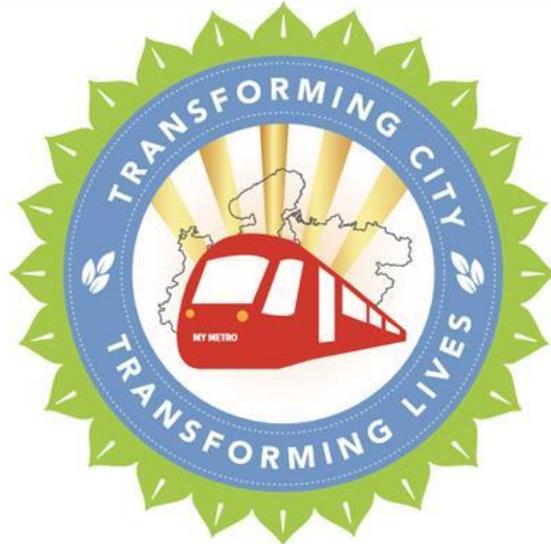


**Government of Madhya Pradesh
Urban Development and Housing Department**



Madhya Pradesh Metro Rail Co. Ltd.

**Metro Rail Projects for Bhopal and Indore
Bhopal Metro Project - Phase 1
Resettlement Policy Framework**

Bhopal Metro Project - Phase 1

Resettlement Policy Framework

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Abbreviations

BPL	-	Below Poverty Line
DC	-	District Collector
DM	-	District Magistrate
DPR	-	Detailed Project Report
EIB	-	European Investment Bank
FGD	-	Focus Group Discussion
GRC	-	Grievance Redressal Committee
IFI	-	International Financial Institution
IR	-	Involuntary Resettlement
LAA	-	Land Acquisition Act
MPMRCL	-	Madhya Pradesh Metro Rail Company limited
BMC	-	Bhopal Municipal Corporation
NRRP	-	National Rehabilitation and Resettlement Policy
PAF	-	Project Affected Family
PAP	-	Project Affected People
PIU	-	Project Implementation Unit
PP	-	Project Proponent
RAP	-	Resettlement Action Plan
RP	-	Resettlement Plan
RTFCTLARRA	-	The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
SEMU	-	Social and Environmental Management Unit
SIA	-	Social Impact Assessment



Definitions

The Resettlement Policy Framework (RPF) is an important document which will guide anticipated resettlement and rehabilitation that may be caused due to the project activity. Hence, it is imperative that various terms and terminologies as well as expressions are clearly understood. There are many terms used in this Resettlement Policy Framework (RPF) which may need explanation. Hence, the definitions of such terms have been given in this section.

- i. **Project Affected Person:** Any individual who resides or has economic interest within the area being acquired and who may be directly affected by the project due to losing of commercial or residential structures in whole or part and as a result of the project.
- ii. **Owners/titleholders:** Those who have legal title of land, structure and other assets.
- iii. **Award/Compensation:** Refers to the amount paid under Land Acquisition Act for private property, structures and any other assets acquired for the project. In this context, award/compensation refers to payments made by the Land Acquisition Officer acting under and using compensation principles and provisions of RFCTLARR Act 2013 or of Madhya Pradesh Consent Land Purchase Policy 2014 or any other act as applicable.
- iv. **Consent Award:** It is the amount that the project affected person negotiates with the Land Acquisition Officer for the loss incurred, on a willing buyer-seller basis. Once the amount is agreed upon, the project affected person cannot move court for enhancement of the amount. This amount is a mutually agreed price without any pre-condition.
- v. **Tenants:** Those persons having bonafide tenancy agreements, written or unwritten, with a private property owner with clear property titles, to occupy a structure or land for residences and business. Those who don't have any written documents need to furnish documentary proof such as telephone bills, electricity bills, ration cards, any postal evidence, passport and any other legal documents to prove occupation of the premises.
- vi. **Business Loss:** This is to offset the loss of livelihood/business.
- vii. **Resettlement Allowance:** This is a onetime allowance paid to all project affected persons losing structure and land, for resettlement caused due to acquisition.
- viii. **Shifting Allowance:** This is a onetime allowance paid to project affected families for transportation and related costs for shifting and relocation
- ix. **Right to Salvage Material Totally:** Owners can take whatever material possible from their existing Structure.
- x. **Cutoff Date:** in the cases of land acquisition affecting legal titleholders and



tenants, it is the date of notification as per relevant sections of RFTLARR Act 2013 or MP Consent Land Purchase Policy 2014. For the Non-Titleholders the cut-off date will be the date of Census Survey.

- xi. **Any Other Unidentified Category:** Any category not identified, shall be documented and mitigated based on the principles agreed upon this rehabilitation package.
- a. **Squatters (Non-Titleholders):** Squatter are those persons who have occupied government/public lands illegally for residential, business and or other purposes as on cut-off date.
 - b. **Encroachers (Non-Titleholders):** Those persons who have extended their building, business premises or work places or agriculture activities into government/public lands.
 - c. **Vulnerable Groups:** Those persons such as differently abled persons, women headed households, aged and belonging to Scheduled Caste and Scheduled Tribes.

1. Introduction

1.1 Background

This document represents the Resettlement Policy Framework (RPF) for the proposed Purple Line from Karond Square to AIIMS and Red Line from Bhadbada Square to Ratnagiri Tiraha of Bhopal Metro Rail Corridor of Phase I Project. It describes the policies, procedures and processes that will be followed throughout the project in the course of mitigation of adverse social impacts due to project activities among the project affected persons, with and without legal title, whose land/properties, businesses and other assets to be acquired for the execution of the project. Since the project is to be implemented with the support of the European Investment Bank (EIB), the Madhya Pradesh Metro Rail Company Ltd. (MPMRCL) prepared this RPF to ensure full compliance with the requirements of safeguard policies of both the aforesaid institutions and all applicable national policies. This RPF also contains all the national and local policy provisions that are applicable for mitigation of adverse social impacts. This document also contains monitoring and evaluation mechanism of resettlement.

The RPF framework is primarily applicable for land acquisition and involuntary displacement of families residing on both public and private lands needed for the project and covers the following categories of affected families:

- Title holder families with loss of land (agricultural/ homestead/ commercial or otherwise)
- Title holder families with loss of residential structure
- Title holder family with loss of cattle-shed or petty shop or commercial structure
- Non-title holder who is a tenant/leaseholder
- Non-title holder who is either residential or commercial squatter or mobile vendor
- Non-title holder who is encroacher
- Vulnerable families identified such as Old age persons, women headed, people with disabilities etc
- Common infrastructure and common property resources
- Unforeseen impact

Though the policy has primary focus on land acquisition and involuntary displacement on a permanent basis, it is applicable to other situations as well as per the relevant legislations which include the following:

- Land may be acquired on mutual consent
- Land may be acquired for temporary purposes by paying a fair rent or lease amount and the land needs to be restored to its rightful owner after the agreed period as per relevant provisions of applicable acts

- In cases where only part of land is required for acquisition from owners, they may be given the option of requesting for full acquisition and payment of compensation at par with other owners from whom full land is required if such owners find that the remaining land is suitable for their use and based on verification
- In case the acquired land is not used for the said purpose and is either put for another commercial use or appreciates in value, the benefits may be shared with the owners from whom the land is acquired as per the relevant provisions of applicable acts

1.2 The Project

Government of Madhya Pradesh with its vision 2018 has decided to upgrade the quality of the life in its capital city Bhopal by providing a highly efficient and comfortable state of art urban rail system. The planned metro rail will provide comfortable, fast and attractive transport system to the people of Bhopal with its station areas as livable, clean and beautiful places to transit and to meet various people, contributing positively to the environment and improved social life. In all six metro lines have been identified, however following two metro lines shall be taken up in the first phase as given in table 1:

Table 1.1: Details of Bhopal Metro Rail Project in Phase I

Line No.	Description	Stations in Number	Length as per PPR in KM
Purple Line	Karond Square to AIIMS	Total – 16 Elevated – 14 Underground - 2	Total - 14.99 Elevated – 12.58 Ramp – 0.62 Underground – 1.79
Red Line	Bhadbada Square to Ratnagiri Tiraha	Total – 14 Elevated – 14	Total – 12.882 Elevated – 12.882
	Total	30	27.872

The two metro corridors of the proposed Bhopal Metro Rail Phase I project have been finalized after taking into account environmental and social concerns, considerations of traffic, integration with the existing system and importantly, the overall economic and financial viability. The underlying principles for evaluation for each corridor, without affecting the overall usefulness of the corridor, are:

- Minimum private land acquisition
- Least disturbance to properties
- Minimum disturbance to people

- Minimum disturbance to ecology/ biodiversity

It may be seen from table 1 that Phase I includes a total length of 27.872 km (with 1.79 km underground) and 30 stations with 2 underground stations.

1.3 Purpose and Need of Resettlement Policy Framework

This document has been prepared to address primarily the private land acquisition; and settlers on public land; as well as related impacts during the implementation stage of the project. All attempts will be made during the final execution of the project to further minimize the land acquisition, resettlement and adverse impacts on people in the project area through suitable engineering design. Minimal private land acquisition is anticipated for the construction of elevated and underground rail tracks, construction of depots, construction of stations including exit/entry structures etc. In addition to private structures there are some common property resources such as Government offices/properties and utilities that may be affected due to the proposed alignment.

The main purpose of this document is to provide guidance in identifying the potential adverse social impacts associated with land acquisition and propose appropriate mitigation measures. It is developed in consistency with the relevant Indian National laws and the IFI's policies (EIB's Environmental and Social Handbook version 9.0 of 02/12/2013) and is applicable for all subprojects implemented under the Bhopal Metro Rail Project.

The specific objectives of this RPF are to:

- Clarify the principles, processes and organizational arrangements to identify and mitigate potential adverse impacts associated with land acquisition and related impacts associated with the Bhopal Metro Rail Project.
- Ensure compliance with applicable Indian laws on land acquisition, resettlement and rehabilitation and policies of the international funding institutions viz. European Investment Bank (EIB) and other IFIs as the case may be.
- Define appropriate institutional arrangements for the implementation and monitoring of the RPF, as well as consultations, disclosures and monitoring.

A complete assessment of land acquisition and resettlement cannot be prepared at this stage since the implementation of the project is in its initial stages. This document serves to define procedures, principles and applicable legal regulations for the Bhopal Metro Rail Project covering 27.872 km consisting of Purple Line from Karond Square to AIIMS and Red Line from Bhadbada Square to Ratnagiri Tiraha. However, the SIA and RAP preparation is already initiated.

Preliminary assessment based on review of reports and field visits indicated that around 32.5 hectares of government land is proposed for acquisition. The extent of private land to be acquired is limited but yet to be ascertained. Approximately 50 to 60 houses and families (squatters) living in a slum near AIIMS need to be displaced as they are living on the government land proposed to be acquired. Around 350 to 400 shops or kiosks or

vendors are having permanent or temporary structures on the government lands required for construction of metro railway line and related infrastructure facilities such as parking areas and stations. Another 100 shops which could be on government or private land in the old city area may also need to be relocated as this segment of road is narrow and needs to be widened. The exact number of project affected families can only be presented once the census and socio-economic survey is completed.

2. Policy and Legal Framework

2.1 The Acts and Policy Relevant to The Project

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

This RFCT in LARR, 2013 repeals the Land Acquisition Act, 1984 and is applicable to all states in India (Except the state of Jammu and Kashmir). RFCT in LARR, 2013 is a first national/central law that addresses land acquisition and rehabilitation and resettlement.

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

Salient features of the RTFCTLARRA, 2013 are listed below:

- i. The Act provides for land acquisition as well as rehabilitation and resettlement. It replaces the Land Acquisition Act, 1894 and National Rehabilitation and Resettlement Policy, 2007.
- ii. The Act provides for the baseline for compensation and has devised a sliding scale which allows States to fix the multiplier (which will determine the final award) depending on distance from urban centers;
- iii. The affected communities shall be duly informed and consulted at each stage, including public hearings in the affected areas for social impact assessment, wide dissemination of the details of the survey to be conducted for R&R plan or scheme.

- iv. Compensation in rural areas would be calculated by multiplying market value by up to two and adding assets attached to the land or building and adding a solatium. In urban areas, it would be market value plus assets attached to the land and solatium;
- v. The Collector shall take possession of land only after ensuring that full payment of compensation as well as rehabilitation and resettlement entitlements are paid or tendered to the entitled persons; families will not be displaced from land till their alternative R&R sites are ready for occupation;
- vi. The benefits to be offered to the affected families include; financial support to the affected families for construction of cattle sheds, shops, and working sheds; transportation costs;
- vii. Rehabilitation and resettlement benefits to which they are entitled in monetary terms along with a one-time entitlement of fifty thousand rupees;
- viii. For ensuring transparency, provision has been made for mandatory dissemination of information on displacement, rehabilitation and resettlement, with names of the affected persons and details of the rehabilitation packages. Such information shall be placed in the public domain on the Internet as well as shared with the concerned Gram Sabhas and Panchayats, etc. by the project authorities;
- ix. No income tax shall be levied and no stamp duty shall be charged on any amount that accrues to an individual as a result of the provisions of the new law;

Annexure 1 gives the summary of RFCTLLAR Act, 2013. The relevant and key sections of the RFCTLARR Act 2013 related to land acquisition, social impact assessment and resettlement and rehabilitation are presented in table 2.1 below.

Table 2.1: Key Sections of RFCTLARR Act 2013

S. No	Section	Description
1	Section 4(1) – SIA notification	Social Impact Assessment Study Total duration 6 months
2	Section 5	Public Hearing for SIA
3	Section 6 (1)	Publication of SIA
4	Section 7(1) – SIA evaluation and approval	Independent SIA Evaluation by Expert Group
5	Section 8	Examination of proposals for land acquisition and



S. No	Section	Description
		Social Impact Assessment report by appropriate Government
6	Section 11(1) – Notice to acquire land	Publication of Preliminary Notification for acquisition
7	Section 11(5) – Land record Updation	Updating Land records Total duration 2 months
8	Section 16(1) – Hearing of objections	Within 60 days from the date of 11(1) notification
9	Section 17(1) and (2) – Preparation of R&R Scheme by Administrator	After the publication of 11(1) notification by collector, Administrator for R&R shall conduct census survey of affected families
10	Section 17(5)	Public hearing of R&R Scheme
11	Section 17(6)	Submission of draft R&R scheme to collector
12	Section 18(1)	Review of R&R scheme by Collector with R&R committee
13	Section 18 (2)– Approval of R&R scheme by Commissioner	Officer off the rank of Commissioner or Secretary of that Government
14	Section 20(1) – Publication of declaration and summary of R&R	To be published within a period of 12 months from the notification under section 11(1) excluding stay or court order
15	Section 20(7) – Lapse of notification under section 11(1)	If no declaration is made within 12 months from the notification under section 11(1) excluding stay or



S. No	Section	Description
		court order
16	Section 22(1)	Notice to person interested for taking possession.
17	Section 24	Land Acquisition Award by collector
18	Section 26 – Lapse of entire proceeding for acquisition	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 32(1)	R&R award by collector Collector shall take possession after ensuring 100% compensation payment and R&R entitlement or Tendered within a period of 3 months for compensation and 6 months for R&R entitlements.

Madhya Pradesh Consent Land Purchase Policy 2014

The Revenue Department, Government of Madhya Pradesh has formulated a policy 'Consent Land Purchase Policy' on 12 November 2014 by using the power under Constitution of State, Subject -18 (Land Transfer) to purchase private land for construction of various projects in public interest. This will help the state government to cut down the lengthy process of acquisition of private land through RFCTLARR Act 2013 and in fast completing of the infrastructural projects. The policy has provision to calculate the value of land and associated assets on the prevailing circular rates and an equal amount of it will be added in total compensation as resettlement assistance.

The key provisions of Consent Land Purchase Policy 2014 of MP Government are as follows.

- State Government can acquire private land on consent basis on behalf of various departments or state-owned undertakings
- The Collector is the responsible authority for acquisition

- The land value will be calculated on the basis of prevalent collector guideline rates of lands plus value of available assets on the land including trees, well, house etc. In addition, an equal amount over and above the land will be paid as rehabilitation grant
- Thus, land owner will be paid twice the amount of land value

The national and state agencies are recommended to acquire land for infrastructure projects in Madhya Pradesh in accordance with the provisions of MP Consent Land Purchase Policy 2014. A copy of Madhya Pradesh Consent Land Purchase Policy 2014 is attached as **Annexure -2**

Madhya Pradesh Transferable Development Rights Rules (MPTDRR), 2010

Government of Madhya Pradesh has drafted a rule called "Madhya Pradesh Transferable Development Rights Rules, 2010" to acquire private land and properties in cities for town planning and development by using the powers conferred by section 85 read with sub-section (3) of section 24 of the 'The MP Town and Country Planning (TCP) Act, 1973' (No. 23 of 1973). Under this rule, a "Development Rights Certificate" is issued by competent authority to owner of land in lieu of consideration of his land which is proposed for non-remunerative use in development plan.

The key provisions of Madhya Pradesh Transferable Development Rights Rules, 2010 are as follows

1. The owner of plot of land which is required for a public purpose in the Master Plan or Zonal Development Plan by way of reservation for open space zone, roads, school, health centre, vehicles parking or any public utility, shall be eligible for the award of Transferable Development Rights in the form of built up area or Floor Area Ratio. But these rights shall not be applicable on land or buildings having historical importance.
2. Development Rights Certificate will be granted to an owner only for that land which is reserved for public purpose in Development Plan, on the submission of land use certificate. The land use zone of such land where Development Rights Certificate can be utilized for Public and semipublic road, recreational, public amenities etc
3. Development Rights Certificates will be issued by the competent authority. The floor area ratio credit will be in the built-up area, the place and the zone in which the Development Rights Certificates are earned and the areas in which such credit may be utilized in newly developed areas will be clearly mentioned in Development Rights Certificate. It is also mandatory that receiving plot should be abutting 12 meters wide road.
4. Development Rights Certificates will be issued in favour of land owner only after surrendering the land in favour of Competent Authority. It is necessary to the land owner to level and fence the land with 1.5 m. barbed wire fence before surrendering.

5. Development Rights Certificate holder can transfer the Development Rights Certificate in full or in part, if he desires to do so for which he shall submit the Development Rights Certificate for endorsement to Competent Authority with request for transfer the right to other person. Without endorsement of the Development Rights Certificate, the rights shall remain for the utilization to whom it is legally issued.
6. The use of Development Rights Certificate shall remain restricted on the plot/land where building construction is prohibited in Development Plan.
7. The land against which Development Rights Certificates is issued will be muted in favour of the Competent Authority free from all encumbrances

The 'Development Rights Certificate' given in lieu of land acquisition, its validity will remain for only ten years. In this period, if the certificate holder will not use it or sell it then the certificate will be 'illegal'. However, if any land owner is 'dissatisfied' with land acquisition, he can go to court.

According to the new rules, not only infrastructure development and transport, the government can also acquire land for 'entertainment'.

According to the new rules, the 'Development Rights Certificate' will be used only in the 'Acquisition Area' and 'Impact Area' declared by the state government. State government will declare those areas the 'Acquisition Area' where the development work is comparatively low. At the same time, both the Metro Route and the 500-meter area will be considered as 'Impact Area' so that there multi-storey building can be constructed. A copy of Madhya Pradesh Transferable Development Rights Rules (MPTDRR), 2010 is enclosed as **Annexure 3** for reference.

2.2 EIB's Policies and Deviations from The Indian Law and Proposed Measures for Bridging the Gaps

EIB standard No.6 on involuntary Resettlement has the following objectives:

- Avoid or, at least minimize, project induced resettlement whenever feasible by exploring alternative project designs;
- Avoid and/or prevent forced evictions and provide effective remedy to minimize their negative impacts should prevention fail;
- Ensure that any eviction which may be exceptionally required is carried out lawfully, respects the rights to life, dignity, liberty and security of those affected who must have access to an effective remedy against arbitrary evictions;
- Respect individuals', groups' and communities' right to adequate housing and to an adequate standard of living, as well as other rights that may be impacted by resettlement;
- Respect right to property of all affected people and communities and mitigate any adverse impacts arising from their loss of assets or access to assets and/or

restrictions of land use, whether temporary or permanent, direct or indirect, partial or in their totality.

- Assist all displaced persons to improve, or at least restore, their former livelihoods and living standards and adequately compensate for incurred losses, regardless of the character of existing land tenure arrangements (including title holders and those without the title) or income earning and subsistence strategies;
- Uphold the right to adequate housing, promoting security of tenure at resettlement sites;
- Ensure that resettlement measures are designed and implemented through the informed and meaningful consultation and participation of the project affected people throughout the resettlement process;
- Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted.

2.2.1 Gap between Indian Laws and EIB Requirements

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

Table 2.2: GAP between Indian Laws and EIB Requirements

SN	Objectives	EIB	RTFCTLARRA 2013
1	Avoid involuntary resettlement	Involuntary resettlement should be avoided wherever possible	Yes
2	Minimize involuntary resettlement	Minimize involuntary resettlement by exploring all viable alternative project design	Yes
3	Mitigate adverse social impacts	Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.	Yes
4	Identify, assess	Through census and socio-economic	Yes



SN	Objectives	EIB	RTFCTLARRA 2013
	and address the potential social and economic impacts	surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g. relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas.	
5	Prepare mitigation plans for affected persons	To address the project impacts, prepare resettlement plan or resettlement policy framework prior to project appraisal, estimating to the extent possible the total population to be affected and the overall resettlement costs.	Yes
6	Consider alternative project design	Assess all viable alternative project designs to avoid, where feasible, or minimize involuntary resettlement.	Yes
7	Involve and consult with stakeholders	Consult project-affected persons, host communities and local on governmental organizations, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the process for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms. Pay particular attention to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and	Yes, However, definition of vulnerable group is slightly different from EIB's requirement. This has been addressed in the Entitlement Matrix.



SN	Objectives	EIB	RTFCTLARRA 2013
		children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation	
8	Disclose and inform PAPs of RAP and mitigation measures	Disclose draft resettlement plans, including documentation of the consultation process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders.	Yes
9	Support existing social and cultural institutions of the affected persons	To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers preferences with respect to relocating in pre-existing communities and groups are honoured.	Yes
10	Build capacity of the borrower(s) in IR implementation	Financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations.	Yes
11	Categorization	Categorization of the affected families is defined as titleholders, non-titleholders including encroachers, Squatters, tenants, etc. NTH are identified from the date of census survey	The Indian National R&R law (RFCTLARR 2013) identifies the Non-Titleholders only if they are residing on the land for the previous 3 years
12	Resettlement Plan/ Resettlement Action Plan	To cover the direct social and economic impacts that are caused by the involuntary taking of land and/ or the involuntary restriction of access to legally designated parks and protected areas, the borrower will prepare a Resettlement	Yes



SN	Objectives	EIB	RTFCTLARRA 2013
		plan or resettlement policy framework. The RAP or framework will include measures to ensure that the displaced persons are provided assistance during relocation; provided with residential housing or housing sites, or as required agricultural sites; offered transitional support; provided with development assistance in addition to compensation.	
13	Supervision	The Bank regularly supervises resettlement implementation to determine compliance with the instrument.	Yes
14	Monitoring Evaluation	The borrower is responsible for adequate monitoring & evaluation of the activities set forth in the resettlement instrument and assess whether the objectives of the resettlement instrument have been achieved, upon completion of the project, taking account of the baseline conditions and the results of resettlement monitoring.	Yes
15	Timeline for every process	Bank does give time schedule for activities'	Yes
16	Social Impact Assessment	Bank desire social impact assessment to be carried out for PAPs	Yes
17	Grievance Redressal Committee	Bank desire that mechanism shall be in place for redressal of grievances of PAPs	GRM is proposed in the RFCTLARR 2013 Act and it deals with only legal titleholders.
18	Public consultation	EIB explicitly desire public consultation and interaction of Project authority and PAPs to develop RAP.	Yes

The institutional framework for resettlement and rehabilitation in India is largely attuned with the EIB policies except in some areas where the Indian law does not explicitly state the requirements. In order to comply with EIB's policies, the steps that will be taken by the project authority are described below.

2.2.2 Grievance Redressal Committee

In order to meet the requirements of EIB, an efficient grievance redressal mechanism will be developed to assist the PAPs resolve their queries and complaints. The GRC will address only rehabilitation assistance issues both for title holders and non-title holders. Grievances related to ownership rights and land compensation as also R&R can be dealt in court as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. More details on grievance redressal committee are given in subsequent section.

2.2.3 Establishment of RAP Implementation Team

As per the Act, the implementation of rehabilitation and resettlement is the responsibility of project proponent and District Magistrate. However, the Act does not clearly mention about the implementation of rehabilitation and resettlement process at the project level. In order to implement and monitor RAP effectively, a Social and Environmental Management Unit (SEMU) will be constituted in MPMRCL at Bhopal. The roles, responsibilities and other details pertaining to RAP implementation team is explained in subsequent chapter.

2.2.4 Monitoring and Evaluation

A monitoring and evaluation (M&E) program will be developed to provide feedback to project management which will help keep the programs on schedule and make them successful. RAP implementation will be monitored both internally and externally. Project Authority will be responsible for internal monitoring through their site offices and will prepare quarterly reports on the progress of RAP implementation. Management Information System would be developed to monitor the resettlement and rehabilitation process. If required an Independent Evaluation Consultant will be hired by Project Authority for mid and end term evaluation of RAP implementation.

2.2.5 Other Measures

The Act does not provide special benefits to all categories of vulnerable groups as defined in this policy; it has now been proposed to provide additional rehabilitation and resettlement benefits to vulnerable groups to bridge the gap with EIB's requirements.

3. Resettlement & Rehabilitation of Project Affected Persons

3.1 Guiding Principles

Resettlement & Rehabilitation activities of Bhopal Metro Rail Project will be governed by the following general principles, which are based on EIB guidelines and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement



Act, 2013.

- In general, land acquisition will be undertaken in such a way that no project affected person, with or without formal title, will be worse off after land acquisition;
- MPMRCL will pay compensation for land it is acquiring based on the Principles of the Right to Fair Compensation and transparency in land acquisition, Rehabilitation and Resettlement Act 2013 or MP Consent Land Purchase Policy as decided;
- All activities and procedures will be formally documented;
- The property and inheritance rights of project affected persons will be respected;
- If the livelihood of the project affected persons without formal title depends on the public land that they are using, they will be assisted in their effort to improve their livelihoods and standard of living to restore them to pre-displacement levels;
- If project affected person, without legal title, is not satisfied with the above decisions, they can approach the grievance redressal committee;
- In cases where there are persons working on the affected land or businesses, as determined by the social impact assessment, where the project affected person does not have formal title to the land (e.g. wage earners, workers, squatters, encroachers, etc.), then compensation/ assistance will be provided to these categories project affected persons to ensure no loss, to the extent as determined appropriate by the social impact assessment;
- In cases where land is needed on a temporary basis, project affected persons who have formal title will be compensated to the assessed fair rental price for the period during which the land is used and the land will be returned in the same condition or better as before it was rented;
- If resettlement is unavoidable in addition to the payment of fair market value for all land and immovable property, project affected persons will be provided assistance in relocation and other related expenses (i.e. cost of moving, transportation, administrative costs etc.);
- These rights do not extend to individuals who commence any activities after cutoff date of the project;
- The compensation and eligible resettlement and rehabilitation assistance will be paid prior to taking over of land and other assets for construction purposes;
- All project affected persons (private and public, individual and businesses) entitled to be compensated for land acquired; losses, structures or damages will be offered compensation and assistance in accordance with the provisions of this RPF. Those who accept the compensation amount will be paid prior to taking possession of their land or assets. Those who do not accept it will have their grievance registered or referred to the Grievance Redressal Committee (GRC) / courts as appropriate.

Subproject Screening and categorization

The EA will be responsible for involuntary resettlement planning and for providing necessary information to EIB project team for completion of the Involuntary Resettlement Impact Categorization Checklist included in **Annexure 4** for the project. Based on the screening, the subproject will be assigned to one of the following categories depending on the significance of probable involuntary resettlement impacts:

Categorization	Definition	Observations of SIA
A	Minimal or no adverse impacts – Low risk.	Not Applicable
B	Environmental and social impacts can be readily identified and mitigation and/or remedial measures can be put in place – Medium risk	Applicable; The project may be categorized as B based on screening as per EIB criteria with moderately adverse social impacts and risks that can be mitigated with properly developed and implemented SIA and RAP
C	There may be highly significant, adverse and/or long-term environmental and social impacts, the magnitude of which is difficult to determine at the screening stage–High risk.	Not Applicable
D	Not acceptable in EIB terms.	Not Applicable

3.2 Resettlement and Rehabilitation Process

All attempts will be made during the final execution of the project to minimize the land acquisition, resettlement and adverse impacts on people in the project area through suitable engineering design. The assessments however reveal that the project involves limited private land acquisition but moderately significant displacement of people dependent on government land for residing and livelihoods.

- Social Impact Assessment (SIA) study will be carried out for the proposed corridor of the Bhopal Metro Rail Project through census survey to collect baseline data for socioeconomic information and to identify the project affected population by residence, business base and their locality and will incorporate the finalized RFP. The study will be primarily based on field data generated by census survey and secondary data collected from the census handbooks/ gazetteers/ other relevant

texts.

- Based on above, a Resettlement Action Plan (RAP) will be prepared for implementation of resettlement and rehabilitation for the project. Upon the approval of RAP by the Board of Directors of MPMRCL, the information will be disclosed to affected people. **Annexure 5** presents the outline of Resettlement Action Plan (RAP) All the arrangements for fixing the compensation and the disbursement will be done which includes payment of all eligible assistance; relocation of PAPs; initiation of economic rehabilitation measures; site preparation for delivering the site to contractors for construction and finally commencement of the civil work. The resettlement and rehabilitation will be monitored as part of the RAP implementation at this stage. Internal monitoring will be the responsibility of MPMRCL which will start in early stage of the project when implementation of RAP starts and will continue till the completion of the implementation of RAP.
- The implementation schedule for resettlement plan will be scheduled as per the overall project implementation. All activities related to the land acquisition and resettlement will be planned to ensure that compensation is paid prior to displacement and commencement of civil works. Public consultation, internal monitoring and grievance redressal will be undertaken intermittently throughout the project duration. However, the schedule is subject to modification depending on the progress of the project activities.

3.3 Eligibility and Entitlements

The R&R entitlement framework has been formulated based on the guiding principles outlined in the National Acts and EIB policies. This R&R framework will be adopted to formulate the Resettlement Action Plan.

The compensation package is provided as per the relevant laws of the land. The basic principles governing present compensation structure and R&R entitlement matrix includes various components of R&R benefits and tabulated in Table 3.1. This matrix address all categories of people being affected and all categories of impacts accrued to the affected families due to the Project. Table 3.1 indicates the entitlements of all categories of impact as per the RTFCTLARRA 2013 and the EIB guidelines that are applicable for the project. The entitlements can be classified under three major categories of impact, viz. loss of land, loss of structures and loss of livelihood, which covers the entire gamut of the affected population.

Based on the above resettlement principles the following three broad categories of affected persons will be eligible for various compensation and resettlement and rehabilitation benefits.

- i. those who have formal legal rights to land lost in its entirety or in part;
- ii. those who lost the land they occupy in its entirety or in part and have no formal legal rights to such land, but who have claims to such lands that are recognized



or recognizable under national/state laws; and

- iii. those who lost the land they occupy in its entirety or in part and have neither formal legal rights nor recognized or recognizable claims to such land.

Cut-off Date: For titleholders, the date of SIA notification [Sec 4(2)] of intended acquisition as per the provisions of RFCTLARR Act will be treated as the cut-off date, and for non-titleholders the date of project census survey for the subproject will be the cut-off date. There will be adequate notification of cut-off date and measures will be taken to prevent encroachments/squatting after the cut-off date is established.

Non-title holders who settle in the affected areas after the cut-off date will not be eligible for compensation and assistance. The project will recognize both licensed and non-licensed vendors, and titled and non-titled households.

The following entitlement matrix presents the entitlements corresponding to the tenure of the DPs and the same has to be approved and endorsed by Government



Table 3.1: Entitlement Matrix

Sl. No.	Category	Type of Loss	Entitlements	Details
1	Private Property	Loss of Land (Agricultural, Homestead, Commercial)	<p>a Land will be acquired using any one of the three options :</p> <p>Issuing TDR as per Madhya Pradesh Transferable Development Rights Rules (MPTDRR), 2010 and R&R Assistance will be provided as per RFCTLARR Act, 2013</p> <p>or</p> <p>MP Consent Land Purchase Policy (MPCLPP) 2014 and R&R Assistance will be provided as per RFCTLARR Act, 2013</p> <p>Or</p> <p>RTFCTLARR Act 2013.</p> <p>b. Annuity/ lump sum or employment benefits as per schedule 2 of RFCTLARR Act 2013, will be provided if the land owners lose one hectare of un-irrigated land or half a hectare of irrigated land.</p>	<p>If land is acquired as per MPTDRR, 2010 no compensation will be paid.</p> <p>Method of calculating compensation if land is acquired as per MPCLPP, 20104 :</p> <p>The land value will be calculated on the basis of prevalent collector guideline rates of lands plus value of available assets on the land including trees, well, house etc. In addition, an equal amount over and above the land will be paid as rehabilitation</p>



Sl. No.	Category	Type of Loss	Entitlements	Details
				<p>grant. Thus, land owner will be paid twice the amount of land value</p> <p>Method of calculating compensation if land is acquired as per RFCTLARR Act, 2013 :</p> <p>Higher of (i) market value as per Indian Stamp Act, 1899 for the registration of sale deed or agreements to sell, in the area where land is situated; or (ii) average sale price for similar type of land, situated in the nearest village or nearest vicinity area, ascertained from the highest 50% of sale deeds of the preceding 3 years;</p> <p>Market value to be multiplied by factor 1.5 (one and half times) for</p>



Sl. No.	Category	Type of Loss	Entitlements	Details
				<p>land within the radial distance of 10 km from the urban area and 2 (Two times) if the radial distance of the land beyond 10 Km from the urban area.</p> <p>Plus 100 % solatium and 12% interest from date of preliminary notification to award.</p>
2	Private Property	Loss of residential structure	<p>In addition to compensation for land and assistance above under sl. No.1</p> <p>a. Replacement value of the structure and other assets as per current PWD scheduled rates without deducting depreciation value and with 100% solatium.</p> <p>b. Right to salvage material.</p> <p>c. All physically displaced families will receive one time subsistence allowance of Rs. 36000.</p> <p>d. All physically displaced</p>	<p>The stamp duty and other fees payable for registration of house allotted shall be borne by the Project</p>



Sl. No.	Category	Type of Loss	Entitlements	Details
			<p>families will receive one time shifting assistance of Rs. 50000.</p> <p>e. All physically displaced families will receive one time resettlement allowance of Rs. 50000.</p> <p>f. For those who lost a house and have to relocate will be provided an alternative house as per IAY specifications in rural areas; and in urban areas a house will be provided which will not be less than 50 sq. m. or cash Rs 1,50,000 in lieu of house</p> <p>g. For partially affected structure, additional 25% of structure value will be given.</p>	
3.	Private Property	Loss of commercial s	<p>In addition to compensation for land and assistance above under sl. No.1</p> <p>a. Replacement value of the structure and other assets as per current PWD scheduled rates without deducting depreciation value and with 100% solatium.</p> <p>b. Right to salvage material.</p> <p>c. All affected families will</p>	



Sl. No.	Category	Type of Loss		Entitlements	Details
				<p>receive one time subsistence allowance of Rs. 36000.</p> <p>d. All physically displaced families will receive one time shifting assistance of Rs. 50000.</p> <p>e. All physically displaced families will receive one time resettlement allowance of Rs. 50000.</p> <p>f. For partially affected structure, additional 25% of structure value will be given.</p>	
4.	Private Property	Impact to Tenants	Tenant: Residential	<p>a. One month notice to vacate the rental premises</p> <p>b. Rental allowance at Rs. 2000/- per month in rural area and Rs. 3000/- per month in urban areas for six month.</p> <p>c. Shifting assistance of Rs. 10,000/-</p>	
			Tenant: Commercial	<p>a. One month notice to vacate the rental premises</p> <p>b. Rental allowance at Rs. 2000/- per month in rural area and Rs. 3000/- per month in urban areas for six month.</p> <p>c. Shifting assistance of Rs. 10,000/-</p> <p>d. Commercial tenants will</p>	



Sl. No.	Category	Type of Loss		Entitlements	Details
				receive one time grant of Rs. 25000/- for loss of trade/self employment.	
			Tenant: Agricultural	In case of agricultural tenants advance notice to harvest crops or compensation for lost crop at market value of the yield determined by the Agricultural Department.	
5.	Illegal use of RoW	Impact to Non Title Holder	Encroachers	a. Replacement cost of the affected structure calculated at current PWD scheduled rates without deducting depreciation value. b. Right to salvage material.	
			Squatters (Residential/Commercial)	a. Replacement cost of the affected structure calculated at current PWD scheduled rates without deducting depreciation value. b. Right to salvage material. c. Shifting allowance of Rs.10,000/- d. Transitional allowance of Rs.12000/- for vulnerable (SC/ ST/ Women headed / Differently abled persons)	
			Mobile vendor/Kiosk	a. Shifting allowance of	



Sl. No.	Category	Type of Loss	Entitlements	Details
			Rs.10,000/-	
6.	Loss of Livelihood	Loss of business, employees of shops, agricultural labourers, sharecroppers etc.	a. Subsistence allowance equivalent to minimum agricultural wages for 3 month.	
7.	Impacts on Vulnerable	Vulnerable displaced families belonging to titleholders (SCs/STs/Women Headed Households/Differently abled persons)	a. One time lump sum assistance of Rs. 25000/- to vulnerable households.	This will be restricted to title holders only.
8.	Common Property Resources	Community Assets	a. Reconstruction of affected assets.	
9.	Any other impact not yet identified, whether loss of asset or livelihood			Unforeseen impacts will be documented and mitigated based on the principles agreed upon in this policy framework.

4. Institutional Arrangement

4.1 Introduction

The Executing Agency for the project will be GOMP through MPMRCL. MPMRCL is wholly owned by GOMP and has been equipped with adequate capacity to implement the project.

The roles and responsibilities of SEMU are given below;

- Preparation of RAP
- Implementation of R&R activities of Bhopal Metro Rail Project;
- Land acquisition and R&R activities in the field;
- Ensure availability of budget for R&R activities;
- Liaison with district administration for support for land acquisition and implementation of R&R;
- Monitor land acquisition and progress of R&R implementation;
- Develop and implement a public consultation program and communication strategy for disclosure of RAP;
- Liaison with district administration for government's income generation and development programmes for the PAPs;
- Monitor physical and financial progress on land acquisition and R&R activities;
- Organize meetings with NGO, R&R officer and other support staffs to review the progress on R&R implementation; and
- Provide support for the affected persons on problems arising out of LA/property acquisition

HQ Level: The overall project will be managed by MPMRCL situated in State Head Quarter, Bhopal and headed by Managing Director. There will be a designated Environmental and Social (E&S) Officer at HQ level to coordinate with EIB, PIU and State level land acquisition and resettlement agencies. The HQ level E&S Officer will supervise the overall RAP implementation work with the help of expert from GC.

PIU Level: The PIU will be headed by the Project Director appointed for the Bhopal Metro Project. A PIU level E&S Officer will be appointed to manage the Project level resettlement activities and coordinate with Land Acquisition Officer, GC, Resettlement Action Plan Implementing Agency (RAPIA)

Resettlement Management: The EA will do the overall coordination, planning, implementation, and ensure that adequate finances for costs related to land acquisition and resettlement for the project is allocated. EA will be supported by the GC to ensure timely and effective implementation of RAPs. A qualified and experienced Resettlement

implementation Support Agency in the form of a firm or NGO will be engaged by the EA to assist in the implementation of the RAP. The RAPIA would play the role of a facilitator and will work as a link between the PIU and the displaced community. EA shall ensure that adequate resources are allocated to the RAPIA for effective implementation of R&R activities. An indicative TOR for the RAPIA is included in **Annexure 6**.

The table below provides details on the key agencies involved and their main responsibilities regarding social safeguard implementation.

Table 4.1: Implementation Agencies and Key Responsibilities

Key Agency	Responsibility
Government of Madhya Pradesh through the Madhya Pradesh Metro Rail Corporation Limited (EA)	<ul style="list-style-type: none"> • Make final decision on lines to be included under the project • Overall responsibility for project design, feasibility, construction and operation and guide PIUs • Ensure that sufficient funds are available to properly implement all agreed social safeguards measures • Ensure that all subprojects comply with the provisions of EIB and Gol's policies and regulations • Submit semi-annual safeguards monitoring reports to EIB
Project Implementation Units	<ul style="list-style-type: none"> • Disseminate project information to the project affected community with assistance from DPR Consultants • Ensure establishment of Grievance Redress Committee at the Project level for grievance redress with assistance from DPR Consultants • Disclosure of project information in public spaces and through relevant media. • Disseminate project information to the community in coordination with RAPIA • Facilitate the socioeconomic survey and census • Facilitate consultation by the civil works contractor with community throughout implementation • Oversee land acquisition and coordinate with Deputy Commissioner • Supervise the mitigation measures during implementation and its progress



Key Agency	Responsibility
	<ul style="list-style-type: none">• Conduct internal monitoring and prepare reports
RAPIA	<ul style="list-style-type: none">• Assist PIU in entire RAP implementation work• Carry out public consultation• Participate in GRC
General Consultant (GC)	<ul style="list-style-type: none">• Provide technical support and advise for addressing complaints and grievances and participate in resolving issues as a member of the GRC• Provide technical advice and on the job training to the contractors as necessary• Preparation of semi-annual monitoring reports based on the monitoring checklists and submission to RDA for further submission to EIB• Act as External Monitor for project with significant impact
Contractor	<ul style="list-style-type: none">• Consult community and PIU regarding location of construction camps• Sign agreement with titleholder for temporary use and restore land to equal or better condition upon completion• Commence construction only when alignment is free of encumbrance• Respond in a timely fashion to recommendations from GRCs

All activities related to the land acquisition and resettlement will be planned and implemented as per the implementation schedule to ensure that compensation is paid prior to displacement and commencement of civil works. Public consultation, internal monitoring and grievance redressal will be undertaken intermittently throughout the project duration.

Implementation Schedule

The RAP implementation schedule will vary from subproject to subproject. In general, the project implementation will consist of the three major phases, namely project preparation, land acquisition and rehabilitation of DPs. In line with the principles laid down in this RPF, the EA and PIU will ensure that project activities are synchronized between the resettlement action plan implementation activities as well as the subproject implementation. The EAs and PIUs will ensure that no physical or economic displacement of displaced households will occur until: (i) compensation at full

replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan are provided to the displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons, improve, or at least restore, their incomes and livelihoods. Furthermore, all RAPs will be revised during detailed design, and the updated RAPs will be approved by government and EIB and disclosed prior to implementation. An indicative implementation schedule with key tasks is provided in **Annexure 7**.

Budget and Financing

Detailed budget estimates for each RAP will be prepared by the EA and PIU, which will be included in the overall project estimate. The budget shall include:

- a. detailed costs of land acquisition, relocation, livelihood and income restoration and improvement, administration and management and a contingency source of funding;
- b. arrangements for approval, and the flow of funds and contingency arrangements.

All land acquisition funds will be provided by the government. All land acquisition, compensation, relocation and rehabilitation of income and livelihood, consultations and grievance redress will be considered as an integral component of project costs.

Annexure 8 includes a budget template.

The disbursement of money to the displaced persons for land acquisition will be carried out by the District Magistrate / Commissioner's office. The EA will deposit the approved amount at respective district jurisdictions and the district administration will disburse the money to displaced persons.

However, in the case of assistance and other rehabilitation measures, the PIU will directly pay the money or any other assistance as stated in the resettlement plan to displaced persons by means of a cheque payment into their individual accounts. The Resettlement Specialist and RAP implementing unit will be involved in facilitating the disbursement process and rehabilitation program and will facilitate opening of bank accounts for the displaced persons who do not have bank accounts.

4.2 Grievance Redressal Mechanism

Efficient grievance redressal mechanism will be developed to assist the PAPs resolve their queries and complaints. Grievances of PAPs will be first brought to the attention of MPMRCL. Grievances not redressed by the staffs (field level) will be brought to the Grievance Redressal Committee (GRC). The Committee comprises of following members under the Chairmanship of Director (Projects and Planning):

- Project Director of the Project Implementation Unit, MPMRCL
- District Land Acquisition Officer
- PIU Level Environmental/Social Officer



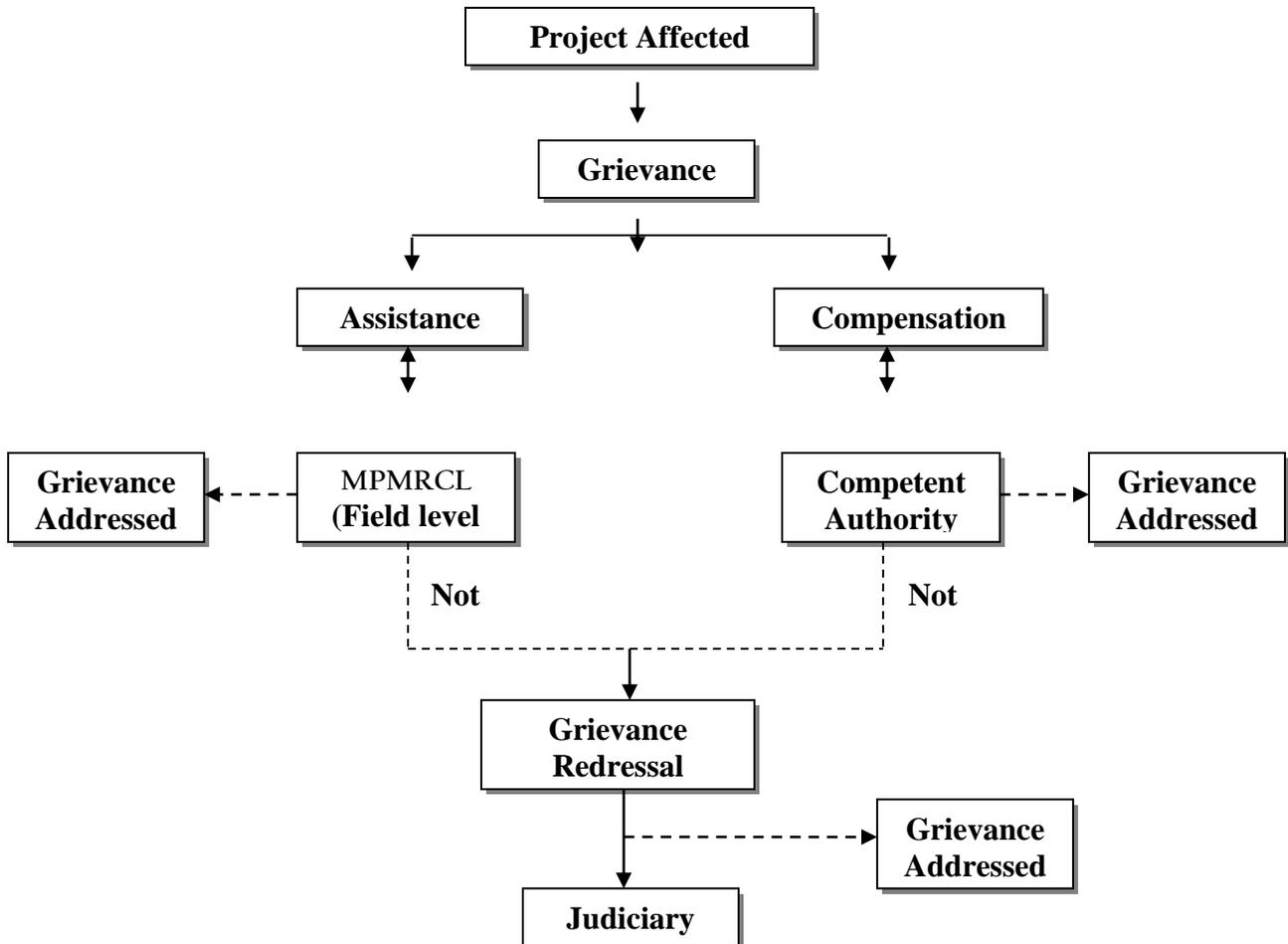
- A representative from local NGOs or a local person of repute and standing in the society or an elected representative.
- A representative from Affected Person
- Expert from General Consultant
- Expert from RAPIA

The main responsibilities of the GRC are:

- i. To provide support to Project Affected Persons (PAPs) on problems arising out of eligibility for Resettlement Action Plan (RAP), and on entitlements compensation and assistance.
- ii. To record the grievance of the PAPs and solve them within stipulated time frame.
- iii. To report to the aggrieved parties about the development regarding their grievances and decision of MPMRCL.
- iv. GRC will meet regularly on a prefixed date during implementation of Rap.
- v. Problems and complaints arising out of land acquisition and relocation of utilities.

A flow chart of grievances redressal is indicated in the Figure 4.1:

Figure 4.1: Stages of Grievance Redressal



4.3 Community Participation During Project Implementation

The effectiveness of the resettlement action plan (RAP) is directly related to the degree of continuing involvement of those affected by the project. Several additional rounds of consultations with PAPs will form part of the project implementation. Consultations during resettlement plan implementation will involve agreements on compensation and assistance options and entitlement package. Another round of consultation will occur when compensation and assistance are provided. During public consultations, issues related to land acquisition, compensation, income restoration, employment generation, information flow, grievance redressal, safety, role of administration etc. will be discussed. The RAP addresses all issues raised during public consultation and recommends institutional strengthening measures as well.

The following set of activities will be undertaken for effective implementation of the plan:

- Project Implementation Unit (PIU) will conduct information dissemination sessions

in the project area and solicit the help of the local community/ leaders and encourage the participation of the PAP's in RAP implementation.

- Consultation and focus group discussions will be conducted with the vulnerable groups like women, families of BPL, Scheduled Castes to ensure that the vulnerable groups understand the process and their needs are specifically taken into consideration.
- The Project Authority will organize public meetings and will appraise the communities about the progress in the implementation of project works and payment and assistance paid to the community. Regular update of the program of resettlement component of the project will be placed for public display at the project offices.
- Taking into consideration the risks of HIV/AIDs during the project construction period and road safety issues.
- Lastly, participation of PAPs will also be ensured through their involvement in various local committees. PIU and field offices will maintain an ongoing interaction with PAPs to identify problems and undertake remedial measures.

4.4 Monitoring and Evaluation

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

Monitoring will give particular attention to the project affected vulnerable groups such as scheduled castes, BPL families, women headed households, widows, old aged and the disabled. RAP implementation will be monitored both internally and externally. The Project Authority will be responsible for internal monitoring through their field level offices and will prepare quarterly reports on the progress of RAP implementation. An Independent Evaluation Consultant may be hired by MPMRCL for mid and end term evaluation of RAP implementation. A sample TOR for the external monitoring agency is appended as **Annexure – 9**.

Internal Monitoring

The internal monitoring for RAP implementation would be carried out by MPMRCL. 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.
- Internal monitoring would focus on measuring progress against the schedule of actions defined in the RAP. Activities to be undertaken by the MEGA will include:
- Liaison with the Land Acquisition team, 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 settlement outcomes;
- Collection of records of grievances, follow up that appropriate corrective actions have been undertaken and that outcomes are satisfactory;

Monitoring is a continuous process and would be carried out by field level officers of Social Management Unit on regular basis to keep track of the R&R progress. For this purpose, the indicators suggested have been given in Table 4.2.

Table 4.2: Indicators for Monitoring of RAP Progress

Area of Focus	Indicator
Physical	Extent of land acquired Number of structures dismantled Number of land users and private structure owners paid compensation Number of families affected Number of families purchasing land and extent of land purchased Number of PAPs receiving assistance/compensation



	Number of PAPs provided transport facilities/ shifting allowance Extent of government land identified for house sites
Financial	Amount of compensation paid for land/structure Cash grant for shifting oustees Amount paid for training and capacity building of staffs
Social	PAPs knowledge about their entitlements Communal harmony Morbidity & mortality rate Taken care of vulnerable population Women concern
Economic	Entitlement of PAPs-land/cash Number of business re-established Utilization of compensation House sites/business sites purchased Successful implementation of Income Restoration Schemes
Grievance	Number of community level meeting Number of GRC meetings Number of cases disposed by MEGA to the satisfaction of PAPs Number of grievances referred and addressed by GRC Cases of LA referred to court, pending and settled

4.5 Reporting Requirements

The Project Authority will be responsible for supervision and implementation of the RAP. The Project Authority will prepare quarterly progress reports on resettlement activities. The Independent Evaluation Consultant will submit mid and end term evaluation report to MPMRCL and determine whether resettlement goals have been achieved, more importantly whether livelihoods and living standards have been restored/ enhanced and suggest suitable recommendations for improvement.

4.6 Information Disclosure

The affected families/persons will be well informed about the project and their entitlements. MPMRCL will prepare an information brochure in local language, i.e., Hindi,

explaining the RAP, the entitlements and the implementation schedule. The draft of the RPF will be formally published in English and Hindi languages on the official website of the MPMRCL and hard copies will be made available in the offices of local authorities for two weeks inviting comments and suggestions from stakeholders. Subsequently, RPF will be discussed in a workshop with relevant stakeholders including representations from revenue officials of RAP implementation team, representative of District Magistrate and other officials involved in GRC, as well as representatives of local communities. Suitable changes will be made to RPF to incorporate suggestions by the stakeholders. The final RPF after the approval by EIB will be published in English and Hindi languages on the official website of MPMRCL and hard copies will be made available in the offices of local authorities.

Table 4.3: Consultation, Participation and Information Disclosure Activities

Activity	Issues to be addressed	Participants / Responsible Party	Communication methods
Field verification and identification of impacts	Discuss impacts with DPs, minimize impact	GC, RAPIA, PIU	Individual meetings, FGD
Notification of APs on project, LAR and cut-off date	Inform APs about project, LAR impact and temporal limitation of eligibility, GRM	GC, RAPIA, PIU	Notices in local government offices and public areas
Census, Socioeconomic Survey, DMS	Discuss concerns and preferences of DPs, notify cut-off date	GC, RAPIA, PIU	Quantitative surveys, walk-through, FGD, individual and key informant interviews



Activity	Issues to be addressed	Participants / Responsible Party	Communication methods
Consultation meeting on draft RAP	Explanation and discussion of DPs' rights and obligations, institutional arrangements, procedures, GRM, eligibility criteria and entitlements) strategy; agreements between the EA and the DPs;	GC, RAPIA, PIU	Formal meeting
Negotiation meetings	Resolution of remaining disagreements with individual DPs and finalization of negotiated settlements.	DPs, GC, PIU	Individual meeting
Consultation meeting on revised RAP	Inform DPs about changes to RAP after consultations and negotiations, as well as EIB review	GC, RAPIA, PIU	Community Meeting
Disclosure of final RAP	Full public disclosure of all subproject planning	MPMRCL, EIB	Web publication
Ongoing consultation during implementation	On-going concerns	GC, RAPIA, PIU	Individual meetings, FGD, field visits



Activity	Issues to be addressed	Participants / Responsible Party	Communication methods
Monitoring	Record process of implementation and impacts	GC, RAPIA, PIU	Individual meetings, FGD, field visits

Annexure 1: Summary of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

1. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been effective from January 1, 2014 after receiving the assent of the President of Republic of India. This Act extends to the whole of India except the state of Jammu and Kashmir. The Act replaced the Land Acquisition Act, 1894.
2. The aims and objectives of the Act include: (i) to ensure, in consultation with institutions of local self-government and Gram Sabhas established under the Constitution of India, a humane, participative, informed and transparent process for land acquisition for industrialization, development of essential infrastructural facilities and urbanization with the least disturbance to the owners of the land and other affected families; (ii) provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition; (iii) make adequate provisions for such affected persons for their rehabilitation and resettlement; (iv) ensure that the cumulative outcome of compulsory acquisition should be that affected persons become partners in development leading to an improvement in their post-acquisition social and economic status and for matters connected therewith or incidental thereto.
3. Section 27 of the Act defines the method by which market value of the land shall be computed under the proposed law. Schedule I outlines the proposed minimum compensation based on a multiple of market value. Schedule II through VI outline the resettlement and rehabilitation entitlements to titleholders and livelihood losers, which shall be in addition to the minimum compensation per Schedule I.
4. Preparation of Social Impact Assessment Study under section 4 (1): it is obligatory for the appropriate Government intends to acquire land for a public purpose to carry out a Social Impact Assessment study in consultation with concern Panchayat, Municipality or Municipal Corporation, as the case may be, at village level or ward level in the affected area. The Social Impact Assessment study report shall be made available to the public in the manner prescribed under section 6.
5. **Notification under Section 11 (1):** Whenever, it appears to the appropriate Government that land in any area is required or likely to be required for any public purpose, a notification to that effect along with details of the land to be acquired in rural and urban shall be published in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, The Sub-divisional Magistrate and the *Tehsil*; uploaded on the website of the appropriate Government; in the affected areas.
6. **Hearing of Objection under section 15 (1):** any person interested in any land which has been notified under sub-section (1) of section II, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification makes his/her objection, if any, to the collector in writing and shall

be heard by the collector or by any person authorized by him/her in this behalf or by an Advocate. After hearing all such objections and after making such further inquiry, if any, as he/she thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of Section II, Or make different reports in respect of different parcels of such land, to the appropriate Government, containing his/her recommendations on the objections, together with the records of the proceedings held by him/her along with a separate report giving therein the approximate cost of land acquisition, particulars as to the number of affected families likely to be resettled, for the decision of that Government.

- 7. Publication of declaration and summary of Rehabilitation and Resettlement under section 19 (1):** when the appropriate Government is satisfied, after considering the report, if any, made under sub-section (2) of section 15, that any particular land is needed for a public purpose, a declaration shall be made to that effect, along with a declaration of an area identified as the “resettlement area” for the purpose of rehabilitation and resettlement of the affected families. It is obligatory for the State to publish declaration in the official Gazette; in two daily newspapers circulating in the locality of such area of which one shall be in the regional language; in the local language in the *Panchayat*, Municipality or Municipal Corporation, as the case may be and in the officers of the District Collector, The Sub-divisional Magistrate and the *Tehsil*; uploaded on the website of the appropriate Government; in the affected areas.
- 8.** After declaration the Collector shall take order for acquisition. The Collector then causes the land to be marked out, measured and planned. The Collector then causes public notice to be given at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land, and that claims to compensation may be made.
- 9. Enquiry and Land Acquisition award by Collector under section 23:** on the day so fixed, or any other day to which the enquiry has been adjourned, the Collectors shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 21, to the measurements made under section 20, and into the value of the land at the date of the publication of the notification, and into the respective interest of the persons claiming the compensation and rehabilitation and resettlement, shall make an award under his/her hand of:
 - i. the true area of the land;
 - ii. the compensation as determined under section 27 along with Rehabilitation and Resettlement award as determined under section 31 and which in his/her opinion should be allowed for the land, and;
 - iii. the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.
- 10. Period within which an Award shall be made:** under section 25, it is obligatory for the Collectors to make an Award within a period of twelve months from the date of publication

of the declaration under section 19 and if no Award is made within the period, the entire proceedings for the acquisition of the land shall lapse.

11. Determination of market value of land by Collector under section 26 (1): the Collector shall adopt the following criteria's in assessing and determining the market value of the land, namely:

- i. the market value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or
- ii. the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or
- iii. consented amount of compensation as agreed upon under sub-section (2) of section 2 in case of acquisition of lands for private companies or for public private partnership projects. Wherever is higher.

12. Determination of amount of Compensation under section 27: the Collector having determined the market value of the land to be acquired shall calculated the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.

13. Determination of value of things attached to land or building under section 29 (1): The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him/her. Under section 29 (2), the Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture. In the same manner, the Collector under section 29 (3), for the purpose of assessing the value of standing crops damaged during the process of land acquisition, may use the services of experience persons in the field of agriculture.

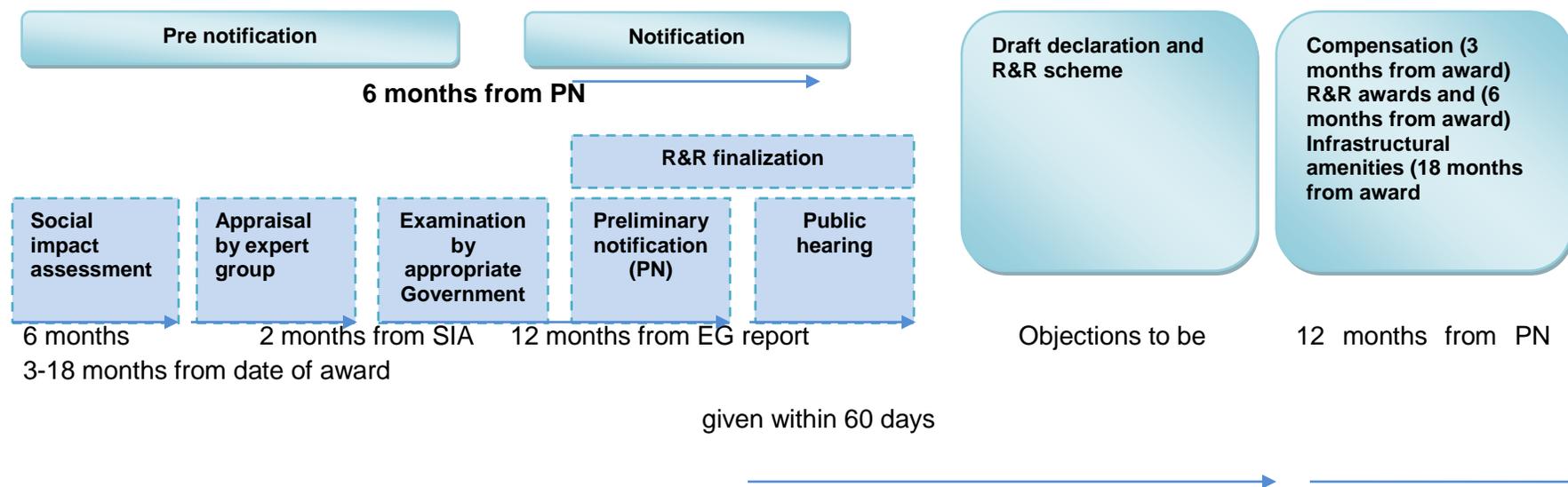
14. Rehabilitation and Resettlement Award for affected families by Collector under section 31 (1) of section V: the Collector shall pass Rehabilitation and Resettlement Awards for each affected family in terms of the entitlements provided in the second schedule. As per section 31 (1), the Rehabilitation and Resettlement Award shall include all the following, namely;

- i. rehabilitation and resettlement amount payable to the family;
- ii. bank account number of the person to which the rehabilitation and resettlement award amount is to be transferred;
- iii. particulars of house site and house to be allotted, in case of displaced families;
- iv. particulars of the land allotted to the displaced families;
- v. particulars of one time subsistence allowance and transportation allowance in case



- of displaced families;
- vi. particulars of payment for cattle shades and petty shops;
 - vii. particulars of one time amount to artisans and small traders;
 - viii. details of mandatory employment to be provided to the members of the affected families;
 - ix. particulars of any fishing rights that may be involved;
 - x. particulars of annuity and other entitlements to be provided;
 - xi. Particulars of special provisions for the scheduled cast and the scheduled tribes to be provided.
- 15. Special powers in case of urgency to acquire land in certain cases under section 40 (1):** in case of urgency, whenever the appropriate Government so directs, the Collector, though no such award has been made, may, on the expiration of thirty days from the publication of the notice mentioned in section 21, take possession of any land needed for a public purpose and such land shall thereupon vest absolutely in the Government, free all encumbrances.
- 16. Special Provision for Scheduled Caste and Scheduled Tribes under section 41 (1):** as far as possible, no acquisition of land shall be made in the Scheduled Areas. As per section 41 (2), where such acquisition does take place it shall be done only as a demonstrable last resort. As per section 41 (3), in case of land acquisition in Scheduled Area, the prior consent of the concern *Gram Sabha* or the *Panchayats* or the autonomous District Councils shall be obtained.
- 17.** In case of a project involving land acquisition on behalf of a Requiring Body which involves involuntary displacement of the Scheduled Cast or the Scheduled Tribes families, a Development Plan shall be prepared (section 41 [4]). As per section 41 (5), the Development Plan shall also contain a program for development of alternate fuel, fodder and non-timber forest produce resources on non-forest lands within a period of five years.
- 18.** In case of land being acquired from members of Scheduled Cast or the Scheduled Tribes, at least one-third of the compensation amount due shall be paid to the affected families initially as first installment and the rest shall be paid after taking over of the possession of the land. The affected families of the Scheduled Tribes shall be resettled preferably in the same Scheduled Area in a compact block so that they can retain their ethnic, linguistic and culture identity.
- 19.** Under section 42 (1), all benefits including the reservation benefits available to Scheduled Cast and the Scheduled Tribes in the affected areas shall continue in the resettlement area.

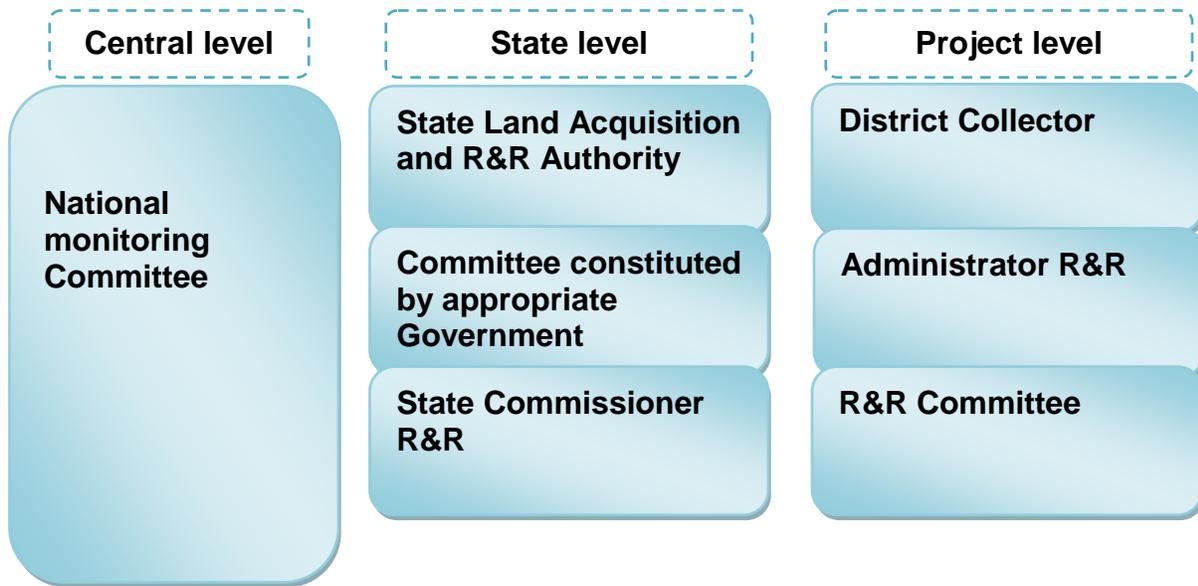
Figure 1: Process flow for Land Acquisition AS PER RFCTLARR ACT 2013¹:



¹Source: Presentation on the Land Acquisition by Ministry of rural Development, Government of India, September 2013.

Figure 2: Institutional structure for Land Acquisition and R&R²

As per RFCTLARR Act, 2013



² Source: Presentation on the Land Acquisition by Ministry of rural Development, Government of India, September 2013.



Annexure – 2 Madhya Pradesh Consent Land Purchase Policy 2014

(As Attached)



Annexure – 3: Madhya Pradesh Transferable Development Rights Rules (MPTDRR), 2010

(As Attached)

Annexure – 4 Checklist for the E&S Screening at PIN Stage

S.no	Social Impact Area	Observations of SIA team on magnitude of social impacts	Remarks
1	Will the project/operation have significant adverse social impacts and risks?		
2	Will the project have any involuntary resettlement, either or both physical or economic?		
3	Will the project result in livelihood changes that can increase the pressure on available natural resources?		
4	Does the project impact on indigenous peoples and, if so, have the particular rights of indigenous groups been considered (e.g. rights to lands, territories and resources, rights to FPIC, etc....)		
5	Will the project have adverse impacts on vulnerable groups?		
6	Have vulnerable groups amongst impacted stakeholders been identified and included in project planning and consultation and engagement activities?		
7	Are there risks of forced or child labour?		
8	Is there any indication of child or forced labour in the supply chain?		
9	Will the project have an impact (direct /indirect) on occupational and public health and safety?		
10	Has the project engaged adequately		



S.no	Social Impact Area	Observations of SIA team on magnitude of social impacts	Remarks
	with project affected stakeholders?		
11	Has a project grievance mechanism been established?		
12	Is an adequate accountability reporting in place		
13	Are the project's ancillary/associated facilities/infrastructure and area of influence likely to pose any significant E&S impacts and risks?		
14	Is the environmental and social Capacity/performance of the promoter to manage E&S issues satisfactory?		
15	Does the promoter have an appropriate and effective management system in place?		
16	Are there any risks of adverse environmental and social impacts of the project's supply chain?		
17	Are there are any major stakeholder interests in the project/operation?		
18	Is the project/operation likely to pose significant risks from an environmental, climate or social point of view?		
19	Is the EIB likely to be exposed to any reputational risk?		

Annexure 5: Outline of a Resettlement Action Plan

This outline is part of the EIB's Involuntary Resettlement Principles. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

A. Executive Summary

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Introduction and Project Description

This section:

- (i) provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area.
- (ii) describes the objectives of the RP; and
- (iii) describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

This section:

- (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be displaced;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities displaced taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and

- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iv) summarizes the results of consultations with displaced persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- (v) confirms disclosure of the draft resettlement plan to displaced persons and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced persons during project implementation.

F. Grievance Redress Mechanisms

This section describes mechanisms to receive and facilitate the resolution of displaced persons' concerns and grievances. It explains how the procedures are accessible to displaced persons and gender sensitive.

G. Legal Framework

This section:

- (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and EIB's policy requirements; and discuss how any gaps will be addressed.
- (ii) describes the legal and policy commitments from the EA for all types of displaced persons;
- (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided.
- (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

This section:

- (i) defines entitlements and eligibility of displaced persons, and describes all resettlement assistance measures (includes an entitlement matrix);
- (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and.
- (iii) outlines opportunities for displaced persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (e.g. project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

K. Resettlement Budget and Financing Plan

This **section**:

- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation.
- (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items)
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs.
- (iv) includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements

This **section**:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of RAPIAs, if involved, and organizations of displaced persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management,

M. Implementation Schedule

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

N. Monitoring and Reporting

This section describes the mechanisms and benchmarks appropriate to the project for **monitoring** and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of displaced persons in the monitoring process. This section will also describe reporting procedures.

Annexure 6 :Indicative Terms of Reference (TOR) for the RAPIA to assist in Resettlement Action Plan Implementation

[Note to EA: There will be no requirement for hiring of a RAPIA, if the impacts are insignificant or the EA decides to implement the RAP by engaging qualified in house personnel]

A. Project Background

1. [Insert information regarding project]

B. Objectives of the Assignment

2. The RAPIA shall be responsible for the following, according to the Resettlement Plan:
 - Educating the DPs on their rights to entitlements and obligations.
 - To ensure that the DPs are given the full entitlements due to them, according to the entitlements in the RAP.
 - To provide support and information to DPs for income restoration.
 - Assist the DPs in relocation and rehabilitation, including counseling, and coordination with local authorities.
 - Assist the DPs in redressing their grievances (through the grievance redress committee set up for the subproject)
 - To assist the Project Implementation Unit (PIU) with social responsibilities of the subproject, such as compliance with labour laws, prohibition of child labour, and gender issues.
 - To conduct awareness program for HIV/AIDs, Health and Hygiene, and Human Trafficking.
 - To collect data and submit progress reports on a monthly and quarterly basis for EA to monitor the progress of RAP implementation.

C. Scope of Work

a) Administrative Responsibilities of the RAPIA

3. The administrative responsibilities of the RAPIA will include:
 - Working in co-ordination with the Resettlement Officer (RO) in the EA;
 - Assist the RO in carrying out the implementation of the RAP;
 - To co-ordinate with the GRCs in redressing grievances;
 - Assist the RO in conducting all public meetings, information campaigns at the commencement of the project and give full information to the affected community;
 - Translate the summary RAP in local language for disclosure and disseminate to DPs;

- To assist the EA to ensure that the Contracts comply with the applicable labour laws (including prohibition of child labour) and gender issues;
- To assist the PIU in ensuring compliance with the safety, health and hygiene norms, and the conduct HIV/AIDS and Human Trafficking awareness/prevention campaigns;
- Submit monthly and quarterly progress report to the RO including both physical and financial progress. The report should cover implementation issues, grievances and summary of consultations
- Assist PIU in the management of the data base of the DPs.
- Assist PIU in providing training to DP, wherever required in the implementation of RAP.

b) Responsibilities for Implementation of the RAP

- RAPIA shall verify the information already contained in the RAP and the individual losses of the DPs. They should validate the data provided in the RAP and make suitable changes if required and wherever changes are made it should be supported by documentary evidence. The RAPIA shall establish rapport with DPs, consult and provide information to them about the respective entitlements as proposed under the RAP, and distribute entitlement cum Identity Cards to the eligible DPs. The identity card should include a photograph of the DP, the extent of loss suffered due to the project, and the choice of the DP with regard to the mode of compensation and assistance.
- The RAPIA shall develop rapport between the DPs and the Project Authority, particularly the RO. This will be achieved through regular meetings with both the RO and the DPs. Meetings with the RO will be held at least fortnightly, and meetings with the DPs will be held monthly, during the entire duration of the assignment. All meetings and decisions taken shall be documented by the RAPIA.
- Prepare monthly action plans with targets in consultation with the RO.
- The RAPIA shall display the list of eligible DPs in prominent public places like villages, Panchayat Offices, Block/Tehsil headquarters, and the District Headquarters.
- During the verification of the eligible DPs, the RAPIA shall ensure that each of the DPs are contacted and consulted either in groups or individually. The RAPIA shall specially ensure consultation with women from the DP families especially women headed households.
- Participatory methods should be adopted in assessing the needs of the DPs, especially with regard to the vulnerable groups of DPs. The methods of contact may include village level meetings, gender participation through

group's interactions, and Individual meetings and interactions.

- The RAPIA shall explain to the DPs the provisions of the policy and the entitlements under the RAP. This shall include communication to the roadside squatters and encroachers about the need for their eviction, the timeframe for their removal and their entitlements.
- The RAPIA shall disseminate information to the DPs on the possible consequences of the project on the communities' livelihood systems and the options available, so that they do not remain ignorant.
- RAPIA will monitor the involvement of child labour in the civil construction work in each package.
- In all of these, the RAPIA shall consider women as a special focus group, and deal with them with care and sympathy.
- The RAPIA shall assist the project authorities in ensuring a smooth transition (during the part or full relocation of the DPs), helping the DPs to take salvaged materials and shift. In close consultation with the DPs, the RAPIA shall inform the RO about the shifting dates agreed with the DPs in writing and the arrangements desired by the DPs with respect to their entitlements.
- The RAPIA shall assist the DPs in opening bank accounts explaining the implications, the rules and the obligations of a joint account and how s/he can access the resources s/he is entitled to.
- The RAPIA shall ensure proper utilisation of the R&R budget available for the subproject. The RAPIA shall facilitate the DPs in finding suitable economic investment options and help them in regaining the losses of land and other productive assets. The RAPIA shall identify means and advise the RO to disburse the entitlements to the eligible persons/families in a manner that is transparent, and shall report to the EA on the level of transparency achieved in the project.

c) Accompanying and Representing the DPs at the Grievance Committee Meetings

- The RAPIA shall nominate a suitable person (from the staff of the RAPIA) to be a member of the GRCs.
- The RAPIA shall make the DPs aware of the existence of grievance redressal committees (GRCs)
- The RAPIA shall help the DPs in filling the grievance application and also in clearing their doubts about the procedure as well as the context of the GRC award.
- The RAPIA shall record the grievance and bring it to the notice of the GRCs

within seven days of receipt of the grievance from the DPs. It shall submit a draft resolution with respect to the particular grievance of the DP, suggesting multiple solutions, if possible, and deliberate on the same in the GRC meeting through the RAPIA representative in the GRC.

- To accompany the DPs to the GRC meeting on the decided date, help the DP to express his/her grievance in a formal manner if requested by the GRC and again inform the DPs of the decisions taken by the GRC within 3 days of receiving a decision from the GRC.

d) Carry out Public Consultation

- In addition to counseling and providing information to DPs, the RAPIA will carry out periodic consultation with DPs and other stakeholders.

e) Assisting the PIU with the Project's Social Responsibilities

- The RAPIA shall assist the PIU to ensure that the Contractors are abiding by the various provisions of the applicable laws, concerning the worker's safety, health and hygiene; women's issues and the child labour issues. The applicable laws include (i) the Maternity Benefit Act, 1951; (ii) the Contract Labour (Regulation and Abolition) Act, 1948; (iii) the Minimum Wages act, 1948. (iv) The Equal Remuneration Act, 1979. (v) the Industrial Employment (Standing Order) Act, 1946; (vi) the Child Labour (Prohibition and Regulation) Act, 1986; (vii) the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996; (viii) the Cess Act of 1996 and (ix) the Factories Act, 1948. Any divergence from the (workers welfare and remuneration, safety, health, hygiene, women's issues, and child labour issues) provisions of these laws should be brought to the notice of the RO.
- The RAPIA shall assist the EA to implement HIV/AIDS awareness measures, including collaboration with the line agencies.

f) Monitoring and Reporting

- The RAP includes provision for monitoring by RAPIA/ RO and quarterly, mid-term, and post-project monitoring and evaluation by external agency. The RAPIA involved in the implementation of the RAP will be required to supply all information, documents to the external monitoring consultants.

D. Documentation and Reporting by RAPIA

4. The RAPIA selected for the assignments shall be responsible to:

- Submit an inception report within three weeks; on signing up of the contract including a work plan for the whole contract period, staffing and personnel deployment plan, and a withdrawal plan at the end of the period of contract. The withdrawal plan shall be detailed and reflect how the DPs will maintain the assets created and transferred to the DPs.



- Prepare monthly progress reports to be submitted to the RO, with weekly progress and work charts as against the scheduled timeframe of RAP implementation.
- Prepare and submit quarterly reports on a regular basis, to be submitted to the EA.
- Submit a completion report at the end of the contract period summarizing the actions taken during the project, the methods and personnel used to carry out the assignment, and a summary of support/assistance given to the DPs.
- All other reports/documentation as described in these terms of reference.
- Record minutes of all meetings.



Annexure 7: Indicative Implementation Schedule

	Activity	2019				2020				2021				2022			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Project Preparation																	
1	Screening of route alignment	■															
2	Conduct socioeconomic survey, census	■	■														
3	Prepare social safeguard planning documents (RPF, Screening, RAPs)		■	■													
4	Recruitment and confirmation of MPMRCL HQ Environment and Social Unit staff		■	■													
5	Confirmation of PIU-level social safeguard focal points		■	■													
6	EIB and Government approval of Social Safeguard Planning Document			■	■												
7	Procurement of civil works		■	■	■	■											
8	Procurement of RAPIA (if required)				■	■											
Land Acquisition for Non-Sample Projects (if required)																	
7	Land Acquisition (for non-sample roads, if required)			■	■	■	■	■									
8	Payment of Compensation (if required)					■	■	■									
9	Relocate houses, shops, businesses						■	■	■	■							

Annexure 8: Resettlement Sample Budget Table

Ref. No	Component	Unit	Unit Rate (in lakhs)	Quantity	Amount Rs in Lakhs
1	Land & Building				
1.1	Private Land	Sq. m			
1.2	Temporary Structures	Sq. m			
1.3	Semi-permanent Structures	Sq. m			
1.4	Permanent Structures	Sq. m			
1.5	Private well	Unit			
1.6	Compound wall (Stone masonry)	Running Meter			
2	R&R Assistance				
2.1	Building restoration grant for partially affected structures	Sq. m			
2.2	Subsistence allowance for residential owners	One Time			
2.3	Subsistence allowance for commercial owners	One Time			
2.4	Subsistence allowance for residence cum commercial owners	One Time			
2.5	Subsistence allowance for commercial squatters	One Time			
2.6	Rental allowance	One Time			
2.7	Shifting allowance	One time			
2.8	Subsistence allowance for employees	One time			
2.9	Assistance for vulnerable households	One Time			



Ref. No	Component	Unit	Unit Rate (in lakhs)	Quantity	Amount Rs in Lakhs
3	Community Assets				
3.1	Well	Unit			
3.2	Bus shelter	Unit			
3.3	Hand pump	Unit			
3.4	Water tap	Unit			
3.5	Part of School building	Unit			
3.6	Places of Worship	Unit			
3.7	Compound wall of community structures	Unit			
3.8	Water tank	Unit			
3.9	Public toilet	Unit			
3.10	Other government buildings	Unit			
4					
4.1	Training for staff	LS			
4.2	RAPIA Recruitment	LS			
4.3	Monitoring and Evaluation consultants	LS			
4.4	Administrative expenses	LS			
4.5	Dissemination of Entitlement matrix, RAP, etc.	LS			
	Sub Total				
	Contingency @ 10%				
	Total				
	Rounded off to				

Annexure 9 : Sample TOR for the External Monitoring Agency

A. Introduction

1. Monitoring and evaluation will include, but will not be limited to, (i) the progress and effectiveness of the implementation of the RAP; and (ii) the evaluation of income restoration and post-resettlement conditions of the displaced persons (DPs) and affected communities, including host communities.

B. Objectives and Requirements of Monitoring and Evaluation

2. The objectives of monitoring and evaluation are to assess whether the LARAP is implemented on schedule and within budget and whether the goals and principles of the LARAP are achieved. Specifically, monitoring and evaluation will focus on the following aspects of the DPs' situation and the resettlement process.
 - Social and economic situation prior to and after land acquisition and/or resettlement;
 - Timely disbursement of funds;
 - Functioning of the grievance redress mechanism
 - Environmental conditions;
 - Social adaptability after resettlement;
 - Rehabilitation of vulnerable groups
 - Special items related to the vulnerable groups;
 - Condition and quality of land temporarily acquired when it is returned to the original land users;
 - Measures taken to restore affected livelihoods; and,
 - Living conditions and economic status of DPs following resettlement in comparison to the "without project" scenario.
3. Monitoring and evaluation will include (i) the verification or establishment of a socio-economic baseline of the DPs prior to actual {land acquisition, physical displacement/relocation, loss of assets or disruption of businesses (as relevant)}; (ii) verification of internal monitoring data and reports; (iii) the regular monitoring of their {resettlement or displacement/relocation (as relevant)} and adjustment during Project implementation; and (iv) evaluation of their situation for a period of {one or two years} after {land acquisition or displacement or relocation (as relevant)}. In addition, qualitative and quantitative evaluation will be made on the sustainability of living conditions of DPs. Investigation will include consultations and observations with DPs, IAs, local officials, village leaders, as well as a quantitative sample survey of at least 20% of displaced households. Focus group discussion will be conducted with male and female DPs, and vulnerable groups.
4. If the findings of the EM indicate significant compliance gaps, the EM will work with

the EA and PIU to prepare a separate corrective action plan (CAP) in cooperation with the relevant stakeholders, to address pending or new LAR impacts. The EM will monitor and report on the implementation of the CAP.

C. Monitoring Indicators

5. Monitoring will include process, output and outcome indicators. The monitoring framework and formats stipulated in the RPF and RAP will be adopted. The following general indicators will be covered.
 - Disbursement of entitlements to DPs and enterprises/businesses: compensation, relocation, housing, cultivated farmland, and employment as specified in the LARAP.
 - Provision of relocation options: the affected persons must move into chosen resettlement/housing option at least one month before physical displacement/relocation; for those opting for self-construction, payment of compensation and provision of housing sites should be completed at least three months before physical displacement/relocation; the compensation for construction of houses should be equivalent to the replacement cost; the DPs must receive their entitlements and allowances on time.
 - Development of economic productivity: re-allocation of cultivated land, land restoration, job opportunities available to DPs, number of DPs employed or unemployed.
 - Standard of living: Throughout the implementation process, the trends in standards of living will be observed and the potential problems in the way of restoration of standards of living will be identified and reported. The Monitor will carry out a comprehensive socio-economic survey after the completion of resettlement implementation to document the standards of living and the conditions of the DPs after resettlement. The survey will be updated annually.
 - Restoration of civic infrastructure: all necessary infrastructure should be restored at the resettlement sites at least up to a standard equal to the standard at the original location; the compensation for all infrastructure should be sufficient to reconstruct it to the same quality
 - Effectiveness of resettlement planning. Adequacy of assets measurement, entitlements, sufficiency of budget, and timeliness of mitigation measures.
 - Level of satisfaction of DPs: level of satisfaction of DPs with various aspects of the resettlement program; the operation of the mechanisms for grievance redress will be reviewed and the speed and results of grievance redress measures will be monitored.
 - Social adaptability and cohesion: impacts on children, indigenous peoples/ethnic minorities and other vulnerable groups, public participation,



DPs' attitudes and reaction to post resettlement situation, number of complaints and appeal procedures, implementation of preferential policies, income restoration measures, and improvements in women's status in villages.

- Other Impacts. The monitor will verify if there are unintended environmental impacts and impacts on employment and incomes.

D. Special Considerations

6. Special attention will be paid to women, indigenous peoples/ethnic minorities/groups, as well as the poor and vulnerable groups during monitoring; these include:
 - The status and roles of women: Closely monitor any change in women's status, function and situations. At least 40% of DPs surveyed will be women.
 - Differential impacts on indigenous peoples/ethnic minority groups. Closely monitor the socioeconomic status of indigenous peoples to ensure that they have not been further marginalized. Monitoring indicators should to the extent possible be disaggregated by gender and ethnicity.
 - Care and attention to vulnerable groups: Closely monitor living conditions of the poor, the elderly, the handicapped, female headed households and other vulnerable groups after resettlement, to ensure that their livelihood is improved.
 - Monitoring and evaluation will provide information on the utilization and adequacy of resettlement funds.

राज्य शासन के आदेश

राजस्व विभाग

मंत्रालय, वल्लभ भवन, भोपाल

भोपाल, दिनांक 12 नवम्बर 2014

(आपसी सहमति से भूमि क्रय नीति)

क्र. एफ 12-2-2014-सात-2ए.—राज्य सरकार के विभिन्न विभागों/उपक्रमों को उनकी अधोसंरचना निर्माण कार्यो एवं विकास परियोजनाओं के क्रियान्वयन के लिये समय-समय पर निजी भूमि की आवश्यकता पड़ती है. भू-अर्जन की प्रक्रिया में लगने वाले अतिरिक्त समय और लागत को बचाने की दृष्टि से शासकीय परियोजनाओं को निर्धारित समयावधि में क्रियान्वित करने हेतु प्रतिफल का भुगतान करके भू-धारकों की आपसी सहमति से भूमि प्राप्त की जा सकती है. अनेक अवसरों पर निजी भूमि धारक उपरोक्त प्रयोजनों के लिए अपनी भूमि राज्य शासन को विक्रय करने में रुचि रखते हैं, क्योंकि प्रस्तावित अधोसंरचना निर्माण, विकास परियोजनाओं आदि के त्वरित क्रियान्वयन से स्थानीय क्षेत्र का विकास सुनिश्चित होकर वहां के निवासियों को अनेक सामाजिक-आर्थिक लाभ प्राप्त होते हैं. साथ ही भूमि विक्रय का यह विकल्प उन्हें प्रक्रियात्मक सुगमता, समय की बचत व विक्रय मूल्य की शीघ्र प्राप्ति आदि कारणों से भी आकर्षित करता है. आपसी सहमति से राज्य शासन द्वारा भूमि धारकों से भूमि क्रय करना कई परिस्थितियों में दोनों पक्षों के साथ-साथ व्यापक लोकहित में भी लाभकारी होता है.

2. अतः संविधान की राज्य सूची के विषय क्रमांक-18 (भूमि अंतरण) की शक्तियों का प्रयोग करते हुए राज्य शासन द्वारा सार्वजनिक हित की परियोजनाओं के क्रियान्वयन हेतु आपसी सहमति से भूमि क्रय करने की नीति बनाए जाने का निर्णय लिया गया है. राज्य सरकार निजी भू-धारकों की आपसी सहमति से निम्नानुसार "आपसी सहमति से भूमि क्रय नीति" (Consent Land Purchase Policy) जारी करती है:—

1. राज्य शासन के विभिन्न विभागों एवं उपक्रमों की अधोसंरचना और विकास परियोजनाओं के लिए भूमि की आवश्यकता होने पर सर्वप्रथम कलेक्टर उपलब्ध शासकीय भूमि में से उपयुक्त भूमि प्रशासकीय विभाग को नियमानुसार हस्तांतरण करेगा.
2. यदि इसके लिए उपयुक्त शासकीय भूमि जिले में उपलब्ध नहीं है तो प्रशासकीय विभाग/उपक्रम के आवेदन पर इस नीति के अन्तर्गत कार्यवाही करते हुए परियोजना अथवा उसके अंश भाग के लिए निजी भू-धारकों से आपसी सहमति के आधार पर न्यूनतम आवश्यक भूमि क्रय की जा सकेगी.
3. भू-धारक की निजी भूमि क्रय किए जाने के दिनांक को कलेक्टर द्वारा जारी की गई गाइड लाइन की तत्समय प्रभावशील दर के अनुसार संगणित भूमि के मूल्य और भूमि पर स्थित स्थावर परिसम्पत्तियों के मूल्य के बराबर राशि प्रतिफल (Consideration) के रूप में देकर क्रय की जाएगी.
4. उपरोक्त के अतिरिक्त प्रतिफल के समतुल्य राशि विक्रेता को एकमुश्त पुनर्वास अनुदान के रूप में दी जाएगी. इस प्रकार विक्रेता को निजी भूमि और उस पर स्थित स्थावर परिसम्पत्तियों के लिए दोगुनी राशि प्राप्त होगी.
5. विभाग/उपक्रम की परियोजना के लिए क्रय की जाने वाली भूमि, उस पर स्थित स्थावर परिसम्पत्तियों के मूल्य और पुनर्वास अनुदान पर देय राशि का वहन संबंधित शासकीय विभाग/उपक्रम द्वारा किया जाएगा. इसके लिए आवश्यक बजट का प्रावधान संबंधित विभाग/उपक्रम द्वारा किया जाएगा.
6. विभाग/उपक्रम सर्वप्रथम अधोसंरचना अथवा परियोजना के लिये क्रय की जाने वाली भूमि की न्यूनतम आवश्यकता का आंकलन कर निजी भू-धारक की क्रय की जाने वाली भूमि चिन्हांकित करेगा और आवश्यकतानुसार भूमि क्रय करने हेतु विभाग/उपक्रम का प्राधिकृत अधिकारी कलेक्टर को आवेदन प्रस्तुत करेगा.
7. भूमि क्रय हेतु आवेदन-पत्र में निम्न विवरण दिये जाएंगे—
 - (1) परियोजना का नाम तथा उद्देश्य,
 - (2) क्रय की जाने वाली भूमि का क्षेत्रफल,

- (3) परियोजना के लिए आवश्यक बजट शीर्ष में भूमि क्रय करने के लिए धनराशि की उपलब्धता का ब्यौरा,
 - (4) भूमि का विवरण (खसरा क्रमांक/भू-खंड क्रमांक/नजूल शीट क्रमांक, क्षेत्रफल, ग्राम, तहसील, जिला और नवशा),
 - (5) भूमि के ज्ञात/अभिलिखित धारक/धारकों के विवरण, जो उपलब्ध हो सके,
 - (6) तत्समय प्रभावशील गाइड लाइन की दरों के संदर्भ में भूमि का अनुमानित मूल्य,
 - (7) भूमि पर स्थित स्थावर परिसम्पत्तियों का विवरण और अनुमानित मूल्य,
 - (8) अन्य विवरण जो विभाग/उपक्रम देना चाहे.
8. (1) कलेक्टर आवेदन प्राप्त होने पर भूमि के स्वच्छ धारणाधिकार (clear title) एवं आधिपत्य के विषय में भू-अभिलेख के आधार पर तहसीलदार से प्रतिवेदन प्राप्त करेगा.
 - (2) कलेक्टर भूमि पर स्थित स्थावर परिसम्पत्तियों यथा-कुआं, मकान, वृक्ष आदि का मूल्यांकन संबंधित विभाग यथा-लोक निर्माण विभाग, उद्यानिकी विभाग, वन विभाग आदि के अधिकारी से कराएगा.
 - (3) कलेक्टर भूमि और उस पर स्थित स्थावर परिसम्पत्तियों दोनों का मूल्य जोड़कर कुल मूल्यांकन नियत करेगा.
9. विभाग/उपक्रम के आवेदन का परीक्षण करने के उपरान्त यदि कलेक्टर के द्वारा वांछित भूमि क्रय योग्य पाई जाती है तो वह भूमि क्रय करने का प्रस्ताव प्ररूप-क में धारक को भेजेगा, धारक को 15 दिवस की समयवाधि देते हुए धारक से प्ररूप-ख में स्वीकृति की अपेक्षा करेगा. कलेक्टर आवश्यकतानुसार उक्त समयवाधि में वृद्धि कर सकेगा.
10. कलेक्टर भू-धारक से उसकी स्वीकृति के साथ-साथ यह वचनबद्धता (undertaking) भी प्राप्त करेगा कि क्रय हेतु प्रस्तावित भूमि सभी प्रकार से उसके स्वच्छ धारणाधिकार में है और इस भूमि के विषय में किसी भी न्यायालय/प्राधिकार के समक्ष स्वत्व और आधिपत्य संबंधी कोई प्रकरण प्रचलित नहीं है और प्रस्तावित भूमि किसी प्रकार से विवादग्रस्त नहीं है. यदि भूमि पर कोई विवाद है तो उसका संक्षिप्त विवरण देगा. इसके अतिरिक्त भू-धारक यह भी जानकारी देगा कि प्रस्तावित भूमि सभी विल्लंगमों से मुक्त (free from all encumbrances) है. इस प्रकार का स्वीकृति पत्र भू-धारक अथवा उसके द्वारा अधिकृत अभिकर्ता द्वारा हस्ताक्षरित होगा.
11. (1) धारक की स्वीकृति प्राप्त होने के उपरान्त, कलेक्टर 15 दिवस की अवधि देते हुए इस आशय की सार्वजनिक सूचना जारी करेगा कि ऐसी भूमि धारकों (पूरा नाम व पता सहित) से परियोजना के लिए राज्य सरकार के संबंधित विभाग/उपक्रम के पक्ष में क्रय किए जाने पर विचार किया जा रहा है. यदि किसी व्यक्ति को भूमि के स्वत्व के विषय में कोई आपत्ति हो तो वह नियत अवधि में आधार सहित कलेक्टर के समक्ष आपत्ति प्रस्तुत कर सकता है.
 - (2) उपरोक्तानुसार जारी की जाने वाली सार्वजनिक सूचना कलेक्टर कार्यालय, उपखण्ड अधिकारी कार्यालय, तहसील कार्यालय, यथास्थिति ग्राम पंचायत या नगरीय निकाय के कार्यालय के सूचना पटल पर चस्पा कर प्रदर्शित की जाएगी. सार्वजनिक सूचना एक स्थानीय और एक राज्य स्तरीय दैनिक समाचार-पत्र में प्रकाशित की जाएगी तथा जिले की वेबसाइट पर भी अपलोड की जाएगी.
12. नियत अवधि में प्राप्त आपत्तियों के आधार पर कलेक्टर यदि भूमि का खंडित धारणाधिकार (defective title) पाता है तो वह ऐसी भूमि को क्रय करने के लिए अग्रसर नहीं होगा. जारी सार्वजनिक सूचना की अवधि के अवसान तक यदि कोई आपत्ति प्राप्त नहीं होती है तो कलेक्टर भू-धारक से राज्य सरकार के संबंधित विभाग/उपक्रम के पक्ष में भूमि क्रय हेतु अग्रसर होगा.
13. भू-धारक से लिखित स्वीकृति प्राप्त होने की दिनांक से एक वर्ष के भीतर कलेक्टर राज्य सरकार के विभाग/उपक्रम के पक्ष में भूमि क्रय करेगा और इसके लिए उपरोक्तानुसार निर्धारित भूमि/स्थावर परिसम्पत्तियों का मूल्य और अतिरिक्त अनुदान राशि संबंधित भू-धारक को भुगतान कराएगा.
14. भूमि की रजिस्ट्री करने के लिये देय स्टाम्प ड्यूटी, पंजीयन शुल्क व अन्य व्यय संबंधित विभाग/उपक्रम द्वारा वहन किया जाएगा.

15. इस नीति के अन्तर्गत भूमि का क्रय "मध्यप्रदेश के राज्यपाल द्वारा कलेक्टर" के नाम से की जाएगी.
16. क्रय विलेख के पंजीयन उपरान्त भूमि का नामांतरण राजस्व अभिलेखों में मध्यप्रदेश शासन के पक्ष में किया जायेगा जिसमें संबंधित विभाग/उपक्रम का नाम भी अंकित होगा.
17. उपरोक्तानुसार भूमि क्रय के उपरान्त यदि परियोजना प्रत्याहत (withdraw) अथवा असफल हो जाती है और इसके परिणामस्वरूप इस भूमि की आवश्यकता नहीं रह जाती है, तो क्रय की गयी भूमि संबंधित/विभाग उपक्रम द्वारा राजस्व विभाग को समर्पित कर दी जाएगी. समर्पित की गयी भूमि राजस्व विभाग द्वारा भविष्य में किसी अन्य शासकीय प्रयोजन अथवा विकास परियोजनाओं के लिए आर्बिट्रि की जा सकेगी.
18. शासन द्वारा कृषि हेतु पट्टे पर दी गई शासकीय भूमि की किसी परियोजना हेतु आवश्यकता की दशा में कलेक्टर इस नीति के अंतर्गत पट्टे की नितांत आवश्यकता का परीक्षण करेगा और स्वत्व की भूमि की भांति मूल्य तथा अनुदान की राशि की गणना कर पट्टेदार को उसके द्वारा स्वेच्छा से पट्टा समर्पण करने पर समतुल्य राशि अनुदान के रूप में स्वीकृत कर सकेगा.

अनुलग्न-प्ररूप-क एवं प्ररूप-ख.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
अरूण तिवारी, प्रमुख सचिव.

प्ररूप-क

कार्यालय, कलेक्टर (भू-अर्जन शाखा) जिला म. प्र.

क्रमांक

दिनांक

भूमि क्रय का प्रस्ताव

प्रति,

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विषय : राज्य शासन के विभाग/उपक्रम की परियोजना के लिये भूमि की आवश्यकता होने के कारण आपके धारणाधिकार की भूमि क्रय करने हेतु प्रस्ताव.

राज्य शासन के विभाग/उपक्रम की परियोजना के लिए आपको धारणाधिकार की भूमि की आवश्यकता होने से राज्य शासन/उपक्रम निम्न भूमि क्रय करना चाहता है:—

भूमि एवं परिसम्पत्ति का विवरण

1. भूमि का विवरण (खसरा/भू-खंड क्रमांक, क्षेत्रफल, ग्राम एवं तहसील जहां भूमि स्थित है, चतुर्सीमा सहित).
2. वर्ष के लिए कलेक्टर द्वारा जारी की गयी गाइड लाइन के आधार पर संगणित बाजार मूल्य.
3. उक्त भूमि पर स्थित स्थावर परिसम्पत्ति का विवरण-यदि कोई है
4. स्थावर सम्पत्ति का संबंधित विभाग द्वारा आंकलित मूल्य
5. कुल मूल्य (2+4)
6. कुल मूल्य के समतुल्य पुनर्वास अनुदान
7. कुल प्रस्तावित राशि (5+6)

2. उपरोक्त विवरण अनुसार आपके द्वारा धारित भूमि/भू-खण्ड और उस पर स्थित स्थावर परिसम्पत्ति का कुल बाजार मूल्य रुपये (शब्दों में रुपये) होता है. यदि आप उक्त भूमि राज्य शासन/उपक्रम के पक्ष में विक्रय करने हेतु सहमत है तो प्रतिफल के रूप में आपको ऊपर दिए गये विवरण में उल्लेखित मूल्य एवं पुनर्वास अनुदान मिलाकर कुल राशि रुपये (शब्दों में रुपये) दी जाना प्रस्तावित है. आपसे अपेक्षा है कि राज्य शासन के पक्ष में उक्त विवरण अनुसार भूमि/भू-खंड, उस पर स्थित स्थावर सम्पत्ति सहित विक्रय करने हेतु अपनी सहमति प्ररूप-ख में, जो कि इस प्रस्ताव के साथ संलग्न है, प्रस्ताव प्राप्ति के 15 दिवस के भीतर मेरे कार्यालय में स्वयं अथवा अपने प्राधिकृत अभिकर्ता के माध्यम से प्रस्तुत करें.

3. यदि उक्तानुसार प्ररूप-ख में आपकी ओर प्रस्ताव की स्वीकृति प्रस्तुत की जाती है तो विषयांकित परियोजना के लिए राज्य शासन/उपक्रम के पक्ष में आपके धारणाधिकार की उक्त भूमि/भू-खंड उस पर स्थित स्थावर सम्पत्ति सहित क्रय की जाएगी.

4. आपकी स्वीकृति प्राप्त होने पर धारणाधिकार विषयक जांच की जाएगी और यदि भूमि/भू-खंड आपके स्वच्छ धारणाधिकार में पाया जाता है तो आपको एक वर्ष के भीतर विक्रय विलेख निष्पादित करना होगा. प्रतिफल की राशि विक्रय विलेख निष्पादन के समय आपको भुगतान की जाएगी

संलग्न : प्ररूप ख.

कलेक्टर

जिला

प्ररूप-ख
स्वीकृति पत्र

मैं/हम पुत्र आयु वर्ष स्थायी पता
तहसील जिला वर्तमान पता जिला कलेक्टर
के पत्र क्रमांक दिनांक द्वारा मुझे/हमें प्राप्त मेरे धारणाधिकार की भूमि/भू-खंड जिसके विवरण नीचे अनुसूची में दिए गए हैं, को कलेक्टर के पत्रानुसार राज्य सरकार के विभाग/उपक्रम की परियोजना के लिये क्रय करने हेतु प्राप्त प्रस्ताव अनुसार प्रस्ताव में उल्लेखित प्रतिफल रुपया (शब्दों में) और समतुल्य पुनर्वास अनुदान रुपया (शब्दों में) लेकर राज्य सरकार के पक्ष में विक्रय करने हेतु स्वीकृति देता हूँ/देते हैं.

2. मैं/हम यह भी घोषित करता हूँ/करते हैं कि प्रस्तावित भूमि सभी प्रकार से मेरे/हमारे स्वच्छ धारणाधिकार में हैं और इस भूमि के विषय में किसी भी न्यायालय/प्राधिकार के समक्ष स्वत्व और आधिपत्य संबंधी कोई प्रकरण प्रचलित नहीं है और प्रस्तावित भूमि सभी विलक्षणियों से मुक्त (free from all encumbrances) है.

3. प्रस्तावित भूमि विवादग्रस्त नहीं है. (यदि विवाद है तो उसका विवरण दिया जाए)

अनुसूची
भूमि के विवरण

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हस्ताक्षर
स्वीकृतकर्ता भू-धारक

स्थान दिनांक

साक्षी :

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2.

**GOVERNMENT OF MADHYA PRADESH
DEPARTMENT OF HOUSING & ENVIRONMENT
MANTRALAYA**

NOTICE

Whereas in view of growing urbanization in and around the towns in the State of Madhya Pradesh, the Government of Madhya Pradesh finds it expedient to frame rules to facilitate the land owner to surrender his land to competent authority in lieu of consideration in terms of floor area ratio so that the surrendered land may be used for the purposes earmarked in development plan e.g. public and semi-public recreational, roads etc.

Now, therefore, the following draft of rules which the State Government proposes to make in exercise of the powers conferred by section 85 read with sub-section (3) of section 24 of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) is hereby published as required by sub-section (1) of section 85 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on the expiry of thirty days from the date of publication of this notice in the Madhya Pradesh Gazette.

Any objection or suggestion which may be received from any person with respect to the said draft of rules on or before the expiry of the period specified above will be considered by the State Government.

DRAFT OF RULES

1. Short title, extent and commencement.

(1) These rules may be called the Madhya Pradesh Transferable Development Rights Rules, 2010.

(2) It extends to all the planning area whose development plan are adopted under the Act.

(3) It shall come into force from the date of its publication in the official Gazette.

2. Definitions. In these rules, unless the context otherwise requires,-

- (a) "Act" means the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No.23 of 1973) ;
- (b) "Competent authority" means:-
 - (i) the Chief Executive Officer of a Town and Country Development Authority constituted by or under the Act and where the Town and Country Development Authority does not exist the Chief Executive Officer of Zila Panchayat under the Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (No. 1 of 1994); or
 - (ii) the Commissioner of a Municipal Corporation constituted by or under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and Chief Municipal Officer of a Municipal Council or a Nagar Panchayat constituted by or under the Madhya Pradesh Municipalities Act, 1961 (No.37 of 1961);
- (c) "Development Rights Certificate" means a certificate of award issued by competent authority to owner of land in lieu of consideration of his land which is proposed for non-remunerative use in development plan;
- (d) "Floor Area Ratio" shall have the same meaning as assigned to it in clause (29) of rule 2 of the Madhya Pradesh Bhumi Vikas Rules, 1984;
- (e) "owner" means owner of a plot of land which is reserved for public purpose in Master Plan or Zonal Plan of a town;
- (f) "Transferable Development Rights" means an award specifying the built up area in lieu of amount as consideration to owner of the land which is proposed and reserved for non profitable land use such as public amenities or road widening or recreational purpose,

..3..

or other public purpose and which can be used by the owner of the land himself on other plot or can be sold to any other person.

3. Lands against which Transferable Development Rights can be issued.

(1) The owner of plot of land which is required for a public purpose in the Master Plan or Zonal Development Plan by way of reservation for open space zone, roads, school, health centre, vehicles parking or any public utility, shall be eligible for the award of Transferable Development Rights in the form of built up area or Floor Area Ratio. But these rights shall not be applicable on land or buildings having historical importance.

(2) Development Rights Certificate will be granted to an owner only for that land which is reserved for public purpose in Development Plan, on the submission of land use certificate. The land use zone of such land where Development Rights Certificate can be utilized as under:-

Zone in which designated / reserved plot is situated	Uses to be permitted in received areas
Public and semipublic road, recreational, public amenities etc.	Residential /Commercial

(3) Development Rights Certificates will be issued by the competent authority. The floor area ratio credit will be in the built-up area, the place and the zone in which the Development Rights Certificates are earned and the areas in which such credit may be utilized in newly developed areas will be clearly mentioned in Development Rights Certificate. It is also mandatory that receiving plot should be abutting 12 metres wide road.

4. Issuance of Development Rights Certificate.

- (1) Development Rights Certificates will be issued in favour of land owner only after surrendering the land in favour of Competent Authority. It is necessary to the land owner to level and fence the land with 1.5 m. barbed wire fence before surrendering.
- (2) The following details shall be compulsorily included in Development Rights Certificates:-
 - (i) construction area in square metre which shall be equivalent to the land area to be transferred to the competent authority;
 - (ii) mutation order number by which the land is transferred in favour of Competent Authority;
 - (iii) the area with name of village/ward where the Development Rights shall be used.

5. Development Rights Certificate will be transferable.

- (1) Development Rights Certificate holder can transfer the Development Rights Certificate in full or in part, if he desires to do so for which he shall submit the Development Rights Certificate for endorsement to Competent Authority with request for transfer the right to other person. Without endorsement of the Development Rights Certificate, the rights shall remain for the utilization to whom it is legally issued.
- (2) The Development Rights Certificate shall only be issued by the Competent Authority and these powers cannot be delegated to any other officer.
- (3) Development Rights Certificate shall be issued in Form I on non-judicial stamp of prescribed value.

..5..

- (4) Competent Authority shall maintain a Development Rights Certificates register with records of all the transactions.

6. Utilization of Development Right Certificate.

- (1) The use of Development Rights Certificate shall remain restricted on the plot/land where building construction is prohibited in Development Plan.
- (2) The additional Floor Area Ratio on any plot may be utilized up to the extent of 0.4 in addition to permissible Floor Area Ratio.
- (3) Development Rights Certificate can be utilized on one or more than one plot. Either it is vacant or have building already constructed over it, but the floor area cannot be utilized more than as specified in sub-rule (2) on any plot.
- (4) Any applicant who desires to utilize Development Rights Certificate has to submit the application for development along with Development Rights Certificate to competent authority
- (5) Competent Authority will endorse the area of development rights on development permission in words and figures clearly. It is also necessary to endorse the area of development rights used by applicant on original Development Rights Certificates after due verification.
- (6) The endorsement would be necessary on original Development Rights Certificate in case of transfer of Development Rights partially and fully.

7. Land ownership after transfer.

The land against which Development Rights Certificates is issued will be muted in favour of the Competent Authority free from all encumbrances.

8. General terms and conditions for issue of Development Right Certificate.

- (1) The Development Rights Certificate will be issued only in the name of owner of the land. If the property stands in the name of partnership firm, Development Rights Certificate shall be issued in the name of present partners and not in the name of partnership firm.

..6..

- (2) The transfer/ utilization of Development Rights Certificate in favour of Non-resident Indians and foreign Nationals will be subject to rules and regulations of the Reserve Bank of India.
- (3) The specimen signature/thumb impression along with photograph on application for grant of Development Rights Certificates shall have to be attested by an Executive Magistrate or Public Notary under his official seal.
- (4) In respect of property hold jointly by several persons the competent authority shall issue only one certificate and deliver the Development Rights Certificate to one of the several joint holders as may be decided by joint holders and make such an application duly signed by all and the same shall be treated as sufficient delivery to all such holders.
- (5) Development Rights Certificate shall be issued under the seal and signature of competent authority.
- (6) The competent authority may reject the application for grant of Development Rights Certificate in the following circumstances:-
 - (a) If any dues are payable by the owner of the property, to the State Government/Local body/Development Authority prior to date of handing over physical possession of the property to the competent authority, then the competent authority can withhold issue of Development Rights Certificates unless all the dues are paid by the owner(s);
 - (b) If the property so handed over to the competent authority and Development Rights Certificate is requested by fraudulent means, then the competent authority may reject the claim of Development Rights Certificate.
- (7) The utilization of Development Rights Certificates shall be in multiples of 50 square metre only except the last remainder. Any request of the transferor or transferee for utilization of Development Rights Certificate other than in multiples of 50 square metre shall not be considered by the competent authority.

By the order and in the name of
Governor of Madhya Pradesh

(VARSHA NAOLEKAR)
Deputy Secretary
Government of Madhya Pradesh
Housing & Environment Department

..7..
FORM I

DEVELOPMENT RIGHTS CERTIFICATE

No.

Date:

Certified that the person(s) whose name(s) is/are in the certificate is / are the registered holder(s) of the Development Right Certificate issued subject to the provisions of the Madhya Pradesh Transferable Development Rights Rules, 2010.

1. Location and details of the land surrendered
(Village/ward/ Khasara No..... survey
No.....)
2. Area of the land in square metre
3. Land handed over to the Competent
Authority vide possession received No. &
date.
4. No.& date of the order issued by the
Government in case of surplus vacant land
5. Zone of the land surrendered
6. Reservation of land surrendered (land use)
7. The area where the Development Rights
Certificates can be utilized

Name

Father's/Husband Name

Address

Floor Area Ratio credit of built up area
in square metre (in words & figures)