

**Draft Resettlement and Rehabilitation Policy for Nagpur
Smart City Project**

Nagpur Smart and Sustainable City Development
Corporation Limited

OCTOBER 2017

RESETTLEMENT AND REHABILITATION PRINCIPLES AND DRAFT POLICY FRAMEWORK

GLOSSARY OF RESETTLEMENT & REHABILITATION TERMS

- a. **Agricultural land** means lands being used for the purpose of : (i) agriculture or horticulture; (ii) raising of crops, grass or garden produce; and (iii) land used by an agriculturist for the grazing of cattle, but does not include land used for cutting of wood only;
- b. **Assistance** refers to the support provided to PAPs in the form of ex-gratia payments, loans, asset services, etc. in order to improve the standard of living and reduce the negative impacts of the project.
- c. **Compensation** refers to the amount paid under Nagpur Smart and Sustainable City Development Corporation Limited Resettlement and Rehabilitation Plan, 2017, for private property, structures and other assets acquired for the project. It refers to the amount as given in the Entitlement Matrix for the project.
- d. **Cut-off Date** the date of Notification issued by the Nagpur Smart and Sustainable City Development Corporation Limited will be the cut-off date where the land acquisition will be required. In case of squatters and encroachers and unauthorized occupants the date of socio-economic survey will be considered as the cut-off date for entitlements under the project.
- e. **Family** includes a person, his or her spouse, minor sons, unmarried daughters, minor brothers, unmarried sisters, father, mother and other relatives residing with him or her and dependent on him or her for their livelihood; and includes “nuclear family” consisting of a person, his or her spouse and minor children;
- f. **Farmer** means a cultivator with an unirrigated land holding up to one hectare or irrigated land holding up to half hectare;
- g. **Government** refers to the Government of Maharashtra
- h. **Household** refers to all the males/ females, their family members and relatives staying in a house/ tenement/ hut.
- i. **Land acquisition or Acquisition land** means acquisition of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, 2013;

- j. **Impact** are event by which persons lose their total house or livelihood and all other impacts which will be limited to one-time payment of cash or giving advance notice.
- k. **Notification** means a notification published in the Gazette of India, or as the case may be, the Gazette of State;
- l. **Planning Authority** is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular area
- m. **Project-Affected Persons (PAPs)**, any persons who have businesses or residence within the project impact corridor and who may be adversely affected directly by the project. Project-affected persons include those displaced, those losing commercial or residential structures in whole or part, those losing agricultural land or homesteads in whole or part, and those losing income sources as a result of project action.
- n. **Replacement Cost** of the acquired assets and property is the amount required for the affected house hold to replace/reconstruct the lost assets through purchase in the open market. Replacement cost will be calculated at PWDs current Schedule of Rates without depreciation. Replacement cost will be in line with the provisos of the Entitlement Matrix of the project.
- o. **Squatter** means those persons who have illegally occupied government lands for residential, business and or other purposes. They are not eligible for compensation but will qualify for assistance from the project.
- p. **Tenants** are those persons having bonafide tenancy agreements, written or unwritten, with a private property owner with clear property titles, to occupy a structure or land for residence, business or other purposes. They are eligible for certain compensation or assistance as per the existing norms and practice.
- q. **Vulnerable groups**: persons such as disabled, widows, or persons above sixty years of age, who are not provided or cannot immediately be provided with alternative livelihood and who are not otherwise covered as part of a family.
- r. **Women Headed Household** is a household that is headed by a woman and does not have a male earning member is a Woman Headed Household. This woman may be a widowed, separated or deserted person.

Executive Summary

The Nagpur Smart and Sustainable City Development Corporation Limited (NSSCDCL) is a Special Purpose Vehicle (SPV) incorporated under the Companies Act 2013 for implementation of Smart City Projects in Nagpur. The Government of Maharashtra (GoM) and Nagpur Municipal Corporation (NMC) will together hold 50:50 stake in the SPV. The city corporation is committed to transform Nagpur city into the educational hub, the health hub and the logistic hub by ensuring the sustainable and inclusive growth of the city.

As part of the smart city proposal, NSSCDCL has identified Pardi, Bharatwada, Punapur and Bhandewadi areas for the Area Based Development (ABD). The identified ABD area accounts for 1730 Acres; out of which 70% is developed land and remaining 30% is undeveloped land. In accordance with the ABD proposals, NSSCDCL has proposed various social and physical infrastructure projects, worth Rs. 2635 Crores.

Post implementation of the smart city projects, the quality of the life and service delivery mechanism would be improved. In order to develop the ABD area as smart city, NSSCDCL has appointed M/S HCP, Ahmedabad to prepare the Town Planning Scheme (TPS). The TPS will focus on the planned development in the area. In addition, TPS is aimed at supporting specified components related to the critical infrastructure to develop areas as smart city. In this process, the land may be required to implement the proposed intervention of TPS in the ABD area. The land requirements for the projects will be acquired through land pooling techniques and PAPs would be rehabilitated and PAPs will be compensated as per the Resettlement Action Plan.

Resettlement and Rehabilitation Policy (RARP) has been prepared to guide the assessments of sub-project specific project impacts and preparation of mitigation measures. The policy includes principles; processes, institutional arrangements and process for preparation and implementation of RAP. RARP assistance, resettlement of those displaced in ABD area will be monitored as part of project implementation.

The institutional arrangements include dedicated staff within NSSCDCL to coordinate with the administration in allotment of the housing and disbursement other benefits as available to the Project Affected Families. Grievance Redressal Committees (GRCs) have been proposed at NSSCDCL, to evaluate, facilitate the resolution of displaced persons concerns, complaints and grievances. The GRC will be headed by senior level retired Group I officer of Government of Maharashtra

A separate entitlement matrix proposed for residential houses / structures with applicable zonal regulations. In addition, other assistance required for the displaced families will be negotiated and reflected in the negotiated agreement. All basic amenities will be provided in the affordable housing areas as per needs aligning with the overall TPS of the ABD area.

All the transactions under RARP will be made online. All notifications under RARP will be kept on the websites of NSSCDCL. This Resettlement and Rehabilitation Policy will be updated from time-to-time as required

Draft Policy for Resettlement and Rehabilitation of persons affected by Nagpur Smart City Project

Nagpur smart and sustainable city Development Corporation limited

Nagpur smart city project

Resolution no.:

Dated the 12th October 2017

1. Resolution:

Nagpur Smart and Sustainable City Development Corporation Limited (NSSCDCL) has decided to take up the “Nagpur Smart City Project” (NSCP) with a view to implement the Smart City Mission launched by the Government of India. The NSSCDCL has decided to prepare the Town Planning Scheme for Pardi-Bharatwada-Bhandewadi-Punapur based on the principle of retrofitting. The various projects under TPS would affect a substantial number of households, business activities and structures, which will have to be relocated. Resettlement of projects affected persons (PAPs), according to Government of Maharashtra’s rehabilitation policy, is required to be an integral part of the TPS. As per the physical survey carried out by HCP, Ahmedabad, it is estimated that approximately 400 to 20000 families will have to be relocated during the implementation of TPS. Nagpur Smart and Sustainable City Development Corporation appointed has appointed a Project Management Unit (PMU) to prepare Resettlement and Rehabilitation (R&R) Policy and to assist the SPV in determining the institutional arrangements and implementation strategies for R&R. The PMU submitted its report to the SPV. Based on the recommendations of the PMU and the legal provisions the draft R&R policy has been prepared. Accordingly, the following Resettlement and Rehabilitation Policy has been drafted.

2. Applicability of the policy

The following R&R policy shall be applicable to all Smart City Projects affected persons. Resettlement Action Plans (RAP) and Resettlement Implementation Plan (RIP) will be prepared in accordance with this policy.

3. Objectives:

- (a) To minimise the resettlement by exploring all viable alternative project designs, and to prioritise various elements of the project by treating this as one of the important considerations,

- (b) Where displacement is unavoidable, to develop and execute resettlement plans in such a manner that displaced persons are compensated for their losses at replacement cost just prior to the actual move, displaced persons are assisted in their move and supported during the transition period in the resettlement site and displaced persons are assisted in improving or at least restoring their former living standards, income earning capacity and production levels; and to pay particular attention to the needs of poor resettlers in this regard,
- (c) To accord formal housing rights to the PAPs at the resettlement site. Such rights shall be in the form of leasehold rights of the land to the land owners. The occupancy rights will be jointly awarded to the spouses of the PAP household. The documents in this respect will be the leasehold agreement held with the land owners, which will include a list of its members and description of dwelling unit allotted to each member.
- (d) To develop and implement the details of the resettlement programme through active community participation by establishing links with the community based organizations; and
- (e) To make efforts to retain existing community network in the resettlement area, wherever this is not feasible to make efforts to integrate the resettled population with the host community, and to minimize the adverse impact, if any, on the host community.

4. Categories of Project Affected Structures

The proposed projects/sub projects affected structures shall be categorised by referring to ownership, land use and type of construction.

Ownership:

- Land and building owned by the same person,
- Land owned by one person and building owned by the lessees,
- Land and building both leased to lessee,
- Land and building occupied by statutory tenants with owner occupant or where owner is an absentee
- Land occupied by squatters without any legal title. Category of squatter's non-resident structure owners, resident structure owners and includes tenants.

Land use:

- Land used for farming, horticulture, etc.
- Land used for open uses such as storage, vehicle repairing etc.
- Structure used for residential purposes
- Structure used for commercial-cum-residence

- Structure used for commercial/ shop
- Structure used for workshop, factory etc.
- Structure used for schools, balwadis, community activities, religious purposes, medical and health facilities, gymnasium etc.

Type of structures:

- Multi-storeyed RCC structures,
- RCC or Steel frame structures in slum,
- Ground storeyed structures with RCC slab or tile or AC sheet or GI sheet roof,
- Ground storeyed structures/hutment in slums.

5. Definition of Project Affected Persons (PAP):

Project Affected Person includes households, business units including their workers and owners of assets like land and buildings affected by the proposed projects/sub projects shall be considered as PAPs and may include; non-resident land owners (including farmers and horticulturist); non-resident lessees; resident landlord (including farmers and horticulturists); resident lessee resident lessees, tenants or sub-tenants of buildings; squatters (non-resident structure owners, resident structure owners, tenants); pavement dwellers. Household for this purpose means all the males/ females, their family members and relatives staying in a house/ tenement/ hut.

6. Eligibility of Project Affected Persons (PAP) for R&R

- (a) All legitimate occupants of land and building affected by the proposed projects/sub projects of smart city as on the cut-off date will be eligible for the benefit of R & R Policy. However, PAPs who are squatters and not the legitimate occupants of land or buildings shall be eligible for R & R. The date of completion of baseline survey shall, therefore, be the cut-off date. While preparing the Resettlement Action Plan (RAP) the baseline survey will be updated if the gap between the baseline survey and the RAP is more than one year. Any new unauthorized structures or additions to existing structures carried out after the cut-off date and their occupants will not be eligible for R & R.

Similarly, the occupants of a structure except legal heir who have acquired the structures after the cut-off date shall not be eligible for the benefits of Resettlement and Rehabilitation. However, member added to the eligible households by way of birth and marriage after the cut-off date will be considered eligible for R & R. For this purpose, the baseline survey will create a detailed data base available with both the R & R Agency and the affected community. The significance of the cut-off date will also be explained to the community.

- (b) PAPs who do not wish to participate in the RAP prepared in the manner as laid down in this policy will not be eligible for rehabilitation and will have to vacate the occupied space on their own.
- (c) Aerial photographs if available and visual documentation carried out during baseline surveys will help identify squatters entering the area after the baseline surveys. These squatters shall not be entitled for any R & R benefits. Motivating and strengthening of Community Based Organizations (CBOs) during the baseline survey will be attempted to help prevent further encroachment after baseline survey. R & R activities and NSCP execution schedule shall be closely coordinated to minimize the time between site clearance and commencements of civil works so as to prevent further encroachment. Implementing agencies shall protect the cleared sites by appointing watch and ward staff. Even with these measures, if encroachment takes place, eviction will be resorted to.

7. Selection of Resettlement Site:

The site for resettlement shall be selected out of the feasible options in consultation with the affected community as a part of the RAP preparation. The principal criteria for site selection shall include access to employment opportunities, infrastructure and social services. Environmental assessment of the resettlement site shall be carried out as part of the preparation of CEMP.

8. Land acquisition

- (a) For acquisition of land for the project, landowners and lessees shall be compensated as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, 2013. The facility of Transferable Development Rights (TDRs) will be available as an alternative to compensation under the LA Act, in accordance with the Development Control Regulations (DCRs) for the Planning Authority of the proposed area as amended from time to time and being in force.
- (b) TDRs will also be available to developers who agree to build and hand over free of cost dwelling units for R & R according to the approved RAP, in accordance with the Town Planning Scheme (TPS). FSI shall be allowed for construction of tenements, under the above schemes, on the lands reserved for resettlement of PAPs by making appropriate provisions in the TPS.

9. Resettlement options:

While preparing RAP, the following two options may be explored with the community:

- (a) **Township option:** This will be in the form of a sites and services project developed by the R & R agency (or other public agency) on a green-field site owned by the agency. A fully developed plot of size as decided in the TPS shall be allotted in advance of the target date of relocation. The NSSCDCL can use some land for high income housing of non-PAPs and for commercial activities. The agency can sell plots for commercial activities and high-income housing at market price to recover the project cost.
- (b) Tenements under PMAY /Affordable housing will be as per the SCP and will depend on the type of ownership.
- (c) The entitlement of PAPs in terms of floor space / plot at the resettlement site for the options described in section 9 above will be as stated in Annexure – I

10. Other Amenities

1. For township / sites and services option:

In addition to the developed plot, water supply at, pedestrian pathways according to DCRs, on plot toilet seat and water tap, community facilities like primary school, dispensary, playground, fair price shop as may be required, and site for religious places that existed in the old community.

2. For PMAY/ Affordable housing option:

PMAY/ Affordable housing is a part of the NSCP. The standards of off-site amenities will therefore be according to the TPS. The on-site amenities like the recreational open space, balwadis, water supply, sanitation, pathways and access streets etc. shall be provided according to the standards prescribed in DCR*.

11. Monetary Supplement to Squatters

The Project Affected Squatters who opt for Township option, shall be entitled to a monetary supplement that represents the replacement cost of their shelter at the time of baseline survey. For calculating such monetary supplement, NSSCDCL shall determine for various types of construction, a unit cost of replacement based on the rate schedules used for construction activities undertaken. The monetary supplement shall be disbursed in suitable instalments related to the progress of work of building the structure on the serviced site. However, PAPs that opt for fully built dwelling unit will not be eligible for such monetary supplement.

* The standards are prescribed as per TPS

12. Compensation for Economic Losses

Every effort shall be made to relocate the affected households to nearby site and thus avoid cutting access to existing employment and income earning sources.

- (a) If the relocation of workers / employees results in an increase in travel distance to reach the original place of work or new place of work, a lump sum compensation not exceeding twelve monthly passes for such excess distance by city buses/ Metro at the time of resettlement shall be provided to such worker's/ employees subject to actual verification of extra expenditure incurred.
- (b) If it turns out to be impossible to continue present occupation or where workers/ employees/ entrepreneurs permanently lose their source of livelihood, because of displacement, a lump sum compensation equivalent to one year's income be given to such workers/ employees/ entrepreneurs at the rates to be determined by the R & R implementing agency. A valuation committee comprising the representatives of the R & R Agency and the NGO shall assist the R & R Agency in determining the annual income of PAPs.
- (c) Vulnerable households such as women headed households, handicapped and the aged will be extended an additional package of rehabilitation services to help them overcome the difficulties on account of resettlement. This will include preference in allotment of dwelling units on the ground floor for the handicapped and preference in sanctioning of loans from the fund mentioned below. Any further assistance required for vulnerable PAPs will be determined during RAP preparation.
- (d) For those who permanently lose their jobs, the rehabilitation package shall include access to employment information through employment exchange and training facilities. Moreover, community operated fund will be created to provide seed capital and other loans. Community operated fund maintained by the CBO could be linked with community saving programmes. The fund could be controlled and monitored by the community with the assistance of Non-Governmental Organisation (NGO).

13. Other Benefits

In addition to the shelter-related rehabilitation described in the Appendix 1, cost of shifting as determined by the NSSCDCL will be paid to the PAPs.

14. Planning and Implementation Procedure

- (a) Based on the Baseline Socio-Economic Survey (BSES) carried out through close participation of NGOs and CBOs, a list of eligible project affected structures, households, lands, shops and business activities shall be prepared and announced for community endorsement to avoid conflict over subsequent entrants in the project area.

(b) RAP preparation shall be undertaken with active participation of eligible PAPs. Draft RAP shall include, a statement of objective and policies, an executive summary, and provision for the following:

- organizational responsibilities,
- community participation and integration with host populations,
- socioeconomic survey,
- legal framework,
- alternative sites and selection,
- valuation of and compensation for lost assets,
- land tenure, acquisition, and transfer,
- access to training, employment, and credit,
- shelter, infrastructure, and social services,
- environmental protection and management; and
- implementation schedule, monitoring, and evaluation.

Cost estimates should be prepared for these activities, and they should be budgeted and scheduled in coordination with the physical works of the main investment project.

(c) Draft RAP shall be shared with the PAPs, NGOs, CBOs and general public in the area through community meetings and other appropriate media. The views of PAPs will be taken into account in finalizing the RAP*.

(d) In addition, general dissemination of information on R & R plan, specific RAPs and environmental management plan related to NSCP shall also be undertaken in a planned manner. These activities may include organising seminars, bringing out the news items in newspapers, TV, radio, social media, technical and academic journals.

(e) The RAP prepared shall be implemented by the agency identified for the purpose.

(f) A two-stage resettlement process will be adopted only under emergency circumstances and only if the affected community agrees to move to the transit housing prior to shifting to permanent houses. Prior to shifting people to transit houses the following need to be ensured:

- i. the type of accommodation and basic amenities to be provided in the transit camps and a time table for moving to permanent sites are discussed and agreed with the PAP's and,
- ii. the NSSCDCL will verify the feasibility of the schedules in the time table, particularly whether acquiring permanent sites can be completed within at most two years and that permanent housing can be available before the end of the third year.

* In case the indigenous people are affected by NSCP, a separate Indigenous People Development Plan (IPDP) will be prepared along with the RAP.

15. Redressal of Grievances

NSSCDCL shall designate a senior officer at the local level to consider any grievance of PAPs in consultation with the concerned NGO and give his decision in writing, within a stipulated time period, and also keep a record of such decisions. If the aggrieved PAP is not satisfied with this decision, final appeal, could be made to the Grievance Redressal Committee appointed by the NSSCDCL comprising its officials through the assistance of NGOs.

This Grievance Redressal Committee will include a minimum three members not directly associated with the project implementation, besides other government officials who are not associated with the implementation of the project. This Committee will consider all those grievances which are not addressed to the satisfaction of PAPs by the existing grievance redress mechanisms. The people have an option to directly approach to this committee, without approaching any other grievance mechanism. The committee members will be provided appropriate briefing and information on the project and expected role of Grievance Redressal Mechanism, to enable them to make decision consistent with the principles of R&R Policy.

16. Indirectly Affected PAPs

The relocation of affected communities and persons may have adverse impact on the community linkages at the old site. In order to minimize such adverse impact appropriate and careful measures need be planned. For this purpose, the affected community be identified based on the social and economic linkages and not purely on the basis of right of way required for the project. If the social and economic linkages are substantially affected* the remaining people whose proportion with respect to the directly affected PAPs shall be decided as per the TPS. If they desire should be resettled along with the PAPs.

17. Host Community

The relocation of PAPs at the new site may impact two types of host communities. One, resident of the relocation site and the other living in the vicinity of the resettlement site. Resettlement of PAPs will displace the first type of host community and increase the burden on the infrastructure services available to the second type of the host community. The host community that is resident of the relocation site shall be treated as eligible PAPs and shall be extended all the benefits of this policy. In case of the host community in the vicinity of the relocation site, the increased demand of services on account of resettled community, may reduce the quality of life of the host community. In order to avoid or minimize such impacts the RAP will propose augmentation of available services. Such augmentation will be carried out as part of RAP implementation.

* The social and economic linkages shall be considered to be substantially affected when almost all the residents of the affected area had shifted together from the same area of origin, or; some common infrastructure facilities such as, school, dispensary etc. were shared by all the residents, which needs to be demolished to clear the site for the project and providing these facilities for the remaining families is not feasible or; the number of the remaining families is so small that it is not possible for them to stay as a community.

18. Institutional Arrangements

Institutional arrangements will be managed as required by NSSCDCL, including interdepartmental oversight committees, the hiring of experts in housing, engineering, social development, land acquisition, legal, environment, PR and other relevant areas and monitoring mechanisms, will be set forth in a separate notification to be issued on institutional arrangements.

19. Restrictions on Transfer / Disposal of Tenements Allotted to the PAPs

No PAPs shall transfer / dispose of the tenement allotted to him without prior permission of the NSSCDCL. The procedure followed by Slum Rehabilitation Authority for transfer / disposal of tenements under Slum Rehabilitation Schemes shall mutatis-mutandis be applied in case of transfer / disposal of tenements allotted to the PAPs under this policy.

The draft policy will be finalized after hearing the suggestions and objections received from the concerned PAP's

Chairman/ Board of Directors
NSSCDCL

ANNEXURE – I

Entitlement Matrix

S.No	Impact Category	Eligibility	Entitlement	Valuation
1	Loss of land	Patta / Temple Land/ Assigned/ Residential/ Commercial/ Industrial Land in Urban areas	<ul style="list-style-type: none"> ▪ Higher of basic value or three-year average sale price calculating on higher 50% transactions. ▪ Add value of multiplier (1.0 times in urban area) ▪ Add estimated value of structures (value of assets without depreciation under consideration) and trees. ▪ Add Solatium 100% on final compensation amount ▪ Add 12% additional market value from preliminary notification to award. 	
3	Loss of Trees/ Topes	Affected area	Estimated value as per Horticulture / Forest Department plus 100% solatium.	Government of Maharashtra rates will be adopted as on cut-off date. Wood/ right of salvage allowed.

4	House owner irrespective of legal status	Displacement	House with not less than 50 Sq. mts in plinth area or not less than Rs. 1.50 Lakhs if opted by displaced family.	Unit values as per Maharashtra Housing Department. Transportation cost of Rs. 50,000/- for DPs. Subsistence grant 12 months × Rs. 3,000/- One-time resettlement grant of Rs. 50,000/-
5	Cattle shed / Petty shop	Shifting from affected area to rehabilitation center	Reconstruction grant	Rs. 25000/-
6	Artisan/ Small trader/ Self employed	Non-Agri/ Commercial/ Industrial/ Institutional structure in affected area.	Financial assistance.	Rs. 25,000/-
7	All Affected families/ tenants irrespective of legal status	Loss of livelihood.	One time resettlement grant / annuity	Rs. 5,00,000 or Rs. 2,000 X 12 M X 20 Y
8	Crop	Crop Cut down during survey	Damages	Gross income calculated on average yield multiplied by minimum support price. Net crop loss shall be 50% of the gross income.
		Standing Crop	Standing crop allowed. Damages if required.	

Other benefits

1	Transportation cost for displaced family	Rs. 50,000/-
2	Re-construction of cattle shed/ petty shop	Rs. 25,000/-
3	Resettlement Grant	Rs. 50,000/-
4	One time grant for artisan/ small traders/ certain others	Rs. 25,000/-
5	Subsistence allowance to artisan/ small traders	Rs. 2,500/- per month for a period of 10 years if not receiving pension under LPS.
6	Subsistence allowance @ Rs. 3000/ per month	Rs. 36,000/-
7	Construction Time	12 months from allotment of developed plot or Transit accommodation in consultation with PAP.