

LUCKNOW METRO RAIL PROJECT

RESETTLEMENT POLICY FRAMEWORK

(Final)

LUCKNOW 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
GoUP	Government of Uttar Pradesh
GRC	Grievance Redressal Committee
IFI	International Financial Institution
LAA	Land Acquisition Act
LAC	Land Acquisition Collector
LDA	Lucknow Development Authority
LMRC	Lucknow Metro Rail Corporation
LMRP	Lucknow 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 prevailing GOs for the Lucknow 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 Lucknow 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/LMRC 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 laborer, landless person (not having

homestead 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 may be, 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 Lucknow Metro Rail Project (LMRP) covering 22.878 km consisting of North-South corridor only.

- r) **Rehabilitation and Resettlement** means carrying out rehabilitation and resettlement as per LMRC Policy on rehabilitation and resettlement.
- s) **R & R Entitlements** means the benefits awarded as per the R & R Policy Framework given in the LMRC 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.
- 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 Lucknow 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 Lucknow Metro Rail Corporation (LMRC) 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

Lucknow is the capital of Uttar Pradesh (UP), the most populous state of India. As per census of India 2011, the population of Lucknow is about 3 million. Being an important service and trading centre, Lucknow continues to grow and attract large number of people to the city. The rapid growth of the city and the associated urban sprawl has accentuated the demand-supply mismatch amidst constrained public transport infrastructure. To strengthen and augment the transport infrastructure of the city with a holistic multi-modal transport system, Government of U.P. has decided to implement Lucknow Metro Rail Project as an integrated mass public transport system that meets the mobility and accessibility needs of the people of Lucknow. The Project is aimed at bringing about a traffic revolution in Lucknow City . The capital of Uttar Pradesh. It is expected that this developmental measure will not only be helpful for the city but will also bring about betterment for the people of the region at large.

Based on the existing and predicted travel demand, demographic features etc the Detailed Project report (DPR) for Lucknow Metro Rail Project suggested two corridors for laying down the metro rails. The corridors have been identified as (i) North-South corridor and (ii) East-West corridors. The total length of the proposed route is 33.976 km of which 22.878 km is under North-South corridor and remaining 11.098 km is East-West corridor. The corridor details are tabulated below:

LMRC is presently constructing the elevated stretch of 8.5 km from Transport Nagar to Charbagh in the North . South corridor.

Table 1.1: Route Length (between dead ends)

Corridors	Elevated (km)	Underground (km)	Total Length (km)
North – South Corridor (CCS Airport to Munshi Pulia)	19.438	3.440	22.878
East – West Corridor (Lucknow Rly. Station to Vasantkunj)	4.548	6.550	11.098
Total	23.986	9.990	33.976

Table 1.2: Number of stations

Corridors	Elevated	Underground	Total
North – South Corridor (CCS Airport to Munshi Pulia)	19	3	22
East – West Corridor (Lucknow Rly. Station to Vasantkunj)	5	7	12
Total	24	10	34

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 IFC policies (EIB's Environmental and Social Handbook version 9.0 of 02/12/2013) and is applicable for all subprojects implemented under the LMRP.

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 LMRP.
- 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 LMRP is intending implementation in different stages. This document serves

to define procedures, principles and applicable legal regulations for the LMRP covering 22.878 km consisting of North-South corridor. However, during project implementation stage, two separate Resettlement Action Plans (RAP) will be prepared for the elevated stretch of 8.5 km from Transport Nagar to Charbagh Railway Station and remaining 14.378 km of North. South corridor. It is estimated that approximately 10 families will be affected by the implementation of the project in the priority section of 8.5 km and around 100 families will be affected in the remaining section of North-South corridor. 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. 24/2015/387/8-1-15-50-LDA/204 specifically for LMRP Project dated 04.02.2015. This is in accordance with provisions of Section 46 of the Act, 2013 formulating a committee of officials from relevant Government departments for determination of negotiated price for land acquisition (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 and groups and communities right to adequate housing and to an adequate standard of living, as well as other rights that may be impacted by resettlement;
- Respect right to property of all affected people and communities and mitigate any adverse impacts arising from their loss of assets or access to assets and/or restrictions of land use, whether temporary or permanent, direct or indirect, partial or in their totality.
- Assist all displaced persons to improve, or at least restore, their former livelihoods and living standards and adequately compensate for incurred losses, regardless of the character of existing land tenure arrangements (including title holders and those without the title) or income earning and subsistence strategies;
- Uphold the right to adequate housing, promoting security of tenure at resettlement sites;
- Ensure that resettlement measures are designed and implemented through the informed and meaningful consultation and participation of the project affected people throughout the resettlement process;

- Give particular attention to vulnerable groups, including women and minorities, who may require special assistance and whose participation should be vigilantly promoted.

2.2.1 GAP BETWEEN INDIAN LAWS AND EIB REQUIREMENTS

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

Table 2.1: GAP between Indian Laws and EIB Requirements

S. N.	Objectives	EIB/ AFD	RTFCTLARRA 2013
i	Avoid involuntary resettlement	Involuntary resettlement should be avoided wherever possible	Yes
ii	Minimize involuntary resettlement	Minimize involuntary resettlement by exploring all viable alternative project design	Yes
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
iv	Identify, asses and address the potential social and economic impacts	Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g. relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas.	Yes
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 and the overall resettlement costs.	Yes
vi	Consider alternative project	Assess all viable alternative project designs to avoid, where feasible, or	Yes

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	design	minimize involuntary resettlement.	
vii	Involve and consult with stakeholders	Consult project-affected persons, host communities and local nongovernmental organisations, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the process for determining eligibility for compensation benefits and development assistance (as documented in a resettlement Plan), and for establishing appropriate and accessible grievance mechanisms. Pay 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 requirement. This has been addressed in the Entitlement Matrix.
viii	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
ix	Support existing social and cultural institutions of the affected persons	To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers preferences with respect to relocating in pre-existing communities and groups are honoured.	Yes
x	Build capacity of the borrower(s) in IR implementation	Financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations.	Yes
xi	Categorization	Categorization of the affected families is defined as titleholders, non-titleholders including encroachers, Squatters, tenants, etc.	Yes
xii	Resettlement Plan	To cover the direct social and economic impacts that are caused by the involuntary taking of land and/ or the involuntary restriction of access to legally designated parks and protected areas, the borrower will prepare a Resettlement plan or resettlement policy framework. The RP or	Yes

		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.	
xiii	Supervision	The Bank regularly supervises resettlement implementation to determine compliance with the instrument	Yes
xiv	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
xv	Timeline for every process	Bank does give time schedule for activitiesq	Yes
XVI	Social Impact Assessment	Bank desire social impact assessment to be carried out for PAPs	Yes
XVII	Grievance Redressal Committee	Bank desire that mechanism shall be in place for redressal of grievances of PAPs	There is no such provision at project level in the Indian laws
XVIII	Public consultation	EIB explicitly desire public consultation and interaction of Project authority and PAPs to develop RAP.	Yes

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

2.2.2 GRIEVANCE REDRESSAL COMMITTEE

The current Act, does not clearly mention about grievance redressal mechanism at the project level. In order to meet the requirements of EIB, an efficient grievance redressal mechanism will be developed to assist the PAPs resolve their queries and complaints. The GRC will address only rehabilitation assistance issues both for title holders and non title holders. Grievances related to ownership rights and land compensation as also R&R can be dealt in court as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. More details on grievance redressal committee are given in subsequent section.

2.2.3 ESTABLISHMENT OF RAP IMPLEMENTATION TEAM

As per the Act, the implementation of rehabilitation and resettlement is the responsibility of project proponent and District Magistrate. However, the Act does not clearly mention about the implementation of rehabilitation and resettlement process at the project level. In order to implement and monitor RAP effectively, a Social and Environmental Management Unit

(SEMU) will be constituted in LMRC. The roles, responsibilities and other details pertaining to RAP implementation team is explained in subsequent chapter.

2.2.4 MONITORING AND EVALUATION

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

2.2.5 OTHER MEASURES

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

SECTION-3

RESETTLEMENT & REHABILITATION OF PROJECT AFFECTED PERSONS FOR LMRP

3.1 GUIDING PRINCIPLES

Resettlement & Rehabilitation activities of LMRP 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 person, with or without formal title, will be worse off after land acquisition;
- all activities and procedures will be formally documented;
- the property and inheritance rights of project affected persons will be respected;
- if the livelihood of the project affected persons without formal title depends on the public land that they are using, they will be assisted in their effort to improve their livelihoods and standard of living to restore them to pre-displacement levels;
- if project affected person, without legal title, is not satisfied with the above decisions, they can approach the grievance redressal committee;
- 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.

3.2 RESETTLEMENT AND REHABILITATION PROCESS

All attempts will be made during the final execution of the project to minimize the land acquisition, resettlement and adverse impacts on people in the project area through suitable

engineering design. The assessments however reveal that the project involves minimal land acquisition.

- Two Social Impact Assessment (SIA) study will be conducted after finalizing the RPF for the North-South corridor (one for the priority section and the remaining portion of N-S corridor) of the LMRP 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/ gazetteers/ other relevant texts. 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 LMRC, 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 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 LMRC 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 Policy. 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 and the basic principles governing present compensation structure for the Project is given in Table 3.1.

This R&R entitlement matrix includes various components of R&R benefits and tabulated in Table 3.2. This matrix address all categories of people being affected and all categories of impacts accrued to the affected families due to the Project. Table 3.2 indicates the entitlements of all categories of impact as per the RTFCTLARRA 2013 and the EIB/AFD guidelines that are applicable for the project. The same can be classified under three major categories of impact, viz, loss of land, loss of structures and loss of livelihood, which covers the entire gamut of the affected population.

Table 3.1: Entitlement Matrix (Compensation for land acquisition)			
S.No	Category of Impact	Eligibility for Entitlement	LMRC Adopted Policy/Entitlement
1.	Loss of Land	Titleholder	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.	Solatium 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	Onetime financial assistance based on valuation of the property subject to a minimum of Rs. 25,000.

**Replacement cost = Market value + solatium*

Table 3.2: Entitlement Matrix (Rehabilitation)			
S. No	Category of Impact	Eligibility of Entitlement	LMRC Adopted Policy/Entitlement
Rehabilitation Package			
1.	Construction allowance	Displaced family whose residential structure is lost due to acquisition	Rs. 1, 50,000 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 Indra Awas Yojana of GOI.
2.	Subsistence grant for displaced family	Displaced family	Onetime payment of Rs. 36,000 shall be paid to each Displaced Family. Displaced Family belonging to the Scheduled Castes or the Scheduled Tribes or vulnerable group shall receive an amount equivalent to fifty thousand rupees. (Rs. 50,000). 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	One time financial assistance of Rs.50,000 for shifting family, building material, belongings and cattle shall be given to each displaced family.
4.	Cattle shed / petty shops cost	Affected Family	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 Rs. 25,000 for re-construction of cattle shed or petty shop out of as the case may be.
5.	One time grant to artisan, small traders and certain others	Affected Family	Each Affected Family of an artisan, small trader or self-employed person 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 Rs. 25,000 .
6.	One time resettlement allowance	Affected Family	Each Affected Family will be given a one-time resettlement allowance of Rs. 50,000 .
7.	Loss of community structures	Community	100% replacement cost of equal type.

SECTION-4

INSTITUTIONAL ARRANGEMENT

4.1 INTRODUCTION

Government land will be acquired by LMRC 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, LMRC 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 UP G.O 24/2015/387/8-1-15-50-LDA/204. 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) 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 LMRP;
- 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

The implementation schedule will be scheduled as per the overall project implementation and included in individual 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.

4.2 GRIEVANCE REDRESSAL COMMITTEE

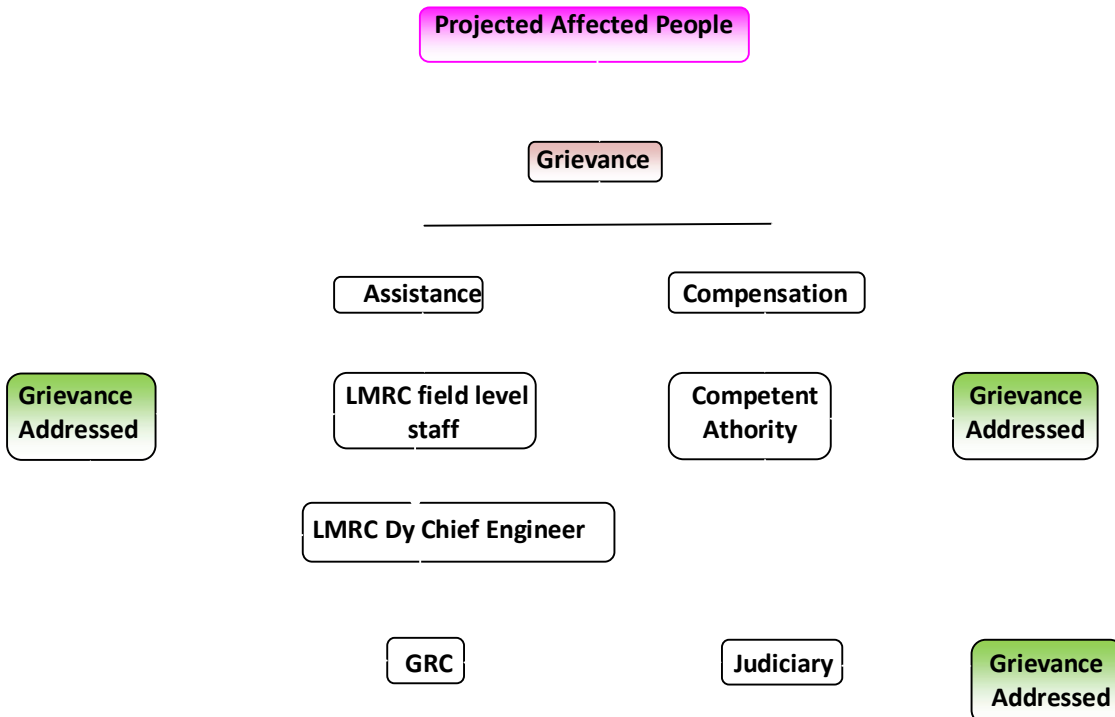
Efficient grievance redressal mechanism will be developed to assist the PAPs resolve their queries and complaints. Grievances of PAPs will be first brought to the attention of Asst. Engineers at site offices (field level staff). Field staff will forward the received grievance to

Deputy Chief Engineer level Officer for consideration and redressal. Grievances not redressed by Deputy Chief Engineer level Officer will be brought to the Grievance Redressal Committee (GRC). A mechanism for lodging complaints/grievance will be implemented during implementation of project. The composition of the proposed GRC will have Chief Project Manager from LMRC and designated officers from Revenue Department, PWD and Social Welfare Department of Government of U.P. The GRC will address only rehabilitation assistance issues both for title holders and non title holders. Grievances related to ownership rights and land compensation as also R&R can be dealt in court as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. 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.

GRC will review grievances involving all resettlement benefits. However, other disputes relating to ownership rights shall be considered by the court of law. When any grievance is brought to the field level staff, 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. LMRC will maintain a log of grievances documenting the nature of grievance, date of submission, responsible party and date of resolution. A flow chart of grievances redressal is indicated in **Figure 4.1**.

Figure-4.1 Stages of Grievance Redressal



4.3 COMMUNITY PARTICIPATION DURING PROJECT IMPLEMENTATION

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

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

- Project Implementation Unit (PIU) will conduct information dissemination sessions in the project area and solicit the help of the local community/ leaders and encourage the participation of the PAPs 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 and various local committees. PIU and field offices will maintain an ongoing interaction with PAPs to identify problems and undertake remedial measures.

4.4 MONITORING AND EVALUATION

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

Monitoring will give particular attention to the project affected vulnerable groups such as scheduled castes, BPL families, women headed households, widows, old aged and the disabled. Individual RAPs will further specify monitoring indicators. RAP implementation will be monitored both internally and externally. Project Authority will be responsible for internal

monitoring through their field level offices and will prepare quarterly reports on the progress of RAP implementation. An Independent Evaluation Consultant will be hired by Project Authority for mid and end term evaluation of RAP implementation.

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. LMRC 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 LMRC 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 LMRC and hard copies will be made available in the offices of local authorities.

Annexure-1: Uttar Pradesh G.O

संख्या- ^{24/2015/387} /आठ-1-15-50एल.डी.ए./2014

प्रेषक,

सदा कान्त
प्रमुख सचिव
उत्तर प्रदेश शासन।

सेवा में,

जिलाधिकारी,
लखनऊ।

आवास एवं शहरी नियोजन अनुभाग-1

लखनऊ : दिनांक : 04-फरवरी, 2015

विषय : लखनऊ मेट्रो रेल परियोजना के लिए आपसी समझौते से भूमि क्रय तथा परिसम्पत्तियों का मूल्य निर्धारण।

महोदय,

लखनऊ महानगर में यातायात की गम्भीर समस्या के निराकरण हेतु लखनऊ मेट्रो रेल परियोजना का क्रियान्वयन किया जा रहा है। परियोजना के क्रियान्वयन हेतु यथावश्यक भूमि का क्रय किया जाना आवश्यक है। भूमि अर्जन अधिनियम, 1894 के स्थान पर प्रभावी भूमि अर्जन, पुनर्वासन और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता का अधिकार अधिनियम, 2013 के आधार पर भूमि अर्जन की कार्यवाही किये जाने में काफी समय लगने व भूमि मूल्य सम्बन्धी वाद योजित होने से परियोजना में विलम्ब एवं उनकी लागत में वृद्धि होना संभाव्य है। उक्त के दृष्टिगत लखनऊ मेट्रो रेल परियोजना हेतु भूमि क्रय किया जाना औचित्यपूर्ण है।

2- अतएव, सम्यक विचारोपरान्त लखनऊ मेट्रो रेल परियोजना हेतु आपसी समझौते के आधार पर भूमि क्रय किये जाने तथा भूमि एवं परिसम्पत्तियों का मूल्य निर्धारण किये जाने हेतु निम्नवत प्रक्रिया निर्धारित किये जाने का निर्णय लिया गया है :-

(1) लखनऊ मेट्रो रेल परियोजना हेतु ली जाने वाली भूमि, भू-स्वामियों से निर्धारित प्रारूप पर आपसी समझौते के आधार पर क्रय की जायेगी। उस भूमि की दर निम्नलिखित समिति द्वारा निर्धारित की जायेगी :-

- 1- जिलाधिकारी, लखनऊ - अध्यक्ष
- 2- अपर जिलाधिकारी (भूमि अध्याप्ति) अथवा विशेष भूमि अध्याप्ति अधिकारी, लखनऊ - सदस्य
- 3- अपर जिलाधिकारी (वित्त एवं राजस्व), लखनऊ - सदस्य
- 4- प्रबन्ध निदेशक, एल.एम.आर.सी., लखनऊ - सदस्य सचिव
- 5- अधिशाषी अभियन्ता, प्रान्तीय खण्ड, लो.नि.वि., लखनऊ - सदस्य
- 6- निबन्धक, लखनऊ द्वारा नामित उप निबन्धक स्तर के अधिकारी - सदस्य

(2) समिति आपसी समझौते के आधार पर भू-अर्जन अधिनियम, 2013 की धारा-46 एवं इस सम्बन्ध में शासन द्वारा समय-समय पर जारी नियमों, अधिसूचनाओं,

SDM
Tahsildar
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
शासनादेशों, निर्देशों तथा प्रचलित बाजार दरों व भूमि एवं परिसम्पत्तियों का मूल्य निर्धारण, पुनर्वास एवं पुनर्व्यवस्थापना संबंधी राजस्व विभाग के समय-समय पर निर्गत शासनादेशों को ध्यान में रखते हुए भूमि क्रय के लिए दर निर्धारित कर अपनी संस्तुति लखनऊ मेट्रो रेल कारपोरेशन को प्रेषित करेगी। भूमि/परिसम्पत्तियों के मूल्य के भुगतान के उपरान्त यदि प्रकरण धारा-46 से आच्छादित नहीं है, तो पुनर्वास एवं पुनर्व्यवस्थापना सम्बन्धी लाभ पृथक से देय नहीं होगा। लखनऊ मेट्रो रेल कारपोरेशन द्वारा नियमानुसार कारपोरेशन के निदेशक, मण्डल की बोर्ड बैठक में उक्त संस्तुति को प्रस्तुत कर अनुमोदन प्राप्त करते हुए अग्रेतर आवश्यक कार्यवाही की जायेगी तथा संलग्न प्रारूप के अनुसार किसानों से अलग से सहमति ली जायेगी। दर निर्धारण के उपरान्त उपरोक्त भूमि की आवश्यकता को जनसाधारण के उपयोग संबंधी सूचना प्रख्यापित किया जायेगा, जिसकी अवधि प्रख्यापन की तिथि से 02 माह की होगी।

(3) भूमि मूल्य के भुगतान व अन्य अनुमन्य लाभ/सुविधाएं उपलब्ध कराये जाने का दायित्व लखनऊ मेट्रो रेल कारपोरेशन का होगा।

3- यह आदेश तत्काल प्रभाव से लागू होगा।

संलग्नक - यथोक्त।

भवदीय,


(सदा कान्त) 28/11/15

प्रमुख सचिव

8

संख्या व दिनांक तदैव।

उपर्युक्त की प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- प्रमुख सचिव, लोक निर्माण विभाग/नगर विकास/राजस्व/अवस्थापना एवं औद्योगिक विकास/स्टाम्प एवं रजिस्ट्रेशन विभाग, 30प्र0 शासन।
- 2- आयुक्त, लखनऊ मण्डल, लखनऊ।
- 3- प्रबन्ध निदेशक, लखनऊ मेट्रो रेल कारपोरेशन लि0 को उनके पत्र संख्या-699/एल.एम.आर.सी.-एल-1/2014 दिनांक 31.10.14 के क्रम में उपर्युक्तानुसार कार्यवाही सुनिश्चित करने हेतु।
- 4- गार्ड बुक।

आज्ञा से,

(शिव जनम चौधरी)

संयुक्त सचिव

संलग्नक

सहमति का प्रारूप पत्र

आप द्वारा मेट्रो रेल परियोजना हेतु
ग्राम तहसील.....
जिला में जो भूमि लेने हेतु प्रस्तावित
की गयी है, उसमें मेरी अराजी संख्या-
कुल रकबा हेक्टेयर आ रही है, जिस पर मेरा पूर्ण स्वामित्व
है। इस अराजी में से विभाग को जितनी भी भूमि की आवश्यकता हो, उसे हम
विभाग को रु. प्रति एकड़ की दर से बेचने के
लिए तैयार हैं। भूमि विक्रय के बाद भविष्य में मैं अथवा मेरा कोई वारसान
उक्त दरों के अतिरिक्त किसी भी बढ़ी हुई दर अथवा अन्य लाभ के लिए
विभाग से कोई क्लेम नहीं करेगा और न ही किसी न्यायालय में दाद दायर
करेगा। सहमति लिख दी, ताकि वक्त पर काम आवे।

प्रार्थी

Annexure-2: SIA Questionnaire

Sl.No. :
Date of collection of data:

LUCKNOW METRO RAIL CORPORATION

Social Impact Assessment Study

(Questionnaire for collection of primary data concerning social economic conditions)

IDENTIFICATION:

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

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

Number of squatters / slums within area:

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

_____ .

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

If other (specify) _____ .

Name of owner _____ .S/o _____ .

Age _____ . Sex (M/F) _____ Education _____ .

1. Total Number of Manpower:_____

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

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

- a. Male _____ b. Female _____ ..

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

_____ \

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 _____ Mobile No./Contact
No. _____

Landmark _____

3. Family Pattern

1. Joint 2. Nuclear 3. Single person family

4. Family size (Details of family members):

Name of the member	Sex M/F	Age	Level of Education	Relation

Annexure-3: Format for Public Consultation

FORMAT FOR PUBLIC CONSULTATION

Project Name: _____

Location	Date & Time	Stakeholders	Issue Discussed	Suggestions by Stakeholders

Signature of stakeholders

Signature of investigator

Annexure-4: Outline of RAP

OUTLINE OF RESETTLEMENT ACTION PLAN (RAP)

The basic outline of RAP is:

- a) state the resettlement guiding principles and objectives;
- b) describe the nature and magnitude of project impacts and identify all people to be displaced, paying special attention to vulnerable groups;
- c) carry out a census to establish the number of people to be displaced, livelihoods affected, property to be compensated and the cut-off date for eligibility claims;
- d) describe the legal framework expected to guide this Plan's land acquisition (when applicable), compensation, resolution of conflicts and appeals procedures;
- e) include an analysis of applicable national legislation, highlighting gaps with EIB requirements and required bridging measures;
- f) propose how to fill the gaps between national law and EIB requirements should such gaps be identified;
- g) describe institutional set-up and responsibilities;
- h) establish the eligibility criteria and describe the entitlements for all categories of displaced people and types of impacts suffered;
- i) describe how affected populations, including women, minorities and other vulnerable groups, have been effectively consulted and how their views were taken into account;
- j) include valuation of and compensation for lost assets and loss of income and demonstrate that these rates are adequate, i.e. at least equal to the replacement cost of lost assets/income or meeting minimum average wage thresholds;
- k) provide details of sustainable arrangements for improving the standards of living of displaced persons;
- l) provide details of sustainable arrangement for improving or, at minimum, restoring livelihoods;
- m) prepare a grievance mechanism for the settlement of disputes arising from resettlement related issues ensuring access to grievance and recourse for all affected persons; and,
- n) include implementation schedule, budgets, and arrangements for monitoring and evaluation.