticipates the population in MMR to grow to 28.4 million in 2025 and 30.87 million in 2036. The Mumbai suburban railway, the main lifeline of the commuters' flow from the suburban to the Central Business District (CBD) currently carries around three quarters of all passenger travel in the MMR (78 percent of passenger km). Mumbai's suburban railways consist of 376 route-kms with 119 stations in three main routes. As many as 2,900 trains operate each day carrying around 8 million passengers.

1.2 Project Description

- 1.2.1 Since 2002, the World Bank was supporting through loan assistance to improve the Mumbai suburban railway system. The Mumbai Urban Transport Project-I (MUTP-I) and Mumbai Urban Transport Project-II (MUTP-II) is being implemented through loan assistance from World Bank.
- 1.2.2 Mumbai Railway Vikas Corporation (MRVC) has planned to implement MUTP-III project in Western and Central Railway corridors. Now, the MRVC has sought loan assistance from AIIB for implementation of the following projects of MUTP-III.
- a. Quadrupling of Virar-Dahanu corridor (63 RKms)
 - b. Panvel-Karjat – Double Line Suburban corridor (30 RKm)
 - c. Mid Section Trespass Control Measure on Mumbai Suburban Section of Central and Western Railway.
- 1.2.3 The Quadrupling of Virar-Dahanu section of Western Railway will include laying of 3rd and 4th line parallel to existing 1st and 2nd lines. It is 63 Kms in length and will pass through seven intermediate stations. It will not only ease overcrowding in Suburban trains bound for Dahanu Road and back to Churchgate but also ensure hassle free journey and greater comfort to the commuters. Panvel and Karjat Double Line Suburban Corridor (30 RKm) on Central Railways is a long-standing demand of the people living in the area, which will effect faster and easy railway movement in the stretch.



1.2.4 The above project will facilitate faster and smooth movement of trains; increased connectivity with the areas of the districts through which the railway tracks will pass and the available services will be made easier and more comfortable.

1.3 Likely Impact of the project

1.3.1 The possible adverse impact of the project estimated may be:

- ❖ Loss of Land, including agricultural land/ homestead land/ land for commercial uses/ fallow lands
- ❖ Loss of Residential Properties.
- ❖ Loss of Commercial Properties.
- ❖ Loss of Residential cum Commercial Properties.
- ❖ Loss of Community land and Structures
- ❖ Loss of livelihoods, including the loss of Tenancy and loss of Employment opportunities
- ❖ Loss of religious and other community properties.

1.4 Need for Resettlement Policy Framework

1.4.1 This Resettlement Policy Framework (RPF) is prepared to mitigate possible social impact in the proposed alignments. This policy framework will be the basis for undertaking detailed Social Impact Assessment (SIA) and Resettlement Action Plan (RAP) for the proposed corridor of Virar-Dahanu and Panvel-Karjat of MUTP-III. The following sections of the RPF discusses about evaluation of impacts of proposed alignment, methodologies for conducting SIA and RAP, broad R&R principles adopted for the project and institutional arrangement for implementation of RAP.

1.4.2 Objectives of RPF

The specific objective of the Resettlement Policy Framework (RPF) are:

- ✓ To identify and finalize the eligibility and the entitlements of the various possible PAFs through the Entitlement Matrix
- ✓ To provide guidelines for preparing RAP for the project affected people for improving or at least retaining the living standards of the PAFs in the post resettlement period.
- ✓ To outline the entitlements for the affected persons for payment of compensation and assistance for establishing the livelihoods
- ✓ To provide in detail implementation arrangements including SIA, preparation of RAP, consultation, grievance redress, disbursement of compensation and resettlement and rehabilitation benefits, and monitoring and implementation,



- ✓ To set out communication mechanism to establish harmonious relationship between MRVC and Project Affected Families (PAFs)
- ✓ To provide guidelines for expeditious implementation of R&R with adequate budget

1.5 Definitions and Concepts

1.5.1 The concepts and terms used in the Resettlement Policy Framework are provided below:

- a) **Agricultural Land:** Land used in agriculture and other related activities is known as agricultural land. This includes land used in agricultural operations, dairy farming, poultry farming, pisciculture, sericulture, seed farming, breeding of live stocks, nurseries growing medicinal herbs, garden produce, grazing of cattle etc.
- b) **Assistance:** All supporting mechanisms viz monetary help, extension of services, training of staffs and assets given to PAFs constitute assistance in this project.
- c) **Commissioner:** It refers to Commissioner for Rehabilitation and Resettlement appointed under sub-section (l) of section 44 of RFCTLARR Act 2013.
- d) **Compensation:** Compensation refers to damages paid to property owners either under:
 - i. GoM order for the direct purchase Method in which compensation is determined as per Section 26-30 and Schedule 1 of ‘RFCTLARR Act 2013’ with an additional compensation of 25% over and above compensation amount determined for land;
OR
 - ii. As per provisions laid down in RFCTLARR Act 2013 for land acquisition.
- e) **Corridor of Impact (CoI):** The Corridor of Impact (CoI) is the width required for the actual construction of the rail line or other area around stations, foot over bridges for trespass location including the carriageway, shoulder, embankment, longitudinal drainage, wayside amenities like bus stops, bus shelters, etc. and necessary safety zones.
- f) **Cut-off Date¹:** For title holders, the date of notification through Form No. 1 of intended acquisition under Direct Purchase method will be treated as the cut-off date and for non-titleholders, 1st January 2018, will be the cut-off date.

¹ In case of longer alignments with possibilities of change in route alignment, project authorities may establish two cut off dates for two different sections



- g) **Daily Structure:** Any daily or seasonal commercial structure, which is erected daily within an hour and generally made of very temporary materials like, plastic, tarpaulin, bamboo etc. Daily structures are used mainly used by vegetable vendors or vendors of daily market.
- h) **Displaced Household (DH):** Any household living, cultivating land or carrying on business or trade or any other occupation within the Corridor of Impact (CoI) and are impacted by the project and displaced either physically or economically, is called a displaced household.
- i) **Displaced Person (DP):** Any individual or part of the displaced household living, cultivating land or carrying on business, trade or any other occupation within the Corridor of Impact (CoI) who have been impacted by the project and displaced either physically or economically, is called a displaced person (DP)
- j) **Encroacher:** Any person illegally occupying public property by extending their land boundary or a portion of their building onto the existing government land or RoW is an encroacher.
- k) **Entitled Person (EP):** Entitled Person includes all those who qualify for, or are entitled to, compensation/ assistance since being impacted by the project.
- l) **Household** means family, as defined in RFCTLARRA 2013.
- m) **Kiosk:** Kiosk is a small, separated garden pavilion or small booths open on some or all sides offering goods and services.
- n) **Land Owner:** Land Owners are as per recorded in revenue records, or Land occupiers with claims/ rights recognized under State/ Central laws, including who is entitled to granted Patta rights on the land under any laws of the State including assigned Land
- o) **Marginal Farmer:** A cultivator with an un-irrigated land holding up to one hectare or irrigated land holding up to one-half hectare is known as marginal farmer.;
- p) **Non-Perennial Crop:** Plants that have grown naturally or through cultivation do not last for more than two growing seasons is known as non-perennial crop. Examples: paddy, sugarcane, groundnut, etc.
- q) **Non-Titled Lease Occupier:** The Family/ Household, who are occupying the affected structure with some financial or non-financial lease arrangements with the land owner, but the arrangements are not documented properly or legally.
- r) **Patta:** Patta is a land revenue record which establishes the title/ ownership of land. The Patta Register is maintained at Taluka office and contains ownership details of all Land holdings.



- s) **Perennial Crop:** Any plant species that live for years and yields its products after a certain age of maturity is known as perennial crop. Generally, trees, either grown naturally or horticulturally and yield fruits or timber are considered as perennial crops. in the project. For example, tamarind, coconut, mango, teak, neem etc. are perennial crops.
- t) **Persons losing their Livelihood:** Individual members of affected households who are at least 18 years of age and have been impacted by loss of primary occupation or source of income is known as ‘Person Losing their Livelihood’².
- u) **Private Property Owners:** Private property owners are persons who have legal title to structures, land or other assets other than Government structures, land or other assets. The property owners are entitled to compensation under: i) Direct Purchase as per the relevant Government Resolutions or ii) RFCTLARR Act 2013.
- v) **Project Affected Family:** 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.
- w) **Project Affected Person:** Project Affected Person includes households, business units including their worker and owners of assets like land and buildings affected by MUTP shall be considered as PAPs and may include; non-resident land owners (including farmers and horticulturist); non-resident lessees; resident landlords (including farmers and horticulturist); resident lesserresident lessees, tenants or sub-tenants of buildings; squatters (non-resident structure owners, resident structure owners, tenants); pavement dwellers. Household for this purpose means all the males/females, their family members and relatives staying in a house/tenements/hut.
- Replacement Cost:** Replacement cost is the amount of money to be required by an affected person to replace the existing asset with an equally valued or similar asset at the current market price. It includes the transaction costs and taxes, if any.
- x) **Resettlement Area** refers to an area where the affected families who have been displaced from their place of living because of land acquisition are relocated by the appropriate authority.

² The All India Poverty Level (Per capita per month) is Rs. 356.30 in Rural area and Rs. 538.60 in Urban area.



- y) **Residual Land:** Residual land can be defined as the remaining portion of a land parcel left with the owner after the involuntary acquisition of land by the project authority.
- z) **Severance of Land:** Severance of land can be defined as division of a land parcel into two or more pieces. Each severed parcel of land becomes a separate plot with new owners. Severance of Land can take place due to acquisition of land for laying new project alignments, such as bypass or re-alignment of roads or railway tracks
- aa) **Squatter:** A person who unlawfully occupies an uninhabited building or unused land is called a squatter. The person may occupy the parcel of land or built-up structure for residential or business purposes. The families, who have built their own structures on the land of the landlords with some financial arrangements, which are not properly documented or legalized, are also considered as squatters.
- bb) **Tenant:** A tenant is someone who pays rent for the place where they reside in in, or for land or buildings that they use. The family residing/ occupying in the structures with some financial arrangements with the landlords, which may not be properly documented or legalized, are also considered as tenants.
- cc) **Wheeler Vendor:** A Vendor operating in a cart like structure on three or more wheels. Wheelers are used mainly by mobile hawkers.
- dd) **Women Headed Household (WHH):** A household that is headed by a woman is called a Woman Headed Household. The aforesaid woman may be a spinster or a widow or separated or deserted by her husband.
- ee) **Vulnerable Group/ Persons:** Vulnerable group/ persons are those with challenges that make them at higher risk of falling into poverty compared to others in the projects area. The Vulnerable Group/ Persons the following categories: (i) PAFs falling under 'Below Poverty Line' (BPL) category; (ii) persons who belong to Scheduled Castes (SC) and Scheduled Tribes (ST); (iii) Women Headed Households; (iv) Elderly people living alone; and (v) Physically and mentally challenged / disabled people.

1.6 Process for preparation of SIA and RAP

- 1.6.1 The detailed Social Impact Assessment (SIA) will be prepared based on complete enumeration of Project Affected Families (PAFs) and socio-economic data/information of impacted PAFs generated through sample surveys. The SIA of the PAFs will be taken up for each sub-project so as to determine the magnitude of displacement and potential losses, and identify vulnerable groups. The Resettlement Action Plan (RAP) will be prepared on the findings of the SIA and the guidelines of the RPF by



ascertaining cost of resettlement and formulate a resettlement and rehabilitation plan for implementation.

- 1.6.2 **Screening of sub-Projects:** All the sub-projects will have to be screened for identification of social impacts. Possible suitable modifications to the design/ alignment cross section/ detours, will be taken in to consideration to minimize adverse social impacts.
- 1.6.3 **Census Survey:** The census survey will be carried out by using a structured questionnaire. The purpose is to record the details of the occupants within the Corridor of Impact (CoI) and the area required for proposed improvements.
- 1.6.4 **Socio Economic Survey:** The sample socio-economic survey will be conducted on representative project affected sample households having a sample size of 25% of the affected households listed during census survey. The socio-economic survey is targeted to provide baseline socio-economic data, which is the pre-project status of the living standards of the project affected people. The socio-economic survey will be carried out using a structured questionnaire for collection of information on various parameters viz., standard of living of the project affected people, inventory of assets, sources of income, level of indebtedness, health and sanitation, access to services and facilities, perceived benefits and impacts of the project and resettlement preferences for households likely to be displaced. The above information along with the census survey data will facilitate the preparation of a RAP to mitigate the adverse impact of the project.
- 1.6.5 **Consultations and Focus Group Discussions (FGDs):** During socio-economic survey, public consultations and FGDs will be held regularly at various locations. The consultations and FGD will involve those impacted by the project and relevant stakeholders. Based on the outcome of the above consultations' changes in project designs, and mitigation measures will be incorporated. Separate meetings for women will be conducted, if found necessary.
- 1.6.6 **Land Plan Schedule:** The right-of-way (RoW) will be finalized based on revenue maps and Joint Measurement Surveys (JMS) with the revenue officials, on the basis for detailed design. Wherever possible the proposed RoW will be restricted to available RoW. This will minimize land acquisition and resettlement impacts. The Land Plan Schedule presents details of the land parcels to be acquired for the project and the same will be used for issuing notifications as per Govt. Decision No. SANKIRNA-03/2015 dated 12/05/2015 by District Administration.



1.6.7 **Resettlement Action Plan (RAP):** The RAP will be prepared based on the findings of the Land plan schedules, census/socio-economic survey report and the findings of public consultations. The RAP will also include entitlements for different types of impacts institutional mechanisms, implementation schedules, budgets, assessment of feasibility of income restoration mechanisms, development of resettlement sites and relocation, grievance redress mechanism, coordination of implementation in conjunction with civil works procurement and construction schedules and internal and external monitoring mechanisms. The RAP will comply with the principles outlined in this RPF adopted for the project.

1.6.8 **Resettlement Action Plan**

- a) This Resettlement Action Plan will be prepared on the Social Impact Assessment (SIA) and guided by the Resettlement Policy Framework.
- b) The Resettlement Action Plan may have the following chapters:
 - i. Introduction
 - ii. Identification of project impacts and affected populations
 - iii. Entitlement Matrix of resettlement assistance and restoration of livelihood activities
 - iv. Detailed Resettlement budget
 - v. Implementation schedule & Organizational responsibilities
 - vi. Public consultation, participation, and development planning
 - vii. Provisions for redress of grievances
 - viii. Monitoring, evaluation, and reporting



2 LEGAL FRAMEWORK

2.1 Applicable Laws

- 2.1.1 Mumbai Railway Vikas Corporation, the executing Agency, is a Public-Sector Undertaking of Government of India under the Ministry of Railways and hence, The Railways (Amendment) Act, 2008 may be applicable in the project.
- 2.1.2 The project being implemented post 2015, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR) of Govt. of India, which came into effect from January 2015, is applicable in this project.
- 2.1.3 Since project is in the state of Maharashtra and the RFCTLARR (Maharashtra) Rules 2014 and Amendment Rules 2016 along with the following State Government Notifications, Decisions and Resolutions are applicable and considered in the RPF:
- a) The State Government Resolution: MRD-3318/C.R. 06 (Part 2)/ UD-7 of the Urban Development Department dated 5th December 2018
 - b) The State Government Resolution: MRD-3317/S.N. 15/ UD-7 of the Urban Development Department dated 20th August 2018
 - c) The R&R Policy for MUTP-III, 2018 (GR: MRD-3317/Pra.Ka.15/Navi-7 dated 20th August 2018).
 - d) Government Decisions No. SANKIRNA-03/2015/Para. Kra.34/A-2/dated 12th May 2015 and SANKIRNA-03/2015/Para. Kra.34/A-2/dated 30th Sep. 2015 of Revenue & Forest Department, Govt. of Maharashtra – Regarding Acquisition of Private Land for Irrigation and other projects by negotiation through direct purchase method.
- 2.1.4 The Asian Infrastructure Investment Bank (AIIB) is funding the proposed corridors of Virar-Dahanu and Panvel-Karjat of MUTP-III, hence the Environmental and Social Framework (ESF), February 2016 and Project Affected Peoples' Mechanism (PPM) Policy of AIIB are also applicable.
- 2.1.5 The other acts and policies, which may be relevant are:
- a) Minimum Wages Act, 1948
 - b) Contract Labour Act, 1970
 - c) The Bonded Labour System (Abolition) Act, 1976
 - d) Child Labour (Prohibition and Regulation) Act 1996 along with Rules, 1988



- e) Children (Pledging of Labour) Act, 1933 (as amended in 2002)
- f) The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- g) The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996
- h) Untouchability Offences Act, 1955
- i) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
- j) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995
- k) Right to Information Act, 2005
- l) Forest Rights Act, 2006

2.2 National Acts and Policies³

2.2.1 Railways (Amendment) Act, 2008

- a) The Railways Act, 1989, which combines and amends the law relating to Railways, was further amended in 2008. This Act is called The Railways (Amendment) Act, 2008 (RAA 2008). The RAA 2008 has been prepared for execution of a special railway project, notified as such by the Central Government from time to time, to provide national infrastructure for a public purpose in a specified time-frame, covering one or more states or Union territories.
- b) The RAA 2008 may not be applicable for MUTP-III. But, if the MUTP-III project is declared as special railway project by respective authority, then the RAA 2008 will be applicable in MUTP-III.
- c) The main elements of the RAA 2008 act are provided in the **Table 2.1**

Table 2.1: Main elements of the Railways (Amendment) Act 2008

Sections		Descriptions
20A	Power to acquire land	Declaration of intention to acquire land required for execution of a special railway project. This is the first

³ Brief of these acts and policies are given in this Section. Please refer original documents of these policies for more details. If, there is any discrepancies in details given herein under and original document, content in original document will prevail.



Sections		Descriptions
		notification and empowers the competent authority to trigger the substance of the notification
20D	Hearing of objections etc.	Objections are to be made by the interested persons within 30 days from the date of publication of the notification under sub-section (1) of section 20A.
20E	Declaration of acquisition	After the publication of the declaration under sub-section (1), the land shall vest absolutely with the Central Government free from all encumbrances.
20F	Determination of amount payable as compensation	Amount to be paid as compensation shall be declared by an order of the competent authority. The competent authority shall make an award under this section within a period of one year from the date of publication of the declaration.
20F (6)	Arbitrations	If the amount determined is not acceptable to either of the parties, they can ask for arbitration and an arbitrator shall be appointed for this purpose.
20G	Criterion for determination of market value of land	(i) The minimum land value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds in the area, where the land is situated; or (ii) the average of the sale price for similar type of land situated in the village or vicinity, ascertained from not less than 50% of the sale deeds registered during three years, where higher price has been paid, whichever is higher
20I	Power to take possession	To surrender or deliver possession thereof to the competent authority or any person duly authorized by it in this behalf within a period of 60 days of the service of the notice
20N	Land Acquisition Act 1 of 1894 not to apply	Nothing in the LA Act, 1894 shall apply to an acquisition under this Act.
20O	Application of the National Rehabilitation and resettlement Policy (NRRP), to persons affected due to land acquisition	The Provisions of the NRRP, 2007 for the project affected families, notified by the Government of India in the Ministry of Rural Development vide number F.26011/4/2007-LRD, dated 31st October, 2007



2.2.2 RFCTLARR Act 2013

- a) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 provides for land acquisition as well as rehabilitation and resettlement. It replaces the Land Acquisition Act, 1894 and National Rehabilitation and Resettlement Policy, 2007 and the effective date is 1st January 2014.
- b) The RFCTLARR Act 2013 has four schedules for minimum applicable norms for compensation based on market value, multiplier and solatium; resettlement and rehabilitation (R&R) entitlements to land owners and livelihood losers; and facilities at resettlement sites for displaced persons, besides providing flexibility to states and implementing agencies to provide higher norms for compensation and R&R. It also 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 centers. The aims and objectives of the Act are as follows:
 - i. To ensure, gentle, participative, informed and transparent process for land acquisition.
 - ii. Provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or already affected by such acquisition.
 - iii. Make adequate provisions for affected persons for their rehabilitation and resettlement.
 - iv. Ensure that outcome of obligatory acquisition should be such that the affected persons become partners in development activities, which would lead to an improvement in their post-acquisition social and economic status.

2.3 State Acts, Policies and Government Orders

2.3.1 RFCTLARR (Maharashtra) Act 2013

The Revenue and Forest Department of the Maharashtra through Notification No. LQN. 12/2013/C.R. 190/A-2 dated 27th August 2014 on the RFCTLARR Act 2013, and notified the following:

- a) The market value of land to be followed in the State of Maharashtra.
- b) The Multiplication factor to be followed.
- c) Components of the Rehabilitation and Resettlement components.
- d) Increment of 5% per annum on the unit amount of Assistance provided in the RFCTLARR Act 2013



2.3.2 Government Resolution: MRD-3318/C.R. 06 (Part 2)/UD-7 dated 5th Dec 2018

The Urban Development Department of the Government of Maharashtra through Government Resolution No. MRD-3318/CR 06 (Part-2)/UD-7 dated 5th December 2018 issued the decision taken by the Govt. of Maharashtra on the projects under MUTP 3 and MUTP 3A, and decided the following particularly in connection with R&R policy:

- a) The rehabilitation policy for the project affected people as per Government Resolution No. Project-1700/CR-31/Slum-2 dated 12th Dec 2000 (प्रकल्प-१७००/सी आर-३१/स्लम-२ दिनांक १२-१२-२०००) issued for rehabilitation of MUTP-I and MUTP-II, is applicable for R&R of PAPs of MUTP 3 & MUTP 3A projects.
- b) Mumbai Metropolitan Region Development Authority (MMRDA) will rehabilitate the project affected people of MUTP 3.
- c) For R&R of PAPs under MUTP 3, if the premises are not available in MMRDA's jurisdiction, then it is allowed to pay the lump sum amount to PAPs (encroachers) as per guidelines of UDD GR No. CMP-2017/CR-23/UD-26 dated 13th June 2018.
- d) MUTP rehabilitation policy will be applicable for private land PAPs under MUTP 3 and MUTP3A.

2.3.3 R&R Policy for MUTP-III, 2018 (Government Resolution: MRD-3317/S.N. 15/UD-7 dated 20th Aug 2018)

The Urban Development Department of the Government of Maharashtra issued order that rehabilitation of Project Affected Persons under MUTP 3 will be done by Mumbai Metropolitan Region Development Authority vide Government Resolution No. MRD-3317/SN 15/UD-7 dated 20th August 2018 and decided the following:

- a) Government Policy for taking possession of encroached Government land required for MUTP-III project by making onetime payment of cost of construction to PAPs issued vide Government Resolution of Urban Development Department of Government of Maharashtra no. Champa-2017/Pra.Kra.23/Navi-26 dated 13th June 2018 (महाराष्ट्र शासन नगर विकास विभाग शासन निर्णय क्रमांक चंमपा-२०१७/प्र.क्र.२३/न.वि.-२६ दिनांक १३ जून २०१८), is applicable for rehabilitation of PAPs whole project area of MUTP-III. It further states all terms and conditions under Para A and General conditions of Urban Development Department of Government of Maharashtra GR no. Champa-2017/Pra.Kra.23/Navi-26 dated 13th June 2018 are applicable for rehabilitation of PAPs of MUTP-III.
- b) Salient features of GR No. चंमपा-२०१७/प्र.क्र.२३/न.वि.-२६ दिनांक १३ जून २०१८ of Urban Development Department of Government of Maharashtra: -



- The government land required for Central and State Government vital projects in urban area if encroached upon, encroachers are entitled for protection, while displacing them following guidelines are to be followed by concern agencies:
- In Municipal Corporation Area, the person encroached on the Government land otherwise who are eligible for regularized should be given flat of 269 sq. Ft. area free of cost in corporation area. In case of non-availability of free of cost house, such eligible encroachers should be compensated by the house price in cash as per the prevailing annual ready reckoner rate.
- In Municipal Council/ Nagar Panchayat Area, the eligible encroacher on the Government land, should be provided flat of 300 sq. Ft. area free of cost within the boundaries of Corporation/ Nagar Panchayat or within 5 kms of the boundaries of Corporation/ Nagar Panchayat. In case of non-availability of free of cost flat/house, such encroachers should be compensated in cash by the current price of the house as per the prevailing annual ready reckoner rate.
- If encroacher of their encroachment is not entitling for regularization as per rule in that case, no compensation to be paid.
- The family holding separate ration card on 1st Jan 2018 or before that, should be deemed as separate family.
- In case, if more than one family are living in one hutment on 1st Jan 2018 or before, and they are holding separate ration card, then every such family should be treated as eligible for house/ land/ construction expense or cash compensation.

2.3.4 Maharashtra Government Decision on Direct Purchase

2.3.4.1 The Government Decision No. SANKIRNA-03/2015/Para. Kra. 34/A-2 dated 12th May 2015, Revenue & Forest Department, Govt. of Maharashtra.

Generally, for a different project, the private land required, is acquired as per the prevailing Land Acquisition Act by concerned Land Acquiring Institution. However, if the land required by Land Acquiring Institution is acquired by direct purchase method instead of acquiring as per Land Acquisition Act which is not prohibited through direct purchase method it shall be done considering following directive principles:

- a) Directive Principle – Land required for new projects other than irrigation project. While acquiring land through direct purchase method, land shall be acquired for the entire project.



- b) District level committee for deciding compensation – A committee shall be constituted under the Chairmanship of Collector to decide the rate of land being acquired through direct purchase method. The committee shall comprise the following:
1. District Collector – Chairman
 2. Superintending Engineer Irrigation – Member
 3. Superintending Engineer PWD – Member
 4. District Government Pleader – Member
 5. Assistant Director of Town Planning – Member
 6. Competent Authority of acquiring body – Member
 7. Concerned Deputy Collector (Land Acquisition) – Member
- (i) In addition to this as per requirement for exercising valuation of trees/ fruit trees/ forest trees/ standing crops, construction & other amenities, competent person or specialist of the related subject from Agriculture, Forest, Gardening etc. shall be included as invitee member.
- (ii) Above mentioned committee, before deciding the compensation of land, will verify the valuation of land as per land acquisition act in force, documentation regarding the original owner of land & legal search report of land through Govt. Pleader.
- c) Procedure for deciding compensation – For projects while acquiring the land through direct purchase method, the amount of compensation shall be calculated as per the provision of Article No. 26 to 30 of Land Acquisition Act 2013 & Schedule I, including other related features, then 25% should be added to the above-calculated compensation.
- d) Options to farmers while accepting the compensation – Following two options shall be offered to farmers while acquiring the land through direct purchase method for a project.
- 1) Paying complete compensation as calculated vide (c) above at one time.
 - 2) (a) while purchasing land/ taking over land 50% amount will be paid at the first stage out of whole compensation.
(b) Remaining 50% amount will be paid as annuity.

2.3.4.2 The Government Decision No. SANKIRNA-03/2015/Para. Kra. 34/A-2 dated 30th Sept. 2015, Revenue & Forest Department, Govt. of Maharashtra

The Govt. Decision No. SANKIRNA-03/2015/Para. Kra. 34/A-2 dated 12 May 2015 was amended on 30th September 2015 in view of difficulties faced in processing the land acquisition of private land for irrigation and other projects.



- a) Directive Principles: Sr. No. 2 was amended “which are related to irrigation projects covering both new projects as well as incomplete projects”.
- b) District level committee for deciding compensation:
In Sr. No. (i) for invitee member – Districts where Superintending Engineer Post of Irrigation/ PWD Dept. is not available, the concerned Chief Engineer shall authorize the Superintending Engineer of adjacent district.
In Sr. No. (ii) “Advocates on a panel of Acquiring Institution” has been added after through Govt. Pleader.
- c) Procedure for deciding compensation – “For Project ... then 25% should be added on the above-calculated compensation” thereafter “while considering market value as per Land Acquisition Act article 26(1), the average of sale deeds for preceding 3 years shall be taken. In the column of purchase and Index-2 shall reflect all the components considered for deciding the compensation package independently (market rate, amount as per notified multiplying factor, compensation against assets connected with the land, solatium, 25% additional compensation due to consent for Direct Purchase Method etc.). While deciding the market value for further purchases the amount of market value included in the compensation package as per Land Acquisition Act 2013 shall only be considered, other components (Amount as per notified multiplying factor, compensation against assets connected with the land, solatium, 25% additional compensation on land valuation due to consent for Direct Purchase) shall not be considered.

2.4 Policies of the Asian Infrastructure Investment Bank (AIIB)

2.4.1 Environmental and Social Framework (ESF), February 2016

- a) The objectives of the Environmental and Social Framework of AIIB (February 2016)⁴ is to ensure the environmental and social soundness and sustainability of Projects and to support the integration of environmental and social considerations into the Project decision-making process and implementation
 - i. Provide a mechanism for addressing environmental and social risks and impacts in Project identification, preparation and implementation;
 - ii. Provide a framework for public consultation and disclosure of environmental and social information in relation to Projects;

⁴ It is available on AIIB web site (www.aiib.org) .



- iii. Improve development effectiveness and impact to increase results on the ground, both short and long term.
- b) The salient features of the AIIB Policy for the preparation of resettlement plan and policy framework are provided in brief:
 - i. Social Screening: The Social Screening of the proposed project to determine the nature and level of the required social review, type of information disclosure and stakeholder engagement and also for project categorisation in terms of possible social risks and impacts.
 - ii. Categorisation: The proposed project will be categorized on the possible highest social risk, including direct, indirect, cumulative and induced impact, as relevant, in the project area. The project will also fall in this category if the impacts may affect an area larger than the sites or facilities subject to physical works and may be temporary or permanent in nature. The project may be categorized as: i) Category A, if it is likely to have significant adverse impacts that are irreversible, cumulative, diverse or unprecedented. ii) Category B, if it has limited number of potentially adverse impact limited to the project area, few of them are irreversible or cumulative. iii) Category C, if there are minimal or no adverse impacts. iv) Category FI, if the project financing structure involves the provision of funds to or through a financial intermediary (FI) for the project.
 - iii. Due Diligence: The Due Diligence requires the Appraisal, Review process, Application of the policies, guidance to the client, Change of scope of the project and adaptive management process of the project.
 - iv. Assessment: Assessment of the project in terms of risks and impacts and design appropriate measures to avoid, minimize, mitigate, offset or compensate the adverse impacts. As required for a category “A” project, SIA (Social Impact Assessment) and EIA (Environment Impact Assessment) will be conducted in accordance to the Environmental and Social Standards of the ESF.
 - v. Involuntary Resettlement: The Screening will determine for any Involuntary Resettlement both physical and economic displacement. The involuntary resettlement should be avoided, and if it is not feasible to avoid involuntary resettlement, it has to ensure that the resettlement activities are conceived and executed as sustainable development programmes providing sufficient resources to enable the displaced persons to share in project benefits.
 - vi. Resettlement Action Plan (RAP) or Resettlement Planning Framework (RPF): If the project involves involuntary resettlement, the project proponent has to prepare



a RAP or RPF, subject to the extent and degree of the impacts. The degree of impacts is determined by the physical and economic displacement and vulnerability of the affected people. The RAP or RPF will cover of social risks and impacts and provides specialized guidance to address the specific issues associated with involuntary resettlement, including land acquisition, changes in land use rights, displacement and need for livelihood restoration.

- vii. Non-titled affected persons: AIIB requires the Client to ensure that displaced persons without title to land or any recognizable legal rights to land, are eligible for and receive, resettlement assistance and compensation for loss of non-land assets, in accordance with cut-off dates established in the resettlement plan, and that they are included in the resettlement consultation process.
- viii. Indigenous Peoples: AIIB seeks the technical judgement of qualified social scientists for project impacts on indigenous peoples, on customary use or rights of use and access to land and natural resources, socioeconomic status, cultural and communal integrity and heritage, health, education, livelihood systems and social security status and indigenous knowledge and vulnerability of affected indigenous Peoples. If the project would have impacts on Indigenous Peoples, an Indigenous Peoples Plan (IPP) or Indigenous Peoples Policy Framework (IPPF) have to be prepared on the coverage of social risks and impacts on the indigenous peoples and provides specialized guidance to address specific issues associated with the need of the affected Indigenous Peoples.
- ix. Documentation and Instruments: The appropriate documentation and instruments are required subject to the categorization of the project.
- x. Social Management Plan or Social Management Framework to develop the measures to manage and mitigate of the adverse impacts and reflect them, may also be required.
- xi. Information Disclosure: The relevant information about social risks and impacts of the Project have to made available in the Project area in a timely and accessible manner, and in form and language(s) understandable to the project affected people, other stakeholders and the general public, so they can provide meaningful inputs into the design and implementation of the project.
- xii. Consultation: Meaningful consultations with the stakeholders during the Project's preparation and implementation phases, have to be held, which will cover Project design, mitigation and monitoring measures, sharing development benefits and opportunities and implementation issues of the project.



- xiii. Monitoring and Reporting: The project will have complimentary but distinct monitoring responsibilities. The extent of monitoring activities, including their scope and periodicity, is proportional to the Projects risk and impact.
 - xiv. Grievance Redress Mechanism: A suitable grievance mechanism, may include formal or informal existing mechanism, will be designed to address affected peoples' concerns and complaints promptly, using an understandable and transparent process that is gender-sensitive, culturally appropriate and readily accessible to all affected people.
- c) Project Affected Peoples' Mechanism (PPM) of AIIB: The policy allows aggrieved PAPs to approach the Bank provided their grievances are not satisfactorily redressed by the GRM. The GRM will set up grassroots level GRCs comprising of local stakeholders. The GRCs will proactively disseminate the roles and responsibilities of the accountability mechanism to the common public.

2.5 Principles of RPF

The Resettlement Policy Framework is prepared with the following Principles:

- ✓ To avoid and minimize adverse social impacts/risks due to sub projects.
- ✓ To ensure that adverse social impacts/risks are well-mitigated to achieve applicable social objectives.
- ✓ To ensure that project-affected persons benefitted/ compensated from the proposed projects to the extent possible, and that they are consulted about the project throughout the life of a project.
- ✓ To comply with applicable Central, State laws and regulations, compensation, relocation and resettlement.
- ✓ To provide guidance to its own staff in preparing projects for appraisal at MRVC and in conducting subsequent monitoring, reporting, and in undertaking corrective actions and
- ✓ To develop and exercise mechanisms for effective supervision during implementation.

This RPF has been prepared as part of MRVC's commitment to comply with the GoI and GoM's policies, law and regulations, as well as to follow the policies of the Asian Infrastructure Investment Bank (AIIB).



2.6 Comparison of Government Statutes and AIIB Policy

A comparison between Government Statutes and AIIB policy has been attempted. The gap-filling measures provided in the entitlement matrix are summarized below in **Table 2.2.**:

Table 2.2: Comparison between AIIB Policy, MUTP R&R Policy and RFCTLARR Act 2013

Sl.	Aspect	AIIB Social Policy Requirement	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	MUTP R&R Policy	Remarks
1	Existence of Policy Framework	AIIB prescribes elaborate Social Policy and Standards for Social Assessment and Management, Involuntary Resettlement and Indigenous Peoples	The Govt. of India has passed RTFCTLARR Act, 2013 prescribing procedures, institutional arrangements, eligibility and entitlement framework and Government's obligations in acquisition of private land and R&R of affected people in a fair and transparent manner. The Act also makes special provisions related to consent and entitlements for Scheduled areas and Schedules Tribes. Further, the Govt. of Maharashtra has notified rules and orders on certain aspects of the Act.	The Govt. of Maharashtra formulated and approved the R&R Policy for World Bank assisted Mumbai Urban Transport Project (MUTP), which primarily prescribes the eligibility and entitlement framework for acquisition of land and rehabilitation and resettlement of all categories of Project Affected Persons, including non-titleholders, grievance redress mechanism etc. and this policy is made applicable to MUTP-III.	Legal and policy framework exists for dealing with the social safeguard issues of the project.



Sl.	Aspect	AIB Social Policy Requirement	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	MUTP R&R Policy	Remarks
2	Project Screening and Categorization	Screening of proposed project using potential social risks and impacts to determine the nature and level of required social review, type of information disclosure and stakeholder engagement. Projects categorized as A, B, C and FI based on potential social risks and impacts	There is no provision for screening and categorization for deciding depth of social assessment. However, provision exists {Clause 7 (5)} for post SIA appraisal of SIA Report by Expert Group to ensure public purpose and that potential benefits outweigh the social costs and adverse social impacts.	There is no provision for screening and categorization for deciding depth of social assessment.	Social screening is conducted at the concept stage while assessing feasibility of the project. Further, policies of funding agencies are also to be considered.
3	Assessment of Alternatives	Assessment of alternatives under Social Standard 1: Social Assessment and Management. Examination to avoid or minimize social impacts.	The SIA is expected {Clauses 4 (4) & 8 (2)} to ascertain that land to be acquired is absolute bare minimum and Govt. to ensure minimum displacement of people and minimum adverse impact on affected individuals.	The Policy incorporates the objective of minimization of resettlement by exploring all viable alternative project designs.	The Reports are prepared based on best practices including evaluation of various alternatives against the criteria of technical and financial feasibility as well as avoidance or minimization of social impacts. Chosen option is further fine tuned to avoid



Sl.	Aspect	AIB Social Policy Requirement	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	MUTP R&R Policy	Remarks
					or minimize social impacts.
4	Conduct Social Assessment	Client to conduct social assessment relating to the risks and impacts, and design appropriate measures to avoid, minimize, mitigate, offset or compensate for them.	It is obligatory for the Government if it intends to acquire land for a public purpose to carry out a SIA study in consultation with concerned local Govt., at village level or ward level in the affected area {Clause 4 (1)}, which also involves public hearing, publication and appraisal.	A Baseline Socio-Economic Survey (BSES) is to be carried out covering all impacts and PAPs.	Preparation of detailed SIA (including census survey of all affected population and physical assets) for all large and externally aided projects is undertaken in line with the objectives of social safeguard policies with a view to best manage the social risks, if any, by assigning resources for the same.
5	Preparation of Social Management Plan	Client to prepare SMP consisting of measures to manage and mitigate adverse impacts in effective and timely manner and also describing the means (budget, schedule and institutional arrangements) for meeting the	The Administrator for R&R is required to prepare Rehabilitation and Resettlement Scheme covering details of impacts and R&R entitlements for affected people (Clause 16).	A Resettlement Action Plan, consisting of various aspects, is to be prepared with active participation of eligible PAPs.	Resettlement Implementation / Action Plans consisting of budget, schedule, institutional arrangements, monitoring and evaluation framework is developed, implemented and monitored. MMRDA has been directed to



Sl.	Aspect	AIB Social Policy Requirement	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	MUTP R&R Policy	Remarks
		requirements and monitoring of the SMP			rehabilitate the project affected persons.
6	Information Disclosure	Client to ensure that relevant information about social risks and impacts (including SMP) is made available in the project area in a timely and accessible manner, and in a form and language understandable to the PAPs, other stakeholders and general public.	The Act envisages disclosure of information in an appropriate manner at various stages during the entire process of LA & RR. The approved Rehabilitation and Resettlement Scheme is required to be made available in the local language to the local Govt. and in the offices of the District Collector, the Sub-Divisional Magistrate and the <i>Tehsil</i> , and is also required to be published in the affected areas and uploaded on the website of the Government (Clause 18).	Draft RAP is to be shared with the PAPs, NGOs, CBOs and general public in the area through community meetings and other appropriate media. The views of PAPs are to be taken into account in finalizing the RAP In addition, general dissemination of information on R & R policy, specific RAPs and environmental management plan related to Project are also to be undertaken in a planned manner. These activities may include organizing seminars, bringing out the news items in newspapers, TV, radio, technical and academic journals	Information about the project, SIA and Resettlement Plan is shared with various stakeholders including PAPs through public consultation meetings, multi-lingual information brochures and by setting up Public Information Centres equipped with project documents.



Sl.	Aspect	AIB Social Policy Requirement	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	MUTP R&R Policy	Remarks
7	Consultation with stakeholders	Client to engage in meaningful consultation with stakeholders during project preparation and implementation in a manner commensurate with risks and impacts for those affected	The Act requires public hearing and publication of SIA study (Clause 5&6), publication of preliminary notification and hearing of objections (Clause 11&15) and publication of R&R Scheme (Clause 18).	Based on the BSES carried out through close participation of NGOs and CBOs, a list of eligible project affected structures, households and, shops and business activities are to be prepared and announced for community endorsement to avoid conflict over subsequent entrants in the project area. RAP preparation is to be undertaken with active participation of eligible PAPs. Draft RAP is to be shared with the PAPs, NGOs, CBOs and general public in the area through community meetings and other appropriate media. The views of PAPs are to be taken into account in finalizing the RAP.	General public consultation for all stakeholders is conducted when technical and social details of project are presented, and suggestions are noted and considered.



Sl.	Aspect	AIB Social Policy Requirement	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	MUTP R&R Policy	Remarks
8	Grievance Redress Mechanism	Client to establish a suitable grievance mechanism to receive and facilitate resolution of the concerns or complaints of people adversely affected by social impacts of project and inform PAPs of availability of mechanism.	The Act envisages establishment of Land Acquisition Rehabilitation and Resettlement Authority in each State by the concerned State Government to hear disputes arising out of projects where land acquisition has been initiated by the State Government or its agencies (Chapter VIII).	Designation of senior officer at the local level to consider any grievances of PAPs in consultation with the concerned NGO and also establishment of Grievance Redress Committee for appeal.	A Grievance Redress Mechanism is put in place to hear and consider grievances of PAPs. The decisions taken by GRCs about eligibility and entitlements are enforced.
9	Monitoring and Reporting	Client to implement project in compliance with Social Management Plan and to furnish AIB with periodic monitoring reports on Client's performance under the project	The Act provides for National Monitoring Committee for rehabilitation and resettlement and reporting requirements (Chapter VII)	Policy provides for oversight committees and monitoring mechanism as a part of institutional arrangements	MMRDA is chosen for the implementation of the R&R of the project with appropriate monitoring and reporting mechanism from MRVC.



2.7 Process of Land Acquisition

2.7.1 The Doubling/ Quadrupling traffic facilities, passenger amenities works and other works, requires minimal land as most of the land is available with the railways. The requirement of additional minimal land may be done by the method of Direct Purchase through negotiation with the land owner and the Railways. The State Government has formulated policy/ guidelines under section 108 of RFCTLARR Act 2013. (Ref. Railway Board Order No. 2015/W-2/SCR//NL/22 dated 20.10.2016).

2.7.2 The projects, which have been declared as Special Railway Project, by the respective State or Central Government, the land can be acquired through Railways (Amendment) Act 2008.

2.7.3 Direct Purchase through Negotiation

- a) The State Government of Maharashtra opted for Direct Purchase of land through negotiations with the land owner, the route for speedy acquisition of small private land parcels required.
- b) The land will be purchased with the consent of the concerned land owner through negotiations and the compensation will be fixed as per government directions for direct purchase method, which is at 25% higher rate than RFCTLARR Act, 2013
- c) To acquire private land for ongoing and upcoming private projects through direct purchase, the government has formed a district level committee headed by the district collector, and comprising officials of the revenue, irrigation, public works, legal, town planning, and land acquisition departments.
- d) The ready reckoner rates of the land in the particular region, will be considered as a basis for calculating the rate of land. The market value of land to be acquired will be determined by ready reckoner value fixed under the Maharashtra Stamp Act (59 of 1958) and the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995. (Ref. Para 1 of Part 1 of the RFCTLARR (Maharashtra) Act 2013).
- e) Trees, houses, wells and other such assets on the land will also be included in calculating the rate.
- f) The multiplication factor by which market value of the land is multiplied will be from 1.00 (One) to 2.00 (two) based on the distance of the project from urban area, as may be notified by the appropriate Government. (Ref. Clause 2 of Schedule I of the RFCTLARR 2013). The particular multiplier factor will vary for each place and will be defined by the Assistant Director of Town Planning under the Urban Development Department of the Government of Maharashtra, as per the current practice of the Maharashtra Government and also for the MUTP projects.



- g) While acquiring the land through direct purchase method, the amount of compensation shall be calculated as per the provision of Article 26 to 30 of RFCTLARR 2013 & Schedule I, over and above of which 25% is paid.
- h) The land owner will have a maximum of three months' time to give consent from the date of application of direct purchase from the Government Agency. On lapse of the three months' time, the land will be acquired under compulsory acquisition under the RFCTLARR 2013 Act.
- i) Committees under the district collectors of respective districts will complete the necessary proceedings and finalize the compensation accordingly. The MRVC will then deposit the compensation amount with the respective District Collector for disbursement.

2.7.4 Land Acquisition

- a) Land acquisition may be done through the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR Act), 2013. Important sections of the Act are presented in Table 2.3.

Table 2.3: Summary of the Applicable sections of the RTFCTLARR Act 2013

Sl.	Section	Description of the section
1.	Section 4(1) – SIA notification	<ul style="list-style-type: none">▪ Social Impact Assessment Study▪ Total duration 6 months
2.	Section 5	<ul style="list-style-type: none">▪ Public Hearing for SIA
3.	Section 6 (1)	<ul style="list-style-type: none">▪ Publication of SIA
4.	Section 7(1) – SIA evaluation and approval	<ul style="list-style-type: none">▪ Independent SIA Evaluation by Expert Group▪ 2 non-official social scientists▪ 2 representatives of Panchayat, Gram Sabha, Municipality or Corporation▪ 2 experts on rehabilitation▪ 1 technical expert in subject area▪ Publication of recommendation▪ Total duration 2 months
5.	Section 8	<ul style="list-style-type: none">▪ Examination of proposals for land acquisition and Social Impact Assessment report by appropriate Government
6.	Section 11(1) – Notice to acquire land	<ul style="list-style-type: none">▪ Publication of Preliminary Notification for acquisition
7.	Section 11(5) – Land record updation	<ul style="list-style-type: none">▪ Updating Land records▪ Total duration 2 months



Sl.	Section	Description of the section
8.	Section 14 – SIA lapse period	<ul style="list-style-type: none">▪ If Section 11(1) not published within 12 months (18months from the date of 4(1) notification) after the submission of SIA report under section 7, such report will lapse. Then fresh SIA to be done before acquisition under section 11.▪ Appropriate government shall have the power to extend the period of 12 months
9.	Section 15(1) – Hearing of objections	<ul style="list-style-type: none">▪ Within 60 days from the date of 11(1) notification
10.	Section 16(1) – Preparation of R&R Scheme by Administrator (by state notification not below the rank of Joint Collector or Additional Collector or Dy. Collector or equivalent official of Revenue Department to be the Administrator for R&R)	<ul style="list-style-type: none">▪ After the publication of 11(1) notification by collector, Administrator for R&R shall conduct census survey of affected families.
11.	Section 16(5)	<ul style="list-style-type: none">▪ Public hearing of R&R Scheme
12.	Section 16(6)	<ul style="list-style-type: none">▪ Submission of draft R&R scheme to collector
13.	Section 17(1)	<ul style="list-style-type: none">▪ Review of R&R scheme by Collector with R&R committee
13.	Section 18 – Approval of R&R scheme by commissioner	<ul style="list-style-type: none">▪ Officer off the rank of Commissioner or Secretary of that Government
14.	Section 19(1) – Publication of declaration and summary of R&R	<ul style="list-style-type: none">▪ To be published within a period of 12 months from the notification under section 11(1) excluding stay or court order
15.	Section 19(7) – Lapse of notification under section 11(1)	<ul style="list-style-type: none">▪ If no declaration is made within 12 months from the notification under section 11(1) excluding stay or court order
16.	Section 21(1)	<ul style="list-style-type: none">▪ Notice to person interested for taking possession.
17.	Section 23	<ul style="list-style-type: none">▪ Land Acquisition Award by collector
18.	Section 25 – Lapse of entire proceeding for acquisition	<ul style="list-style-type: none">▪ Award to be made within 12 months from the date of declaration under section 19. (Appropriate government shall have the power to extend the period with justification).
19.	Section 31(1)	<ul style="list-style-type: none">▪ R&R award by collector



Sl.	Section	Description of the section
		<ul style="list-style-type: none">Collector shall take possession after ensuring 100% compensation payment and R&R entitlement orTendered within a period of 3 months for compensation and 6 months for R&R entitlements.
20.	Section 38(1)	<ul style="list-style-type: none">Power to take possession of land to be acquired by Collector
21.	Section 38(2)	<ul style="list-style-type: none">R&R process to be completed in all respect before displacing the AFs
22.	Section 43(3)	<ul style="list-style-type: none">Formulation, Execution and monitoring of R&R scheme shall vest in the Administrator under the direction and control of Government and Commissioner R&R.
23.	Section 44(1)	<ul style="list-style-type: none">Appointment of R&R Commissioner
24.	Section 44(2)	<ul style="list-style-type: none">Commissioner will be responsible for supervising the formulation of R&R schemes or plans and proper implementation of such schemes or plans.
25.	Section 44(3)	<ul style="list-style-type: none">Commissioner shall be responsible for post implementation social audit in consultation with Gram Sabha in Rural areas and municipality in urban areas.
26.	Section 45(1) Composition of R&R committee: (acquisition of equal to or more than 100 acres of land)	<ul style="list-style-type: none">Chairman (Collector)Women representative residing in affected areaRepresentative of ST & SC residing in the affected areaRepresentative of NGO working in the areaRepresentative of Nationalized bankLand Acquisition officer of the project.Chairpersons of the Panchayats or municipalitiesLocated in the affected area or their nominees.Chairperson of the District Planning Committee or his nominee.MP and MLA of the concerned area or their nominees.Representative of the requiring body.



Sl.	Section	Description of the section
		<ul style="list-style-type: none">Administrator for R&R as member-convenor.
27.	Section 46	<ul style="list-style-type: none">Purchasing of land through private negotiation considering the relevant State specific factors and circumstancesThe District collector should be notified by the land Purchaser with a) intent to purchase, b) purpose of purchase and c) particulars of land to be purchasedThe Collector will refer the matter to the Commissioner for the satisfaction of all relevant provisions under this Act related to rehabilitation and resettlementThe Collector shall pass individual awards covering Rehabilitation and Resettlement entitlements approved by the Commissioner as per the provisions of the ActThe appropriate Government may provide for rehabilitation and resettlement provisions on sale or purchase of land in its state and shall also fix the limits or ceiling
29.	Section 108	<ul style="list-style-type: none">Where a State law or a policy framed by the Government of a State provides for higher compensation than calculated under this Act for acquisition of land, the affected person or his family or member of his family may at his option opt to avail such rehabilitation and resettlement provisions under such State law or such policy of the State instead of under this Act.Where a State law or a policy framed by the Government of a State offers more beneficial rehabilitation and resettlement under the Act or policy than under this Act, the affected persons or his family or member of his family may at his option opt to avail such rehabilitation and resettlement provisions under such State law or such policy of the State instead of under this Act

2.8 Eligibility Criteria



- a) The affected persons falling in any of the following categories will be eligible for compensation and resettlement assistance in accordance with the principles of this RPF:
- Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country)
 - Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets; provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan; and,
 - The Non-titled Lease Occupier, who is being occupying the structures built by them in the land of others with some financial or non-financial agreement with the landlord, which was not documented legally.
 - Those who have no recognizable legal right or claim to the public land, other than the Non-Titled Lease Occupier, they are occupying (*squatters and encroachers occupying the RoW or government land*).
 - The Project Affected Persons (PAFs) who ever missed in the baseline survey but found genuine during verification survey carried out by MRVC and is confirmed/approved by Grievance Redress Committee (GRC) are also considered as being eligible.
 - In case of those houses where land ownership is not transferred, (such as houses occupied on builder's lands where ownership continue to be with builders) the land records must be updated to reflect the actual ownership, before the land acquisition is completed. The RTFCTLARR Act requires that land records must be updated prior to announcement of award.

Specifically,

- All legitimate occupants of land and building affected will be eligible for the benefit of R & R Policy.
- For title holders, the date of notification through Form No. 3 of intended acquisition under Direct Purchase method will be treated as the cut-off date and for non-titleholders, 1st January 2018, will be the cut-off date.
- However, PAFs who are squatters and not the legitimate occupants of land or buildings shall be eligible for R&R only if enumerated during the baseline
- Any new un-authorized structures or additions to existing structures carried out after the cut-off date and their occupants will not be eligible for R & R. Similarly, the occupants of a structure except legal heir who have acquired the structures after the cut-off date shall not be eligible for the benefits of Resettlement and Rehabilitation. However, members added to the eligible



households by way of birth and marriage after the cut-off date will be considered eligible for R&R.

- The PAFs who ever missed in the baseline survey but found genuine during verification survey carried out by MRVC and is confirmed/approved by GRC are also considered as being eligible.

2.8.1 Updated Resettlement unit costs

- a) The project has adopted the unit costs for R&R assistance as available in LARR Act, 2013, which came into effect from 1st January 2015, and presented in **Table 2.4** below. These unit rates are now updated as increment of 5% per annum from January 2015 and calculated as (5% x 4 years =) 20% increment to January 2019, of the basic rate mentioned in the respective Act. (Ref. Para 11 of Part 2 of the RFCTLARR (Maharashtra) Act 2013)

Table 2.4: Unit rates revised as of January 2019

Sl.	Entitlement	Unit rates as of January 2015 (in INR)	Revised as of January 2019 (rounded off to nearest INR)
1	Livelihood assistance (Lump sum or Annuity or 50% as onetime payment and 50% in Annuity)	5,00,000	6,00,000
2	Livelihood assistance - Annuity	2,000/per month	2,400/per month
3	One-time assistance for loss of Cattle shed/petty shop	25,000	30,000
4	One-time assistance for displaced artisan/small traders	50,000	60,000
5	Transportation/ Shifting assistance for displaced	50,000	60,000
6	Subsistence allowance for displaced @ INR 3000 per month for 1 year	36,000	43,200 (INR 3,600 per month for one year)
7	One-time Resettlement Allowance for shifting of house	50,000	60,000



Sl.	Entitlement	Unit rates as of January 2015 (in INR)	Revised as of January 2019 (rounded off to nearest INR)
8	Additional Assistance for vulnerable families Vulnerable displaced	50,000	60,000

2.9 Entitlement Matrix

- a) In accordance with the principles of this resettlement policy framework, all possible affected, displaced households and persons losing livelihood will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts including socio-economic vulnerability of the displaced persons and measures to support livelihood restoration if livelihood impacts are envisaged.
- b) An Entitlement Matrix, presented in **Table 2.5**, has been developed, that summarizes the types of losses and the corresponding nature and scope of entitlements; and follows National, State laws and AIIB Policy, and the RFCTLARR (Maharashtra) Act 2013 and R&R Policy of MUTP-III, 2018.



Table 2.5: Entitlement Matrix

SI	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
1	Titleholder (Land Owners as recorded in revenue records, or Land occupiers with claims/ rights recognized under State/ Central laws, including who is entitled to granted Patta ⁵ , rights on the land under any laws of the State including assigned Land) <u>Through Direct Purchase Method</u>		
1.1	Loss of Land	<p>Direct purchase of Land with negotiation through district level committee headed by the district collector, and comprising officials of the revenue, irrigation, public works, legal, town planning and land acquisition departments.</p> <ul style="list-style-type: none"> • The base rate of land will be determined by highest value among <ol style="list-style-type: none"> i. Ready reckoner value fixed under the Maharashtra Stamp Act (59 of 1958) and the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995. (Ref. Para 1 of Part 1 of the RFCTLARR (Maharashtra) Act 2013). ii. Average Sale price of similar types of land situated in the nearest vicinity area, ascertained from the highest 50% of the sale deeds of the preceding 3 years iii. Consented amounts paid for PPPs or private companies • The multiplication factor by which market value of the land is multiplied will be from 1.00 (One) to 2.00 (two) based on the distance of the project from urban area, as may be notified by the appropriate Government. (Ref. Clause 2 of Schedule I of the RFCTLARR 2013). The multiplier factor will vary for each place and will be defined by the Assistant 	<p>Govt. Decision No. SANKIRNA-03/2015/Para. Kra. 34/A-2 dated 30th Sept. 2015 of Revenue & Forest Department, Govt. of Maharashtra.</p> <p>If B is the base rate/ consented rate of land, M is the applicable Multiplication factor, A is the affected area and 25% being the incentive on giving up of land through direct purchase, then the compensation L will be, $L = 1.25 \times (2 \times B \times M \times A)$</p> <p>Note: In case of Class-II Land or conditional-ownership Land, necessary amount equivalent to 10% of market value as per Government Resolution No. Adivasi-3109/1180/Pra. Kra.106/L-9 dated 15.07.2010</p>

⁵ Patta is land revenue record which establishes the title/ownership of land. The Patta Register is maintained at Taluka office and contains ownership details of all Land holdings.



Sl	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
		<p>Director of Town Planning of the respective area, as per the current practice of the Govt. of Maharashtra.</p> <ul style="list-style-type: none">• Solatium will be 100% on the base rate after multiplied with multiplication factor• The land owner will also get an incentive of 25% in addition and on the compensation amount calculated as above• The land owner will have a maximum of three months' time to give consent from the date of application of direct purchase from the Government Agency. On lapse of the three months' time, the land will be acquired under compulsory acquisition under the RFCTLARR 2013 Act.	<p>(क्रमांक. आदिवासी – ३१०९ /११८०/प्र. क्र. १०६/ल-९ दिनांक १५ जुलै २०१६ Code No. 20100716142313001) of Revenue & Forest Department, Government of Maharashtra, will be deducted from the total compensation payable to Land owner and said amount will be transfer to Government of Maharashtra.</p>
1.2	Loss of Structure and other immovable assets	<p>a</p> <ul style="list-style-type: none">• Replacement cost of building/ structures or part of building/ structure affected, calculated at the Cash compensation at latest Schedule of Rates of PWD/ ready reckoner rate for similar kind of structure, without depreciation.• The compensation for any other immovable assets attached to the land and/ or buildings will be determined by a competent engineer or any other specialist in the relevant field, as may be considered necessary by the Collector• The Solatium will be 100% on the replacement cost of building/ structure and other immovable assets• The structure compensation value defined above will also attract 12% increment per annum from the cut-off date till the award of the land value to the land owner.	



Sl	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
		b Right to salvage materials in favour of the structure owner of the affected building/ structure, if the incumbent demolishes the affected part of the building/ structure by own self	
1.3	Loss of Standing Trees/ Crops etc. in affected land	<ul style="list-style-type: none"> Cash compensation for crops, fruits, flowers or product and by-products from the affected trees/ crops etc., if any, will be calculated by <ol style="list-style-type: none"> Concerned Forest Department or similar authority for Timber trees Concerned State Agriculture Extension Department or similar authority for standing crops Concerned Horticulture Department or similar authority for horticulture and/ or perennial trees The Solatium will be 100% on the cash compensation calculated above. 	U/s 29(2) and 29(3) of RFCTLARR Act 2013
1.4	Loss of Livelihood	<p>If the Affected Structure is commercial structure:</p> <ul style="list-style-type: none"> A lump-sum compensation equivalent to one year's income, determined by the proper documents, viz., IT return, or as determined by the respective authority. Or, in lieu of non availability proper documentation of income, Rs. 30,000 per affected family of livelihood looser, as livelihood assistance. 	<p>First bullet as per MUTP R&R Policy.</p> <p>Second Bullet, as per Sl. 7 of Second Schedule of RFCTLARR 2013</p>
2.	<p>Titleholder (Land Owners as recorded in revenue records, or Land occupiers with claims/ rights recognized under State/ Central laws, including who is entitled to granted Patta⁶ rights on the land under any laws of the State including assigned Land) Through RFCTLARR Act 2013, in lapse of the Direct Purchase method</p>		

⁶ Patta is land revenue record which establishes the title/ownership of land. The Patta Register is maintained at Taluka office and contains ownership details of all Land holdings.



Sl	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
2.1	Loss of Land	<p>a Land Acquisition, in lapse of or in lieu of Direct Purchase Method or Acquisition of land on payment of compensation as per RFCTLARR (Maharashtra) Act 2013 and RFCTLARR Act 2013</p> <ul style="list-style-type: none">• The base rate of land will be determined by highest value among<ol style="list-style-type: none">i. Ready reckoner value fixed under the Maharashtra Stamp Act (59 of 1958) and the Maharashtra Stamp (Determination of True Market Value of Property) Rules, 1995. (Ref. Para 1 of Part 1 of the RFCTLARR (Maharashtra) Act 2013).ii. Average Sale price of similar types of land situated in the nearest vicinity area, ascertained from the highest 50% of the sale deeds of the preceding 3 yearsiii. Consented amounts paid for PPPs or private companies• The multiplication factor by which market value of the land is multiplied will be from 1.00 (One) to 2.00 (two) based on the distance of the project from urban area, as may be notified by the appropriate Government. (Ref. Clause 2 of Schedule I of the RFCTLARR 2013). The particular multiplier factor will vary for each place and will be defined by the Assistant Director of Town Planning of the respective area, as per the current practice of the Govt. of Maharashtra and MUTP projects.• Solatium will be 100% on the base rate after multiplied with multiplication factor• The land value defined above will also attract 12% increment per annum from the cut-off date till the award of the land value to the land owner (Ref. 30(3) of the RFCTLARR Act 2013)	<p>If B is the base rate of land, M is the Multiplication factor & A is the affected area, then the compensation L will be, $L = 2 \times (B \times M \times A)$.</p> <p>If the Award of the compensation is after Y years from the cut-off date, then L will be incremented at 12% per annum to Ly, $Ly = L + (0.12 \times Y \times L)$</p> <p>Note: In case of Class-II Land or conditional-ownership Land, necessary amount equivalent to 10% of market value as per Government Resolution No. Adivasi-3109/1180/Pra. Kra.106/L-9 dated 15.07.2010 (क्रमांक. आदिवासी - ३१०९ /११८०/प्र. क्र. १०६/ल-९ दिनांक १५ जुलै २०१६ code No. 20100716142313001) of Revenue & Forest Department, Government of Maharashtra, will be deducted from the total compensation payable to Land owner and said amount will be transfer to Government of Maharashtra.</p>



Sl	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks						
		<p>b If, the land plot is partially acquired and the land owner desires that the whole plot be acquired on the grounds that the plot has been rendered uneconomic, then</p> <ul style="list-style-type: none"> • Either, One-time additional assistance of the Base Compensation amount (base amount is without any solatium, multiplication factor and interest), to the balance land of the affected plot, owner based on the following percentage of the left-over land in the land plot acquired from each partially affected plot. Whereas, the ownership of the residual land shall continue to remain with the land owner. <p><u>Area Acquired (% of total plot)</u> <u>Additional Assistance Ratio (R)</u></p> <table border="0"> <tr> <td>Up to 50%</td> <td>Nil</td> </tr> <tr> <td>More than 50% to 75%</td> <td>15%</td> </tr> <tr> <td>More than 75%</td> <td>25%</td> </tr> </table> <p>In case of severance of land plot (division into two parts or more parts due to acquisition), the left-over plots on either side shall be treated independently as per the above.</p> <ul style="list-style-type: none"> • Or, If the left-over land plot is non-feasible or non-economic or unusable or if the land owner desires that the whole land to be acquired, the MRVC/ competent authority may acquire the total land. 	Up to 50%	Nil	More than 50% to 75%	15%	More than 75%	25%	<p>If B is the base rate of land, R is the Additional assistance ratio (0, or 0.15 or 0.25) of left-over land & A is the Balance area of the plot, then the Additional Assistance will be, $AA = (B \times R \times A)$</p> <p>In case of acquisition of total area of land plots, this subsection (c) will not apply.</p>
Up to 50%	Nil								
More than 50% to 75%	15%								
More than 75%	25%								
2.2	Loss of Building/ Structure	<p>a</p> <ul style="list-style-type: none"> • Replacement cost of building/ structures or part of building/ structure affected, calculated at the Cash compensation at latest Schedule of Rates of PWD/ ready reckoner rate for similar kind of structure, without depreciation. • The Solatium will be 100% on the replacement cost of building/ structure 	<p>First Schedule of RFCTLRR Act. 2013</p>						



SI	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
		<ul style="list-style-type: none"> The structure compensation value defined above will also attract 12% increment per annum from the cut-off date till the award of the land value to the land owner. 	
		<p>b <u>If, the building/ structure is partially acquired</u></p> <ul style="list-style-type: none"> Either, Entitlement of additional amount of 25% on the compensation calculated as (a) above to be paid on the compensation award for the affected part of structure to enable repair the damage, where the owner/ occupier would have, in their own interest, decide to retain the remaining part of the affected structure, provided that continuous use of such structure is possible without hazards. Or, Full compensation of structure payable in case of partial impact making unimpaired or safe use of structure is difficult 	In case of only a partly affected structures, and If the remaining structure is non-feasible or unusable or its owner desires that the whole structure to be acquired, the competent authority can award compensation for the total structure also.
		<p>c Right to salvage materials in favour of the structure owner of the affected building/ structure, if the incumbent demolishes the affected part of the building/ structure by own self</p>	
2.3	Loss of Standing Trees/ Crops etc. in affected land	<ul style="list-style-type: none"> Three months' advance notice to affected parties to harvest crops, fruits, flowers or product and by-products from the affected trees/ crops etc. <u>Or, in lieu of 3 months' advance notice</u>, Cash compensation as estimated u/s 29(3) of RFCTLARR Act 2013 & calculated by: <ul style="list-style-type: none"> iv) Concerned Forest Department or similar authority for Timber trees v) Concerned State Agriculture Extension Department or similar authority for standing crops vi) Concerned Horticulture Department or similar authority for horticulture and/ or perennial trees 	
2.4	Other affected	The compensation for any other immovable assets attached to the land and/ or buildings will be determined as provided u/s 29 of the RFCTLARR 2013	First Schedule of RFCTLRR Act. 2013



Sl	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
	immovable assets		
2.5	Loss of Cattle Shed	Any affected family losing cattle sheds are entitled for at least Rs. 30,000/- or, any amount specified as the appropriate Government, towards reconstruction of the Cattle Shed	Second Schedule of RFCTLRR Act. 2013 & Para 11 of Part 2 of the Govt. of Maharashtra Notification no. No. LQN. 12/2013/C.R. 190/A-2 dated 27 th August 2014 under RFCTLRR (Maharashtra) Act 2013
2.6	Loss of Petty Shop	Any affected family losing petty shops are also entitled for at least Rs. 30,000/- or, any amount specified as the appropriate Government, towards reconstruction of the Petty Shop	-do-
2.7	Resettlement Assistance	One-time Resettlement Assistance of Rs. 60,000/- for each affected family	-do-
2.8	Income Assistance	Employment opportunity, where jobs are created through project, after providing the suitable training and skill development in the required field, at a rate not lower than the minimum wages provided in any laws for the time being in force, to at least one member of the affected family in the project or arrange for a job in such other project, as may be required <u>Or,</u> <ul style="list-style-type: none"> • One-time payment of Rs. 6,00,000 per affected family • Or, Annuity policies that shall pay not less than Rs. 2,400 per month per family for 20 years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers 	-do- Any one choice of options of among (a), or (b) of Income Assistance have to be opted from the affected family The Annuity options are entitled of increment at the inflation rates, as have indexation to the Consumer Price Index
2.9	Grant for Artisan,	If the project affected persons falls under the categories of Artisan, Small Traders, Self-employed persons or any other similar categories,	-do-



Sl	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
	Small Traders, self-employed person and certain others	One-time financial assistance of amount, as notified by the appropriate Government but not less than Rs. 60,000/-	
2.10	Subsistence Grant for Displaced Families	Subsistence allowance of Rs. 3,600/- per month for one year, or, Rs. 43,200/- one-time, for each displaced family, require to relocate due to the project	-do-
2.11	Transportation Allowance for Displaced Families	One-time financial assistance of Rs. 60,000/- as transportation cost for shifting of the family, building materials, belongings and cattle, if any	-do-
3	Non-title Lease Occupier (NTLO)		
	The Non-title Lease Occupier are Family/ Household, who are occupying the affected structure with some financial or non-financial lease arrangements with the land owner, but the land ownership arrangements are not documented properly or legally)		
	<p>The Non-title Lease Occupier will be treated as Structure Owners/ Occupiers, if they possess documentary evidence of Building Tax, Trade License or any other documents as may be accepted by the District Collector, on the land which belongs to the legal Land Owner.</p> <p><u>In case of acquisition of land in Direct Purchase method</u>, the land compensation calculated as Sl. 1.1 of the Entitlement Matrix, will be provided to the Legal Owner of Land and the other compensations calculated as Sl. 1.2 to 1.4 of the Entitlement Matrix will be provided to the Non-titled Legal Occupier.</p> <p><u>In case of acquisition of land through LA Act</u>, the land compensation calculated as Sl. 2.1 of the Entitlement Matrix, will be provided to the Legal Owner of Land and the other compensations calculated as Sl. 2.2 to 2.11 will be provided to the Non-titled Legal Occupier.</p>		



Sl	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
4	Squatter		
4.1	Loss of Structure	<ul style="list-style-type: none">In Rural Areas, provision of a constructed house of 300 sqft area or as per the specifications of the Pradhan Mantri Awas Yojana (Gramin) or similar scheme of State/ Central Governments, or Cash assistance at the ready reckoner rate or as determined by the Government of Maharashtra, but cash assistance shall not less than Rs. 1,65,000/-In Urban Areas, provision of a constructed house of 269 sqft, or Cash assistance at the ready reckoner rate or as determined by the Government of Maharashtra, but cash assistance shall not less than Rs. 5,50,000/-	R&R Policy for MUTP-III vide GR: MRD-3317/Pra.Ka.15/Navi/7 dated 20th August 2018 of Urban Development Department, Govt. of Maharashtra
4.2	Loss of Commercial Structure	Any affected family losing Commercial Structures are entitled for at least Rs. 30,000/- or, any amount specified as the appropriate Government	Second Schedule of RFCTLRR Act. 2013 & Para 11 of Part 2 of the Govt. of Maharashtra Notification no. No. LQN. 12/2013/C.R. 190/A-2 dated 27 th August 2014 under RFCTLARR (Maharashtra) Act 2013
4.3	Subsistence Grant for Displaced Families	Subsistence allowance of Rs. 3,600/- per month for one year, or, Rs. 43,200/- one-time, for each displaced family, require to relocate due to the project	- Do -
4.4	Transportation Allowance for Displaced Families	One-time financial assistance of Rs. 60,000/- as transportation cost for shifting of the family, building materials, belongings and cattle, if any	- Do -



Sl	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
4.5	Grant for Artisan, Small Traders, Self-employed person and certain others	If the project affected livelihood losers falls under the categories of Artisan, Small Traders, Self-employed persons or any other similar categories, One-time financial assistance of amount, as notified by the appropriate Government but not less than Rs. 60,000/-	- Do -
5	Livelihood losers		
		<ul style="list-style-type: none"> • Tenants of Residential/ Commercial affected Structures • Workers/ Employees of Commercial affected structure 	
5.1	Rental Allowance (Tenants)	<ul style="list-style-type: none"> • Each Residential Tenants are entitled for Rental Allowances for six months for a monthly rent of Rs. 5,000/- per month in rural areas or of Rs. 7,000/- per month in urban areas • <u>Or</u>, Each Commercial Tenants are entitled for Rental Allowances for six months for a monthly rent of Rs. 7,000/- per month in rural areas or of Rs. 10,000/- per month in urban areas 	
5.2	Income Assistance (Workers/ Employees)	<ul style="list-style-type: none"> • A lump-sum compensation equivalent to one year's income, determined by the proper documents, viz., IT return, or as determined by the respective authority. • Or, in lieu of availability proper documentation of income, Rs. 30,000 per affected family of livelihood loser, as livelihood assistance. 	<p>First bullet as per MUTP R&R Policy.</p> <p>Second Bullet, as per Sl. 7 of Second Schedule of RFCTLARR 2013</p>
5.3	Grant for Artisan, Small Traders,	If the project affected livelihood losers falls under the categories of Artisan, Small Traders, Self-employed persons or any other similar categories,	Second Schedule of RFCTLRR Act. 2013 & Para 11 of Part 2 of the RFCTLARR (Maharashtra) Act 2013



Sl	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
	Self-employed person and certain others	One-time financial assistance of amount, as notified by the appropriate Government but not less than Rs. 60,000/-	
6	Kiosk/ Shacks/ Easily removable structure operators		
6.1	Kiosk	The Kiosks/ Shacks/ easily removable structure operators are only entitled for Rs. 30,000 as conceptually mentioned for re-construction of petty structure	
7	Special Compensation on Vulnerability, Multiple Displacement, Advance Notice and Livelihood Training		
		<ul style="list-style-type: none"> • Titleholders (For Acquisition under LA Act) • Non-Titled Lease Operators (For Acquisition under LA Act) • Encroachers/ Squatters • Kiosk/ Shacks/ Easily removable structure operators • Tenants of Residential/ Commercial affected Structures • Workers/ Employees of Commercial affected structure 	
7.1	Special Assistance for Vulnerable Categories	<p>If the affected families fall under the vulnerable affected families of i) Scheduled Caste, ii) Scheduled Tribe, iii) Physically challenged Head of Households, iv) Families under Below Poverty Line (BPL), v) Women Headed Households and vi) Old persons living alone (all members of the family having age of more than 60 years)</p> <p>All Vulnerable affected families will receive a one-time vulnerable assistance of Rs. 60,000/-</p>	Second Schedule of RFCTLRR Act. 2013 & Para 11 of Part 2 of the RFCTLARR (Maharashtra) Act 2013
7.3	Special Compensation of multiple displacement	<p><u>If the affected family faced displacement or resettlement from any other project or this project previously,</u></p> <p>Any family which has already been displaced by appropriate Government for the purpose of acquisition under the provision of RFCTLARR Act</p>	



SI	Type of Loss	Entitlement (Compensation and R&R Assistance)	Remarks
		2013 and if so, displaced, is entitled for additional compensation equivalent to that of the compensation determined under RFCTLARR Act 2013 for second or successive displacement. (Clause no. 39 of RFCTLARR Act 2013).	
7.4	Skill Development Training	One adult member of all the affected family, whose livelihood is affected, will be entitled for skill training. The skill development training may be provided from any competent training institute under the aegis of the National Skill Development Corporation in their scheduled training modules, or any other Institute/ individual as the Appropriate Government may also decide on the training institutes or training modules, provided the cost of training should be at least Rs. 25,000/- per family	The Training assistance amount will be provided to the training institutes after completion of successful training of the affected person and not to the affected family.
7.5	Advance Notice	All the affected families, irrespective of the categories of eligibility and entitlements, will have to give at least three months' advance notice of the loss and shifting	
8	Any unforeseen Impacts		
8.1	Any other unforeseen impacts	Any other unforeseen impacts, if any, may be incorporated and the Entitlement Matrix will be updated by the MRVC on the occurrence and verification of the unforeseen impact	



2.9.1 Summary of Eligibility

The summary of the eligibility specified in the Entitlement Matrix as per the categories of Titleholder, Encroacher, Non-titled Lease Occupier, Squatter, Tenants and Livelihood Losers are presented in **Table 2.6** below.

Table 2.6: Summary of Eligibility of Entitlement as per Entitlement Matrix

Sl.	Category of Affected Family	Eligibility of Entitlement
1	Titleholder	<u>Direct Purchase Method</u> <ul style="list-style-type: none">• Compensation at 25% extra of the compensation of loss calculated under sections 26 to 30 of the RFCTLARR Act 2013 through private negotiations with the Land Owner.• Loss of Livelihood for loss of any commercial structure <u>Acquisition under LA Act in lapse of Direct Purchase Method</u> <ul style="list-style-type: none">• Compensation for Loss of Land• Compensation for Loss of Structure without depreciation• Compensation for Loss of Trees/ crops• Compensation for Loss of other Removable Assets• Resettlement Assistance• Income Assistance• Occupational Grant for Artisan, Petty Shop keepers etc.• Skill Development Training Provisions• Subsistence Allowance for displaced families• Transportation Allowance for displaced families• Vulnerability Allowance for vulnerable families• Additional compensation for multiple displaced families
2	Non-Titled Lease Occupier	Same as the title holder, as specified above, but the compensation of land is provided to the legal Land Owner and other compensations provided to the Non-titled Lease occupier in either the cases through Direct Purchase or acquisition through LA Act.
3	Affected Families, who were provided with Govt. Land in	The families will be treated as owner of the land and <u>Direct Purchase Method</u> <ul style="list-style-type: none">• Compensation at 25% extra of the compensation of loss calculated under sections 26 to 30 of the RFCTLARR



Sl.	Category of Affected Family	Eligibility of Entitlement
	previous resettlement ⁷	<p>Act 2013 through private negotiations with the Land Owner.</p> <ul style="list-style-type: none">• Loss of Livelihood for loss of any commercial structure <p><u>Acquisition under LA Act in lapse of Direct Purchase Method</u></p> <ul style="list-style-type: none">• Compensation for Loss of Land• Compensation for Loss of Structure without depreciation• Compensation for Loss of Trees/ crops• Compensation for Loss of other Removable Assets• Resettlement Assistance• Income Assistance• Occupational Grant for Artisan, Petty Shop keepers etc.• Skill Development Training Provisions• Subsistence Allowance for displaced families• Transportation Allowance for displaced families• Vulnerability Allowance for vulnerable families• Additional compensation for multiple displaced families, equivalent to the amount of total compensation calculated as above
4	Squatter	<ul style="list-style-type: none">• Compensation for Loss of Structure without depreciation• Loss of Commercial Structure• Subsistence Allowance for displaced families• Transportation Allowance for displaced families• Vulnerability Allowance for vulnerable families• Occupational Grant for Artisan, Petty Shop keepers etc.
5	Tenant	<ul style="list-style-type: none">• Rental Allowances• Occupational Grant for Artisan, Petty Shop keepers etc.• Skill Development Training Provisions
6	Wage Earners/ Livelihood Losers	<ul style="list-style-type: none">• Income Assistance• Skill Development Training Provisions• Occupational Grant for Artisan, Petty Shop keepers etc.• Vulnerability Allowance for vulnerable families
7	Kiosk	<ul style="list-style-type: none">• Skill Development Training Provisions

⁷ In case of Class-II Land or conditional-ownership Land, necessary amount as per prevailing rules of Government of Maharashtra will be deducted from the total compensation payable to Land owner and said amount will be transfer to Government of Maharashtra.



Sl.	Category of Affected Family	Eligibility of Entitlement
		<ul style="list-style-type: none">• Entitled for Transport Allowances
8	Wheeler/ Structures Daily	<ul style="list-style-type: none">• No Eligibility of Entitlement

- a) There shall be no income tax deductions in line with Sec. 96 of the RFCTLARR Act. In the event any deductions are made toward taxes, such amounts will have reimbursed.
- b) Even after payment of compensation, PAFs would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued intimating that PAFs can take away the materials so salvaged within 15 days of their demolition; otherwise, the same will be disposed by the project authority without giving any further notice. Trees standing on the land owned by the government will be disposed of through open auction by the concerned Revenue Department/ Forest Department.
- c) Updating Units of Entitlement: All units of entitlement and assistances will be revised by MRVC, based on Consumer Price Index for Agricultural Labourers (CPIAL) and communicated to all District Administration/LA Facilitation Agency for making payment as per the revised rates. The updating will be done annually in the month of March and will become effective from the 1st day of April of that year.
- d) The Mumbai Metropolitan Regional Development Authority (MMRDA) will rehabilitate the Squatters and Encroachers in Government Land (Para 5 of Govt. Resolution MRD-3318/C.R. 06 (part 2)/UD-7 dated 5th Dec 2018 of Urban Development Department, Govt. of Maharashtra)
- e) The MMRDA with assistance of MRVC will verify each of the Affected Squatter and Encroachers PAFs with their personal identification, family details, status of livelihood, the extent of project affection, eligibility on the project onset but before the demolition of structures.

2.9.2 Preparation of Micro plan

- a) The MMRDA will prepare the Micro Plan for each Squatter and Encroachers PAF, depicting the eligibility and all entitlements including the details of Joint account of the Head of the Household with spouse and mention at least one Identification number from their respective Govt. Issued photo identity cards. The Micro plans will be verified and finalized by the MRVC.



- b) The resettlement and rehabilitation award will be electronically remitted to the Joint Bank accounts of the PAF, mentioned in the Micro plan.



3 INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

3.1 Implementation Arrangements

- a) Mumbai Rail Vikas Corporation Limited (MRVC), the main implementing agency is responsible for the technical aspects and overall execution of the Project. In cases of Direct Purchase, MRVC is the responsible organization. The direct purchase of land and structures will be done through District Administration. In the case of resettlement and rehabilitation of the squatters and encroachers, MRVC will be supported by MMRDA.

3.2 Mumbai Rail Vikas Corporation Limited (MRVC)

- a) The Chairman and Managing Director (CMD) is the highest authority in MRVC for planning and execution of all projects. The CMD will have overall responsibility for policy guidance, coordination and planning, internal monitoring and overall reporting of the Project
- b) The Director Project (DP) is the next hierarchical position, after CMD, in MRVC. The DP is the Chief Executive of the project and is responsible for successful implementation of the various project components including RAP. The responsibilities of DP include:
 - ✓ Coordination with the Railway Board and relevant state government authorities on land acquisition, R&R entitlements and other social components.
 - ✓ Report the progress in RAP implementation to CMD, MRVC, Report to Railway Board about progress in LA and R&R, Monitor progress of R&R with CPMs.
 - ✓ Ensure timely release of money to respective District Collectors offices required for RAP implementation and
 - ✓ Take up with CMD for issues to be resolved at the Railway Board (MOR).
- c) The Director Project will be assisted by Chief Project Managers (CPM)s. There are two CPM positions under DP, CPM-I is in charge of the Panvel-Karjat stretch in Central Railway and CPM-II is in charge of Virar-Dahanu stretch in Western Railway. The Chief Project Manager (CPM) offices are looking after the overall land acquisition work with support from a Land Acquisition Consultant Agency and Social Consultancy Agency for the Virar-Dahanu and Panvel-Karjat sections respectively.
- d) The Deputy Chief Project Managers will be responsible at field level for the acquisition of land and resettlement and rehabilitation of the affected families.



- e) At the Head Office, Social & Environmental (SE) Cell has been created. The SE Cell will report to both the Deputy CPMs for respective operations. The Social & Environment Cell (SE Cell) has been further divided into, a) Public Relation (PR) Department, b) Social Cell and c) Environment Cell.
- f) The Social Cell is staffed with Social Scientists to look after Land Acquisition and Rehabilitation and Resettlement process for both Virar-Dahanu and Panvel-Karjat sections.
- g) **Environmental and Social Cell of MRVC.** The Social Cell of MRVC will assist the respective Deputy CPMs in preparation of the Resettlement Plan Framework, Social Impact Assessment and Resettlement Plan. MRVC Social Cell will also ensure that views of the DPs, particularly those vulnerable and women, related to the resettlement process are considered and addressed and further such groups are informed about the outcome of the decision-making process.

Specifically, the Environmental and Social Cell will:

- i.) Coordinate with agency contracted for preparation of Resettlement Plan Framework (RPF), Social Impact Assessment (SIA) and Resettlement Plan (RAP) for different sections of the project.
- ii.) Assist Dy. CPM offices in matters related to resettlement and rehabilitation;
- iii.) Identify training needs and develop and ensure delivery of training modules for project staff and other functionaries on managing social aspects of the project.
- iv.) Prepare project related information brochures, press briefings, and related communication material;
- v.) Report to Dy. CPM about the progress in LA and R&R, and
- vi.) Prepare periodic reports on progress on social aspects

3.2.1 Mumbai Metropolitan Regional Development Authority (MMRDA)

MMRDA shall look into the resettlement and rehabilitation activities for squatters and encroachers. The MMRDA shall work closely with MRVC for better coordination and implementation of R&R activities.

3.2.2 Third Party Monitoring Agency for Environment and Social

- a) The MRVC will engage a Third Party Monitoring agency for Environment and Social monitoring of the project. This Third Party will submit bi- annual Social and Environment monitoring reports. The Third Party will monitor the R&R Implementation of the SIA/RAP of the MUTP-III projects of Virar-Dahanu and Panvel-Karjat sections. The Third Party will also perform mid-term and end term evaluation study.



3.2.3 Independent External Agency

- b) MRVC will engage one Independent agency to conduct the evaluation of the process of land acquisition through negotiated settlement, willing buyer-willing seller process, etc. This is a one-time engagement and will be conducted while the land acquisition process is under progress. The Consultant will essentially document the process
- c) The role of stakeholders for Implementation of RAP is presented **Table 3.1** and the Institutional framework for RAP implementation is presented in **Figure 3.1**.

Table 3.1: Role of Stakeholders for Implementation of RAP

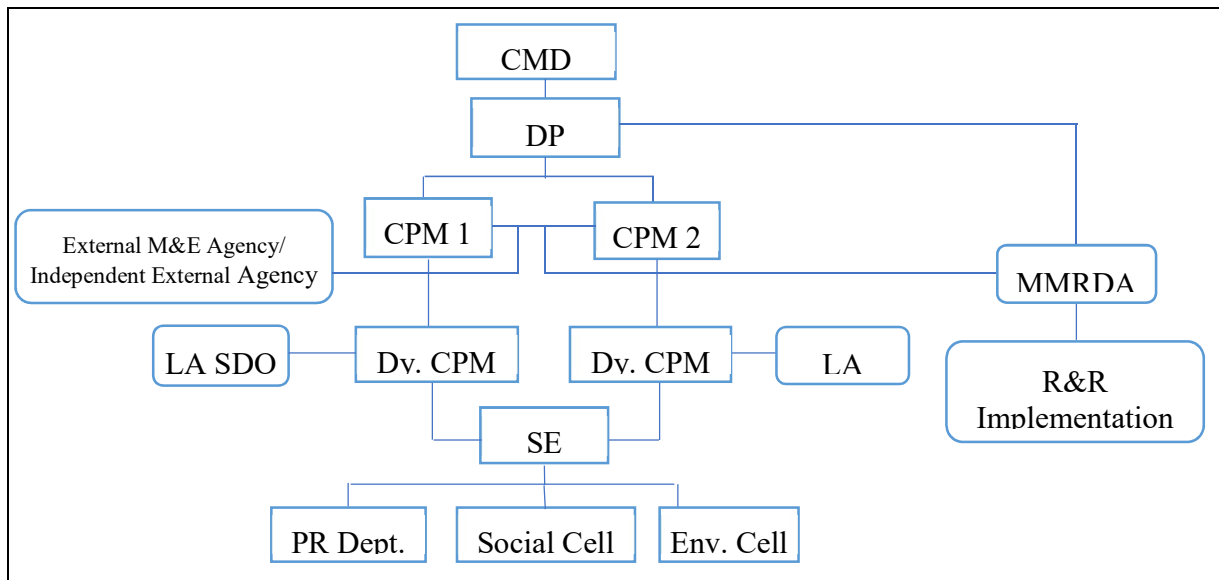
Position	Responsibilities
MRVC	<ul style="list-style-type: none">• Overall planning and supervision of all project activities;• Exercise of administrative approval for finance & execution of related activities;• Acquisition of land through District Administration• Coordination with AIIB, Govt. of India, Govt. of Maharashtra and other concerned agencies.• Supervision and control over the Managers, Officers and support staff in MRVC;• Prepare and submit all reports and communication;• The responsibility of the Environmental & Social Cell includes:<ul style="list-style-type: none">✓ Review and validate RAP, Micro Plan and any other E&S documentation required by the Project.✓ Prepare Progress Reports✓ Disclosure of information and liaison with external agencies
MMRDA	<ul style="list-style-type: none">• Implementation of the Resettlement Action Plan and Rehabilitation of the project affected families (Encroachers & Squatters on government land)• In case of application of LARRA 2013, R&R activities will be conducted by MMRDA• Supervision and documentation of the process of Direct Purchase on a sample basis⁸
Public Relation	<ul style="list-style-type: none">• Coordinate with Social Cell in information sharing on R&R activities of the project;

⁸ In case supervision and documentation is done by third party, report will be validated by MMRDA



Position	Responsibilities
Unit, MRVC	<ul style="list-style-type: none"> • Ensure availability of information to PAFs and other stakeholders with active support from MMRDA; • Coverage of progress of R&R activities in the print and electronic media.
Grievance Redress Committee (GRC)	<ul style="list-style-type: none"> • Field level GRC will address grievances by scrutinizing documents and addressing concern with direct communication.; • Head Quarter Level GRC will review decisions of field level GRC on grievance petitions filed by PAFs
Third Party Monitoring Agency for Social and Environment Monitoring	<ul style="list-style-type: none"> • Will carry out Monitoring of the RAP/SIA implementation. • Will carry out mid-term and end term evaluation also; • Review the implementation in light of the targets, budget and duration that had been laid down as a part of mid and end term review.
Independent External Agency	<ul style="list-style-type: none"> • Will conduct the evaluation of the process of land acquisition through negotiated settlement, willing buyer-willing seller process, etc. This will be done while the land acquisition is in progress.

Figure 3.1: Proposed Institutional Arrangement of RAP Implementation



3.3 District Administration



- a) The primary concern of the district administration is to ensure public safety, the protection of citizens and all their rights. It comprises the maintenance of law and order and the administration of criminal and civil justice.
- b) The foremost task of a District Collector, as the head of the revenue administration of the district, is the assessment and collection of land revenue and distribution of compensations for land.
- c) They shall be responsible to undertake the following:
 - i.) Facilitate the acquisition of identified land with the respective CPM offices;
 - ii.) Negotiate, initiate and finalize the process of the requirement of land through Direct Purchase, if opted from the MRVC;
 - iii.) Conduct acquisition of land under LARRA 2013, in case assembly of land under Direct Purchase is not successful;
 - iv.) Provide necessary support in identification of alternate Resettlement sites and layout preparation, if any, are required to resettlement displaced PAFs and other common property resources;
 - v.) Provision of necessary clearances and other support as necessary to develop infrastructure at resettlement site;
 - vi.) Enable conducting of public meetings;
 - vii.) Support the relocation process as required;
 - viii.) Provide necessary support to GRM through nomination of officials in the GRC and
 - ix.) Provide necessary support during project's construction stage.

3.4 Consultations and Social Impact Assessment

- a) In order to engage with the community and enhance public understanding on the Project and address the issues pertaining to resettlement, various sections of PAFs and other stakeholders will be consulted, while carrying Social Impact Assessment and Census and Socio-economic surveys. The feedback and suggestions of the impacted and those having interest in the project, are recorded through various consultations. Their suggestions, wherever feasible, are being incorporated in the RAP and designs.
- b) The consultation process established for the project has employed and will continue to employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project preparation, such as group/community level consultations, in-depth interviews, public meetings, and focus group discussions. Particular attention will be paid to the need of the disadvantaged or vulnerable groups, especially those below poverty line, the landless, the elderly, female headed households, women and children, and those without legal title to land.



- c) The Social Impact Assessment will include verification of the affected land, affected structures, Census Survey of the affected families, sample socio-economic survey, survey of the affected Common Property Resources and preparation of a Social Impact Assessment Report.
- d) The Scheduled Tribes, being affected for the project, will be consulted and the Social Impact Assessment will verify if they are Indigenous or in the main stream. If the affected ST families are found to be indigenous, then Indigenous Peoples Development Plan will be prepared.

3.5 Disclosure

- a) In order to make the RAP preparation and implementation process transparent, a series of public consultation meetings with all stakeholders will be carried out in the field for dissemination of information regarding rehabilitation process and entitlement framework. The salient features of RAP and the R&R policy shall be translated in Marathi and will be disclosed through the MRVC and prominent places in the project. The documents available in public domain will include: Entitlement Matrix and RAP (summary in Marathi). All documents will be kept in the offices of MRVC. As per PPM Policy of AIIB all safeguard documents will also be available at the AIIB Portal. The MRVC will assist in community level disclosure and information dissemination work, which will include community display, meetings and consultations.
- b) Further, consultations will be held amongst all stakeholders. Summary of the RAP translated in Marathi will be distributed to the stakeholders and their views and suggestions will be considered depending on their applicability.

3.6 Grievance Redress Mechanism

- a) Grievance Redress Mechanism (GRM) is an arrangement for receiving, evaluating and facilitating the resolution of affected people's concerns, complaints, and grievances about the borrower/client's social and environmental performance on a project.
- b) The GRCs will have representatives from the community, local NGOs and the implementing agency. The Complaints received by the GRCs will be handled according to the existing procedures, which are in tandem with the Bank's requirements.
- c) The Project-affected People's Mechanism (PPM) has been established by the AIIB to provide an opportunity for an independent and impartial review of submissions from



Project-affected people who believe they have been or are likely to be adversely affected by AIIB's failure to implement its ESF in situations when their concerns cannot be addressed satisfactorily through Project-level GRM or AIIB Management's processes. It has been advised that a multi-tier GRM will be constituted for the Project in line with the prescriptions of the PPM Policy of the Bank, building on the existing complaint mechanisms.

- d) MRVC will develop a Grievances Redress Cell to receive and respond to the concerns, complaints, and grievances received from the stakeholders. The phone numbers and communication addresses for grievances will be displayed at various locations near construction site. The grievances will be received by following ways:
- Letter to Grievances Redress Cell or by email.
 - Telephonic grievances on the phone number linked to Grievances Redress Cell. The grievances received telephonically will be noted in the telephonic grievances register.
 - Grievances communicated to the field staff of MRVC/PMC/Contractor will have to be in writing and recorded by the field staff in a register, which will be given to the Grievances Redressal Cell.
- e) The grievances related to environment shall include but not limited to:
- Noise pollution due to vehicular traffic, machinery etc.
 - Air pollution due to construction activities
 - Contamination of waterbodies due to disposal of any type of waste such as solid waste from labour camps, construction and demolition waste, oil spills etc.
 - Use of productive land for material transportation or storage or labour camps without necessary permissions from concerned authority
 - Issues related to compensation for land acquired
 - Damage to any cultural or physical resources outside the project area
 - Misbehaviors of labour with the local community
 - Improper construction site management, improper storage or disposal of waste / debris material, inadequate safety practices, damage to cultural or public properties and issues between the labour force and the local community.
- f) Grievances related to land acquisition, compensation and resettlement will include issues such as computation of compensation, land measurement, eligibility, non-inclusion in the list of PAPs, valuation of structures, trees etc.



- g) There will be Grievance Redress Committee to hear and redress the grievances, if any, of the project affected families and PAPs at local level as well as in the Head Quarter level in Mumbai. The Grievance Redress Mechanism will be at two levels. Tier 1 will consist of the Contactors and PMC. Tier 2 will be officers of MRVC. The working mechanism of Tier 1 and Tier 2 shall be as follows:

Tier 1: This will be the first level of grievance redress at field level and will consist of the Project affected persons representatives, Contactors and PMC. The Contractor at the field level to the extent possible will address the problem and try and resolve the complaint. The PMC will ensure the successful redress of the compliant and report to the Grievance Redress Cell. PMC will also monitor the implemented action in the field. The time taken at the field level to address grievances will be 14 days.

The field level PMC and Contractors will consider any grievance of PAFs, give its decision in writing within a stipulated time of 2 week, and keep record of such decisions. If the aggrieved party is not satisfied with the decision, appeal could be made to Grievance Redress Committee at Head Quarter level.

Tier 2: This will include officers from MRVC. The members will include CPMs and Deputy CPMs, Social Expert (1 staff), and environment expert (1 staff). The Grievance Redress Committee (GRC) at Head Quarter level (HQGRC) shall be chaired by the respective CPM and FA & CAO officials from MRVC and nominated officer from MMRDA shall be the members of the committee. The time taken to redress grievances will be 2 weeks at this level. The GRC at Head Quarter level is presented in **Table 3.2**.

Table 3.2: Headquarter level Grievance Redress Committee

Sl.	Officials	GRC Designation
I	CPM, MRVC	Chairman
II	FA & CAO, MRVC	Member
III	Deputy CPMs	Member
IV	Nominated Officer from MMRDA	Member
V	Environment Experts (1)	Member
VI	Social Expert (1)	Member



- h) Grievance Redress Committee at the HQ will comprise of separate line of redress for Land Acquisition matters and Resettlement matters. For land acquisition the aggrieved person will first approach the concerned SDO, followed by the Deputy CPM and finally the CPM. Alternately, the concerned SDO can also route the unresolved grievances through the Collector and then the concerned Additional Divisional Commissioner.
- i) For resettlement related matters, for non-title holders, the affected person will first approach the concerned Project Implementation Unit of MMRDA, then the Chief, Social Development Cell of MMRDA
- j) PRO will be a nodal person who will transmit the letter/telephonic grievances register to the respective departments e.g. Social, Environment, Civil, Mechanical, Electrical etc. within MRVC. Based on the response received from the technical team, PRO will respond back to the respective stakeholders via letter/email/telephonic communication regarding the complaints. PRO will also pass on the response of concerns, complaints, and grievances to the contactor and PMC for implementation of the actions suggested by MRVC on the grievances.
- k) The PRO shall disseminate the roles and responsibilities of its members and encourage the public to approach it in case they have any concern related to project implementation.
- l) The complainant may take recourse to the Court of law, if dissatisfied with the verdict of the GRM. PAFs are expected to approach the court of law after exhausting the remedy of GRC mechanism. However, establishment of grievance redress mechanism does not bar any one from approaching the court of law.

3.7 Implementation Schedule

- a) The implementation schedule for RAP will be linked to the overall project implementation programme. All activities related to the land acquisition and resettlement shall be planned to ensure that compensation and R&R component is completed or at advance stages of completion prior to commencement of civil works.
- b) Project preparatory stage involves the draft SIA and final SIA preparation activity. The major activities performed in this period include consultation with the stakeholders, Census and Socio-economic survey, to identify the PAFs and their socio-economic status prior to implementation of project.
- c) The preparation of RAP will include finalization of the entitlements and eligibility of the affected persons identified in the SIA in accordance with the Entitlement Matrix and guidance of the RPF. The RAP will also include Resettlement budget and



institutional arrangement for implementation of RAP. The RAP, at this stage, needs to be approved and disclosed to the PAFs. Upon the approval of RAP, the payment of compensation and allowances R & R benefits will be disbursed as per the approved RAP.

- d) The major activities related to the implementation of the Resettlement Action Plan (RAP) are related to impacts on land, structures, CPRs etc. The project will provide requisite notice two months (for vacating structure) and 3 months (for harvesting standing crops/fruits etc.) or suitable compensation to the project affected persons so that they are able to move or take away their assets without undue hardship before the commencement of civil works. The implementation of RAP consists of the following major activities:
- i.) Deployment of required staffs;
 - ii.) Information dissemination activities by holding consultations, awareness generation materials (leaflets, flyers, handbills, etc. containing salient features of the project, entitlement matrix, the role of GRC, etc.) in Marathi,
 - iii.) Verifying list of PAPs identified during survey during the project preparation;
 - iv.) Confirming the status of PAPs (titleholder, encroacher, squatter, etc.),
 - v.) Joint Measurement Survey of affected Land
 - vi.) Measurement and valuation of structures affected,
 - vii.) Preparation of Micro Plan,
 - viii.) Checking and vetting of the Micro Plan by CPM office,
 - ix.) Disbursement of compensation and R&R assistance to PAPs,
 - x.) Relocation and rehabilitation of PAPs,
 - xi.) Conduct consultations with the local community for rehabilitation and relocation of CPRs

3.8 Monitoring & Evaluation

- a) 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 R&R implementation outcome vis-à-vis baseline status based on the key indicators. For this purpose, a monitoring and evaluation (M&E) will be carried out by MRVC through a third party Monitoring agency. The third party Monitoring agency will conduct bi-annual Monitoring and report on the findings. However, the objective of conducting M&E is to assess the efficiency and efficacy in implementation activities, impact and sustainability, drawing lessons as a guide to future resettlement planning.



- b) Monitoring will give particular attention to the project affected vulnerable groups such as scheduled castes, scheduled tribes, BPL families, women headed households, widows, old aged and the disabled. RAP implementation will be monitored internally. MRVC will be responsible for internal monitoring through their field level officers and Social Cell and will prepare quarterly reports on the progress of RAP implementation. An Independent Evaluation Consultant may be hired by MRVC RAP to supervise and document the process of direct purchase of land. A qualified party monitoring agency will be engaged for review of Environmental and Social safeguards measures for the project.

3.8.1 Internal Monitoring

- a) The internal monitoring for RAP implementation will be carried out by MRVC. 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;
 - ✓ Monitor the effectiveness of the grievance system
 - ✓ Periodically measure the satisfaction of project affected people.
- b) Internal monitoring will focus on measuring progress against the schedule of actions defined in the RAP. Activities to be undertaken by the MRVC will include:
- ✓ Liaison with the MMRDA, construction contractor and project affected communities to review and report progress against the RAP
 - ✓ Verification of land acquisition and compensation entitlements are being delivered in accordance with the RAP;
 - ✓ Verification of agreed measures to restore or enhance living standards are being implemented;
 - ✓ Verification of agreed measures to restore or enhance livelihood are being implemented;
 - ✓ Identification of any problems, issues, or cases of hardship resulting from resettlement process;
 - ✓ Through household interviews, assess project affected peoples' satisfaction with resettlement outcomes;
 - ✓ Collection of records of grievances, follow up that appropriate corrective actions have been undertaken and that outcomes are satisfactory;
- c) Monitoring is a continuous process and will be carried out by field level officers of Social Cell on regular basis to keep track of the RAP implementation progress.



Although monitoring is a continuous process until the completion of the resettlement, around sixth (6th) month of the resettlement, Social Cell will conduct a monitoring specially given attention to the livelihood recovery of the PAFs, particularly project affected vulnerable groups. If Social Cell officers recognize further needs for PAFs to recover the livelihood or stabilize the new job and environment, Social Cell or/and other department of MRVC will play key roles to coordinate state and national organizations/agencies to effectively address the difficulties of those who need further assistances. The probable indicators are presented in **Table 3.3**.

Table 3.3: Indicators for Monitoring of RAP Progress

Indicators	Parameters Indicators
Physical	Number Micro Plans prepared and distributed Number of structures dismantled Number of owners paid compensation Number of families affected Number of PAFs receiving assistance/compensation Number of PAFs provided transport facilities/ shifting allowance Number of PAFs whose land is acquired Number of PAFs received developed land, if any
Financial	Amount of compensation paid for land/ structure Amount of allowances paid to PAFs
Social	PAFs knowledge about their entitlements Benefits to Vulnerable population
Economic	Entitlement of PAFs No. of PAFs provided with skill training No. of PAFs provided with support for income restoration
Grievance	Number of community level meeting Number of GRC meetings Number of cases disposed by GRC to the satisfaction of PAFs Number of grievances referred and addressed by GRC

- d) Socio-economic survey and the land acquisition data provide the necessary benchmark for field level monitoring.

3.8.2 Third Party Monitoring Agency for Social and Environment Monitoring



- a) The MRVC will engage a Third Party Monitoring Agency for Environment and social monitoring of the project. The Third Party will carry out the following tasks with regard to environmental and social monitoring:
- Observe the functioning of the resettlement operation at all levels in order to assess its effectiveness and compliance with the SIA/RAP;
 - Review the adequacy of resettlement planning carried out under the project;
 - Review and verify internal monitoring by Implementing Agency;
 - Carry out sample interview of Affected Persons to check delivery of compensation and assistance as per eligibility based on project entitlement; and suggest remedial measure
 - Carry out public meetings and assess involvement of people in resettlement implementation process; Observe public consultation for APs; review the documentation of consultations held by implementing NGO;
 - Check the type of grievance issues and the functioning of grievance redress mechanisms by reviewing process of appeals at all levels and interviewing aggrieved APs
 - Review the functioning of the institutional mechanism and resettlement operation proposed in the SIA/RAP;
 - Develop Monitoring Indicators to monitor the implementation of resettlement and social activities planned under the project;
 - Identify gaps in implementation and suggest the corrective action plan; advise MRVC regarding possible improvements in implementation of the SIA/RAP
 - Certify that the RP implementation activities are completed so that civil works on the project can start; Prepare the semi-annual external monitoring reports
 - Monitor implementation of the Environmental Management Plan for all construction works in the project
 - Carry out Mid Term and End Term Evaluation study, as necessary
 - Conduct bi-annual E&S monitoring and submit bi-annual E&S Monitoring report.

3.8.3 Independent External Agency

The Independent agency will evaluate the process of land acquisition in the project. This will be a one-time engagement. This evaluation will be conducted while the land acquisition process is under progress. Reporting Requirements

- a) MRVC will be responsible for supervision of implementation of the RAP. The internal monitoring and reporting structure shall be followed as:
- The Social Cell will submit monthly progress report to CPM the first week of each following month.
 - Half Yearly progress report prepared by MRVC will be submitted to AIIB.
- b) MRVC will also engage an independent agency for Independent Evaluation of RAP implementation in of MUTP-III project. The Consultant will submit two reports to



determine whether resettlement goals have been achieved, more importantly whether livelihoods and living standards have been restored or enhanced and suggest suitable recommendations for improvement. The first report will be submitted after half way through the RAP implementation and the second report will be submitted six months after the implementation of RAP activities.

3.9 Resettlement Budget Source

- a) MRVC has made adequate budget for all land acquisition compensation and R&R assistance from the counterpart funding. The budget estimates and its sources will be reflected in RAP. The cost of the project is shared by Ministry of Railways and Government of Maharashtra in ratio of 50:50.
- b) The resettlement budget will comprise itemized estimate of compensation for land, structures, trees, crops, various resettlement assistances, rehabilitation or replacement of CPRs including land, if government land is not available, institutional cost, contingency, additional studies if required, cost towards implementation, evaluation consultants, etc. and will be presented in the Resettlement Plan (RAP) Report.
- c) The cost of social safeguards management including LA and R&R has been budgeted as part of the overall project costs. While the cost of LA and R&R shall be met with Government of India funds, the cost for capacity building, training, technical audit, has been budgeted under AIIB loan funds.

3.10 Census Survey Updating

The Baseline data will be reviewed and updated if the process of implementation of RAP is not initiated/ completed within a period of two years.

3.11 Coordination with Civil Works

The land acquisition and resettlement implementation will be co-coordinated with the timing of procurement and commencement of civil works. The required co-ordination has contractual implications, and will be linked to procurement and bidding schedules, award of contracts, and release of cleared Corridor of Impact sections to the contractors. The project will provide adequate notification, counseling and assistance to affected people so that they are able to move or give up their assets without undue hardship before commencement of civil works only after receiving the compensation. The bid documents will specify the extent of unencumbered land to be handed over at the time commencement of works and subsequent milestones and this will be strictly followed to ensure that land is



provided on a timely basis to the contractors and also plan implementation of land acquisition and resettlement in line with procurement and civil work time table.

3.12 Updating of Resettlement Policy Framework

This Resettlement Policy Framework will be updated as and when changes or amendments to the applicable laws and policies are made and based on implementation experience and lessons learnt.



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