

**RESETTLEMENT POLICY FRAMEWORK  
FOR  
AGRA METRO RAIL PROJECT**

**UTTAR PRADESH METRO RAIL CORPORATION LTD.**

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**Acronym**

BPL	Below Poverty Line
CPM	Chief Project Manager
DC	District Collector
DM	District Magistrate
DPR	Detailed Project Report
EIB	European Investment Bank
FGD	Focus Group Discussion
GOI	Government of India
GoUP	Government of Uttar Pradesh
GRC	Grievance Redressal Committee
IFI	International Financial Institution
LAA	Land Acquisition Act
LAC	Land Acquisition Collector
ADA	Agra Development Authority
UPMRC	Uttar Pradesh Metro Rail Corporation
AMRP	Agra Metro Rail Project
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
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
UP	Uttar Pradesh

## 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. It is hoped that after this explanation, there shall be no ambiguity in the RPF.

a) **Acquired land** means the land acquired under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or any other applicable GOs for the Agra Metro Rail Project.

b) **Agricultural Land** means lands being used for the purpose of (i) Agriculture or horticulture; (ii) Dairy farming, poultry farming, pisciculture, sericulture, seed farming breeding of livestock or nursery growing medicinal herbs; (iii) Raising of crops, trees, grass or garden produce; and (iv) Land used for the grazing of cattle;

c) **Affected Area** means such area as may be notified by the Government of U.P under the relevant land acquisition acts for the purposes of land acquisition for the Project;

d) **Affected family** means:

i. A family whose land or other immovable property has been acquired for the Agra Metro Rail Project;

ii. A family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be running a commercial establishment in the Affected Area, whose primary source of livelihood stand affected by the acquisition of the land;

iii. The Scheduled Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 due to acquisition of land;

iv. A family without formal title of ownership or use but who have established usage of public or private land by investing in immovable objects, crops woods, trees, fruit bearing trees, vineyards, the age of crops and the time needed to reproduce them;

e) **Compensation** refers to the amount paid as compensation under various provisions of the RTFCLARRA 2013, or the GOs of GoUP or as per policy of UPMRC for private property, structures and other assets acquired for the project, excluding rehabilitation and resettlement entitlements as per this policy.

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

g) **Displaced Family** means any Affected Family, (i) who on account of acquisition of land has to be relocated from the affected area; (ii) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for the Project (iii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land in the affected area, has been involuntarily displaced from such land or other property; (iv) any agricultural or non-agricultural labourer, landless person (not having home stead land or agricultural land) rural artisan, small trader or self employed person; who has been residing or engaged in any trade, business, occupation or vocation in the acquired land, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area.

h) **Employee** means an individual engaged by a displaced commercial establishment in the Acquired Land, for compensation under a contract for employment whether express or implied on cut off date.

i) **Encroachers** are those persons who have extended their building, business premises or work places or agriculture activities into government lands.

j) **Family** means a person, his or her spouse, parents, children, brothers and sisters dependent on him:

i. Provided that Widows/divorcees and women deserted by families shall be considered as separate families.

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

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

l) **Market Value of Land as per act 2013/Circle Rate**

The Market Value or Circle Rate of the proposed land to be acquired shall be set as the higher of:

I. the minimum land value, if any, specified in the Indian Stamp Act, 1899 for the registration of sale deeds in the area, where the land is situated; or

II. the average of the sale price for similar type of land being acquired, ascertained from the highest fifty per cent of the sale deeds registered during the preceding three years in the nearest village or nearest vicinity of the land being acquired.;

m) **Minimum Wages** means the minimum wage of a person for his/her services/labour per day as per notification published by Department of Labour, Government of U.P.

n) **Non-Perennial Crop:** means any plant species, either grown naturally or through cultivation that lives for a particular harvest season and perishes with harvesting of its yields.

o) **Notification** means a notification published in the Gazette of India, or as the case maybe, the Gazette of the State;

p) **Perennial Crop:** means any plant species that live for years and yields its products after a certain age of maturity.

q) **Project** means the Agra Metro Rail Project (AMRP) covering 28 km consisting of two corridors with elevated sections (altogether 22.353 km with 22 stations) and underground sections (altogether 7.64 km with 8 stations)

r) **Rehabilitation and Resettlement** means carrying out rehabilitation and resettlement as per Policy on rehabilitation and resettlement.

s) **R & R Entitlements** means the benefits awarded as per the R & R Policy Framework given in the Policy on Rehabilitation & Resettlement.

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

u) **Squatter** means those persons who have illegally occupied government land for residential, business and or other purposes by making some investments on the land.

v) **State Government/ Government** refers to the Government of Uttar Pradesh;

w) **Tenants** are those persons having **bonafide** tenancy agreements on cut-off date with a property owner with clear property titles, to occupy a structure or land for residence, business or other purposes. 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.

x) **Vulnerable groups**: persons such as differently abled, widows, women headed households, persons above sixty years of age, Scheduled Caste and Scheduled Tribes, persons or families below the poverty line and other groups as may be specified by the State Government.

## SECTION-1

### INTRODUCTION

#### 1.1 INTRODUCTION

This document represents the Resettlement Policy Framework (RPF) for the proposed Agra Metro Rail 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 Uttar Pradesh Metro Rail Corporation (UPMRC) has 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.

#### 1.2 THE PROJECT

Agra, the city of Taj Mahal is the 3rd most populous city in Uttar Pradesh. The City is a major tourist hub with number of monuments like Agra Fort, Tomb of Akbar and Fatehpur Sikri besides the Taj Mahal, which have been listed as the UNESCO World Heritage sites. In order to alleviate the transport related problems in the City, Comprehensive Mobility Plan (CMP) has been updated in 2017. It identifies various short, medium- and long-term measures of transport infrastructure in the City. CMP recommends mass transport system along two major travel corridors. Based on the proposals from CMP, an Alternatives Analysis has been carried out to find the most viable mass transit system along two identified corridors. Alternatives Analysis Report recommends to implement a Metro Rail system on these two corridors in Agra.

Considering the city specific characteristics, traffic demand, availability of right of way, Medium capacity Metro rail system with 3 car train composition is proposed for 2 corridors of Agra. The medium capacity metro rail system is capable of handling of 27800 PHPDT.

Based on the existing and predicted travel demand, demographic features etc the Detailed Project report (DPR) for Agra Metro Rail Project suggested two corridors for laying down the metro rails. The corridors have been identified as Corridor 1: Sikandara to taj East Gate of total 14km length and Corridor 2 : Agra Cantt to Kalindi Vihar of total 16Km length.

The corridor details are tabulated below:

Table 1.1

Corridors	Length (Kms)			Number of Stations		
	Elev.	U/G	Total	Elev.	U/G	Total
Sikandara to Taj East Gate	6.353	7.647	14	6	7	13
Agra Cantt. to Kalindi Vihar	16	-	16	14	-	14
<b>Total</b>	22.353	7.647	30	20	7	27

#### **corridor-1 Land & structures Requirement (in SQM)**



Ownership	Purpose	Permanent Land	Temporary Land	Structures (Floor area)
Central Govt. - RAILWAY	Alignment, Stations & Ancillary Building etc	591	4500	0
	<b>Total</b>	<b>591</b>	<b>4500</b>	<b>0</b>
Central Govt. - DEFENCE	Alignment, Stations & Ancillary Building etc	6032	5700	0
	<b>Total</b>	<b>6032</b>	<b>5700</b>	<b>0</b>
State Govt.	Alignment, Stations & Ancillary Building etc	33790	27000	200
	Depot	208000	0	47343
	PD & Parking	67415	0	0
	Construction Depot	0	125000	0
	RSS & MISC.	10000	0	0
	<b>Total</b>	<b>319205</b>	<b>152000</b>	<b>47543</b>
Private	Alignment, Stations & Ancillary Building etc	7596	9300	214
	Depot	0	0	0
	<b>Total</b>	<b>7596</b>	<b>9300</b>	<b>214</b>

**CORRIDOR-2 LAND & STRUCTURES REQUIREMENT (IN SQM)**

Ownership	Purpose	Permanent Land	Temporary Land	Structures (Floor area)
Central Govt. - RAILWAY	Alignment, Stations & Ancillary Building etc	2798	0	278
	<b>Total</b>	<b>2798</b>	<b>0</b>	<b>278</b>
Central Govt. - DEFENCE	Alignment, Stations & Ancillary Building etc	5047	0	0
	<b>Total</b>	<b>5047</b>	<b>0</b>	<b>0</b>
State Govt.	Alignment, Stations & Ancillary Building etc	17775	0	909
	Depot	119000	0	0
	PD & Parking	60300	0	0
	Construction Depot	0	122300	0
	RSS & MISC.	10000	0	0
	<b>Total</b>	<b>207075</b>	<b>122300</b>	<b>909</b>
Private	Alignment, Stations & Ancillary Building etc	5595	0	6264
	Depot	0	0	0
	<b>Total</b>	<b>5595</b>	<b>0</b>	<b>6264</b>

Note: Permanent and Temporary Land requirement data are taken from the Detailed Project Report (DPR) of Agra Metro Rail Project . The last column in the table refers to the built up area in sq meter which may be acquired for the project activities with due compensation if private property and equivalent construction of the facility by AMRP if Govt. property.

### 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 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 AMRP.

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 AMRP.
- 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 AMRP is intending implementation in different stages. This document serves to define procedures, principles and applicable legal regulations for the AMRP covering 30 km consisting of two corridors. It is estimated that approximately 119 families will be affected by the implementation of the Corridor-1 and Corridor-2. The exact number of project affected families can only be presented once the census is completed.

## SECTION-2

### LEGAL FRAMEWORK

#### 2.1 THE ACTS AND POLICY RELEVANT TO THE PROJECT

- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No. 30 of 2013).
- Government Order (G.O) of Government of Uttar Pradesh bearing no. 2/2015/215/F-13-2015-20(48)/2011 dated 19.03.2015. (Copy of G.O attached as Annexure-1).

#### 2.2 EIBs POLICIES AND DEVIATIONS FROM THE INDIAN LAW AND PROPOSED MEASURES FOR BRIDGING THE GAPS

EIB standard No.6 on involuntary Resettlement as its objective has the following:

- 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 NATIONAL LAW AND EIB REQUIREMENTS

There are a few gaps between the prevailing Indian law and EIB Standards for resettlement and rehabilitation of project affected persons (PAPs). A Gap Analysis between EIB/ Standard and Indian law is given in the following table:

<b>Table 2.1: GAP between Indian Laws and EIB Requirements</b>					
<b>S.No.</b>	<b>Requirements</b>	<b>EIB Standard</b>	<b>Indian National Law (RTFCTLARR A 2013)</b>	<b>Identified Gap</b>	<b>How the Project will address the gap.</b>
i	Avoid involuntary resettlement	Involuntary resettlement (IR) should be avoided wherever possible	Indian Law also acknowledges that impact of IR should be minimized.	No gap	
ii	Minimize involuntary resettlement	Minimize involuntary resettlement by exploring all viable alternative project design	Yes	No gap	
iii	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	No gap	
iv	Identify, assess and address the potential social and economic impacts	Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntarily taking of land (e.g. relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas.	Yes	No Gap	
v	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, nature of impact and the overall resettlement costs.	Yes	No gap	
vi	Cut Off Date	The census date is usually considered to be the cut-off date for eligibility claims	The date of public notification is considered to be the cut off date	No gap	
vii	Census and Baseline	Census and socio-economic baseline survey will be carried out to identify number of people to be displaced, livelihoods affected and property to be compensated.	Yes	No gap	

<b>Table 2.1: GAP between Indian Laws and EIB Requirements</b>					
<b>S.No.</b>	<b>Requirements</b>	<b>EIB Standard</b>	<b>Indian National Law (RTFCTLARR A 2013)</b>	<b>Identified Gap</b>	<b>How the Project will address the gap.</b>
viii	Avoid Forced Eviction	Avoid and/or prevent forced evictions and provide effective remedy to minimise their negative impacts should prevention fail;	There is no specific mention	Gap identified with respect to Forced Eviction.	Project will follow the process where forced eviction can be avoided in compliance with EIB standard
ix	Consider alternative project design	Avoid or, at least minimise, project-induced resettlement whenever feasible by exploring alternative project designs	There is no specific mention	Gap identified with respect to exploring alternative project design to minimize Involuntary resettlement (IR).	Project will follow the process where adequate attention will be paid to explore design alternatives to minimize impact of IR in compliance with EIB standard
x	Involvement of and consultation with the stakeholders	Consult project-affected persons, host communities and Local non-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 children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected .Through national land compensation legislation.	Yes However, Definition of vulnerable group is slightly different from EIB's requirement.	Gap identified in terms of definition of Vulnerable group.	Project will identify vulnerable groups among the project affected people and will take special attention for their compensation and livelihood restoration in compliance with EIB standard
xi	Eligibility	Any person (titleholders, non-titleholders including encroachers, Squatters, tenants, etc.) negatively affected by the project is eligible for compensation, livelihood restoration and/or other resettlement assistance.	The Indian National R&R law considers the Non-Titleholders only if they are residing on the land for the previous 3 years	Gap identified regarding rights of Non titleholders in case of IR.	Project will not consider any conditional approval in case of acknowledging the rights of the Non titleholders to comply with EIB norms.

Table 2.1: GAP between Indian Laws and EIB Requirements					
S.No.	Requirements	EIB Standard	Indian National Law (RTFCTLARR A 2013)	Identified Gap	How the Project will address the gap.
xii	Special Attention to Vulnerable affected people	Particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted	Definition is narrower. It includes only scheduled caste and tribes displaced from scheduled areas <sup>1</sup> as specified by the Constitution of the country	Gap identified in terms of special attention to vulnerable affected people.	Project will accept EIB definition of vulnerable people and take adequate measure in compliance to EIB standard.
xiii	Replacement Cost	Monetary compensation shall take into account full replacement cost based on market value, productive potential, or equivalent residential quality, including any administrative charges, title fees, or other legal transaction costs. <sup>13</sup>	Indian Law has detailed out determination of compensation for land and other immovable assets attached with land but the term Replacement cost is not used.	Gap identified in the use of terminology.	Project will mention the definition of Replacement Cost as per EIB norm.
xiv	Livelihood Restoration	The affected persons will be offered assistance for livelihood restoration or improvement through provision of training, credit, job placement, and/or other types of assistance;	Rehabilitation and Resettlement Scheme will take into account loss of livelihood of Titleholder and Non-titleholders.	Gap identified in mentioning livelihood restoration of PAFs	Project will pay adequate attention to ensure livelihood restoration of PAFs at least at the pre-project level.
xv	Relocation sites	Affected stakeholders should be consulted on the choice of sites and, as far as possible, offered choices among sites. In cases of physical resettlement, alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those displaced, where possible. Identified relocation sites shall fulfill as a minimum the criteria for adequate housing	There is no specific mention	Gap identified in terms of absence of mentioning the characters of Relocation site when relocation is unavoidable.	Project will discuss with the Stakeholders especially with the vulnerable groups and finalize the relocation sites.

Table 2.1: GAP between Indian Laws and EIB Requirements					
S.No.	Requirements	EIB Standard	Indian National Law (RTFCTLARR A 2013)	Identified Gap	How the Project will address the gap.
	Disclose and inform PAPs of RP and mitigation measures	Disclose draft Resettlement Plans including documentation of the consultation process, in a timely manner, before appraisal formally begins, in an accessible place and in a form and language that are understandable to key stakeholders	Yes	No gap	
xvi	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 re-settlers preferences with respect to relocating in pre-existing communities and groups are honoured.	Yes	No gap	
xvii	Resettlement Plan	To cover the direct social and economic impacts that are caused by the involuntarily taking of land and/ or the involuntary restriction of access to legally designated lands and protected areas, the borrower will prepare a Resettlement plan or resettlement policy framework. The RP or framework will include measures to ensure that the displaced persons are 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.	Yes	No gap	
xviii	Supervision	The Bank regularly supervises resettlement implementation to determine compliance with the instrument	Yes	No gap	

Table 2.1: GAP between Indian Laws and EIB Requirements					
S.No.	Requirements	EIB Standard	Indian National Law (RTFCTLARR A 2013)	Identified Gap	How the Project will address the gap.
xix	Monitoring Evaluation	The borrower is responsible for adequate monitoring & evaluation of the activities set forth in the resettlement instrument. Assess whether the objectives of the resettlement instrument have been achieved, upon completion of the project, taking account of the baseline conditions and the results of resettlement monitoring.	Yes	No gap	
xx	Timeline for every process	Bank does give time schedule for activities.	Yes	No gap	
xxi	Social Impact Assessment	Bank desire social impact assessment to be carried out for PAPs	Yes	No gap	
xxii	Grievance Redressal Committee	Bank desire that mechanism shall be in place for redressal of grievances of all types of PAPs	GRM is proposed in the RTFCTLARR 2013 Act and it deals with only legal titleholders.	Gap identified in GRM regarding acknowledging grievances from Non titleholding project affected persons.	Project will acknowledge all sorts of grievances from both the Title and Non Titleholders.
xxiii	Public consultation	EIB explicitly desire public consultation and interaction of Project authority and PAPs to develop RAP.	Yes	No gap	

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 overarching requirements of EIB. In order to comply with EIB's policies/standards relating to grievance redressal, the steps that will be taken by the project authority are described below.

### 2.2.2 GRIEVANCE REDRESSAL MECHANISM

Efficient Grievance Redress Mechanism (GRM) will be developed to assist the PAPs to resolve their queries and complaints. A mechanism for lodging complaints/grievance will be implemented during implementation of project. Grievances of PAPs both Title and Non-Titleholders, will be first brought to the attention of field level officer of both Project Team and Land Team.. If Grievances are not redressed at Field Level, it will be brought to the Grievance Redressal Committee (GRC) under the system of GRM. GRC is comprised of members from UPMRC officials, officials from Public Works Department or Land Revenue



Dept., official from Agra Nagar Nigam and headed by Chief Project Manager. **GRC will review matters involving all resettlement benefits for both titleholders and non-title holders along with other grievances.** However, disputes relating to ownership right-disputes between private and Government or dispute between two or more private parties regarding ownership of land-, shall be considered by the court of law. When any grievance is brought to the field level, it should be resolved within 45 days from the date of complaint. The GRC will meet every month (if grievances are brought to the Committee), determine the merit of each grievance, and resolve grievances within three months of receiving the complaint failing which the grievance can be referred to appropriate court of Law for Redressal by the PAP. Also PAPs can directly go to the court without waiting for GRC;s resolution. UPMRC will maintain a log of grievances documenting the nature of grievance, date of submission, responsible party and date of resolution.

**Grievances of general nature related to project activities in the locality, relocation, loss of land and structures etc will be dealt by respective field officers of Project and Land Team at first. Upon review, if it is decided for compensation as per UPMRC's RPF then competent authority (approving authority as per UPMRC Schedule of Power rule, which is the Managing Director of APMRC here) will give approval for payment of compensation. For land acquisition,, based on mutually agreed terms and as per RPF and GoUP guideline, final compensation will be calculated and paid to the PAP. Till this stage the Grievance Redressal Committee will play its role. Any loss of land or structure will be attended as per entitlement matrix of RPF. GRC will manage the overall process of assessment, award of compensation and management of compensation related grievances of Title and Non Titleholder affected people/families In case of dispute, when the PAP doesn't agree to the compensation amount or at times the PAP agrees to the compensation amount, but the land ownership is disputed due to PAP's internal matters then the matter will eventually be directed to Court for decision.**

**Compensation for PAP will have value for land and structure, solatium and other entitlements as per proposed matrix.**

The details of GRM are given in the subsequent section.

A flow chart of Grievance Redressal Mechanism is indicated in the below Figure 2.1

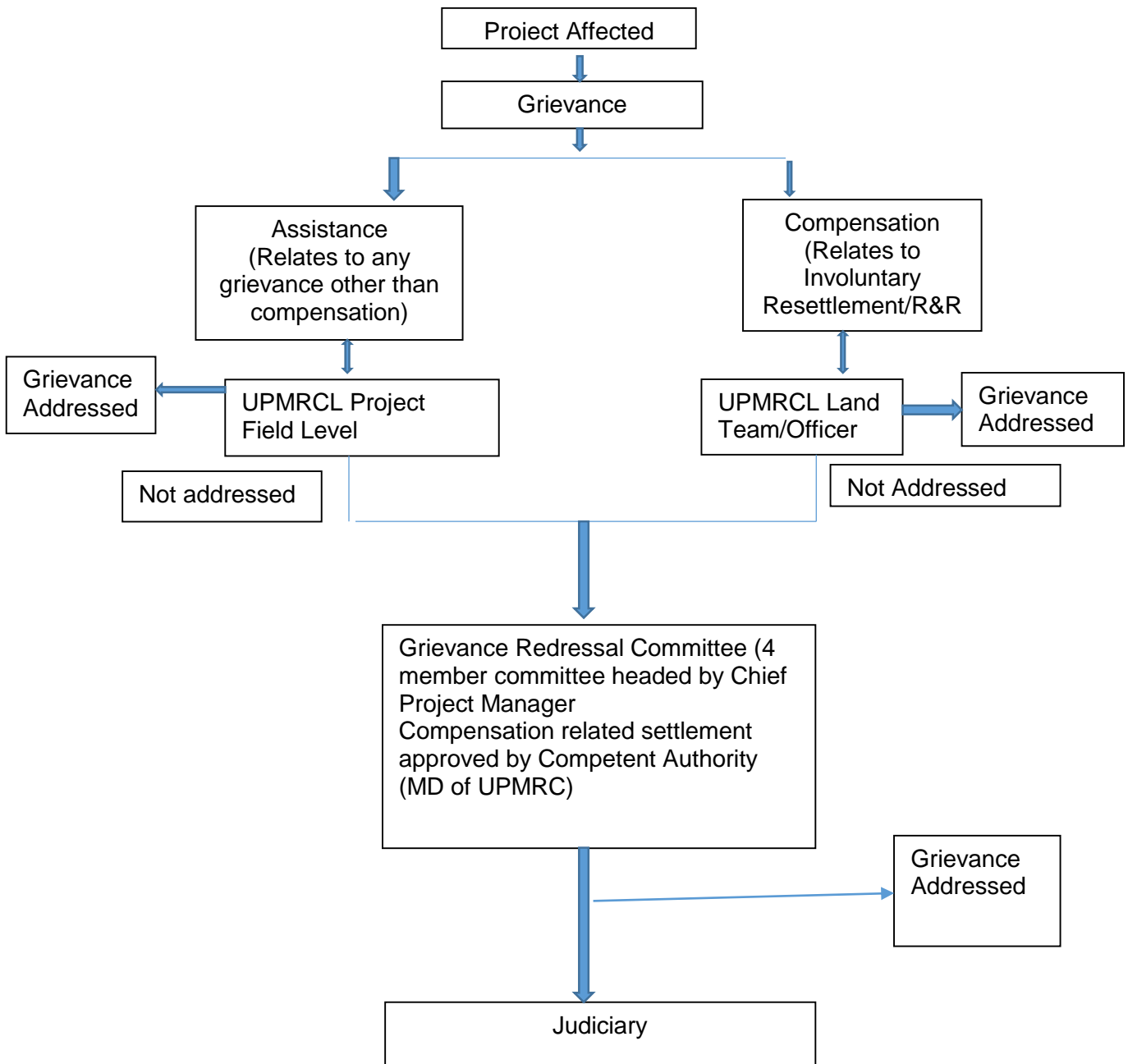


Fig- 2.1

### **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 UPMRC. 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. **As per EIB's requirements, periodic / mid and end term evaluation of RAP implementation will be audited by independent body.**

### **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 to brid's requirements.

## SECTION-3

### RESETTLEMENT & REHABILITATION OF PROJECT AFFECTED PERSONS FOR AMRP

#### 3.1 GUIDING PRINCIPLES

Resettlement & Rehabilitation activities of AMRP will be governed by the following general principles, which are based on The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; the G.O 24/2015/387/8-1-15-50-LDA/204 dated 04.02.2015 of UP Government. The GoUP Government Order is also in line with provisions of the new LA&RR Act, 2013.

- in general, land acquisition will be undertaken in such a way that no project affected families, with or without formal title, will be worse off after land acquisition;
- all activities and procedures will be formally documented;
- the property and inheritance rights of project affected persons will be respected;
- if the livelihood of the project affected persons without formal title depends on the public land that they are using, they will be assisted in their effort to improve their livelihoods and standard of living to restore them to pre-displacement levels;
- if project affected person, without legal title, is not satisfied with the above decisions, they can approach the Grievance Redressal Committee;
- 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 should be provided to these 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 cut off date of the project;
- the compensation and eligible resettlement and rehabilitation assistance will be paid prior to taking over of land and other assets for construction purposes;
- all project affected persons (private and public, individual and businesses) entitled to be compensated for land acquired; losses, structures or damages will be offered compensation in accordance with the provisions of this RPF. Those who accept the compensation amount will be paid prior to taking possession of their land or assets. Those who do not accept it will have their grievance registered or referred to the Grievance Redressal Committee (GRC) / courts as appropriate.

In addition to the above stated principles, Resettlement & Rehabilitation activities of AMRP will also be governed by EIB's principles as per E&S standards as follows:

- **Land acquisition and resettlement process will be conducted on voluntary basis, giving due respect to the fundamental right to property**
- **With improvising engineering and design aspects, minimal or no physical or economical displacement will be planned during execution of project**
- **Existing structure will be utilised, if found suitable and fit for purpose**
- **Timely information will be shared following transparent and fair process involving PAP through individual and group consultation approach**

- **Resettlement plans will be informed to various stakeholder groups for feedback and improvement, if required.**
- **Special attentions to vulnerable PAPs will be provided to ensure maintenance of social and financial post resettlement condition will be better off than the pre resettlement conditions.**
- **PAH's will be provided assistance to restore their livelihood and living standard.**

### **3.2 RESETTLEMENT AND REHABILITATION PROCESS**

All attempts will be made during the final execution of the project to minimize the scope of land acquisition, resettlement and adverse impacts on people in the project area through suitable engineering design. The assessments however reveal that the project involves minimal land acquisition.

- Social Impact Assessment (SIA) study will be conducted after finalizing the RPF for both the corridor of AMRP through census survey to collect baseline data for socio-economic information and to identify the project affected population by residence, business base and their locality. The study will be primarily based on field data generated by census survey and secondary data collected from the census handbooks/ gazeteers/ other relevant texts. The socioeconomic survey questionnaire will be used to understand the socioeconomic conditions of all the potentially affected households by land acquisition (temporary or permanent). A format of questionnaire for field survey is given in Annexure-2 and format for public consultation is presented in Annexure-3.
- Based on above, a Resettlement Action Plan (RAP) will be prepared for implementation of resettlement and rehabilitation for the project. The outline of RAP is annexed as Annexure-4. Upon the approval of RAP by the Board of Directors of UPMRC, the information will be disclosed to affected people. All the arrangements for fixing the compensation and the disbursement will be done which includes payment of all eligible compensation/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 UPMRC 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 Laws 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 for the Project is given in Table 3.1. in the form of Entitlement Matrix.

This entitlement matrix includes various components of R&R benefits which are tabulated in Table 3.2. This matrix addresses all possible categories of people being affected and all possible categories of impacts accrued to the affected families due to the Project. If there is any other category of PAP that the project may find in future through Grievance Redressal Mechanism, those PAPs according to their eligibility, will be compensated as per provisions of the Matrix. Table 3.2 indicates the entitlements of all categories of impact as per the RTFCTLARRA 2013 and the EIB guidelines that are applicable for the project. Apart from LARRA 2013 and GoUP Guidelines if there is any gap identified, the EIB Standards or Guidelines (EIB Social Standard 6) will prevail. The loss can be classified under three major categories of impact, viz, loss of land, loss of structures, (residential & commercials), and loss of livelihood, which covers the entire gamut of the affected population.

S.No	Category of Impact	Eligibility for Entitlement	UPMRC Adopted Policy/Entitlement
1.	Loss of Private Land	Title holder	Market value/ Circle rate as per stamp Act.
2.	Loss of other immovable assets (value of assets attached to land or building)	Titleholder	Will be determined on the basis of valuation by authorized expert based on a replacement value.
3.	Solatum for loss of Land, Structure and other immovable assets	Titleholder	100% of arrived value of land and building. The compensation is calculated for land, structures and such assets attached to the building or land as applicable and the total of all considered before considering the solatium, including any transaction costs and fees.
4.	Loss of other immovable assets(value of assets attached to land or building)	Squatters/Kiosks/ Encroachers	One time financial assistance based on valuation of the property subject to a minimum of <b>Rs.25,000.</b>

**\*Replacement cost = Market value +Transaction Cost+ solatium**

**Table 3.2: Entitlement Matrix (Rehabilitation Measures)**

<b>SI No.</b>	<b>Category of Impact</b>	<b>Eligibility for Entitlement</b>	<b>UPMRC Adopted Policy/Entitlement</b>
1	Construction allowance	Displaced family whose residential structure is lost due to acquisition	<b>Rs. 1, 50,000</b> will be given to displaced family whose dwelling units are lost completely or become unviable due to displacement. The amount has been worked out on the basis of construction of house as per Indira Awas Yojana of GOI.
2	Subsistence grant for displaced family	Displaced family (including tenants/leaseholders)	Onetime payment of <b>Rs. 36,000</b> shall be paid to each Displaced Family. Displaced Family belonging to the Scheduled Castes or the Scheduled Tribes or vulnerable group (including households headed by Females/Physically Challenged persons/Senior Citizens without having adult members) shall receive an amount equivalent to fifty thousand rupees. ( <b>Rs.50,000</b> ). This amount is additional to subsistence grant. Additionally, Vulnerable groups who are impacted will be extended facility of Skill Improvement Training.
3	Transportation cost	Displaced family (including tenants/leaseholders)	One time financial assistance of <b>Rs.50,000</b> for shifting family, building material, belongings and cattles shall be given to each displaced family.
4	Cattle shed / petty shops cost	Affected Family (including tenants/leaseholders)	Each Affected Family having cattle shed or having a petty shop in the acquired land shall get one-time financial assistance based on valuation of the structure subject to a minimum of <b>Rs. 25,000</b> for re-construction of cattle shed or petty shop as the case may be.

<b>Table 3.2: Entitlement Matrix (Rehabilitation Measures)</b>			
<b>SI No.</b>	<b>Category of Impact</b>	<b>Eligibility for Entitlement</b>	<b>UPMRC Adopted Policy/Entitlement</b>
5	One time grant to artisan, small traders and certain others.	Affected Family (including tenants/leaseholders)	Each Affected Family of an artisan, small trader or self-employed person (including workers/wage earners working in non-titleholder commercial establishments like mobile vendors/kiosks) or a Displaced Family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, shall get one-time financial assistance based on valuation subject to minimum of <b>Rs. 25,000</b> . In case of temporary displacement of affected persons, allowance for their wage loss for a fixed number of days may be given at applicable state government rates for unskilled labour.
6	One time resettlement allowance	Affected Family (including tenants/leaseholders)	Each Affected Family will be given a one time resettlement allowance of <b>Rs. 50,000</b>
7	Loss of community structures	Community	100% replacement cost of equal type

**Note (This refers to all the categories present in Table 3.1 & 3.2)**

1. State/Govt. Lands are transferred by holding department to Metro Department through order/approval from concerned govt. departments. Such land transfer doesn't involve payment as such, however the land holding department may advise for construction of new building or infra in lieu of old building/structure.
2. "Immobile assets" means any structure/building, residential or commercial on the acquired land.
3. Serial No."1" in Table 3.1 refers to the case where only loss of land is involved with due compensation as per the prevailing circle rate
4. Serial "2" refers where land involved have structure/building on it.
5. Serial "3" refers to Solatium which is 100% value of land or land and immobile assets as payment against damage. In case of Indian projects the word Solatium is used.
6. Squatter means those persons who have illegally occupied government land for residential, business and or other purposes by making some investments on the land. Assets could be "kaccha" or "puccka" structure. Squatters might lose some structures on the occupied land for the value of which they will be compensated. Squatter includes kiosks and encroachers also.
7. Serial no. 7 in Table 3.2 refers to the compensation in case of loss of community structures by 100% replacement of the same type which have been affected due to project.
8. The compensation for commercial workers' or community structure workers' loss of wage will be compensated under the provision of serial no.5 of "One time grant to artisan, small traders and certain others" in Table 3.2.
9. Affected Title and Non-Titleholders related to permanent as well as temporary land requirement for the project will have similar entitlements with respect to R&R.
10. Eligibility of any other category of PAP entering through the GRM will be assessed by the SEMU and the Competent Authority will approve the compensation claim following the RPF if the eligibility criteria is satisfied under overarching EIB requirements.



## SECTION-4

### INSTITUTIONAL ARRANGEMENT

#### 4.1 INTRODUCTION

The Executing Agency (EA) for the project will be Uttar Pradesh Metro Rail Corporation Limited (UPMRCL) (Formerly known as M/s. Lucknow Metro Rail Corporation- LMRC), a 50:50 jointly owned Company of Government of Uttar Pradesh and Government of India. UPMRCL has been equipped with adequate capacity to implement the project.

Government land will be acquired by UPMRC from different departments of Central Government or State Government or local bodies on long term lease basis and also on permanent transfer on ownership basis. For acquisition of private land for the projects, UPMRC places requisition of land to Office of District Collector, who in turn forward the requisition to Land & Building Department and concerned Land Acquisition Collector. The price that is to be paid for acquisition of land will be determined on the basis of applicable GoUP order/s. Concerned LAC shall prepare the list of persons eligible for rehabilitation in case of residential, commercial/ shops, industrial units and same will be approved by Land & Building Department. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.

In order to implement and monitor RAP effectively, a Social and Environmental Management Unit (SEMU) is part of PIU, which comprise of four officers will be constituted. This team may be supported by a consultant. The roles and responsibilities of SEMU are given below;

- Preparation of RAP
- Implementation of R&R activities of AMRP;
- 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 UPMRCL situated in Administrative Office, Lucknow 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 Agra Metro Project. A PIU level E&S Officer will be appointed to manage the Project level resettlement activities and coordinate with Land Acquisition Officer and GC.

**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. EA shall ensure that adequate resources are allocated to for effective implementation of R&R activities.

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 as part of R&R activities:**

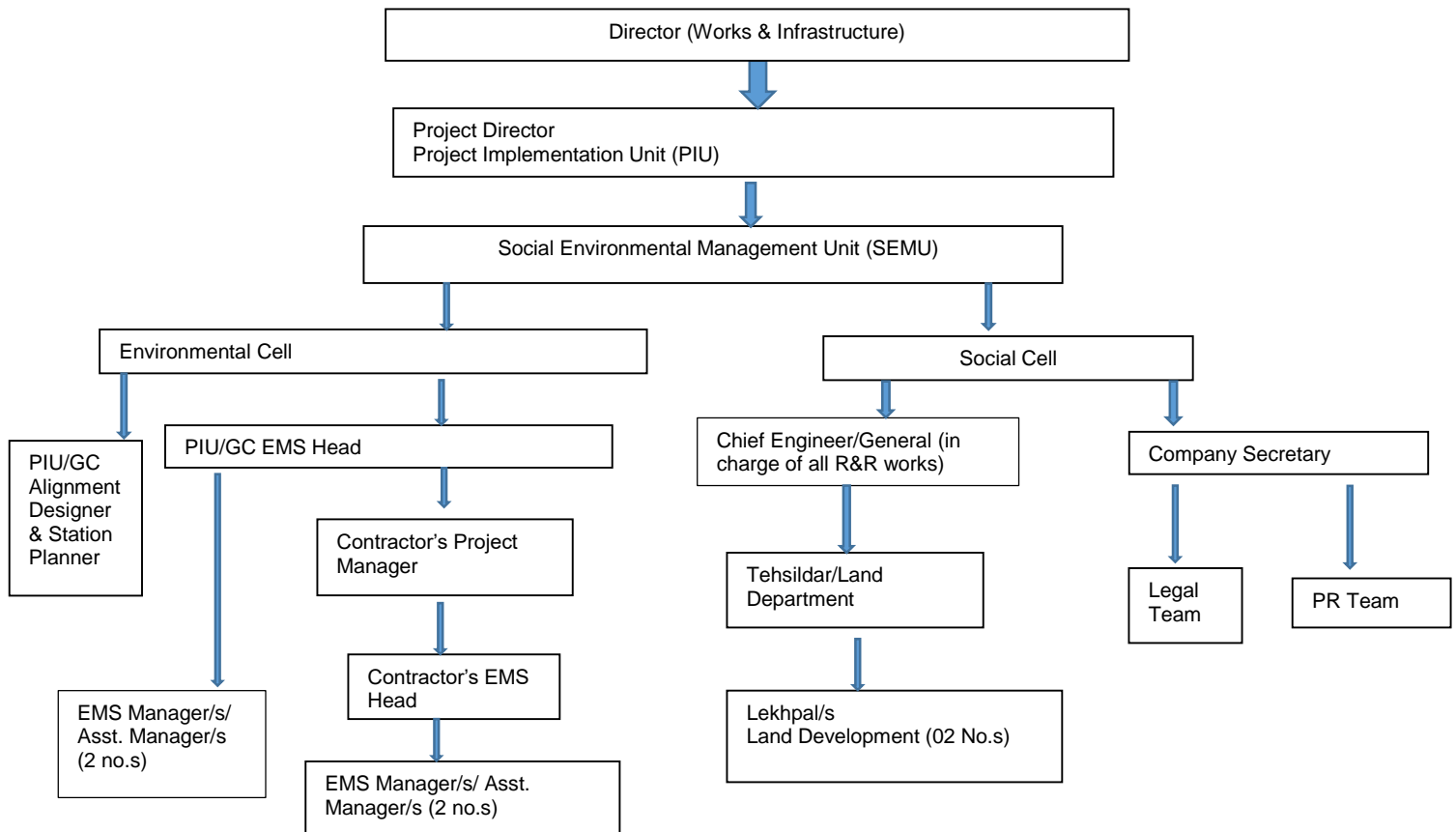
Key Agency	Responsibility
Uttar Pradesh Metro Rail Corporation Limited (EA)	<ul style="list-style-type: none"> <li>• Make final decision on lines to be included under the project</li> <li>• Overall responsibility for project design, feasibility, construction and operation and guide PIUs</li> <li>• Ensure that sufficient funds are available to properly implement all agreed social safeguards measures</li> <li>• Ensure that all sub projects comply with the provisions of EIB and Gol's policies and regulations</li> <li>• Submit semi-annual safeguards monitoring reports to EIB</li> </ul>
Project Implementation Unit (PIU)	<ul style="list-style-type: none"> <li>• Disseminate project information to the project affected community</li> <li>• Ensure establishment of Grievance Redressal Committee at the Project level for grievance redress</li> <li>• <b>GRC will have members from PIU</b></li> <li>• <b>PIU/GRC will look after applicable compensation based on entitlement as per RPF</b></li> <li>• Disclosure of project information in public spaces and through relevant media.</li> <li>• Disseminate project information to the community</li> <li>• Facilitate the socioeconomic survey and census</li> <li>• Facilitate consultation by the civil works contractor with community throughout implementation</li> <li>• Oversee land acquisition and coordinate with State Government officials</li> <li>• Supervise the mitigation measures during implementation and its progress</li> <li>• Conduct internal monitoring and prepare reports</li> </ul>
General Consultant (GC)	<ul style="list-style-type: none"> <li>• Provide technical support and advise for addressing complaints and grievances and participate in resolving issues as a member of the GRC</li> <li>• <b>Conducting technical survey to check project alignment with least impact on nearby communities</b></li> <li>• <b>Take active part in R&amp;R management &amp; mitigation, stakeholder engagement, and grievance redressal</b></li> <li>• Provide technical advice and on the job training to the contractors as necessary</li> </ul>

	<ul style="list-style-type: none"> <li>• Preparation of semi-annual monitoring reports based on the monitoring checklists and submission to EIB</li> <li>• Act as External Monitor for project</li> </ul>
Contractor	<ul style="list-style-type: none"> <li>• Consult community and PIU regarding location of construction camps</li> <li>• Sign agreement with titleholder for temporary use and restore land to equal or better condition upon completion</li> <li>• Commence construction only when worksite is free of encumbrance</li> <li>• Respond in a timely fashion to recommendations from GRCs</li> </ul>

The implementation schedule will be prepared as part of the overall project implementation process and included in the RAP-s for each section. 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. **All units whether its PIU, SEMU, GRC or GC, all will be working in close co-ordination to ensure timely project completion with minimal impact on the project nearby communities. If any PAP's is there then, they shall be compensated accordingly as per RPF to ensure they meet their pre resettlement social and economic status upon relocation. Also, PIU along with SEMU will look after mitigation and management related to heritage monuments .**

**Below table depicts the overall structure & functioning of E&S unit which consists of members from PIU, GC and SEMU:**

Table 4.2: Environment and Social Unit structure and their Functioning



## **4.2 GRIEVANCE REDRESSAL COMMITTEE**

Grievance Redressal Committee (GRC) will have representative of UPMRC as well as State Government. Chief Project Manager from UPMRC and designated officers from Revenue Department, PWD and Social Welfare Department of Government of U.P. will be member of the Grievance Redressal Committee. The GRC will address only rehabilitation assistance which include compensation and relocation related 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. The main responsibilities of the GRC are to:

- provide support to PAPs on problems arising from land/property acquisition;
- record PAPs grievances, categorize, and prioritize grievances and resolve them;
- Inform to PAPs on developments regarding their grievances and decisions of the GRC.

**Grievances of general nature related to project activities in the locality, relocation, loss of land and structures etc will be dealt by field officer at first. Upon review, if it is decided for compensation as per UPMRC's RPF then competent authority (approving authority as per UPMRC Schedule of Power rule) will give approval for payment of compensation. For land purchase, based on mutually agreed terms and as per RPF and GoUP guideline, final compensation will be calculated and paid to the PAP. Till this stage the Grievance Redressal Committee will play its role. Any loss of land or structure will be attended as per RPF entitlement and compensation matrix, GRC will manage the overall process of assessment and award of compensation to the affected people/families**

**In such case, when the PAP doesn't agree to the compensation amount or at times the PAP agrees to the compensation amount, but the land ownership is disputed due to PAP's internal matters then the matter will be directed to court for decision.**

**Compensation for PAP will have value for land and structure, solatium and other entitlements as per proposed matrix.**

When any grievance is brought to the field level, it should be resolved within 45 days from the date of complaint. The GRC will meet every month (if grievances are brought to the Committee), determine the merit of each grievance, and resolve grievances within three months of receiving the complaint failing which the grievance can be referred to appropriate court of Law for redressal by the PAP. UPMRC will maintain a log of grievances documenting the nature of grievance, date of submission, responsible party and date of resolution.

## **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 – the first level of institutional arrangement for project implementation at field level; based in Agra), 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.
- 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 GRC meetings and various local committees. PIU and field offices will maintain an ongoing interaction with PAPs to identify problems and undertake remedial measures.
- Community feedback will be considered based on its technical feasibility as per the project technical requirement.
- The process documentation of community participation is necessary as part of the guiding principle.

#### **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 must include a process which ensures that income of the PAP is restored at least at pre project level)

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. This provides both a working system for effective implementation of the PAP by the project managers, and an information channel for the PAPs to assess how their needs are being met. Particular attention shall be given to the project affected vulnerable groups such as scheduled castes, BPL families, women headed households, widows, old aged and the disabled.

Three Stage Monitoring process shall be adopted as under:

- (i) Administrative monitoring: This shall include daily planning, implementation, feedback and troubleshooting, affected persons' file maintenance, progress reporting;
- (ii) Socio-economic monitoring: This shall include case studies, using baseline information for comparing affected persons' socio-economic conditions, evacuation, demolition, salvaging materials, morbidity and mortality, communal harmony, dates for consultations, number of grievances and resolutions; and
- (iii) Impact evaluation monitoring- including income standards restored or improved.

RAP implementation will be monitored both internally and externally.

**Internal Monitoring:** 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. A RAP Monitoring Plan will be prepared by the Project Authority. The RAP Monitoring Plan will identify the organisational responsibilities, the methodology and the schedule of monitoring and reporting on the effectiveness of RAP implementation including the definition of detailed KPIs to report on the physical progress of resettlement activities, the disbursement of compensation, the effectiveness of public consultation and participation activities, and the sustainability of income restoration and development efforts among affected communities.

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 UPMRCL 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;

**External Monitoring:** An Independent Evaluation Consultant will be hired by Project Authority for periodic / mid and end term evaluation of RAP implementation. A sample ToR for the external monitoring is appended as Annexure 5.

#### **4.5 REPORTING REQUIREMENTS**

Project Authority will be responsible for supervision and implementation of the RAP. Project authority will prepare half yearly progress reports on resettlement activities. The Independent Evaluation Consultant will submit mid and end term evaluation report to Project Authority 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. UPMRC 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 UPMRC 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 and will be published in English and Hindi languages on the official website of UPMRC and hard copies will be made available in the offices of local authorities.

संख्या-2/2015/215/एक-13-2015-20(48)/2011

प्रेषक,

सुरेश चन्द्रा,  
प्रमुख सचिव,  
उत्तर प्रदेश शासन।

सेवा में,

- |   |   |
|---|---|
| 1- समस्त प्रमुख सचिव/सचिव,<br>उत्तर प्रदेश शासन।                            | 2- समस्त मण्डलायुक्त/समस्त<br>जिलाधिकारी, उत्तर प्रदेश। |
| 3- आयुक्त एवं निदेशक,<br>भूमि अध्याप्ति निदेशालय,<br>राजस्व परिषद, 30 प्र०। | 4- समस्त विभागाध्यक्ष,<br>उत्तर प्रदेश।                 |

राजस्व अनुभाग-13

लखनऊ दिनांक 19 मार्च, 2015

विषय- भू-स्वामियों से आपसी समझौते के आधार पर भूमि क्रय करने के संबंध में प्रक्रिया का निर्धारण।

महोदय,

राजस्व अनुभाग-13 के शासनादेश संख्या-632/एक-13-11-20(29)/2004, दिनांक 02 जून, 2011 द्वारा निर्गत नीति के अनुसार सभी प्रयोजनों के लिए भूमि प्राप्त करने की प्रदेश की सामान्य नीति यह है कि भू-स्वामियों एवं अर्जन निकायों के मध्य आपसी समझौते के आधार पर क्रय से संबंधित नियमों/आदेशों के अनुसार भूमि सीधे भू-स्वामियों से क्रय की जाय। भारत सरकार द्वारा भू-अर्जन अधिनियम, 1894 को निरस्त करते हुए "भूमि अर्जन, पुनर्वासन और पुनर्व्यस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 (अधिनियम संख्या 30 सन 2013)" प्रख्यापित किया गया है जो 01-01-2014 से प्रभावी है। इस अधिनियम की धारा 46 में निर्दिष्ट व्यक्तियों से भिन्न व्यक्तियों की दशा में सीधे भूमि क्रय करने पर उक्त अधिनियम की दूसरी अनुसूची में उल्लिखित पुनर्वासन और पुनर्व्यस्थापन संबंधी लाभ दिये जाने एवं क्रय की कार्यवाही कलेक्टर के माध्यम से करने की व्यवस्था है।

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nls.in> से सत्यापित की जा सकती है।



2- वर्ष 2013 के नये अधिनियम के अंतर्गत भूमि अधिग्रहण की प्रक्रिया समय एवं श्रम साध्य होने एवं सीधे भूमि क्रय करने की व्यवस्था को प्रोत्साहित किये के उद्देश्य से प्रदेश के राजकीय विभागों, स्वायत्तशासी निकायों, विकास प्राधिकरणों, औद्योगिक प्राधिकरण, विभिन्न विभागों के प्रशासनिक नियंत्रण में गठित परिषदों एवं प्रदेश में कार्यान्वित होने वाली पब्लिक-प्राइवेट भागीदारी परियोजनाओं आदि अर्थात् इन "क्रय निकायों" के लिए भू-स्वामियों से सीधे भूमि क्रय किये जाने हेतु प्रक्रिया निर्धारित की जा रही है।

3- इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि शासन द्वारा उपर प्रस्तर-2 में उल्लिखित क्रय निकायों हेतु भू-स्वामियों / कृषकों से आपसी सहमति के आधार पर भूमि क्रय करने हेतु निम्नवत प्रक्रिया निर्धारित की जाती है।

#### (क) लघु परियोजनाओं हेतु

(1) उपरोक्त क्रय निकायों हेतु "लघु परियोजनाओं" अर्थात् ऐसी परियोजनाएं जिनमें परियोजना के लिए क्रय की जाने वाली भूमि की कुल कीमत ₹0 10.00 करोड़ तक है, के लिए भूमि की दरों की स्वीकृति एवं कुल भूमि मूल्य के अनुमोदन हेतु संबंधित अपर जिलाधिकारी (वित्त एवं राजस्व) की अध्यक्षता में निम्नानुसार "जिला (लघु परियोजना) क्रय की दर तथा कुल भूमि मूल्य अनुमोदन समिति" का गठन किया जाता है:-

1-	अपर जिलाधिकारी(वि०/रा०)	अध्यक्ष
2-	संबंधित अपर जिलाधिकारी(भू०अ०)/विशेष भूमि अध्याप्ति अधिकारी/उप भूमि अध्याप्ति अधिकारी	सदस्य
3-	संबंधित उप जिलाधिकारी(परियोजना प्रशासक)	सदस्य
4-	संबंधित सब रजिस्ट्रार/उप महानिरीक्षक स्टैम्प एवं निबंधन/सहायक महानिरीक्षक स्टैम्प एवं निबंधन	सदस्य
5-	क्रय निकाय/विभाग द्वारा प्राधिकृत अधिकारी	सदस्य सचिव

(2) सदस्य सचिव द्वारा समिति की बैठकों एवं कार्यवाहियों का संचालन किया जायेगा। समिति क्रय निकाय द्वारा अपर जिलाधिकारी(वित्त एवं राजस्व) के समक्ष भूमि क्रय करने का प्रस्ताव/संदर्भ/आवेदन पत्र प्रस्तुत करने के एक माह के अन्दर क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य का विनिश्चय करते

1- यह शासनादेश इलेक्ट्रॉनिकी जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

हुए प्रस्ताव अनुमोदन हेतु संबंधित जिलाधिकारी के समक्ष प्रस्तुत करेगी। यदि निर्धारित अवधि में समिति द्वारा अपेक्षित कार्यवाही पूर्ण नहीं की जाती है तो अपर जिलाधिकारी(वित्त एवं राजस्व)/अध्यक्ष समिति द्वारा विलम्ब का स्पष्टीकरण संबंधित जिलाधिकारी के समक्ष प्रस्तुत किया जायेगा।

(3) अपर जिलाधिकारी द्वारा अनुमोदित दर एवं कुल भूमि मूल्य पर संबंधित जिलाधिकारी द्वारा 15 दिन के अन्दर अनुमोदन प्रदान करने पर निर्णय ले लिया जायेगा और तदनुसार अपर जिलाधिकारी को सूचित किया जायेगा। यदि निर्धारित अवधि में जिलाधिकारी द्वारा यथोचित निर्णय नहीं लिया जाता है तो विलम्ब का स्पष्टीकरण मण्डलायुक्त के समक्ष प्रस्तुत किया जायेगा।

(4) जिलाधिकारी के अनुमोदन के उपरान्त क्रय निकाय द्वारा सीधे क्रय की कार्यवाही की जायेगी और पृथक से और किसी स्तर का अनुमोदन अपेक्षित नहीं होगा।

### **(ख) मध्यम एवं वृहद परियोजनाओं हेतु**

(1) उपरोक्त क्रय निकर्यों हेतु "मध्य एवं वृहद परियोजनाएं" अर्थात् ऐसी परियोजनाएं जिनमें परियोजना के लिए क्रय की जाने वाली भूमि की कुल कीमत ₹0 10.00 करोड से अधिक है, की भूमि की दरों की स्वीकृति एवं कुल भूमि मूल्य के अनुमोदन हेतु संबंधित जिलाधिकारी की अध्यक्षता में निम्नानुसार " जिला (मध्यम एवं वृहद परियोजना) क्रय की दर तथा कुल भूमि मूल्य अनुमोदन समिति" का गठन किया जाता है:-

1-	जिलाधिकारी	अध्यक्ष
2-	अपर जिलाधिकारी(वि०/रा०)/जिला रजिस्ट्रार	सदस्य
2-	संबंधित अपर जिलाधिकारी(भू०अ०)/विशेष भूमि अध्याप्ति अधिकारी/उप भूमि अध्याप्ति अधिकारी	सदस्य
3-	संबंधित उप जिलाधिकारी(परियोजना प्रशासक)	सदस्य
4-	संबंधित सब रजिस्ट्रार/उप महानिरीक्षक स्टैम्प एवं निबंधन/सहायक महानिरीक्षक स्टैम्प एवं निबंधन	सदस्य
5-	क्रय निकाय/विभाग द्वारा प्राधिकृत अधिकारी	सदस्य सचिव

(2) सदस्य सचिव द्वारा समिति की बैठकों एवं कार्यवाहियों का संचालन किया जायेगा। समिति क्रय निकाय द्वारा जिलाधिकारी के समक्ष भूमि क्रय करने का

1- यह शासनदेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनदेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

प्रस्ताव / सन्दर्भ / आवेदन पत्र प्रस्तुत करने के एक माह के अन्दर क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य का विनिश्चय करते हुए प्रस्ताव अनुमोदन हेतु सम्बन्धित मण्डलायुक्त के समक्ष प्रस्तुत करेगी। यदि निर्धारित अवधि में समिति द्वारा अपेक्षित कार्यवाही पूर्ण नहीं की जाती है तो जिलाधिकारी / अध्यक्ष समिति द्वारा विलम्ब का स्पष्टीकरण संबंधित मण्डलायुक्त के समक्ष प्रस्तुत किया जायेगा।

(3) जिलाधिकारी द्वारा अनुमोदित दर एवं कुल भूमि मूल्य पर संबंधित मण्डलायुक्त द्वारा 15 दिन के अन्दर अनुमोदन प्रदान करने पर निर्णय ले लिया जायेगा और तदनुसार जिलाधिकारी को सूचित किया जायेगा। यदि निर्धारित अवधि में मण्डलायुक्त द्वारा यथोचित निर्णय नहीं लिया जाता है तो विलम्ब का स्पष्टीकरण अध्यक्ष, राजस्व परिषद के समक्ष प्रस्तुत किया जायेगा।

4- उपरोक्त दोनों समितियों क्रय की जाने वाली भूमि विवाद रहित एवं भार रहित है, का परीक्षण भी करेगी और यथावश्यक किसी भी विभाग/ अधिकारी से सहयोग प्राप्त कर सकेगी और यथावश्यक दर निर्धारण करने हेतु प्रस्तुत तथ्यों की प्रति परीक्षा कर सकेगी।

5-उपरोक्त दोनों समितियों निम्नलिखित मार्गदर्शी सिद्धान्तों के आधार पर क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य (जिसमें भूमि पर स्थित परिसम्पत्तियों का मूल्य, खड़ी फसलों, वृक्षों एवं संबंधित अनुषांगिक व्यय (यदि कोई हो, भी सम्मिलित है) का अनुमोदन करेगी।

(1) उस क्षेत्र में जहां भूमि स्थित है, क्रय किये जाने हेतु प्रस्तावित भूमि के आस-पास परियोजना प्रारम्भ होने अथवा परियोजना के अनुमोदन प्रदान किये जाने के दिनांक से 06 माह पूर्व के निष्पादित विक्रय विलेखों (बेनामों) में अंकित भूमि की दर तथा भारतीय स्टाम्प अधिनियम, 1899 के अंतर्गत निर्धारित सर्किल दर।

(2) भूमि पर स्थित परिसम्पत्तियों का मूल्य। समिति द्वारा यथावश्यक परिसम्पत्तियों का आंकलन एवं मूल्य का निर्धारण सक्षम शासकीय विभाग से कराया जा सकेगा।

(3) क्रय की जाने वाली भूमि का तत्काल कब्जा प्राप्त किये जाने की स्थिति में संबंधित भू-स्वामी की खड़ी फसलों, वृक्षों सम्पत्तियों का मूल्य।

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

(4) क्रय की जाने वाली भूमि की भवनिक/औद्योगिक क्षमता, आबादी से दूरी को ध्यान में रखा जायेगा।

(5) उस दशा में जब भू-स्वामी/कृषक की भूमि क्रय किये जाने के परिणाम स्वरूप अपना निवास या कारोबार/व्यवसाय का स्थान बदलने के लिए विवश हो जाता है, तो ऐसी तब्दीली से संबंधित अनुषांगिक व्यय ( यदि कोई हो) पर भी विचार किया जायेगा।

(6) यह स्पष्ट किया जाता है क्रय की जाने वाली भूमि की दर शहरी क्षेत्र में बाजार मूल्य अथवा सर्किल दर, जो भी अधिक हो, के दो गुने और ग्रामीण क्षेत्र में स्थित होने पर बाजार मूल्य अथवा सर्किल दर जो भी अधिक हो, के चार गुने से अधिक नहीं होगी।

(7) संबंधित भू-स्वामियों से संलग्न प्रारूप संख्या- 1 पर भूमि क्रय किये जाने हेतु दर एवं कुल भूमि मूल्य पर सहमति प्राप्त की जायेगी और सहमति पत्र पर हस्ताक्षर करने के दिनांक को लागू सर्किल दर/प्रचलित बाजार मूल्य को सभी प्रयोजनों हेतु स्वीकार किया जायेगा।

6- संबंधित क्रय निकाय/विभाग, जिलाधिकारी द्वारा नामित राजस्व अधिकारियों के सहयोग से भू-स्वामियों से वार्ता कर आपसी सहमति के आधार पर क्रय की जाने वाली भूमि के भू-अभिलेखों के अनुसार स्वामित्व आदि के सम्यक परीक्षण एवं जांचोरान्त विवादरहित एवं भारमुक्त होने की दशा में भूमि के बाजार मूल्य एवं पुनर्वासन एवं पुनर्स्थापन संबंधी अन्य लाभों का संज्ञान लेते हुए संबंधित भू-स्वामियों की लिखित सहमति सहित क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य का युक्तिसंगत एवं औचित्यपूर्ण प्रस्ताव जिलाधिकारी/अध्यक्ष समिति के समक्ष प्रस्तुत किया जायेगा। इस प्रस्ताव में वह प्रयोजन जिसके लिए भूमि क्रय किया जाना प्रस्तावित है, क्रय की जाने वाली भूमि का क्षेत्रफल और भूमि का अन्य विवरण भी प्रस्तुत किया जायेगा।

7- क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य पर अनुमोदन के उपरान्त एवं विक्रय विलेख निष्पादन के पूर्व संबंधित क्रय निकाय/विभाग द्वारा निम्नानुसार सक्षम अधिकारी का अनुमोदन प्राप्त किया जायेगा:-

सीधे भूमि क्रय किये जाने वाली भूमि का प्रस्तावित कुल मूल्य	अनुमोदन हेतु सक्षम स्तर
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1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

1	रु0 50 करोड तक	संबंधित मण्डलायुक्त
2	रु0 50 करोड से अधिक (राजकीय विभाग/स्थानीय निकाय की दशा में)	संबंधित प्रशासकीय विभाग
3	रु0 50 करोड से अधिक (राजकीय निगम/राजकीय प्राधिकरण/औद्योगिक प्राधिकरण/आवास विकास परिषद की दशा में)	संबंधित निगम प्राधिकरण/परिषद का गवर्निंग बोर्ड/प्रबन्ध मण्डल

8- उपरोक्त प्रस्तर-7 में उल्लिखित सक्षम स्तर के अनुमोदनोपरान्त क्रय निकाय द्वारा राजस्व अधिकारियों के सहयोग से भू-स्वामी से विक्रय विलेख/बैनामा निष्पादित कराकर भूमि पर कब्जा प्राप्त किया जायेगा। यह भी सुनिश्चित कर लिया जाय कि क्रय की गयी भूमि पर स्थित जिन परिसम्पत्तियों के सापेक्ष मूल्य का भुगतान भू-स्वामी/कृषक को किया गया है, उन्हें समुचित रूप से अभिलिखित करके उसके निस्तारण की कार्यवाही नियमानुसार की जाय तथा समय से भूमि का नामान्तरण क्रय निकाय द्वारा अपने पक्ष में करा लिया जाय।

9- क्रय की जाने वाली भूमि की दर एवं कुल भूमि मूल्य के अनुमोदन होने के पश्चात और अनुमोदित दर बैनामा निष्पादित कराये जाने से पूर्व यदि कलेक्टर द्वारा सर्किल दरों में कोई परिवर्तन किया जाता है अथवा समिति द्वारा अनुमोदित दर के दिनांक 01 वर्ष का समय व्यतीत हो जाता है तो ऐसी स्थिति में दरों का पुनर्निर्धारण समिति द्वारा नये सर्किल रेट का आधार मानकर पुनः किया जायेगा।

10- समिति द्वारा विनिश्चय की गयी दरों एवं कुल भूमि मूल्य के संबंध में सम्बन्धित क्रय करने वाले निकाय की सहमति न होने की दशा में अथवा दरों पर भू-स्वामियों और क्रय करने वाले निकाय के मध्य किसी विवाद अथवा समझौते के अनुपालन को लेकर कोई बिन्दु उत्पन्न होता है तो संबंधित "समिति" के समक्ष क्रय निकाय द्वारा तर्कसंगत एवं औचित्यपूर्ण प्रस्ताव प्रस्तुत किया जायेगा, जिस पर समिति द्वारा निर्णय लेकर समाधान किया जायेगा और उपर वर्णित प्रक्रिया के अनुसार अनुमोदन प्राप्त किया जायेगा।

11- भू-स्वामियों से आपसी सहमति के आधार पर सीधे भूमि क्रय करने के प्रयास

1- यह शासनादेश इलेक्ट्रॉनिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रामाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

विफल रहने की दशा में संबंधित विभाग/निकाय/उपक्रम द्वारा अधिनियम 2013, सुसंगत मैनुअल के प्रावधानों और इस संबंध में समय-समय पर निर्गत शासनादेशों एवं परिषदादेशों के अन्तर्गत भू-अर्जन की कार्यवाही सुनिश्चित की जायेगी।

12- चुंकि क्रय की जाने भूमि की दर एवं कुल भूमि मूल्य का निर्धारण सभी सुसंगत शासनादेशों एवं नियमों/अधिनियमों का संज्ञान लेते हुए निर्धारित की गयी है। अतः भू-स्वामियों को राजस्व के शासनादेश दिनांक 17-8-2010, 03-09-2010 एवं 02-06-2011 तथा वर्ष 2013 के भू-अर्जन अधिनियम में अनुमन्य पुनर्वासन और पुनर्व्यस्थापन लाभ पृथक से अनुमन्य नहीं होंगे।

13- कृपया उपर्युक्त आदेशों का कडाई से अनुपालन सुनिश्चित करने का कष्ट करें।

भवदीय,

सुरेश चन्द्रा  
प्रमुख सचिव।

संख्या-2/2015/215(1)/एक-13-2015, तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- (1) आयुक्त एवं सचिव, राजस्व परिषद, 30प्र0 लखनऊ।
- (2) मुख्य कार्यपालक अधिकारी, नोयडा/गेटर नोयडा/उपसा एवं यूपीडा, 30प्र0।
- (3) स्टाफ आफीसर, मुख्य सचिव, उत्तर प्रदेश शासन।
- (4) अनुभागीय आदेश पुस्तिका।

आज्ञा से,

बीरबल सिंह  
अनु सचिव।

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1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।  
2- इस शासनादेश की प्रामाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।



**भूस्वामी/भूस्वामियों और क्रय निकाय के बीच लोक प्रयोजनों के लिए समझौते द्वारा भूमि क्रय किये जाने हेतु निष्पादित किया जाने वाला समझौता प्रमाण पत्र।**

यह समझौता पत्र आज दिनांक-----वर्ष-----को निम्न भूस्वामी /भूस्वामियों जो सम्पत्ति का/के पूर्ण स्वामी है/हैं जिसे आगे उल्लिखित किया गया है और निम्नलिखित अंशों में एतद्वारा वर्णित किया गया है, अर्थात्

- (1) -----पुत्र श्री-----अंश-----
- (2) -----पुत्र श्री-----अंश-----
- (3) -----पुत्र श्री-----अंश-----

**प्रथम पक्ष** (जिसे एतद्रपश्चात "भूस्वामी" कहा गया है) और;

उत्तर प्रदेश के श्री राज्यपाल/राज्य सरकार के माध्यम से कार्य कर रहे-----

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(क्रय निकाय का नाम)

**द्वितीय पक्ष** (जिसे एतद्रपश्चात "क्रय निकाय" कहा गया है) के मध्य एतद्वारा हस्ताक्षरित/निष्पादित किया गया है-

चूंकि उल्लिखित पक्षकार भूमि के सापेक्ष देय दर तथा कुल भूमि मूल्य पर सहमत है/हैं जिसका विवरण अनुसूची में दिया गया है,

और चूंकि भूस्वामी अग्रतर सहमत है/हैं कि अनुसूची में वर्णित भूबद्ध कोई बात या भूबद्ध किसी चीज से स्थायी रूप से सम्बद्ध सभी बातें क्रय निकाय के पूर्व अनुमोदन से वापस ली जा सकेगी।

अतएव अब भूस्वामी और क्रय निकाय से एतद् द्वारा निम्न प्रकार सहमत होता / होते हैं:-

- (1) यह कि क्रय निकाय इस समझौता पत्र के निष्पादन की तिथि से अधिकतम 12 माह के भीतर अनिवार्य अर्जन के बिना, कार्यवाही करने में सक्षम होगा।
- (2) यह कि यदि क्रय निकाय भूमि का तुरन्त कब्जा लेना आवश्यक समझता है तो वह/ वे ऐसा करने का हकदार होगा/ होंगे, भले ही इस पर फसल खड़ी हो, परन्तु यह कि अनुसूची में वर्णित "दर और कुल भूमि मूल्य" का भुगतान कर दिया हो।

1- यह शासनदेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनदेश की प्रामाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

- (3) यह कि यदि कुल भूमि में मूल्य में भुगतान के पश्चात यह प्रकण होता है कि भूमिस्वामी इस समझौता पत्र में निष्पादित विक्रय विलेख के अनुसार प्रतिकर की सम्पूर्ण धनराशि का/ के अन्यन्य रूप से हकदार नहीं है/ हैं और क्रय निकाय की आरे से किसी अन्य व्यक्ति को किसी प्रतिकर का भुगतान करने की अपेक्षा की जाती है तो भूस्वामी द्वारा ऐसी धनराशि, जो क्रय निकाय द्वारा अवधारित की जाय, मांग किये जाने पर वापस कर देगा। और किसी अन्य व्यक्ति / व्यक्तियों द्वारा किसी दावे या प्रतिकर या उसके भाग के विरुद्ध क्रय निकाय/ राज्य सरकार को (सयुक्त: और पृथक्त:) क्षतिपूर्ति करेगा और उठायी गयी किसी हानि या नुकसान की सभी कार्यवाहियों और दायित्वों के विरुद्ध उसे / उनको भुगतान के कारण क्रय निकाय द्वारा उपगत किसी लागत प्रभार या क्रय की गयी धनराशि पर विरुद्ध उसे / उनको भुगतान के कारण क्रय निकाय द्वारा उपगत किसी लागत प्रभार या व्यय की गयी धनराशि पर प्रथम वर्ष 9 प्रतिशत की दर पर और पश्चातवर्ती वर्षों के लिए 15 प्रतिशत की दर पर व्याज भुगतान करेगा/ करेंगे।
- (4) यदि भूस्वामी पूर्व वर्ती पैरा में उल्लिखित धनराशि क्रय निकाय को वापस करने में असफल रहता है/ रहते हैं। तो क्रय निकाय को कलेक्टर के माध्यम से उसे भू-राजस्व के बकाये के रूप में वसूल करने या ऐसी धनराशि को वसूली के लिए प्रवृत्त किसी विधि के अधीन कार्यवाही करने का / देने का पूरा अधिकार होगा।
- (5) यदि अनुसूची में वर्णित भूमि पर कोई सरकारी देय / अंश / प्रीमियम भूस्वामी द्वारा देय है या किसी वित्तीय संस्था का ऋण उक्त भूमि के विरुद्ध वकाया है तो उस धनराशि को कुल भूमि मूल्य की धनराशि से कटौती करके शेष धनराशि का भुगतान भू-स्वामी को किया जाएगा।
- (6) क्रय निकाय और भू-स्वामी के मध्य हस्ताक्षरित इस समझौता पत्र के अनुमोदन के उपरान्त आवश्यक विक्रय विलेख का निष्पादन किया जाएगा, जिसके पंजीकरण/ निबन्धन सम्बन्धी समस्त\_शुल्क, जिसमें स्टाम्प शुल्क भी सम्मिलित होता है, को क्रय निकाय द्वारा व्यय वहन किया जाएगा।
- (7) विक्रय विलेख के निष्पादन के दिनांक पर ही सम्बन्धित भू-स्वामी से अनुसूची-1 में वर्णित भूमि का कब्जा क्रय निकाय द्वारा प्राप्त किया जाता है।
- (8) क्रय निकाय के द्वारा निम्नलिखित आधारों पर इस समझौता पत्र पर को भू-

1- यह शासनादेश इलेक्ट्रॉनिकी जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।  
 2- इस शासनादेश की प्रामाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।



स्वामी को 15 दिन का नोटिस देकर निरस्त किया जा सकेगा:-

- (1) यदि भूस्वामी ने समझौता पत्र को कपटपूर्ण व्यवहार करके सम्पादित कराया है,
- (2) यदि भूस्वामी के द्वारा समझौता पत्र के किसी शर्त का उल्लंघन किया जाता है,
- (3) यदि इस समझौता पत्र के निष्पादन के उपरान्त यह प्रकट होता है कि अनुसूची -1 में वर्णित भूमि का स्वामित्व भू-स्वामी में नहीं है।

### अनुसूची

ग्राम  
जिला

परगना

तहसील

खाता सं०	खसरा सं०	क्षेत्रफल( हे०मे)	भूमि का विवरण , यदि वह सर्वेक्षण संख्या का भगा हो (चारों सीमाओ और लगी हुई भूस्वामी का स्वामित्व प्रदर्शित करते हुए)	भूमि के कुल मूल्य के लिए निर्धारित दर (रु०में)	भूमि पर खड़ी फसल	
					विवरण	मूल्यांकन के अनुसार देय राशि(रु०में)
1	2	3	4	5	6	7

भूबद्ध अन्य सम्पत्ति का विवरण		देय कुल मूल्य (योग कालम-7,8,9)	व्यक्ति / व्यक्तियों का / के नाम और पता जिनको देय है और उनका परिमाण
विवरण	मूल्यांकन के अनुसार देय धनराशि (रु०में)		
8	9	10	11

भूस्वामी/ भूस्वामियों के हस्ताक्षर  
के 1-

क्रय निकाय की ओर से अधिकृत अधिकारी  
हस्ताक्षर

- 1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।
- 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

2-	पूरा नाम
3-	पद नाम
गवाह/ अभिसाक्षी	गवाह/ अभिसाक्षी
1-	1-
2-	2-

<http://shasanadesh.up.nic.in>

- 
- 1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है ।
  - 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है ।

**UTTAR PRADESH METRO RAIL CORPORATION**

Sl.No. :

Date of collection of data:

**Social Impact Assessment Study**

(Questionnaire for collection of primary data concerning social economic conditions of potentially affected households (temporary or permanent))

**IDENTIFICATION:**

- 1. Metro Corridor Name : .....
- 2. Location : .....
- 3. RHS/LHS : .....

**I. CATEGORY - NON RESIDENTIAL AREA / RESIDENTIAL AREA**

**A. CATEGORY :NON RESIDENTIAL AREA**

Number of squatters / slums within area: .....

Any River/ Nallah/ HT Lines/ Electric supply lines/Temple/ Mosque/Gurudwara etc. crossing /passing the corridor

.....

- a. Shop      b. Hotel      c. Small Eateryd. Petrol Pump e. Clinic

If other (specify) .....

Name of owner.....S/o.....

- a. Age .....b.Sex (M/F).....c.Education.....

1. Total Number of Manpower in the affected commercial establishment (?) : (Not clear)

- a. Male..... b. Female .....

2. Number of affected persons, due to Metro construction:

- a. Male..... b. Female .....

3. Did you receive any notice from UPMRC/Government, regarding the loss of property, I yes, please describe

.....

**B. CATEGORY:RESIDENTIAL AREA**

1. Name of the person / Head of the family contacted:.....

- 1.Age ..... 2.Sex (M/F) ..... 3.Married / Unmarried / Widowed

2. Address:

House No. .... Location .....

Landmark .....

Mobile No./Contact No. ....

3. Family Pattern

1. Joint      2. Nuclear      3. Single person family  
 4. Family size (Details of family members):

Name of the members	Sex M/F	Age	Level of Education	Relation
Total number of members				

5. Details about Education:

1. Illiterates / Literate –

1. High School 2. Intermediate 3. Graduate 4. Post Graduate  
 5. Higher Degree holder  
 6. Professional Education: Law/Medical/Engineering/Management/CA/CS  
 etc.

6. Social Group:

1.SC      2.ST      3.OBC      4.General      5.Others

7. Religious Group

1. Hindu    2.Muslim      3.Christian    4.Buddhist    5. Jain      6.Others

8. Do you feel that coming of Metro corridors will be affecting your religious belief and practices. if yes, how ?

(Whether holders of BPL card? Information on disability and other forms of vulnerability.....  
 .....

9. Nature of employment:

1. Unemployed      2. Employed  
 Regular employment / Irregular employment or daily wage earner  
 Number of earning members in the family ..... Nos.

10. Annual income of the family: Rs .....per month

11. Name of occupation (daily wage earner/regular employment)

12. Information about Family Assets (List of Assets to be mentioned)  
 (Have the assets of your family been affected by the metro project, yes/no, If yes, how, details please)  
 Please inform about the affected property in detail.

.....  
 .....

13. Is your family project affected?

(If yes how, \_\_\_\_\_  
 (if no why) \_\_\_\_\_

14. Are you aware of the Metro project which is being commissioned in your area.? How do you feel about the same, describe in detail

.....

15. How many people are affected in family, due to Metro construction, with name (If affected, how, mode of effect)

.....

16. Whether the house is your own / rented.

- a. own          b. rented          c. lease hold      d. kutchha          e. pucca          f. semi-pucca

**Utility connection**      a. Electricity          b Water      c. phone

## **RESETTLEMENT AND REHABILITATION**

17. Number of members earning in the project affected family:

18. Number of dependents in project affected family:

19. What is the resources base of your projected affected family?

20. What is the base of your livelihood?

21. Is there any change in your livelihood / way of life due to Metro project implementation?  
(yes/no)

If yes way of life / health / culture/community life / personal safety

22. How do you feel about project location?

- a. Good          b. Bad          c. Normal          d. No response

23. Are you project affected person?

- a. (If yes how)  
b. (if no why)

24. Land, where Metro corridors are being layed belongs to you

- (a) any other person      (b) community          (c) Government.

25. Are you aware about HIV/AIDS (Yes/No)

Can Metro commissioning affect the HIV/AIDSs spread

26. Do you think that water supply and sanitation situation will be affected with the oncoming of Metro projects?

( Yes / No)

27. Do you feel that you need re-settlement on account of being affected by commissioning of Metro corridors?

(Yes / No)

Feedback about UPMRC during construction and operation:

If positive (specify)

.....

If negative (specify)

.....

(Signature of the Supervisor)

(Signature of the investigator)

**Annexure-3:**

**Format for Public Consultation FORMAT FOR PUBLIC CONSULTATION**

Project Name:				
<b>Location</b>	<b>Date &amp; Time</b>	<b>Stakeholders</b>	<b>Issue Discussed</b>	<b>Suggestions by Stakeholders</b>

Signature of investigator

Signature of stakeholders

## **OUTLINE OF RESETTLEMENT ACTION PLAN (RAP)**

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
- (v) describes training programs

## **J. 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 budgetscheduled 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 RISAs, 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.

### 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 postresettlement 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.