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ABBREVIATIONS

BEST : Brihan Mumbai Electricity & Transport Undertaking
BMC / MCGM : Municipal Corporation of Greater Mumbai
BPIP : Borrower's Project Implementation Plan
BSES : Baseline Socio Economic Survey
CBO : Community Based Organization
CEMP : Community Environmental Management Plan
DCR : Development Control Regulations
EMC : Environmental Management Committee
FSI : Floor Space Index
GOI : Government of India
GOM : Government of Maharashtra
IMP : Independent Monitoring Panel
IR : Indian Railways
LA Act : Land Acquisition Act 1894
MHADA : Maharashtra Housing and Area Development Authority
MMR : Mumbai Metropolitan Region
MMRDA : Mumbai Metropolitan Region Development Authority
MR&TP Act : Maharashtra Regional and Town Planning Act 1966
MRVC : Mumbai Railway Vikas Corporation
MSRDC : Maharashtra State Road Development Corporation
MUTP : Mumbai Urban Transport Project
NGO : Non Governmental Agency
PAH : Project Affected Household
PIA : Project Implementation Agency
PMU : Project Management Unit
PWD : Public Works Department of GOM
R&R : Resettlement and Rehabilitation
RAP : Resettlement Action Plan
RIP : Resettlement Implementation Plan
SPARC : Society for Promotion of Area Resource Centers.
SRA : Slum Rehabilitation Authority
SRS : Slum Rehabilitation Society
TDR : Transfer of Development Rights
UDD : Urban Development Department of GOM
EXECUTIVE SUMMARY

This Resettlement Action Plan (RAP) essentially describes the policy and institutional framework for carrying out the Resettlement and Rehabilitation (R&R) of the Project Affected Households (PAHs). For every subproject site specific Resettlement Implementation Plan (RIP) and Community Environment Management Plan (CEMP) will be separately prepared.

Mumbai Urban Transport Project (MUTP) conceptualized in 1994 envisages substantial improvements in both the rail and the non-rail infrastructure primarily to encourage public transport. The project is to be implemented as a joint venture between the Government of Maharashtra, Indian Railways and a few local bodies. About 19000 PAHs are likely to be affected and will require resettlement. Compared with the previous experience, the magnitude of resettlement involved is unprecedented.

The main objectives of MUTP in respect of the Project Affected Households (PAHs) and this Resettlement Action Plan (RAP) are;

- To prevent adverse social impact associated with implementation of MUTP,
- To deliver the entitlements of PAHs for payment of compensation and support for reestablishing their livelihood; and
- To implement an action plan for delivering compensation and assistance in accordance with the R&R policy adopted for the project.
- To maximize involvement of PAH and civil society in all stages of resettlement and rehabilitation; and
- To ensure that the standard of living of PAHs is improved or at least restored.

Significant progress has been made in terms of formulating an R&R Policy and effectively involving NGOs in making the entire process participatory since 1995. Nearly 10000 PAHs have also been resettled by now.

Resettlement Policy

Government of Maharashtra (GOM) has already adopted an R & R Policy for MUTP. The objectives of R&R as enunciated in the policy are;
- To minimize the resettlement by exploring all viable alternative project designs.\(^2\)
- 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 prior to the actual move,
- To accord formal housing rights to the PAHs at the resettlement site by establishing the cooperative housing societies of the PAHs,
- To develop and implement the details of the resettlement program through active community participation,
- To make efforts to retain existing community network in the resettlement area and to minimize the adverse impact, if any, on the host community; and

\(^1\) A generic term, more comprehensively defined in paragraph 36
\(^2\) Details and examples are given in paragraph 8
To improve environmental health and hygiene of the PAHs at the site of resettlement and to educate, motivate and organise the community to manage its environment at the resettlement location.

Legal framework

The R & R Policy and the Resettlement Action Plan (RAP) and the site specific Resettlement Implementation Plan (RIP) are developed and executed under the following legal framework;

- **Land Acquisition Act 1894**: for compulsory acquisition of land for public purposes.
- **Maharashtra Regional and Town Planning Act, 1966**: for preparation of Development Plans (Master Plans) that designate land for public purposes, which can then be acquired under the Land Acquisition Act; and to formulate Development Control Regulations.
- **Development Control Regulations for Greater Mumbai 1991**: These regulations offer an alternative to acquisition under LA Act 1894 by way of Transfer of Development Rights (TDR).
- **The amended DC Regulations provide incentives for rehabilitation (including resettlement of slum dwellers). For landowners prepared to provide 225 sq.ft. dwelling units free of cost to slum dwellers, the incentive is in the form of right to build and sell floor space equivalent to that required for slum rehabilitation.**
- **The DC Regulations also set out the standards for building design and construction and provision of services like water supply, sewerage, site drainage, access roads, elevators, fire fighting etc.**
- **The Maharashtra Co-operative Societies Act 1960**: provides for establishing, registering and administering the co-operative societies. The land and building is owned by the co-operative and its members have occupancy rights of apartment occupied by them. Sale and purchase of such units can take place only with the consent of the society. This is a common form of tenure in Mumbai’s apartment buildings and is widely understood.

Definition of Project Affected Households (PAH)

Project Affected Households includes households, business units including their workers and owners of assets like land and buildings affected by MUTP and may include; non-resident land owners (including farmers and horticulturists); non-resident lessees; resident landlord (including farmers and horticulturists); 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.

Land Acquisition and PAHs

Total land proposed to be acquired for the transport project is 59.07ha. out of which 34.80 ha. is for railway projects and 24.27 ha. is for road projects. The total number of PAH is 19228 of which 14429 are affected by railway projects and 4749 are affected by road projects. The PAHs include legal occupants of land to be acquired as well as the squatters on the land already owned by the Project Implementing Agencies. (PIA). The
land required for resettlement of PAHs is 47.1 Ha. Most of the PAHs are squatters. The number of landowners whose land is to be acquired is 109.

Rehabilitation Entitlements

Every eligible household losing a dwelling place shall be allotted a dwelling unit of minimum of 225 sq.ft. at an alternate site. Similarly every PAH losing a commercial structure shall be eligible for an alternate place for commercial use of equivalent area.

Compensation for economic losses

Availability of land being the major constraint in the city, it may not always be possible to provide in the close vicinity of the existing settlement to avoid loss of access to existing employment. In such cases the affected households will be eligible for the compensation for the permanent loss of employment or extra travel cost. Similarly a special package will be worked out for the vulnerable PAHs such as households below the poverty line, the women headed households, the handicapped and the aged. This would include a ration shop under the Public Distribution System, ground floor accommodation for the handicapped and the aged and support through the community operated fund for income generating activities.

Access to training, employment, and credit

There are a number of training programs offered by government for skill upgrading for promoting self-employment. Similarly there are government programs of extending financial assistance to the poor for self-employment. During the preparation of site specific RIP; the communities will be informed of such programs. In addition, local savings and loan associations will also be promoted through NGOs.

Organizational responsibilities

A High Power Steering Committee has been constituted under the chairmanship of the Chief Secretary to GOM to oversee the progress of MUTP including R&R and provide necessary policy directions.

A Project Coordination Committee has been created under the Chairmanship of Principal Secretary Urban Development Department, GOM to supervise timely implementation of MUTP including inter-agency coordination, ensuring adequate budgetary provisions and timely disbursement of funds.

An Independent Monitoring Panel (IMP) comprising eminent citizens of Mumbai has been established for ensuring compliance with accepted policies in project implementation

MMRDA, which is a regional planning and coordinating authority, has been designated as the project coordinating agency for MUTP. A Project Management Unit (PMU), headed by a Project Director, has been created in MMRDA for planning and implementing R & R component on behalf of all implementing agencies. The PMU is also responsible for overall coordination with all the implementing agencies and monitoring the progress of MUTP.
Two stage resettlement process

Two-stage resettlement would be resorted to where resettlement is required on urgent basis. The urgency may arise on account of unsafe conditions like in case of settlements located too close to the railway track or on account of judicial ruling. The transit accommodation would be in the form dwelling units of 120 sq.ft. with common toilet facilities and stand posts for water supply. It is proposed that all those who have shifted to transit houses will be moved to the permanent houses within three years.

Grievance Redressal Mechanism

The PIA will designate a senior officer at the local level to consider any grievance of PAHs in consultation with the concerned NGO. If the aggrieved PAH is not satisfied with this decision, final appeal could be made to the Grievance Redressal Committee appointed by the PMU comprising its officials and the representatives of NGOs in accordance with the R & R Policy. This mechanism is already in operation and has dealt with 213 complaints.

Environmental protection and management

The objective of preparing CEMP is to provide access to basic urban environmental infrastructure services; and through community initiative and participation alleviate the environmental health risks of the community. The affected communities are largely of squatters accustomed to a particular way of life. At the resettlement site, they will have to almost invariably adjust to the lifestyle of multi-storied buildings. The communities will be trained and motivated to follow a discipline that can avoid environmental problems. Separate Environmental Management Committees (EMCs) will be formed during RIP/CEMP preparation to take up this responsibility during post-resettlement stage. The CEMP provides in simple non-technical local language preventive maintenance schedule for water supply, sanitation, solid waste etc. The maintenance measures are translated into a simple non-technical format in the form of “Do's" and “Don'ts" in local languages for the use of the community at large.

Site Specific Resettlement Implementation Plans (RIP)

The present RAP provides an overall policy and institutional framework for carrying out the resettlement activities. For individual sub projects site specific Resettlement Implementation Plans (RIPs) will be prepared. RIPs for the three rail projects that have already commenced and road project that is scheduled to commence in the first year (i.e. JVLR) have already been prepared.

Initial Phase of Resettlement

Out of a total of 19228 PAHs 10933 PAHs have already been resettled by June 2001 (6901 in transit accommodation and 4032 in permanent dwelling units). This includes about 107 affected shopkeepers who were allotted alternative shops within the resettlement buildings to enable them to re-start their business activities. Resettlement of over 10000 PAH in one year is unprecedented in Mumbai. The PAHs located in the safety zone of railways were seen as a risk to safe operations of suburban services. The railway safety authorities had imposed speed restrictions and had warned about
discontinuing services. There were incidents of stone throwing hurting the train commuters. On this background, an NGO approached the Mumbai High Court with a request to direct the railways to remove the encroachment on railway land. Railways were inclined to act accordingly. At this stage, GOM and MMRDA had to intervene and assure the Court that the squatters will be resettled. Court imposed a strict time limit on such resettlement. This necessitated resettlement in transit quarters, which were successfully put in place in four months.

**R&R Implementation Schedule**

In addition, bids for procuring dwelling units from the developers (Option B) have also been received and evaluated. The work on construction of about 12000 dwelling units is scheduled to start by October 2002. The process of appointing design and project management consultants for construction of about 4000 dwelling units under Option A has also begun. The construction under this Option is scheduled to begin by November 2002. The entire process of resettlement will be completed by September 2005.

**Lessons Learnt**

From the experience of resettlement carried out so far following lessons could be learnt.

- Given the fact that some of the communities to be resettled are so located that their continuation at the existing location is either at the risk of their own safety or causes hindrance to essential public services, it is necessary to adopt a two-stage approach to resettlement. It is also desirable in terms of strengthening community network, establishing co-operative societies and generally preparing the communities to live in multistoried permanent housing.
- A swift continuous operation, starting from BSES to resettlement with active leadership of NGO has a better chance of success.
- Community participation particularly of women in managing the allotment of dwelling units, relocation and securing essential services is key to the successful resettlement.

**Costs and Budget**

The total cost of resettlement is estimated to be around Rs. 4678 million (US $ 97 million). The World Bank is expected finance US $ 79 million or 81% of the project cost.

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3 Options for procuring dwelling units for resettlement of PAHs are described in paragraph 63.
Chapter I

INTRODUCTION

Background

1. Mumbai Metropolitan Region (MMR), with an area of 4167 sq. km and population of 14 million (1991), has experienced a population growth rate of about 3.1% per year and is expected to continue to grow at the same rate attaining an estimated population of over 22 million in 2011. However, Greater Mumbai, the core city of MMR (area 438 sq.km. and population 10 million (1991)) is likely to experience a slower population growth. The nature of the city’s geography, essentially peninsular, and the existing intensive development of the older part of the city on the southern tip of the peninsula, has lead to the encouragement of new and diversified centers such as Bandra-Kurla and New Mumbai. The MMR generates about 5% of national GDP and contributes over one-third of India’s tax revenues.

2. A vast proportion of mechanized travel in Mumbai is by public transport. Mode shares are 88% by public transport, 5% by taxis and 7% by private vehicles (1994). Although these proportions are estimated to remain more-or-less the same by 2011 (with public transport share falling from 88% to 85%), the number of public transport trips in the peak period will rise substantially. In the public transport sector, Mumbai is served by two zonal railways the Western Railway (WR) and Central Railway (CR). The railways are electrified and are Indian Broad Gauge. The railway suburban services, which are in fact metropolitan services in view of the frequency and short distances between stations, carry close to six million passengers per day.

3. Bus services are provided by Brihan Mumbai Electricity Supply and Transport undertaking (BEST) with 3000 buses, and carry 4.5 million journeys per day of which approximately 60% are connected with rail journeys. In the road transport sector, the road network in Greater Mumbai is predominantly radial along the peninsula and comprises three main corridors, the Western Express Highway, the Eastern Express Highway and the Central Corridor. Although termed "expressways", the roads are essentially arterial roads and decline in standard as they approach and pass through the older part of Mumbai - the Island City.

4. The number of registered vehicles in MMR grew from 521,000 in 1985 to 821,000 in 1991 and to 1,361,00 in 1997. Private cars grew from 173,000 to 366,000 and the number is anticipated to double by 2011. The 3-wheeled taxi-rickshaws have grown at a much faster rate in the same period and in 1997 there were 616,000; for environmental reasons they are banned from the Island City.
The Project

5. With this background, a study was conducted with the assistance of consultants WS Atkins in 1994 and a project called Mumbai Urban Transport Project (MUTP) was conceptualized. The project envisages substantial improvements in both the rail and the non-rail infrastructure primarily to encourage public transport. The project is to be implemented as a joint venture between the Government of Maharashtra (GOM), Indian Railways (IR) and a few local bodies. Physical Components

6. The following project components have been identified;
   - Railway System - Capacity Optimization and Enhancement, including setting up new corridors and purchase of rolling stock
   - Road Transport - Traffic management (TM) and related measures, including area traffic control (traffic signal systems), bus priority and rail station area transport integration.
   - Road Transport - Infrastructure, including roads and road over rail bridges
   - Road Transport - Equipment (procurement of buses)
   - Rehabilitation and Resettlement of Project Affected Persons
   - Environmental improvement
   - Institution Building, Technical Assistance and Studies
   - Design and resettlement initiation for follow up project.

7. The sub-projects to be implemented under the road infrastructure and railway system improvement and the number of households likely to be requiring resettlement are given in Table 1

Table 1: SOCIAL IMPACT OF MUTP

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>Sub-project</th>
<th>Total PAHs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ROB at Jogeshwari-South</td>
<td>901</td>
</tr>
<tr>
<td>2</td>
<td>ROB at Jogeshwari-North</td>
<td>514</td>
</tr>
<tr>
<td>3</td>
<td>ROB at Vikroli</td>
<td>173</td>
</tr>
<tr>
<td>4</td>
<td>Jogeshwari-Vikroli Link Road (JVLR) Phase 1</td>
<td>890</td>
</tr>
<tr>
<td>5</td>
<td>Santacruz-Chembur Link Road (SCLR)</td>
<td>2171*</td>
</tr>
<tr>
<td>6</td>
<td>Station Area Traffic Improvement Schemes</td>
<td>100*</td>
</tr>
</tbody>
</table>

Rail Component

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>Sub-project</th>
<th>Total PAHs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5th Line between Mahim and Borivali</td>
<td>515</td>
</tr>
<tr>
<td>2</td>
<td>5th and 6th Lines between Kurla and Thane</td>
<td>2131</td>
</tr>
<tr>
<td>3</td>
<td>Borivali-Bhayendar-Virar additional pair of lines</td>
<td>501</td>
</tr>
<tr>
<td>4</td>
<td>Optimization on Western Railway</td>
<td>622</td>
</tr>
<tr>
<td>5</td>
<td>Optimization on Central Railway</td>
<td>2879</td>
</tr>
<tr>
<td>6</td>
<td>Optimization on Harbour Line</td>
<td>7831</td>
</tr>
</tbody>
</table>

Total PAHs 19228

*subject to findings of the feasibility studies and surveys in progress
Other sub-projects like pedestrian facilities and traffic management schemes including ATC and conversion of DC to AC traction in case of railways do not involve any PAHs. The above table represents initial assessment of PAHs. This may undergo some changes on finalizing engineering designs particularly of Phase II of JVLR and updating BSES while preparing the RIPs. The four RIPs that have now been prepared indicate some variation from the initial assessment.

The number of PAHs mentioned above is essentially of those who are residents of the area at present and will have to be resettled. Except for 120 legal tenants of a building along the 5th and 6th line between Kurla and Thane rest of them are squatters. Details of landowners whose land will have to be acquired are given in Chapter IV.

Project preparation has been completed in case of all the projects listed above except the ones mentioned at serial numbers 5 and 6 under the Road and Traffic Component. For Santacruz-Chembur Link Road initial assessment of number of PAHs and BSES has been completed. The engineering design may require some adjustment to the alignment and thence to number of PAHs. The Station Area Traffic Improvement Schemes are proposed at six railway stations viz. Dadar, Andheri, Ghatkopar, Borivali, Malad and Chembur. The improvements are expected to be in the nature of traffic management not involving additional land. The feasibility of Station Area Traffic Improvement Schemes is scheduled to be established by April 2002, when the number of PAH though expected to be marginal will be known.

Social Impact Assessment of the Project

8. The assessment of the overall social impact of the project has been undertaken in the planning stage itself, through the Baseline Socio-Economic Surveys conducted in some of the project components and preliminary data collected in the remaining cases. Efforts were also made to explore other possible alternatives to minimize the adverse social impacts. However, there was not much scope to change alignments or shift the sites. The rail projects essentially use the land already in possession of railways though occupied by squatters. Similarly the road projects are in the nature of widening and strengthening of existing roads. Moreover alignment of these projects has been designated in the “Master Plan” and construction of buildings has been permitted adjacent to such right of ways. Nevertheless during the detailed engineering minimizing resettlement to the extent possible has been of paramount consideration. For example at the Jogeshwari ROB the alignment of the approach road was modified to avoid the Aghadi Industrial Estate, a nala was realigned in the safety zone near Vikroli to avoid further resettlement of PAHs. Similarly the alignment of Vikroli ROB is being redesigned to reduce the number of affected shops from 173 to 20.

9. Based on the data available so far, it is estimated that approximately 59.02 ha of land will have to be acquired for the whole project. However, a large number of these lands are under some reservation in the Development Plan, restricting the right to construction, except for the purpose for which the reservation is made. Thus, acquisition of these lands though has adverse social impacts, does not affect the source of

---

4 The number of PAHs according to the RIPs completed thus shows some variation from the initial assessment. The PAHs according to these RIPs are; JVLR - 1068, Kurla Thane 5th and 6th lines - 3661, Mahim-Borivali 5th line - 392 and Optimization of Railways - 9128.
There are a few cases where the land with structures owned by private owners need to be acquired. These buildings are occupied by the owners or their tenants and are used for residential, commercial and industrial purposes. Information of landowners whose land is to be acquired is given in Chapter IV.

10. The main category of PAHs is the squatters encroaching upon the lands belonging to the IR or GOM. Out of 19228 PAHs identified for the whole project, 99.4% PAHs are in the squatters' category. Being the PAHs, the squatters are also eligible for all the rehabilitation benefits under the Plan. 11340 PAHs occupying safety zone of 10m. from the centerline of the outermost track are identified as affected by the optimization of railway operations. The presence of human habitation so close to the track not only caused great risk to human life but also restriction on the speed of trains. Resettlement of such PAHs was therefore urgently required and has been completed. This has improved the speed on the Harbour Line reducing the travel time by about ten minutes between CST and Mankhurd and has enabled extension of services to Vashi and Belapur. The PAHs have also benefited by a safe and healthy settlement in a new place.

Socioeconomic Characteristics of the Affected Community

11. Baseline survey of PAHs, except those likely to be affected by the SATIS, updating of survey of Santacruz-Chembur Link Road and owners of private agricultural land has been completed. The feasibility studies of SATIS are scheduled for completion by April 2002. BSES of PAHs of SCLR will be undertaken thereafter. Initial assessment of PAHs of SCLR is available, however, the revised feasibility study due for completion in May 2002 may indicate some changes in the PAHs. Updating of BSES will be undertaken thereafter. Agricultural land to be acquired is mainly for the BVQR and the car shed at Virar. None of these sub-projects will commence in the first year of the project enabling completion of database prior to their commencement in the second and succeeding years. Out of the total number of 19228 PAHs, survey data of 19118 structures is now available the database maintained in MMRDA. Out of these 2776 structures are unoccupied or locked, 57 are community buildings like temples, schools or community centers, 914 are used for commercial purposes and remaining 15371 are used as residences. From the available data the principal characteristics of the PAHs (residential households and businesses) can be deduced as follows:

- More than 99% of the PAHs are squatters and do not have any tenurial rights of the land they occupy. Less than 1% of PAHs are legal owners or tenants of the land or buildings they occupy.
- The monthly mean household income is Rs. 2976. 40% of the households are below the poverty line of Rs. 2500 per household per month.
- The average household size is 4.47. Nearly 13% of the households are women-headed. The percentage of workers to total population is 33%. Out of the total workers, about a third are self-employed and a sixth are engaged as casual labor.
- Most of the squatter settlements have drinking water through stand posts, sanitation facilities are by way of community toilets but inadequate in numbers. The maintenance of these facilities is poor. Lack of storm water drainage subjects some of these settlements to flooding during monsoon. Collection of solid waste is not satisfactory. Settlements near railway suffer noise pollution and pose a threat to the lives of the residents and to the safe
passage of trains. Generally the standards of health and hygiene leave much to be desired.

- About 1% of the PAHs belong to the Scheduled Tribes. However, that itself is not an indication of their being "indigenous people". Though they might have originally belonged to tribal communities in the distant past, as of now they are integrated with the city life and do not have their traditional habitat or follow traditional ways of life. More particularly, (a) they no longer have close attachment to ancestral territories; (b) they do not identify themselves or are identified by others as distinct cultural group; (c) they do not speak an indigenous language; and (d) they no longer belong to customary social and political institutions. There is also a general reluctance to reveal the caste or tribe particularly pronounced when data is to be kept in public domain. The social impact of the project on such people is therefore similar to that on other PAHs. Consultation with the Tribal and the NGO confirm that a separate plan for their resettlement is not necessary. No separate Indigenous Peoples Development Plan (IPDP) has therefore been prepared.

12. Some additional details of demographic, social, economic and environmental characteristics based on the data of 16285 PAHs are given in Table 2.

Table 2: SOCIO-ECONOMIC CHARACTERISTICS OF PAHs

**DEMOGRAPHIC**

| 1. Average number of persons per household | 4.47 |
| 2. Sex Ratio females per 1000 males | 842 |
| 3. Age distribution | |
| Percent below the age of 14 years | 29% |
| Percent between 15-59 years | 65% |
| 4. Percent married | |
| Female above the age of 18 | 48% |
| Male above the age of 21 | 45% |

**SOCIAL**

<p>| 5. Religion | |
| Hindu | 72% |
| Muslim | 21% |
| Buddhists (5%), Christians (2%) and Others | 8% |
| 6. Castes | |
| Scheduled Castes | 14% |
| Scheduled Tribes | 1% |
| Other Backward Classes | 7% |
| Upper Castes and Others (including non-respondents) | 78% |
| 7. Language – Mother Tongue | |
| Marathi | 44% |
| Hindi | 36% |
| Telugu | 1% |</p>
<table>
<thead>
<tr>
<th>Language</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tamil</td>
<td>8%</td>
</tr>
<tr>
<td>Kannada</td>
<td>2%</td>
</tr>
<tr>
<td>Urdu</td>
<td>3%</td>
</tr>
<tr>
<td>Others</td>
<td>7%</td>
</tr>
</tbody>
</table>

8. **Literacy – above the age of 6**

**60%**

<table>
<thead>
<tr>
<th>Economic Information</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Average no. of earners per PAH</td>
<td>1.46</td>
</tr>
<tr>
<td>10. Average monthly income of earner – Rs.</td>
<td>2039</td>
</tr>
<tr>
<td>11. Average monthly household income – Rs.</td>
<td>2978</td>
</tr>
<tr>
<td>12. Percent of households below poverty line</td>
<td>40%</td>
</tr>
<tr>
<td>13. Number of commercial establishments</td>
<td>1420</td>
</tr>
<tr>
<td>14. Workers in commercial establishments</td>
<td>2504</td>
</tr>
<tr>
<td>15. % of Establishments having monthly turnover of less than Rs. 50000</td>
<td>80%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Occupational Structure</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government service</td>
<td>9%</td>
</tr>
<tr>
<td>Private service</td>
<td>44%</td>
</tr>
<tr>
<td>Self employed</td>
<td>30%</td>
</tr>
<tr>
<td>Casual labor</td>
<td>17%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Housing: Materials and Area</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Materials used (% of PAH)</td>
<td></td>
</tr>
<tr>
<td>Roof: Asbestos Cement Sheets</td>
<td>58%</td>
</tr>
<tr>
<td>Clay Tiles</td>
<td>16%</td>
</tr>
<tr>
<td>Plastic, Tin sheets etc.</td>
<td>26%</td>
</tr>
<tr>
<td>Walls: Bricks</td>
<td>48%</td>
</tr>
<tr>
<td>Tin sheets</td>
<td>29%</td>
</tr>
<tr>
<td>Plastic and other</td>
<td>23%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential (% of resident households)</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 10 sq.m.</td>
<td>42%</td>
</tr>
<tr>
<td>10 sq.m. to 15 sq.m.</td>
<td>38%</td>
</tr>
<tr>
<td>15 sq.m. to 20 sq.m.</td>
<td>11%</td>
</tr>
<tr>
<td>20 sq.m. and above</td>
<td>9%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Commercial Establishments</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 10 sq.m.</td>
<td>31%</td>
</tr>
<tr>
<td>Between 10 and 15 sq.m.</td>
<td>19%</td>
</tr>
<tr>
<td>More than 15 sq.m.</td>
<td>50%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental ( % of PAHs having environmental services)</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>19. Water Supply</td>
<td></td>
</tr>
<tr>
<td>Individual Tap</td>
<td>Less than 1%</td>
</tr>
<tr>
<td>Public stand posts</td>
<td>93%</td>
</tr>
<tr>
<td>20. Toilets</td>
<td></td>
</tr>
<tr>
<td>Individual</td>
<td>Less than 1%</td>
</tr>
<tr>
<td>Public</td>
<td>71%</td>
</tr>
</tbody>
</table>
### Solid Waste Collection

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Regular</td>
<td>6%</td>
</tr>
<tr>
<td>Occasional</td>
<td>55%</td>
</tr>
<tr>
<td>Not available</td>
<td>32%</td>
</tr>
</tbody>
</table>

13. Out of the 16285 PAHs 120 PAHs are legal tenants or resident owners at Vidyavihar on the Kurla –Thane Rail line. However, only 82 households are currently living there. Others realizing the imminent displacement have sought alternate accommodation on their own. Since the socio-economic characteristics of these resident tenants/owners are likely to be distinctly different from those of the squatters they are presented below. However on account of higher degree of non-response only the key and reliable data are presented in Table 3.

**Table 3: SOCIO-ECONOMIC CHARACTERISTICS OF LEGAL TENANTS**

<table>
<thead>
<tr>
<th>DEMOGRAPHIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Average number of persons per household</td>
</tr>
<tr>
<td>2. Sex Ratio females per 1000 males</td>
</tr>
<tr>
<td>3. Age distribution</td>
</tr>
<tr>
<td>Percent below the age of 14 years</td>
</tr>
<tr>
<td>Percent between 15-59 years</td>
</tr>
<tr>
<td>4. Percent married</td>
</tr>
<tr>
<td>Female above the age of 18</td>
</tr>
<tr>
<td>Male above the age of 21</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SOCIAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Religion</td>
</tr>
<tr>
<td>Hindu</td>
</tr>
<tr>
<td>Muslim</td>
</tr>
<tr>
<td>Buddhists (0%), Christians (1%) and Others</td>
</tr>
<tr>
<td>6. Castes</td>
</tr>
<tr>
<td>Other Backward Classes</td>
</tr>
<tr>
<td>Upper Castes and Others (including non-respondents)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LANGUAGE – Mother Tongue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marathi</td>
</tr>
<tr>
<td>Hindi</td>
</tr>
<tr>
<td>Telugu</td>
</tr>
<tr>
<td>Others (GUJRATI)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ECONOMIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Occupational Structure</td>
</tr>
<tr>
<td>Government service</td>
</tr>
<tr>
<td>Private service</td>
</tr>
<tr>
<td>Self employed</td>
</tr>
<tr>
<td>Casual labor</td>
</tr>
</tbody>
</table>
**HOUSING: MATERIALS AND AREA**

<table>
<thead>
<tr>
<th>10. Residential (% of resident households)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 10 sq.m.</td>
<td>4%</td>
</tr>
<tr>
<td>10 sq.m. to 15 sq.m.</td>
<td>6%</td>
</tr>
<tr>
<td>15 sq.m. to 20 sq.m.</td>
<td>2%</td>
</tr>
<tr>
<td>20 sq.m. and above</td>
<td>88%</td>
</tr>
<tr>
<td>More than 15 sq.m.</td>
<td>100%</td>
</tr>
</tbody>
</table>

14. Apart from understanding the socioeconomic characteristics of the PAHs, the baseline surveys have helped building a comprehensive database that has been shared with the communities and the PMU for verification. This database forms the basis for deciding the entitlement of various PAHs during the preparation of site-specific RIPs. The surveys being participatory in nature have also identified and consolidated the community-based organizations. This helps in formation of cooperatives for transfer of tenure to the PAHs in the resettlement phase. The surveys have also identified vulnerable households such as women headed households or households having physically handicapped members.

**Objectives of RAP**

15. The general experience in the past has been that relocation on account of projects is a traumatic experience for the PAHs with serious social impacts. It is therefore considered necessary to pay adequate attention to resettlement of PAHs as an integral part of project formulation and implementation. The main objectives of the formulation of MUTP with reference to the PAHs are:

- To prevent or at least mitigate the adverse impact associated with implementation of MUTP;
- To deliver the entitlements of PAHs for payment of compensation and support for reestablishing their livelihood; and
- To implement an action plan for delivering compensation and assistance in accordance with the R&R policy adopted for the project.
- To maximize the involvement of PAH and civil society in all stages of resettlement and rehabilitation; and
- To ensure that the standard of living of PAHs is improved or at least restored by way of better shelter and access to services, training and facilitating community action.

**Current Status of R&R Implementation**

16. Following the policy and the process described in this RAP, out of the total PAH of 14479 affected by Railway component, 10933 have been resettled. Out of these 6901 have been resettled in transit accommodation whereas 4032 have been accommodated in permanent dwelling units. Expenditure of the order of Rs. 660 million (US$ 14 million) has been incurred. The PMU is fully staffed and the Independent Monitoring Panel (IMP) has commenced the monitoring of R&R implementation to ensure that the process of implementation is in accordance with the policy provisions.
Chapter II

THE PROCESS AND METHODOLOGY

17. Considering the unprecedented scale of the R&R involved in MUTP, GOM and MMRDA decided to adopt a participatory and consensus building approach ranging from formulation of policy, preparation of RIP and emergency resettlement. As a result of this a working partnership has been established between GOM/MMRDA, MRVC, NGOs and the affected communities.

Task Force for Policy Formulation

18. The process of formulation R&R component of MUTP began in 1995 when GOM appointed a Task Force under the chairmanship of Mr. D.M. Sukthankar former Chief Secretary to GOM to formulate the R & R policy. The Task Force comprised government officials, representatives of project implementation agencies including IR, representatives of NGOs, practicing lawyers and architects and a representative of housing finance institution. The Task Force considered the Operations Directive 4.30 in respect of Involuntary Resettlement of the World Bank, the broad characteristics of the PAHs, the legal framework of under which the R & R has to be organized and other related policies of the government particularly in respect of housing and slum redevelopment. The Task Force also carried out initial identification of lands that can be used for resettlement. The Report of the Task Force was discussed with the World Bank missions. Later with the approval of the State Cabinet the R & R Policy for MUTP was promulgated as a Government Resolution in March 1997. This has been further amended in December 2000 to be in compliance with the OD 4.30 of the World Bank.

The Baseline Surveys

19. The importance of carrying out baseline socio economic survey of affected communities was recognized during the deliberations of the Task Force and three reputed NGOs viz. SIDDHI, SRS and SPARC were engaged for carrying out the BSES for all the sub projects identified then. The purpose of carrying out the BSES was,

- To create a comprehensive database that is endorsed by the community and available to MMRDA, NGO and the community.
- To organize the communities by identifying the local leadership, promoting women’s network and establishing participatory framework for the agencies to plan resettlement.
- To create the database and community network to decide the entitlements and ensure preparation of RIP’s according to the accepted policy.

20. The assessment of the overall social impact of the project has been undertaken in the planning stage itself, through the Baseline Socio-Economic Surveys conducted in some of the project components and preliminary data collected in the remaining cases. These also provided inputs to help explore other possible alternatives to minimize the adverse social impacts. In case of ROB at Jogeshwari the initial alignment went through an established industrial estate. After the BSES the alignment was revised to avoid the industrial estate with a view to minimize the resettlement. Similarly, the alignment of the
Vikroli ROB was modified to reduce the number of affected shops from 173 to 20. However, the scope for changing alignments or shifting the sites is limited particularly in case of railway projects.

21. The RAP essentially describes the policy and institutional framework for carrying out the R&R. For every sub project, site specific detailed RIP and CEMP will be prepared. The contents of RIP and CEMP are described below;

**Preparation of RIP and CEMP**

22. The BSES is followed by preparation of site-specific resettlement implementation plans (RIP) including the community environmental management plan (CEMP). The preparation of RIP includes;

- Updating the BSES if required.
- Selection of sites for resettlement
- Developing designs for dwelling units and site layout in case of Option A and preparing the community to accept suitably available dwelling units under Option B
- Formation of cooperative societies of PAHs to accept the tenure of land and building and manage them
- Assessing the existing environmental conditions
- Assessing the environmental conditions and availability of infrastructure at the resettlement site.
- Preparing a community environmental management plan and train the PAHs through formation of committees to maintain the community environment.
- Deciding the compensation for the economic losses according to the policy.
- Impact on host community, where relevant, including consultation with the host community. (Due to uncertainty of resettlement sites, particularly under Option B, it is not possible to cover impacts on host community in this RAP. It will be covered in the sub-project specific RIP)

23. All the above activities are carried out with active participation of the community. It has also been decided to engage SRS and SPARC for providing implementation support for the entire road project. The outline of RIP/CEMP is given in further details in Annex 2.

24. Consultants' team comprising planners, architects, social workers, environmental engineers and NGOs involved in BSES viz. SRS and SPARC have prepared draft RIPS Consultants' reports are available for four sub projects viz. Jogeshwari Vikroli Link Road, two ROBs at Jogeshwari and Kurla Thane 5th and 6th lines. Preparation and updating of RIPS based on these reports is in progress and scheduled for completion by end of March 2002

**Selection of SPARC**

25. Professionals other than the NGOs acted as the lead consultants in the above exercise. However, the experience indicated that the extent of community participation and involvement was not of the desired order. But at the same time it was realized that there are very few NGOs actively engaged in the shelter related activities. SPARC is
outstanding amongst them with nearly 15 years' experience of working with the squatter communities along the railway tracks. SPARC has used innovative institutional mechanism to establish long-standing relationship with the communities at the grass roots. SPARC has collaborated with National Slum Dwellers Federation (NSDF) that is a network of grass root community organizations that develops skills of managing community affairs at the local level. SPARC has promoted Mahila Milan (women's collaborative) that organizes women in the community to accept leadership in community affairs and also manage community level savings and loan fund. SPARC also has associated professionals like architects and engineers.

26. IR engaged SPARC 1996-97 for an enumeration of squatters on the railway land. SPARC carried out a cadastral type physical survey and created a sound database. As a sequel to this survey SPARC has successfully resettled 900 PAHs affected by the 5th line between Kurla and Thane in transit quarters at Kanjur marg. In February/March 2000, SPARC effectively mediated between the communities and the government agencies in resettling 2000 PAHs in permanent or transit accommodation, when their relocation on an emergency basis became necessary on account of a Public Interest Litigation seeking action for safe passage of trains along the Harbour Line. On satisfactory resettlement the courts have concluded the case by appreciating the work of resettlement. SPARC has thus demonstrated their capacity to work with the affected communities through the entire process of resettlement.

27. Considering the above and the fact that RIPs have now to be prepared essentially for railway projects, it has been decided to obtain the services of SPARC for BSES, preparation of RIPs and their implementation for all the remaining sub-projects. The entire process will thus be based on partnership between the PAHs, NGO and the government agencies based on mutual trust.

Implementation Support

28. Apart from carrying out BSES and preparing Rip the NGOs will provide “Implementation Support” covering the three phases of – prior to the move, during the moving and after the relocation. Activities in each of these phases are illustrated below;

- **Prior to the Move**: Preparation of legal documentation, allotment of dwelling units to individual PAH, public announcement regarding the proposed resettlement, periodic visit to the resettlement site to ensure that the resettlement site and buildings are developed to enable efficient move. Preparatory works for transfer of ration cards under the public distribution system of food grains, transferring bank accounts, ensuring postal services, BEST bus services if required, and updating of electoral rolls.

- **During the Relocation**: Help communities to demolish and salvage the useful material at the existing site, hand over the vacant possession to the PIA, transport the belongings to the resettlement site and organize a reception at the resettlement site including the rituals as desired by the community.

- **After the Resettlement**: Help the communities to register the cooperative societies, training the community to manage the cooperative society’s affairs, provide support for employment and deliver compensation according the RIP.
Disclosure and Consultation

29. MMRDA has established two Public Information Centers, one at the MMRDA office and the other at Mankhurd, a project site. Documents and information related to MUTP Project summaries, EA reports, R&R Policy and Resettlement Action Plan RIP and CEMPs, etc are made available at these PICs. Marathi and Hindi versions of executive summaries of reports on Consolidated Environmental Assessment and Resettlement Action Plans are also kept at the PICs. Written comments or suggestions will also be received at the PICs. The executive summaries of all the relevant reports are also available on the MMRDA’s website www.mmrdamumbai.org The PICs will receive grievances from public, in respect of implementation of RIPs and EMPs from the concerned citizens. These will be referred to the concerned PIA and reports will be obtained and kept at the PICs on the corrective actions taken.

30. The draft RAP was widely circulated amongst the members of the IMP, PIAs and the NGOs. NGOs in turn have explained the main provisions of the R&R Policy including the entitlements to the PAH at the time of conducting the BSES and formulating the RIP. A public consultation workshop with PAHs was also organized with the assistance of SPARC at Mankhurd to discuss the RAP and the environmental impacts of the project. The PAHs have generally endorsed it with the only demand for expediting the rehabilitation. Comments and suggestions of other agencies have been suitably incorporated in the RAP. The details of consultative process and the community participation are given in paragraph 57.
Chapter III

RESettlement Policy and Provisions

Significance of R & R

31. For variety of reasons the supply of housing in Mumbai has not kept pace with the population growth. Consequently over 50 percent of Mumbai’s population has sought shelter in squatter settlements. A large number of these settlements are located along railway tracks, on public land and lands that are designated for roads or road widening in the "Master Plan". No transport project can therefore be implemented without confronting the problem of PAHs. The magnitude of the problem has reached such proportions that the GOM has recognized that forced "eviction" can no longer be a solution. Following the recommendation of the Task Force appointed for proposing an appropriate policy on the subject, GOM adopted a policy for R & R in 1997, which has been further amended in 2000 and is given in Annex 1. The principal provisions of this policy are highlighted below;

Objectives

32. The objectives of resettlement and rehabilitation policy adopted by GOM are;

- To minimize the resettlement by exploring all viable alternative project designs,
- 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 prior to the actual move,
- To accord formal housing rights to the PAHs at the resettlement site. Such rights shall be in the form of leasehold rights of the land to the co-operative society of the PAHs and occupancy rights of built floor space to the members of the society,
- To develop and implement the details of the resettlement program through active community participation by establishing links with the community based organizations; and
- 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.
- To improve environmental health and hygiene of the PAHs at the site of resettlement and to educate, motivate and organise the community to manage its environment at the resettlement location.
Legal framework

33. The R & R Policy, the Rehabilitation Action Plan (RAP) and the site specific Rehabilitation Implementation Plan (RIP) are developed and executed under the following legal framework:

- **Land Acquisition Act 1894 (LA Act):** This act provides for compulsory acquisition of land for public purposes by paying compensation at the market rate with 30% solatium for the compulsory nature of acquisition and interest at 12 percent per annum from the date of notification help ensure that the compensation is equivalent to the replacement cost of the asset.

- **Maharashtra Regional and Town Planning Act, 1966 (MR&TP Act):** The Act provides for preparation of Development Plans (Master Plans). These plans designate land required for public purposes, which can then be acquired in conjunction with the provisions of Land Acquisition Act. The act also provides a statutory framework for formulation and enforcement of Development Control Regulations.

- **Development Control Regulations for Greater Mumbai 1991 (DCRs):** These regulations prepared under the MR & TP Act offer an alternative to acquisition under LA Act by way of Transfer of Development Rights (TDR). The permissible Floor Space Index (FSI) defines the development rights of every parcel of land in Mumbai. If a particular parcel of land is designated for a public purpose the landowner has an option of accepting monetary compensation under the LA Act 1894 or accept Transferable Development Rights (equivalent to the plot area times the permissible FSI), which can be sold in the market for use elsewhere in Mumbai.

- **The DC Regulations have been amended to provide incentives for rehabilitation (including resettlement of slum dwellers) in 1997. For landowners prepared to provide 225 sq.ft. dwelling units free of cost to slum dwellers, the incentive is in the form of right to build and sell floor space equivalent to that required for slum rehabilitation subject to the maximum in-situ utilization of FSI of 2.5. The remainder of the total development rights can be used as TDR. In case of land designated for resettlement of slum dwellers affected by infrastructure projects, the land owner has an option of offering dwelling units to the project implementing agency free of cost and getting the benefit of maximum of TDR equivalent to floor area calculated at FSI of 3.5 (1 for land and 2.5 for the built-up area).**

- **The DC Regulations also set out the standards for building design and construction, provision of services like water supply, sewerage, site drainage, access roads, elevators, fire fighting etc. Buildings procured for R & R have to conform to these DC Regulations.**

- **The Maharashtra Co-operative Societies Act 1960:** This act provides for establishing, registering and administering the co-operative societies. Housing co-operative is a special form of co-operative society, where the land and building is owned by the co-operative and its members have occupancy rights of apartment occupied by them. Sale and purchase of such units can take place only with the consent of the society. This is a common form of tenure in Mumbai’s apartment buildings and is widely understood.
34. The Land Acquisition Act, 1894 provides the basic legal framework for compulsory acquisition of land for the public purpose. The Act provides for compensation at the market rate prevailing at the time of notification for acquisition, interest at the rate of 12 % p.a. from the date of such notification till the taking over of possession of land and solatium of 30 % of the compensation. However, the procedure turns out to be time consuming and prone to litigation as the compensation is perceived to be lower than the real market value. This is mainly because value on account of the future potential is not reckoned in determining the compensation. Further, the tenants are not entitled to any compensation, which is a major problem in urban areas.

35. The concept of Transfer of Development Rights in lieu of monetary compensation introduced in the DC Regulations, 1991 and also provided for in the MR&TP Act 1966 is, however, more market oriented. In this case the landowner whose land is designated for public purpose (including R & R) in the Development Plan can surrender the ownership of land to the public authority without losing the development rights (measured in terms of FSI). The landowner can use these rights elsewhere or can sell them in the market. The experience shows that obtaining land, particularly for R & R, under TDR is expeditious as compared to acquisition under the LA Act.

**Applicability of the Policy**

36. The R & R policy is applicable to all the sub-projects described in the Borrower's Project Implementation Plan (BPIP) for the MUTP irrespective of proportion of Bank funding. RIP and CEMP will be prepared for each subproject involving resettlement of PAHs in accordance with this policy

**Definition of Project Affected Persons (PAH)**

37. Project Affected Household includes households, business units including their workers and owners of assets like land and buildings affected by MUTP 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.

**Eligibility of project affected persons (PAHs) for R&R**

38. All legitimate occupants of land and buildings affected by MUTP up to the time of actual resettlement will be eligible for the benefit of R & R Policy. However, PAHs who are squatters and not the legitimate occupants of land or buildings shall be eligible for R&R only if enumerated during the baseline survey. The date of completion of baseline survey is the cut-off date for the purpose. Any new structures or additions to existing structures carried out after the cut-off date and their occupants are not eligible for R & R. The significance of the cut-off date has been explained to the communities. The cut-off dates based on the BSES for various sub-projects are given in Table 4.
Table 4: CUT-OFF DATES FOR ELIGIBILITY OF PAHs

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Sub-project Description</th>
<th>Total PAH</th>
<th>Cut-off Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Roads and Traffic Component</td>
<td>4749</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>ROB at Jogeshwari - South</td>
<td>901</td>
<td>January 1997</td>
</tr>
<tr>
<td>2</td>
<td>ROB at Jogeshwari - North</td>
<td>514</td>
<td>January 1997</td>
</tr>
<tr>
<td>3</td>
<td>ROB at Vikroli</td>
<td>173</td>
<td>December 1997</td>
</tr>
<tr>
<td>4</td>
<td>Jogeshwari-Vikroli Link Road Phase 1</td>
<td>890</td>
<td>December 1997</td>
</tr>
<tr>
<td>5</td>
<td>Jogeshwari-Vikroli Link Road Phase 2</td>
<td>2171*</td>
<td>BSES to be carried out</td>
</tr>
<tr>
<td>6</td>
<td>Station Area Traffic Improvement Schemes</td>
<td>100*</td>
<td>BSES to be carried out after the feasibility is completed.</td>
</tr>
<tr>
<td></td>
<td>Rail Component</td>
<td>14479</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>5th Line between Mahim and Borivali</td>
<td>515</td>
<td>December 1997</td>
</tr>
<tr>
<td>2</td>
<td>5th and 6th Lines between Kurla and Thane</td>
<td>2131</td>
<td>October 1997</td>
</tr>
<tr>
<td>3</td>
<td>Borivali-Bhayendar -Virar additional pair of lines</td>
<td>501</td>
<td>December 1997</td>
</tr>
<tr>
<td>4</td>
<td>Optimization on Western Railway</td>
<td>622</td>
<td>September 2001</td>
</tr>
<tr>
<td>5</td>
<td>Optimization on Central Railway</td>
<td>2879</td>
<td>October 2001</td>
</tr>
<tr>
<td>6</td>
<td>Optimization on Harbour Line</td>
<td>7831</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Mankhurd - Kurla</td>
<td></td>
<td>August 2000</td>
</tr>
<tr>
<td></td>
<td>- Chunabhatti- Guru Tejbahadur Nagar</td>
<td></td>
<td>September 2000</td>
</tr>
<tr>
<td></td>
<td>- GTB - Seweree</td>
<td></td>
<td>February 2001</td>
</tr>
<tr>
<td></td>
<td>- King Circle - Mahim</td>
<td></td>
<td>March 2001</td>
</tr>
<tr>
<td></td>
<td>Total PAH</td>
<td>19228</td>
<td></td>
</tr>
</tbody>
</table>

Note: * Subject to completion of feasibility studies in progress.

Rehabilitation Entitlements

39. Shelter Related Entitlement

Every eligible household losing a dwelling place shall be allotted an alternate site for dwelling. Similarly every PAH losing a commercial structure shall be eligible to get an alternate place for commercial use, of equivalent area subject to certain conditions.

40. As envisaged in the R & R Policy there are two basic options for the shelter entitlement –
   - Township option: This will be in the form of a sites and services on a greenfield site. A fully developed plot of 25 sq. meters shall be allotted one year
in advance of the target date of relocation along with the cost of the lost structure. The agency can use some land for high income housing of non-PAHs and for commercial activities. The agency can sell plots for commercial activities and high-income housing at market price to recover the project cost.

- Tenements under Slum Redevelopment (SRD)/ Public Housing (PH)/ Housing the Dishoused (HD): A tenement of 20.91 sq.m. carpet area.

41. The following amenities shall be provided along with the site/dwelling unit:
   - For township/sites and services option: Water supply at 90 lpcd, 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.
   - For Tenement option: The standards of off-site amenities will be according to the Development Plan. The on-site amenities like the recreational open space; Balwadis (kindergarten), water supply, sanitation, pathways and access streets etc. shall be provided according to the standards prescribed in DCRs. Some of the standards prescribed by the DCRs at present are; recreational open space @ 15% of the plot area, water supply @ 135 liters per capita per day, one balwadi of 20.9 sq.m. for every 100 dwelling units and minimum width of pathway to be 1.5 m.

**Compensation under the Land Acquisition Act**

42. In addition to the shelter entitlement compensation will also be payable to the legal owners under the Land Acquisition Act. The compensation is paid at the market price of the land and building at the time of acquisition along with a solatium of 30% for the involuntary transfer of the property. Market price of land is determined on the basis of registered sales for similar land in the vicinity. If the landowner is also a resident of the affected land and building he is entitled in addition to the legal compensation to dwelling unit of 20.9 sq.m or cash compensation equivalent to cost of construction of such a dwelling unit. Thus, the additional dwelling unit or cash supplement will top-up any shortcoming in the compensation to enable the affected person to replace the lost assets. The legal tenants are entitled to shifting charges.

**Compensation for economic losses**

43. Every effort shall be made to relocate the affected households to sites close to their existing locations to avoid cutting access to existing employment and income earning sources. However, the availability of land being the major constraint in the city, it may not always be possible to achieve this objective. In such cases the affected households will be eligible for the following benefits:

- Lump sum compensation equivalent to one year's income to workers/employees/entrepreneurs who permanently lose their source of livelihood because of displacement.
- A lump sum compensation where the relocation of workers/employees results in an increase in travel distance in excess of 1 km.
• 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. For example the handicapped and the aged will be provided dwelling units at the ground floor of a multi-storeyed building and the community may be motivated to bear the maintenance expenses of the poor and the destitute.

• A community-operated fund linked with community saving program will be created to provide seed capital and other loans. The fund could be controlled and monitored by the community with the assistance of Non-Governmental Organizations (NGO).

RIPs will spell out these benefits in more details as also the manner in which they will be delivered.

Access to training, employment, and credit

44. There are a number of training programs offered by government for skill upgrading for promoting self-employment. Similarly there are government programs of extending financial assistance to the poor for self-employment. During the preparation of site specific RIP; the communities will be informed of such programs. In addition, local savings and loan associations will also be promoted through NGOs.
Chapter IV

LAND ACQUISITION

Land required for the Project

45. Part of the land required for the project is already in possession of the PIAs. The additional land required to be compulsorily acquired for implementation of various sub-projects is given in Table 5

Table 5: LAND ACQUISITION

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Sub-project</th>
<th>Private land to be acquired</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ROB at Jogeshwari - South</td>
<td>24.27</td>
</tr>
<tr>
<td>2</td>
<td>ROB at Jogeshwari - North</td>
<td>20.11</td>
</tr>
<tr>
<td>3</td>
<td>ROB at Vikroli</td>
<td>3.06</td>
</tr>
<tr>
<td>4</td>
<td>Jogeshwari-Vikroli Link Road</td>
<td>nil</td>
</tr>
<tr>
<td>5</td>
<td>Santacruz-Chembur Link Road</td>
<td>already with PIA</td>
</tr>
<tr>
<td>6</td>
<td>Station Area Traffic Improvement Schemes</td>
<td>Nil</td>
</tr>
<tr>
<td>Rail Component</td>
<td>34.80</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>5th Line between Mahim and Borivali</td>
<td>nil</td>
</tr>
<tr>
<td>2</td>
<td>5th and 6th Lines between Kurla and Thane</td>
<td>0.74</td>
</tr>
<tr>
<td>3</td>
<td>Borivali-Bhayendar-Virar additional pair of lines</td>
<td>34.06*</td>
</tr>
<tr>
<td>4</td>
<td>Optimization on Western Railway</td>
<td>Nil</td>
</tr>
<tr>
<td>5</td>
<td>Optimization on Central Railway</td>
<td>Nil</td>
</tr>
<tr>
<td>6</td>
<td>Optimization on Harbour Line</td>
<td>Nil</td>
</tr>
<tr>
<td>Total</td>
<td>59.07</td>
<td></td>
</tr>
</tbody>
</table>

Note: * Includes 29.5 ha. for Virar Car Shed, Virar Yard (0.194 ha.) and other areas required for rail tracks and station improvements.

The land required for the optimization projects under the Rail Component is the safety margin of 10 m from the central line of the outer most tracks on either side, which is currently occupied by the squatters. The land is already owned by Railways and therefore is not required to be acquired.

The private land required to be compulsorily acquired for the road component is mainly required for the ROB at Jogeshwari South. In case of other projects like JVLR the land is already in possession of PIAs.

46. The PAHs are however not confined to the land now required to be acquired but are also located on land already in possession of PIAs. In case of rail projects PAHs are largely located on land already owned by the IR. However in case of Non Rail Component a substantial proportion of PAHs is located on private land to be acquired for
the project. Thus there is no direct correspondence between the land proposed to be acquired and the number of PAHs.

**Status of Acquisition of Private Land**

47. The private land can be acquired under the LA Act 1894 or can be acquired by offering TDR under the MR&TP Act 1966 and the DCRs. The present status of land acquisition along with the number of landowners involved is described in Table 6.

Table 6: STATUS OF LAND ACQUISITION

<table>
<thead>
<tr>
<th>ST. No</th>
<th>Sub-project/ Improve schemes</th>
<th>Private Land to be acquired</th>
<th>Landowners</th>
<th>Agency Responsible</th>
<th>Present Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ROB at Jogeshwari - South</td>
<td>24.27</td>
<td>24</td>
<td>BMC</td>
<td>In Progress</td>
</tr>
<tr>
<td>2</td>
<td>ROB at Jogeshwari – North – Western Approach</td>
<td>20.11</td>
<td>8</td>
<td>MMRDA</td>
<td>In Progress</td>
</tr>
<tr>
<td>3</td>
<td>ROB at Jogeshwari – North – Eastern Approach</td>
<td>1.26</td>
<td>4</td>
<td>BMC</td>
<td>In Progress</td>
</tr>
<tr>
<td>4</td>
<td>ROB at Vikroli</td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Jogeshwari-Vikroli Link Road</td>
<td>alreaday with PIA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Station Area Traffic Improvement Schemes</td>
<td>1.10</td>
<td>5</td>
<td>PWD</td>
<td>Award Stage</td>
</tr>
<tr>
<td></td>
<td>Rail Component</td>
<td>34.80</td>
<td>68</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>5th Line between Mahim and Borivali</td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>5th and 6th Lines between Kurla and Thane</td>
<td>0.74</td>
<td>45</td>
<td>IR</td>
<td>In various stages</td>
</tr>
<tr>
<td>3</td>
<td>Borivali-Bhayendar-Virar additional pair of lines</td>
<td>34.06</td>
<td>23</td>
<td>IR</td>
<td>In various stages</td>
</tr>
<tr>
<td>4</td>
<td>Optimization on Western Railway</td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Optimization on Central Railway</td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Optimization on Harbour Line</td>
<td>Nil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>59.07</td>
<td>109</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Land Requirement for Resettlement**

48. In addition land has to be obtained for resettlement of PAHs. The manner in which it is to be obtained depends upon the relative share of dwelling units to be procured under Options A, B and C as described in paragraph 60. The present assessment of land required is given in Table 7.
Table 7: LAND REQUIREMENT FOR RESETTLEMENT

<table>
<thead>
<tr>
<th>Sr.No</th>
<th>Option</th>
<th>NO.of PAH</th>
<th>Density PAH/ha</th>
<th>Area required in Ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A</td>
<td>4000</td>
<td>600</td>
<td>6.66</td>
</tr>
<tr>
<td>2</td>
<td>B</td>
<td>12000</td>
<td>600</td>
<td>13.33</td>
</tr>
<tr>
<td>3</td>
<td>C</td>
<td>4000</td>
<td>600</td>
<td>6.66</td>
</tr>
<tr>
<td>4</td>
<td>Transit Quarters</td>
<td>6100</td>
<td>400</td>
<td>15.20</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>26285</td>
<td></td>
<td>41.85</td>
</tr>
</tbody>
</table>
Chapter V

RESETTLEMENT ACTION PLAN

Organizational responsibilities

49. A High Power Steering Committee has been constituted under the chairmanship of the Chief Secretary to Government of Maharashtra to oversee the progress of MUTP and provide necessary policy back up. The Committee consists of representatives of concerned departments of GOM, MRVC, IR, MMRDA, BMC, BEST, TMC, Planning Commission of GOI and the Department of Economic Affairs (Ministry of Finance, GOI). The Project Director is the Member Secretary of the Committee. This Committee is to provide policy guidance and resolve issues involving IR, GOI and GOM. The Committee will also take cognizance of the recommendations of the IMP and suitably direct the PMU and project implementing agencies.

50. A Project Coordination Committee has been created under the Chairmanship of Principal Secretary Urban Development Department, GOM and consists of representatives from MMRDA, MRVC, BMC, PWD, SRA, Police, representatives of NGO’s and eminent persons of civil society. Project Director - MUTP is the Member-Secretary of this Committee. The mandate of this Committee is to supervise timely implementation of MUTP including inter-agency coordination, ensuring adequate budgetary provisions and timely disbursement of funds.

51. An Independent Monitoring Panel (IMP) would be established at the start of the project, comprising eminent citizens from the city of Mumbai having expertise in the fields of public administration, law, journalism, social development and environmental planning. The members of the IMP are:

   - Mr. Sharad Upasani, Former Chief Secretary to Government of Maharashtra,
   - Prof. Soli Arceiwala, An eminent Environmental Engineer,
   - Mr. Madhav Gadkari, former editor of a leading Marathi newspaper, and
   - Mr. Rafique Dada, a leading advocate.

The main responsibility of the IMP would be to ensure the compliance of accepted policies and monitoring implementation. The IMP would operate and interact at the level of the High Power Steering Committee and the Project Coordination Committee. The Terms of Reference of IMP are given in Annex 3.

52. Implementation of the Rail component of the project is being carried out by the Mumbai Railway Vikas Corporation (MRVC), a new company created with 51% equity participation of IR and 49% of GOM. BMC, MSRDC, BEST and Traffic Police will act as the Project Implementing Agencies (PIAs) depending upon the nature of the project nature of the sub-project.

53. A Project Management Unit (PMU), headed by a Project Director, has been created in MMRDA for planning and implementing R & R component on behalf of all
implementing agencies. This institutional arrangement has been chosen on account of the following factors:

- The scale of R&R is unprecedented.
- Individual PIAs do not have experience of R&R on this scale.
- There is a need to ensure consistent application of the policy and procedures across all sub projects.
- Interaction with the IMP will be facilitated with a single agency; and
- Being sensitive matter policy level directives can best be obtained by a single agency.

54. The PMU is also responsible for overall coordination with all the implementing agencies and monitoring the progress of the project. The Project Director, PMU reports to the Metropolitan Commissioner, MMRDA. MMRDA being a statutory body does not depend upon the GOM for day-to-day functions. Procurement and financial powers vest in the Executive Committee of the MMRDA. These in turn have been delegated to the Metropolitan Commissioner and the Project Director for MUTP. A team of two Project Managers assists the Project Director and six Joint Project Directors specialized in the areas of Procurement, Finance, Land Acquisition and Social Development, Environment, Legal Affairs and External Relations. These officers are responsible for planning and execution of the R&R activities and coordination of transport project. All the officers are in position and have begun functioning with necessary support staff and office equipment.

- The Project Director has the overall responsibility of implementation of R & R component and coordination of transport projects. He will also act as the Director (R & R) on the Board of Directors of MRVC.
- Project Manager, R&R is responsible for coordinating the activities of Joint Project Directors for R&R.
- Project Manager, Transport is responsible for the preparation of Non Rail component, including technical assistance and coordination of implementation of sub-projects.
- Joint Project Director (Procurement) is responsible for procurement including preparing bid documents for works and requests for proposal for consulting services, evaluation of bids and consultants' proposals, obtaining World Bank approvals where required and award of works. He will also be responsible for coordinating the work of Project Management Consultants.
- Joint Project Director (Finance) is responsible maintaining project account, preparing loan disbursement applications, forecasting expenditure, preparing budgets and providing inputs to Project monitoring Reports (PMR).
- Joint Project Director (Land Acquisition and Social Development) is responsible for identifying land for resettlement, obtaining land through appropriate legal procedure, coordinating the work of SPARC related to planning and implementation of resettlement particularly in respect of compensating for economic losses and enabling access to training, credit and other related facilities through ongoing government programs.
- Joint Project Director (Environment) is responsible for the environmental planning of both the transport and R&R component. In respect of R&R he is particularly responsible for ensuring preparation and implementation of community environment management plan.
Joint Project Director (External Relations) will be responsible for managing Project Information Center(s), disseminating project information through appropriate media for the identified target audience, organizing public consultative meetings and press conferences and briefings.

For the legal aspects of the work services of the Legal Adviser of MMRDA are available.

The organization is represented in Chart 1 below.
55. In addition to the PMU deployment of external agencies will also be necessary for various tasks. The responsibility of PMU officers and the external assistance required is illustrated in Table 8.

Table 8: FUNCTIONAL RESPONSIBILITIES OF PMU OFFICIALS

<table>
<thead>
<tr>
<th>PMU Officer</th>
<th>Activity</th>
<th>External Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>JPD (Land &amp; Social Development) &amp; PM (R&amp;R)</td>
<td>Baseline surveys and Land Acquisition</td>
<td>SPARC, SRS, Land Acquisition Authorities.</td>
</tr>
<tr>
<td></td>
<td>Preparation of RIP including CEMP</td>
<td>SPARC, SRS along with other Architectural &amp; Engineering Consultants</td>
</tr>
<tr>
<td></td>
<td>Allotment of houses, formation of co-op societies.</td>
<td>SPARC &amp; SRS</td>
</tr>
<tr>
<td></td>
<td>Delivering other compensation package</td>
<td>SPARC &amp; SRS</td>
</tr>
<tr>
<td>JPD (Procurement)</td>
<td>Procurement of Resettlement Houses</td>
<td>Project Management and Supervision Consultants</td>
</tr>
<tr>
<td>JPD (Environment)</td>
<td>Preparing and monitoring CEMP</td>
<td>RIP Consultants and PIAs</td>
</tr>
<tr>
<td>PM (Transport)</td>
<td>Appointment / Review of consultancies, Coordination with PIAs</td>
<td>Consultants and PIAs</td>
</tr>
</tbody>
</table>

56. It is proposed to organize training programs for the staff of the PMU and the implementing agencies in managing social development projects particularly related to R&R. These will particularly include:
- Workshops on R&R Policy, RAP and RIP,
- Training programs on managing R & R at leading institutions,
- Training in use of software developed for R & R project planning and implementation, and
- Specially organized workshops at PMU.
- It is also proposed to have study tours to visit successful examples of R&R and learn from the real world experiences in India and abroad.

Community participation

57. The process of community participation has begun from the stage of conducting Baseline Socio-Economic Surveys as described below. It is carried through the preparation of Rehabilitation Implementation Plans (RIP) and the post rehabilitation support and services for each of the project component. The main techniques used for ensuring public participation and their expected outcomes are described below:
- Identification of reputed NGO's and Community Based Organizations (CBOs) working in the project areas.
- Engaging such NGOs and CBOs to carry out Baseline Socioeconomic surveys through the active participation of the community.
Where carried out, such a process has identified and strengthened the local community network and motivated it to actively participate in the process of planning for resettlement.

- Involving such NGOs/CBOs in preparation of RIP by involving the community in issues like resettlement options, alternative locations, site layouts, detailed design of the resettlement tenements.
  - This has helped reflect the community preferences in relocation site and shelter design.
  - This has and will ensure commitment of the community to the RIP.
- Formation of co-operative housing societies of the PAHs.
  - Formation of cooperative societies with community willingness is the key to management of the shelter and local environment.
- Formation of committees during preparation of CEMP and training the groups in maintenance and management of individual service.
  - This effort toward preparing the community to adapt to new life style in multi-storied buildings will be helpful in maintenance of the local environment and services.
- Training and assisting the communities in establishing community based savings and loan banks during the post resettlement phase.
- Such efforts through Mahila Milan may promote community savings, income earning activities and improved quality of life.

58. Some of the outcomes of the consultation process revealed the critical importance of reestablishing the access to public services such as ration shops that supply food under the Public Distribution System, transfer of names in the electoral rolls, admission to nearby municipal schools etc. Assistance was extended through the NGO in this regard where resettlement has taken place. At the design stage particularly where multi-storied buildings are involved the critical issue was whether the buildings should be walk-ups or with elevators. Wherever possible walk-ups have been preferred. However in such cases a preference mechanism was also worked out for allotting the dwelling units on the ground floor to the handicapped and the aged.

59. Some sections of the society however perceive R & R Policy as a way of rewarding illegal squatting at the cost of society at large and therefore strongly resent such a policy.

**Gender Focus**

60. Throughout the process of participation a gender focus has been consciously maintained. At the stage of carrying out the BSES itself group meeting of women were held to understand their problems and also to make them aware of the R&R Policy. As a preparatory activity prior to resettlement cooperative societies are being formed with adequate women representation. The committees on community environmental management too has specific women representation as they share a major responsibility in keeping the community clean. Mahila Milan actively supports women’s self-help activities through savings and loans fund that helps income earning capacities. The housing rights in the co-operative housing society will be accorded jointly to the spouses of the PAH.
61. Amongst the communities already resettled, it is observed that women head one-third of the community groups formed and half of the managing committee members are also women. Saving groups are formed of women and they have started lending for education, health and self-employment activities. The women in the community also manage the ration shops.

Data base management

62. In order to prepare site specific RIPS exhaustive data about the existing living conditions of the PAHs has been collected through baseline socio-economic surveys (BSES) conducted by SRS and SPARC. Structured questionnaires were employed by them to collect the data. Data are codified and computerized and is now available in MMRDA as the initial database. MMRDA has established procedures and protocols to analyze and generate various tables, search data about individual PAH, to update the data particularly in respect of resettlement and generally manage the database. Currently, details of 19118 PAHs are available in MMRDA database

Separate data files are created for each project. Files are organized according to use of the structures namely, residential and commercial. For the residential structures, common data about structure and household are stored in one file. Linked to that is data file containing socioeconomic details of the head of the family and all the members constituting the household. For commercial structures, one file covers physical details about the structure and data on the business activity, while associated file contains socioeconomic and travel information of every employee working there.

Standard database management and electronic spreadsheet software is employed for organizing the said data. Sorting and indexing of database according any field of interest is thus possible. Retrieval of data in variety of ways say, according to the name of project, locality, structure identification number and name of a person is thus ensured. Tabulation and analysis of the data have been carried out to understand the characteristics like education, employment, income, occupied area and travel of the PAHs. A capability exits within MMRDA to extend the said database and link it to the data on resettlement of PAHs, whenever received.

A suitable arrangement is under finalization with the NGOs to ensure periodic flow of data to MMRDA about the relocated families, both at the transit and permanent accommodation. The data on resettlement of PAHs would be linked to the BSES database. This extended database would ensure speedy redressing of any complaint that may be received during the resettlement process. For instance, status of any PAP at a given moment of time could be obtained to examine any instance of omission or commission in the accommodation allotment procedure. Similarly, tracing of information about a particular PAP or group of PAHs according to locality or any other characteristics would be possible.

Furthermore, tracking of resettlement status of PAHs both at individual level and community level would be done to observe and record the changes that have been brought about in their living conditions by the RAP. The results would also be disseminated through MMRDA web site.
Public Information Centers

63. PMU has established two Public Information Centers (PIC) - one at the PMU office and the other at Mankhurd - to provide all the relevant information about the MUTP, its R & R component and the Environmental Assessment. The establishment of PIC has been publicly announced in newspapers. The PIC provides information by way of display panels, brochures, leaflets, copies of RAP, R&R Policy and the Consolidated Environmental Assessment. Marathi and Hindi versions of the executive summaries of RAP and CEA are also kept at the PIC. RIPs will also be made available in the PIC. In addition PICs will also be set up in the other affected communities to be resettled to provide community specific information on the RIP. The concerned NGO will assist in operating such PICs.

Procurement of Dwelling Units, Land Tenure and Transfer

64. The dwelling units required for the resettlement of the PAHs are proposed to be procured in three different ways;

Option A:

- In this method, the land is obtained by PMU through TDR or from BMC. The dwelling units will be constructed by the PMU by following the procurement guidelines of the World Bank. The estimated cost of construction under this method is Rs. 250,000 per dwelling unit.
- In this option Project Management Consultants (PMC) will be appointed to prepare detailed designs, prepare, invite and help evaluate the bids, supervise the works on award and ensure quality and timely completion.

Details of land identified for Option A are given in Table 9.
Table 9: LAND IDENTIFIED FOR OPTION A

<table>
<thead>
<tr>
<th>Transport Project Location</th>
<th>PAH</th>
<th>Site Identified</th>
<th>Area in Hectares</th>
<th>Master Plan Reservation</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jogeshwari -V, from Link Road</td>
<td>590</td>
<td>Majas 190(Pt)</td>
<td>1.84 RG</td>
<td>Owner has converted to R &amp; R against TDR</td>
<td></td>
</tr>
<tr>
<td>ROB at Jogeshwari - South</td>
<td>901</td>
<td>Majas (Ajgaonkar Compound)</td>
<td>0.50 RG &amp; other Reservations converted to R &amp; R</td>
<td>MCGM to hand over the land for R &amp; R</td>
<td></td>
</tr>
<tr>
<td>ROB at Jogeshwari - North</td>
<td>514</td>
<td>Goregaon 223 (pt) 257 (pt)</td>
<td>0.26 PG &amp; 0.32 NSE and Nirlon to offer against TDR</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kurla-Thane additional pair of lines</td>
<td>900</td>
<td>Kanjur / Hariyali</td>
<td>2.28 Dist. Center Zone conversion to R &amp; R to be approved by GOM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kurla-Thane additional pair of lines</td>
<td>120</td>
<td>Ghatkopar Survey No. 236/1/1A</td>
<td>0.25 Govt. land to be transferred to MMRDA</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,325</strong></td>
<td><strong>3.11</strong></td>
<td><strong>3.325</strong></td>
<td><strong>3.11</strong></td>
<td></td>
</tr>
</tbody>
</table>

The reservations of PG and RG denote Play Ground and Recreation Ground respectively. These and such other reservations for public purpose made in the sanctioned Development Plan can be modified by following the procedure laid down in the MR & TP Act 1966 which involves public notification of intended modification and hearing of suggestion and objections received before final decision by Government.

120 PAHs indicated in the last row of the above table are not the squatters, but resident landowners and their legal tenants. A separate scheme of their resettlement is therefore proposed on the land suggested by the community. Compulsory acquisition of private land usually suffers from high degree of uncertainty. However in the present case the private landowners have expressed their willingness to surrender the land against the TDR. This has considerably reduced the risk of delays.

Option B:

- The land and dwelling units are procured under this method by inviting competitive bids from the developers against the TDR benefits that would accrue to the developers for the construction area as well. The price per dwelling unit quoted by the developers is likely to vary depending upon the market price of the TDR. The lowest evaluated bidder would qualify.
- Bids have been invited, evaluated and are ready for award for procurement of 12000 dwelling units under this option. The details are given Table 10.
Table 10: LAND AVAILABLE FOR OPTION B

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>Bidder</th>
<th>Location</th>
<th>Area (s.q.m)</th>
<th>Plot (s.q.m)</th>
<th>Dwelling Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Videocon Atithi Shelters</td>
<td>Mahul</td>
<td>109576</td>
<td></td>
<td>2690</td>
</tr>
<tr>
<td>2</td>
<td>Runwal Constructions</td>
<td>Anik</td>
<td>7829</td>
<td></td>
<td>650</td>
</tr>
<tr>
<td>3</td>
<td>Runwal Constructions</td>
<td>Anik</td>
<td>13455</td>
<td></td>
<td>1000</td>
</tr>
<tr>
<td>4</td>
<td>Rockline Constructions</td>
<td>Anik</td>
<td>25960</td>
<td></td>
<td>660</td>
</tr>
<tr>
<td>5</td>
<td>Rockline Constructions</td>
<td>Anik</td>
<td>Part of 4 above</td>
<td></td>
<td>1090</td>
</tr>
<tr>
<td>6</td>
<td>Patel, Patel &amp; L&amp;T (JV)</td>
<td>Mankhurd &amp; Deonar</td>
<td>76101</td>
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<td>5910</td>
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<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>12,000</strong></td>
</tr>
</tbody>
</table>

All these lands are located in Residential Zone or in Industrial Zone where residential development is permissible under the DC Regulations.

**Option C:**

- About 4000 dwelling units constructed by MHADA, have been purchased at a price ranging between Rs. 125,000 and Rs. 200,000 per dwelling unit depending upon the location. The TDR benefit accrue to MHADA in this case. The dwelling units have been allotted to PAHs of Railway projects.

(The TDR mechanism is described under the Legal Framework in paragraph 33)

The R & R Policy of the GOM (Annex1) has identified two basic alternatives for the resettlement viz. Township in the form of "sites and services" and multi-storeyed tenements. The former option was included in the policy as it was formulated for the entire MMR and Township alternative was considered to be suitable and feasible for projects outside Greater Mumbai. However, most of the sub-projects of MUTP are now located in Greater Mumbai where land is scarce and PAHs are reluctant to accept distant locations. Consequently, high-density multi-storeyed construction had to be resorted to.

65. Irrespective of the method of procuring the land and dwelling units, the land along with buildings will be transferred to the co-operative society of PAHs. Individual PAH will have the occupancy rights of the dwelling unit. The co-operative society will be responsible for the upkeep and maintenance of the building and services as well as payment of taxes and user fees. The individual PAH will not be able transfer his unit without the approval of the Government and the consent of the society.

**Two stage resettlement process**

66. Two stage resettlement would be resorted to where resettlement is required on urgent basis as in the case of some railway projects viz. Thane - Kurla and optimization of Western Railway, Central Railway and the Harbour line. In these cases the squatters had settled so close to the railway tracks that it was not only impossible to maintain optimal speeds of trains but the safety of the lives of the squatters was also in danger.
Incidents of stone throwing on the trains causing serious injuries to the commuters have also been reported in these areas. A Public Interest Litigation (PIL) was moved to seek the directive of the High Court on shifting of squatters located close to railway tracks. At the same time the railway safety authorities had threatened to stop rail services if squatters were not removed immediately. This had necessitated emergency resettlement of around 3200 PAHs. This was carried out through SPARC, an NGO having a long track record of working with the slum dwellers along the railway lines. 3785 PAHs have been resettled in the dwelling units purchased from MHADA whereas 6261 PAHs have been resettled in transit accommodation.

67. The transit accommodation is in the form dwelling units of 120 sq.ft. with common toilet facilities and stand posts for water supply. There will be one WC for 6 dwelling units and a water tap for 10 dwelling units. Efforts were made to select the sites for transit quarters close to the existing slum sites or the proposed sites for permanent rehabilitation. In all 6100 transit quarters were proposed and by June 2001 all the transit quarters have been completed. Shifting of PAHs to the transit quarters is conditional upon the willingness of the community obtained through the participatory process. It was intended that the PAHs moved to transit quarters are permanently rehabilitated within a period of three years. During this period periodical meetings will be held to apprise the PAHs of the progress on permanent housing. Construction of 12000 dwelling units under Option B is scheduled to commence in October 2002 and will be completed within a period of 18 months. This may result in exceeding the period of three years by 6 to 9 months for PAHs who were the first to move to transit houses. Similarly, the lands for construction of houses under option A have been identified and the preparation of detailed plans and designs has commenced. However, dwelling units under this option are intended for PAHs will move into these dwelling units directly without first moving to transit houses.

Grievance Redressal Mechanism

68. The PIAs will designate a senior officer at the local level to consider any grievance of PAHs in consultation with the concerned NGO. If the aggrieved PAH is not satisfied with this decision, an appeal could be made to the Grievance Redressal Committee appointed by the PMU comprising its officials, the representatives of NGOs and of the PIAs concerned. The details of the organizational arrangements and procedure adopted in resettling PAHs from railway land are illustrated below. Similar arrangements will be made for other projects.

A local committee, comprising a local level officer of the PMU, an Officer of the Railways and a representative of the NGO, has been constituted. For considering the appeals against the decisions of the local committee, a committee comprising Joint Project Director (Land and Social Development) of PMU, a Senior Railway Officer and a representative of the NGO has been constituted.

According to the R&R policy, PAHs recorded in the base line socio economic survey are considered to be eligible for R&R. In addition, every PAH is expected to have a ration card, identity card issued for the purposes of elections, evidence of the name in the electoral rolls, license under the Shops and Establishments Act etc. as the evidence of stay. Similarly the survey map prepared by the NGO must also have a record of the structure occupied by the PAH.

40
The local level grievance redressal committee sits at 10 a.m. on every Tuesday in Balwadi at Bldg. No.110 of MHADA Colony at Mankhurd. The PAHs can submit their grievances in writing at this place to the committee. The NGO helps the illiterates in this regard. Evidence of stay as mentioned above has to be enclosed with the application if the grievance relates to eligibility for rehabilitation. The local committee records its decision in writing within two weeks of the receipt of written application after scrutinizing the application, giving a personal hearing to the applicant and inspecting the site if required.

If the PAH is not satisfied by the decision of the local committee an appeal is to be filed within fifteen days with the committee at the PMU level. The appeal has to be accompanied by a copy of the decision of the local level committee and evidence of stay in support of the appeal. The committee at the PMU level scrutinizes the application and communicates its decision in writing within fifteen days of the receipt of the application.

There have been few instances of grievances and complaints regarding non-inclusion of some PAHs for allotment of houses. These have been dealt with in accordance with grievance redress procedure and those found eligible have been accorded the entitlements. During the resettlement carried out so far, 213 complaints were received at the field level. Out of these, 160 have been considered by the field level Grievance Redressal Committee and 13 cases have been decided in favor of the complainant. On the decisions of the field level committee 74 appeals have been preferred to the PMU grievance redressal committee. Of these 71 have been considered and 5 decided in favor of the complainant. It could thus be seen that the mechanism is working satisfactorily.

Completion of Resettlement Program

69. Following criteria have been identified to judge the completion of resettlement and rehabilitation of PAHs in the context of the objectives identified for the R & R.

- Physical relocation of all the PAHs from the project sites or transit quarters to permanent accommodation,
- Turning over of land for the infrastructure project,
- Formation of cooperative housing societies including their PAH members and transfer of legal tenure of the land in the names of the societies,
- Payment of all kind of monetary compensations wherever due,
- Providing community facilities, to the left over population that are lost in the process of resettlement.

70. In order to monitor the above criteria a Management Information System (MIS) is being established in MMRDA. The MIS will, based on the inputs from the field level, generate quarterly progress reports providing information on the following parameters. Detailed formats for reporting will be included in the Project Management Reports (PMR) described in the BPIP. Based on this MIS, the PMU will prepare the quarterly progress reports and furnish them to the Project Coordination Committee, High Level Steering Committee, the IMP and the World Bank. These will also be presented in the meetings of these committees to seek resolution of some of the implementation difficulties, policy directives where inter-agency collaboration is involved and problems related to the grievances of the PAHs.
71. Physical Progress (in comparison with BPIP targets)

- Land acquired for the transport component
- Land obtained by PMU (under Option A), Dwelling units under construction, Dwelling units completed.
- Number of dwelling units for which contract is awarded (under Option B), Dwelling units completed
- Number of PAHs resettled on permanent basis.
- Number of cooperative societies registered and land transferred.
- Vacated sites turned over to the Project Implementing Agencies.

72. Financial Progress (in comparison with BPIP targets)

- Cumulative and during the quarter expenditure under Options A and B.
- Cumulative and during the quarter Compensation paid for the economic losses.

73. Impact Evaluation

Since 10933 PAHs have already been resettled in the initial phase of the resettlement, it is proposed to carry out an Impact Evaluation study of this phase. The environmental audit of this phase has already been carried out. These are expected to provide relevant feedback to the implementation of the remaining phase of R & R. Draft TOR of the study is enclosed as Annex 4. The study would commence by June 2002 and likely to be completed by September 2002.

MMRDA in collaboration with SPARC and SRS will at regular intervals monitor the PAH concerns and perceptions through structured surveys as well as focus group discussions during the lifetime of the project. It is proposed to carry out formal evaluation of achieving the objectives of R&R and the effectiveness of the process followed, 12 months after the resettlement for an individual RIP is implemented and once again on completion of the entire project. This may provide feedback for the remaining R&R activities and the planning for the follow up project. Such evaluation will be carried out by an independent agency. The outcomes to be monitored would cover:

- Quality of shelter
- Status of health
- Employment and Income
- Access to amenities
- Participation and community empowerment
- Organizational capacities.

For the purposes of facilitating monitoring of the status of health, the NGOs while updating the BSES and before moving the PAHs collect the health data on a 10 % sample basis regarding incidence of water borne and respiratory diseases, days of work or schooling lost and expenses on treatment during the preceding six months. CEMPs will record environmental factors affecting the human health at the existing locations.
Chapter VI

ENVIRONMENTAL MANAGEMENT PLAN

Environmental protection and management

74. Community Environmental Management Plan (CEMP) is an important component of site-specific Rehabilitation Implementation Plan (RIP). The objective of R&R is to improve or at least restore the quality of life of PAHs. As a corollary, the objective of CEMP is to provide access to basic urban environmental infrastructure services and through community initiative and participation alleviate the environmental health risks of the community. The steps involved in preparation of CEMP are described below;

75. Assessment of the existing environmental conditions: A rapid assessment of existing environmental conditions of the community likely to be affected by the project is carried out to establish an environmental baseline of their living conditions. A checklist of key attributes to be covered is given below.

- Basic Urban Environmental Infrastructure Services
- Water Supply: Access and Service Level
- Sanitation: Access, Adequacy, and Operation and Maintenance
- Storm Water Drainage: Provision, Adequacy, and Operation and Maintenance
- Solid Waste Collection: Provision, Operation and Maintenance, Frequency and Mode of Collection
- Environmental Factors Affecting Human Health
  - Air: Quality and Risk of Pollution (including odor)
  - Water: Quality and Risk of Pollution
  - Land: Past Use and Risk of Contamination
  - Noise Levels
  - Topography: Nature of Terrain and Likelihood of Flooding during Monsoon
  - Industrial Pollution Hazard: Nature of, and Proximity to, Hazardous Industry

76. Assessment of the environmental conditions of the resettlement locations: The choice of Resettlement sites is extremely limited in Mumbai. However, assessment of the environmental conditions of the resettlement locations with respect to the key attributes is carried out. The results of this assessment are explained and shared with those likely to be affected by the project in a format that assists them in comparing their present and future living conditions with respect to key environmental attributes. This helps the communities in making informed decisions about their living conditions.

Site-specific Community Environmental Management Plans

77. Based on the outputs of the previous two components, and additional relevant information pertaining to planning, design, and construction, CEMPs incorporating environmental safeguards with respect to basic urban environmental infrastructure services and community health risks in resettlement plans, are formulated. It is ensured that in addition to getting better basic urban environmental infrastructure services than
before, the project affected people get a level of service, which matches at least the minimum available in other parts of the city. It is ensured that if the assessment of environmental conditions of the resettlement locations brings out certain specific problems or risks, mitigating measures are proposed in the plan.

78. The affected communities are largely of squatters who are accustomed to a particular way of life. At the resettlement site, they will have to almost invariably adjust to the lifestyle of multi-storied buildings. The communities will be trained and motivated to follow a discipline that can avoid environmental problems. Separate Environmental Management Committees (EMCs) will be formed during RIP preparation to take up this responsibility during post-resettlement stage. A checklist/matrix of key environmental attributes will be provided in an easy to read one-page format to the EMC members.

79. The CEMP provides in simple non-technical local language preventive maintenance schedule for water supply, sanitation, solid waste etc. In addition, the name and number of authorities to call in case of a problem being detected is provided. The maintenance measures are translated into a simple non-technical format in the form of "Do's" and "Don'ts" in local languages for the use of the community at large.

80. Formal CEMPs could not be prepared for the transit camps and permanent buildings procured from MHADA under Option C as they had to be developed on emergency basis to meet the deadlines prescribed by the courts. Environmental audit has therefore been carried out of these sub-projects. An inadvertent breach of the CRZ Regulations was revealed at two transit camp sites viz. Mankhurd and Turbhe-Mandale. Similarly 70 dwelling units at Mankhurd were found to suffer some safety risks on account of differential settlement of reclaimed soil. 10 of these units have been vacated and inmates provided alternate accommodation. Remaining 60 will be repaired and made safe. The area of CRZ will be restored to the original state to the extent feasible immediately upon the relocation of FAHs to the permanent buildings. The relevant CEMPs cover these issues.
Chapter VII

IMPLEMENTATION PROGRAMME

Resttlement during the initial phase

81. PIL petition was filed in August 1998 in which the petitioner prayed for the removal of encroachers along the railway tracks for ensuring safe and smooth running of the local trains. The matter was discussed in the Bombay High Court on several occasions and the court had asked the government to provide a time bound plan for removing the encroachers along the safety zone of the railways track with or without resettlement. In response to this, the government had given a time frame for shifting the squatters during September 2000. According to this plan, the GOM had to shift all encroachers (about 10,000 families) by March 2001. The Additional Solicitor General subsequently verified the removal of squatters along the safety zone and in support of this showed the certificates to the court signed by the concerned railway officials. The court in the final hearing in June 2001 had concluded that all encroachers have been shifted out of the safety zone except few religious structures which will be shifted later and which require careful handling with out affecting the sentiments of the local people. Based on this information, the court concluded that the Indian Railways and GOM had complied with the court orders. Accordingly, the court has disposed the petition. Subsequent to this there is one more PIL on one of the site for change in land use. However, since the government has followed the due process, the court has lifted the stay on proceeding with the construction. The resettlement entitlements and process followed during the pre-project resettlement activities are in accordance with policy provisions adopted for the project and endorsed by the World Bank. However compensation for economic losses could not be disbursed due to difficulties in ascertaining such losses. SPARC and MMRDA are considering the possibility of contributing such compensation to a community based revolving fund on 'no objection' basis.

82. The implementation of resettlement program has already commenced and so far 4032 households (20%) have relocated in 48 buildings in four different locations. This includes allotment of 107 shops that enabled reestablishment of petty shops of PAHs. Another 6901 (32%) are shifted to the transit housing who were intended to be shifted to permanent houses within three years. However, because of delays in awarding of contracts, time taken for legal clearance for payment of cash supplement for construction of dwelling units using TDR, long time taken for change in land use for some of the resettlement sites and public interest litigations on change of land use for one of sites will eventually delay about 6-9 months in case of shifting about 3,000 households from transit to permanent houses. The transit houses are being constructed by following the prevailing norms set by the Slum Rehabilitation Authority (SRA) which consist of a minimum of 120 sq. ft. with common basic amenities such as one toilet seat for ten families, one drinking water tap for 10 families, common washing place of 5m x 3m for 50 families, drains and individual electric connections. NGOs have supported both construction of transit houses and resettlement of the PAH to new locations.
The generic implementation schedule

83. A flow-chart explaining the entire process of completing R&R in a generic way is given in Chart 2. The activities relate to BSES, selection of Option of procuring dwelling units, decision on whether transit accommodation is required, and construction of dwelling units under Option A, relocating the PAHs and the evaluation with reference to policy objectives.

Status as on March 2002

84. The PMU responsible for implementing the RAP has been fully established by December 2000 including:
- Establishment of grievance Redressal Mechanism,
- Establishment of Public Information Centers (PIC) – November 30, 2000,
- Establishment of IMP; and
- Recruitment of SPARC and SRS for implementation support to resettlement of PAHs of rail and road sub-projects respectively.
- BSES of 16285 PAHs (81.7 % of the total PAHs) has been carried out.
- RIPs for the sub-projects already commenced or due for commencement during the first year viz. Optimization of suburban Railway, 5th and 6th Lines between Kurla and Thane and 5th Line between Santacruz and Borivali and JVLR have been completed.
- Permanent resettlement has been completed of 4032 PAHs out of which 107 are shops.
- 6901 PAHs of Railway projects have been resettled in transit quarters.

85. Out of the total PAH of 14479 affected by Railway component 10933 have been resettled. Out of these 6901 have been resettled in transit accommodation whereas 4032 have been accommodated in permanent dwelling units. Thus a substantial part of the R&R has already been completed that would enable the transport projects to proceed without the risk of delay on account of R & R. Resettlement of over 10000 PAH within a span of one year is unprecedented in Mumbai. Details of project wise PAHs and the current status of R&R and the plan of resettlement in permanent buildings is shown in Chart 3. Map 1 shows the original location of PAHs and the relevant of resettlement sites.

86. The implementation of RIPs will have significant cumulative impacts in the short and long term. In the short run, the shifting of squatters along the safety zone of the railway tracks had a significant impact in the form of improved speed and frequency of the local trains, which in turn improve the efficiency of the suburban trains system in the city. This will have positive impact on 6 million rail commuters who use the trains in Mumbai. In the long run, the resettlement will translate the positive benefits to about 68,000 affected people in the form of secured housing with improved access to basic amenities and permanent places for reestablishment of about 900 petty business units and thereby improve overall living standards.

87. Bids for providing dwelling units have been invited under Option B. These have been received and evaluated for award of contract for procuring 12000 dwelling units. Similarly the process of selecting design and project management consultants for option A has also begun.
R&R Implementation Schedule

88. The broad implementation schedule for the resettlement of PAHs is given in Chart 3. This clearly defines the completion dates for various milestones. The highlights of this program are:

Targets for October 2002
- All the construction under Option B for PAHs affected by rail projects will be commenced

Targets for March 2003
- Construction of permanent dwelling units for all the 4649 PAHs affected by Road projects will be commenced.

Targets for May 2004.
- Resettlement in permanent dwelling units will begin.

Targets for September 2005
- Rehabilitation all the PAHs will be completed.

Separate dated action plan is being prepared for pre-construction activities to monitor the progress.

89. The time involved in identifying the suitable land for resettlement and process to be followed for changing the land use to resettlement, tender process, obtaining the statutory permissions for construction, time invoiced in construction, time involved in getting water, electricity etc. In addition, the communities have to be prepared for living in multi storied apartments and provide them training to manage the cooperative societies. The need for interim resettlement had arisen to respond to the High courts directive to shift all squatters residing on the safety zone of railway tracks on the safety considerations and improve the efficiency of railway operations in a time bound manner.

Lessons Learnt

90. Some of the key lessons learnt from the experience of implementing R & R component can be stated as follows:

- Given the fact that some of the communities to be resettled are so located that their continuation at the existing location is either at the risk of their own safety or causes hindrance to essential public services, it is necessary to adopt a two-stage approach to resettlement. It is also desirable in terms of strengthening community network, establishing co-operative societies and generally preparing the communities to live in multistoried permanent housing.
- A swift continuous operation, starting from BSES to resettlement with active leadership of NGO has a better chance of success. A slower and halting
process may result in loss of momentum and community commitment. Re-energizing the communities may prove to be difficult and time consuming.
Community organization particularly participation of women prior to moving is key to successful relocation. The community can also manage allotment of dwelling units to individual PAH in a sensitive manner through preferential treatment to the vulnerable PAHs. The community organization can also secure services like ration shops that are essential for the PAHs below the poverty line.
Generic Flow Chart of R&R Activities

Select project design to minimize resettlement

Carry out Baseline Socio Economic Survey

Organize community groups to manage resettlement and environment

Identify and screen alternative locations for resettlement

Assess existing environmental conditions

Select the site for transit and permanent resettlement

Obtain land through acquisition or TDR

Prepare resettlement plan and community environment plan

Develop land & construct dwelling units - OPTION A

Obtain dwelling units from Developers - OPTION B

Obtain dwelling units from MHAQA - OPTION C

Move PAHs to permanent accommodation

If transit accommodation construct permanent dwellings

Resettle the PAPs

Provide post-relocation benefits

Turn over the site to PUA

Prepare resettlement and Rehabilitation with reference to Policy

Assess ecords; provide TDR

Develop permanent accommodation

Resettle the PAPs

Provide permanent accommodation

Evaluate Resettlement and Rehabilitation with reference to Policy
## MUTP RAP

### PROPOSED IMPLEMENTATION SCHEDULE

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Sub-Project</th>
<th>Option</th>
<th>Number of PAHs</th>
<th>Rehabilitation Implementation Plan</th>
<th>Construction of Transit Accommodation</th>
<th>Shifting in Transit Accommodation</th>
<th>Construction of permanent tenements</th>
<th>Permanent Resettlement of PAHs</th>
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<td>1</td>
<td>(A) ROAD COMPONENTS</td>
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</table>

Sub-total: 14479

PAHs resettled in the initial phase: 6901

Note: The program does not include likely number of 100 PAHs in SATIS.
Chapter VIII

COSTS AND BUDGET

91. The present estimates of costs and funding by the World Bank are given in Table 11.

Table 11: COST OF R & R COMPONENT

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<tr>
<th>Description</th>
<th>Rs. In Million</th>
<th>US $ Million</th>
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<td><strong>Land acquisition</strong></td>
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<td>acquisition under LA Act</td>
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<td><strong>Works</strong></td>
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</tr>
<tr>
<td>Relocation of Community Assets</td>
<td>25</td>
<td>0.51</td>
</tr>
<tr>
<td><strong>Services</strong></td>
<td>220</td>
<td>4.59</td>
</tr>
<tr>
<td>R &amp; R Assistance</td>
<td>25</td>
<td>0.51</td>
</tr>
<tr>
<td>Project Management Consultancy for R &amp; R housing (about 8 contracts)</td>
<td>76</td>
<td>1.56</td>
</tr>
<tr>
<td>Impact evaluation consultancy</td>
<td>25</td>
<td>0.51</td>
</tr>
<tr>
<td>NGO/Consultancies for BSES, RIP and Implementation Support</td>
<td>51</td>
<td>1.02</td>
</tr>
<tr>
<td>Training</td>
<td>42</td>
<td>0.85</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3530</td>
<td>72.47</td>
</tr>
</tbody>
</table>

92. The World Bank will not finance compensation for acquisition of land and cash compensation (R & R Assistance) to the PAHs. Nevertheless nearly 81% of the total project cost is likely to be financed by the World Bank through an IDA Credit.

93. For the purposes of estimating cost of land acquisition recent valuation of similar properties has been used as the basis. The cost of civil works for procuring dwelling units is based on the following:
- Option A: Cost of construction of similar units executed by MHADA and unit cost of construction prevailing in the market.
- Option B: Cost quoted in the bids received.
- Option C: Prices quoted and charged by MHADA
- Cash compensation is based on the consultants' report on RIPs.

94. MMRDA being the implementing agency of the R&R component will make budgetary provisions for yearly project expenditure. It will claim the proportionate counterpart funds from the respective PIAs and the project loans from the GOM. Details of fund flow are described in the BPIP.
GOVERNMENT OF MAHARASHTRA

RESETTLEMENT AND REHABILITATION POLICY

For

MUMBAI URBAN TRANSPORT PROJECT

1. Introduction:

Government of Maharashtra has decided to take up "Mumbai Urban Transport Project" (MUTP) with a view to bringing about improvements in traffic and transportation situation in the Mumbai Metropolitan Region (MMR). Efforts are being made to obtain financial assistance for this project from the World Bank. The schemes under MUTP include roads, Road Over Bridges (Robts), traffic management schemes as well as various rail projects. The various schemes under MUTP would affect a substantial number of households, business activities and structures, which will have to be relocated. Resettlement of project affected persons, according to the World Bank operational directives, is required to be an integral part of World Bank financed projects. Preliminary estimate indicates that approximately 25,000 to 30,000 families will have to be relocated due to MUTP. Government of Maharashtra appointed a Task Force, in February 1995 under the Chairmanship of Shri D.M. Sukthankar, former Chief Secretary, to prepare a framework for Resettlement and Rehabilitation (R&R) Policy and to assist the Government in determining the institutional arrangements and implementation strategies for R&R. The Task Force submitted its report to the Government after a detailed study of the households, business activities and structures likely to be affected by MUTP. Based on the recommendations of the Task Force, orders prevailing for R&R of persons affected by the projects in rural areas, the legal provisions and a series of discussions with the World Bank missions a revised R & R Policy was submitted to the Government for approval. Accordingly the following Resettlement & Rehabilitation Policy has been formulated.

2. Applicability of the Policy:

The following R & R policy shall be applicable to all the sub-projects described in the Borrower's Project Implementation Plan (BPIP) for the MUTP and also the sub-projects identified for inclusion in the subsequent phases of MUTP. Resettlement Action Plans (RAP) and Community Environmental Management Plans (CEMP) will be prepared for each subproject involving resettlers in accordance with this Policy.

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5 Government Resolution, Housing and Special Assistance Department No. Prakalpa 1700/CR 31/Slim 2 Dated the 12th December 2000.
3. **Objectives:**

a) To minimize the resettlement by exploring all viable alternative project designs, and to prioritize 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 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 co-operative society of the PAPs and occupancy rights of built floor space to the members of the society. The membership of the co-operative society and the occupancy rights will be jointly awarded to the spouses of the PAP household. The documents in this respect will be the leasehold agreement with the co-operative society, which will include a list of its members and description of dwelling unit allotted to each member. The members of the co-operative society will receive a share certificate signifying the membership of the society.

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 Persons:**

Project affected structures shall be categorized 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 squatters includes - non-resident structure owners, resident structure owners and 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 shop-cum-residence
- Structure used for 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 MUTP 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 (PAPs) for R&R:**

a) All legitimate occupants of land and building affected by MUTP up to the time of actual resettlement 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 only if enumerated during the baseline survey. 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 unauthorised structures or additions to existing structures carried out after the cut-off date and their occupants will not be eligible for R & R.

Similarly the occupants of a structure except legal heir who have acquired the structures after the cut-off date shall not be eligible for the benefits of Resettlement and Rehabilitation. However, members added to the eligible households by way of birth and marriage after the cut-off date will be considered eligible for R&R. For this purpose, the baseline survey will create a detailed database 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 MUTP project execution schedule shall be closely co-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 Sites:

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 Land Acquisition Act, 1894 (LA Act). 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 Greater Mumbai 1991 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 DCRs more particularly the Urban Development Department Notification dated the 15th October 1997. FSI of 2.5 shall be allowed for construction of tenements, under the above schemes, on the lands reserved for resettlement of PAPs by making appropriate changes in the reservation in the Development Plan. To provide incentive to landowners in residential zones to build dwelling units to the PAPs, an additional FSI of 1.5 may be permitted. 0.75 of this additional FSI shall be used for rehabilitating PAPs free of cost, and the balance FSI of 0.75 may be allowed for free sale.

9. Resettlement Options:

While preparing RAP 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 25 sq. meters shall be allotted one year in advance of the target date of relocation. The agency 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.

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6 Transfer of Development Rights is available as an alternative to compensation under the LA Act 1894. If the landowner whose land is reserved for a public purpose is prepared to surrender such land to free of cost and free of encumbrances to BMC he can opt for receiving TDR equivalent to floor space which he could have constructed had his land not been reserved. In Suburbs where most of the land acquisition is required to be carried out for MUTP such floor space (and therefore the TDR will be reckoned at the Floor Space Index (FSI) of 1. These TDRs are saleable in the market and can be used in areas specified in the DCRs. In addition to the TDR given for the land, TDR equivalent to the floor space constructed for the slum dwellers and handed over free of cost for can also be granted. Such floor space is restricted to FSI of 2.5 and consequently TDR available for constructed dwelling units is also restricted to 2.5.

7 More particularly as provided for in Urban Development Department Notification dated the 15th October 1997.
b) Tenements under Slum Redevelopment (SRD)/ Public Housing (PH)/ Housing the Dishoused (HD): A tenement of 20.91 sq.m. in multi-storeyed buildings.

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 Appendix.

10. Other Amenities:

a) For township/sites and services option:
In addition to the developed plot of 25 sq.m., water supply at 90 lpcd, 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.

b) For PH/HD and SRD options:
PH/HD and SRD are a part of the Development Plan of Greater Mumbai. The standards of off-site amenities will therefore be according to the Development Plan. 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 DCRs.

11. Monetary Supplements 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, Municipal Corporation of Greater Mumbai and the Public Works Department shall determine for various types of construction, a unit cost of replacement based on the rate schedules used by them for construction activities undertaken by them. The monetary supplement shall be disbursed in suitable installments 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.

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 quarterly season tickets for such excess distance by suburban railway at the time of resettlement shall be paid to such workers/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, 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

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* Some of the standards prescribed by the DCRs at present are: recreational open space @ of 15 % of the plot area, water supply @ of 135 liters per capita per day, one balwadi of 20.9 sq.m. for every 100 dwelling units and minimum width of pathway is 1.5 m.
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 could be linked with community saving programmes. The fund could be controlled and monitored by the community with the assistance of Non-Governmental Organisations (NGO).

13. Other Benefits:

In addition to the shelter-related rehabilitation described in the Appendix 1, cost of shifting will be paid to the PAPs or free transport arrangements be made available to the PAPs for moving to the resettlement site.

14. Planning and Implementation Procedure:

a) Based on the baseline survey 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 objectives 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.⁹

⁹ In case indigenous people are affected by MUTP a separate Indigenous People Development Plan (IPDP) will be prepared along with the RAP in accordance with the World Bank’s Operational Directive 4.20
d) In addition, general dissemination of information on R & R policy, specific RAPs and environmental management plan related to MUTP shall also be undertaken in a planned manner. These activities may include organizing seminars, bringing out news items in newspapers, TV, radio technical and academic journals.

e) The RAP prepared in this manner shall be implemented by the agency identified for the purpose.

f) A two-stage implementation procedure will be adopted only under emergency circumstances and only if the affected community agrees to move to 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 PAPs and

(ii) the World Bank will verify the feasibility of the schedules in the time table, particularly whether acquiring permanent can be viable sites can be completed in within at most two years and that permanent housing can be available before the end of the third year.

15. **Redressal of Grievances:**

R & R Agency 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 R & R Agency comprising its officials and the representatives of NGOs.

16. **Completion of Resettlement prior to Commencement of Civil Works:**

The agreed resettlement activities in transit structures in the case of two stage implementation procedure and in permanent settlements in other cases shall be generally completed prior to commencement of the relevant section of the civil work of the transport project. On completion of resettlement, the site shall be turned over to the concerned transport project-implementing agency.

17. **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\(^\text{10}\), the remaining people, whose proportion should not exceed 20% of the

\(^{10}\) The social and economic linkages shall be considered to be substantially affected when almost all the residents of the affected area had shifted together to the area from the same area of origin, or; some common infrastructure facilities such as, school, dispensary etc...were shared by all the residents, which need 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.
directly affected PAPs, should be resettled along with the PAPs if they so desire. However, if the remaining people do not desire to shift, efforts shall be made to provide earlier social and economic facilities at the old site.

18. **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 minimise such impacts the RAP will propose augmentation of available services. Such augmentation will be carried out as part of RAP implementation.

19. **Modification of Development Plan:**

Urban Development Department shall decide, on case to case basis, about the changes to be carried out in the reservation in the Development Plan for lands to be acquired and utilised for R&R of PAPs according to the procedure laid down in the Maharashtra Regional and Town Planning Act 1966 (MR&TP Act).  

20. **Institutional Arrangements:**

Institutional arrangements, 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.

21. **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 Government. The procedure followed by the 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.

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11 The procedure for modifying the Development Plan reservation is prescribed in Section 37 of the MR&TP Act 1966. This requires publication of proposed modification for inviting public suggestions and objections, hearing the suggestions and objections and then taking a final decision.
### SUMMARY OF REHABILITATION MEASURES

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Category of PAH</th>
<th>Legal Compensation</th>
<th>Monetary Supplement</th>
<th>Type of Shelter related Rehabilitation</th>
<th>Price to be Charged</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Non-resident land owners (including farmers and horticulturists) Non-resident lessees</td>
<td>Market value of land and buildings according to LA Act. Apportionment of compensation for the unexpired period of lease according to LA Act.</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>2.</td>
<td>Resident landlord (land and building) (including farmers and horticulturists)</td>
<td>As in 1 above, Cash supplement equivalent to cost of construction of floor space (subject to a max. of 20.91 sq.m.) occupied prior to resettlement. OR Floor space equal to self occupied floor area, subject to maximum of 70 sq.m. irrespective of use of floor space</td>
<td>Nil</td>
<td>First 20.91 sq.m. of floor space free of cost and at actual cost for the area in excess thereof.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Resident lessee of land and building</td>
<td>Apportionment of compensation for the unexpired period of lease according to LA Act.</td>
<td>Nil</td>
<td>Floor space equal to self occupied floor area, subject to maximum of 70 sq.m.</td>
<td>First 20.91 sq.m. of floor space free of cost and at actual cost</td>
</tr>
<tr>
<td></td>
<td>Act. sq.m. for area in irrespective of excess use of floor thereof.</td>
<td></td>
<td></td>
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<td>---</td>
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</tr>
<tr>
<td>3. Resident lessees, tenants or sub-tenants of buildings</td>
<td>Shifting charges according to LA Act.</td>
<td>Nil</td>
<td>Floor space equal to self occupied floor area, subject to a maximum of 70 sq., irrespective of use of floor space.</td>
<td>Free of cost on ownership basis up to 20.91 sq.m. of floor space and at actual cost for area in excess thereof.</td>
<td></td>
</tr>
<tr>
<td>4. Squatters</td>
<td>Non-Resident structure owners (The status to be established by documentary evidence, which is admissible in law.)</td>
<td>Nil</td>
<td>Replacement cost of lost structure</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Resident structure owners</td>
<td>Nil</td>
<td>Replacement cost of lost structure</td>
<td>Township option Plot of 25 sq.m.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Plot in excess of 25 sq.m.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PH/HD/SRD Option: Residential: floor space of 20.91 sq.m.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Shops &amp; business Area equivalent to existing area with a maximum of 70 sq.m. Out of which 20.91 sq.m.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Township option Plot of 25 sq.m.</td>
<td>Free of cost.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Plot in excess of 25 sq.m.</td>
<td>At cost of excess area.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>PH/HD/SRD Option: Residential: floor space of 20.91 sq.m.</td>
<td>Free of cost.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Shops &amp; business Area equivalent to existing area with a maximum of 70 sq.m. Out of which 20.91 sq.m.</td>
<td>Free of cost.</td>
<td></td>
</tr>
<tr>
<td>Area in excess of 20.91 sq.m.</td>
<td>At cost for the excess area</td>
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<td></td>
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</tr>
<tr>
<td>Tenants</td>
<td>Nil</td>
<td>Township option</td>
<td>Plot of 25 sq.m.</td>
<td>Plot in excess of 25 sq.m.</td>
<td></td>
</tr>
<tr>
<td>PH/HD/SRD Option: Residential:</td>
<td>floor space of 20.91 sq.m.</td>
<td>Free of cost</td>
<td>At cost for the excess area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pavement dwellers</td>
<td>Nil</td>
<td>Replacement cost of lost structure</td>
<td>Township option</td>
<td>Plot of 25 sq.m.</td>
<td>Plot in excess of 25 sq.m.</td>
</tr>
<tr>
<td>PH/HD/SRD Option: Residential:</td>
<td>floor space of 20.91 sq.m.</td>
<td>Free of cost</td>
<td>At cost for the excess area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For shops &amp; business: Area equivalent to existing area with a maximum of 70 sq.m. out of which 20.91 sq.m.</td>
<td>Area in excess of 20.91 sq.m.</td>
<td>Free of cost</td>
<td>At cost for the excess area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Employees and entrepreneurs</td>
<td>Nil</td>
<td>Amount equivalent to the fare of twelve quarterly season tickets for excess distance by suburban railway.</td>
<td>Nil</td>
<td></td>
<td></td>
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<td>-------------------------------------------------------------------------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(a) Employees residing in the affected community and working at some other place</td>
<td>Nil</td>
<td>Same as above.</td>
<td>Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Non-resident employees</td>
<td>Nil</td>
<td>Lump sum compensations equivalent to one year income determined by the R &amp; Agency's valuation committee.</td>
<td>Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Employees and entrepreneurs who permanently lose their source of livelihood</td>
<td>Nil</td>
<td>The rehabilitation package shall include access to employment information through employment exchange, and training facilities for appropriate skills be provided through on going government programs, and credit through community-operated fund.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
OUTLINE FOR RESETTLEMENT IMPLEMENTATION PLAN

1. **INTRODUCTION**

   - Background: Briefly outline the Project component.
   - Briefly describe policy provisions and entitlements - eligibility, type of entitlements etc.

2. **RESETTLEMENT IMPLEMENTATION PLAN**

   - Overall adverse Impacts and mitigation measures: Summarize the overall adverse impacts in terms of land acquisition, number of People affected in terms of different type of impacts. The compensation and entitlements to be provided to Project Affected Households (PAHs) should be summarized. Special measures proposed for the vulnerable groups should be described.

   - Development of Resettlement site: (a) Describe the various sites considered and selection process adopted for the identified sites, (b) Specify the details of new houses, its design and features including the standards for various amenities and facilities, layout, allotment process and shifting of PAHs, (c) Procedures for physical relocation, (d) Legal arrangements for transferring titles to eligible persons, (e) Plans for infrastructure and social services and wherever required ensure comparable services to host population, (f) Allotment process, and (g) wherever two-stage resettlement is adopted describe the transit quarters provisions and facilities to be provided.

   - Timetable: Time schedule for various activities should be summarized with key milestones. The entire duration of the implementation period should be specified. The timetable should be closely linked with the civil works of the transport infrastructure component.

   - Costs and Budget: Item-wise estimates including allowances for physical and financial contingencies should be provided.

   - Assistance during shifting and Transition Period: Describe the type of assistance to be extended during shifting and transition period in terms of assistance for forming and registration of cooperative societies, transfer of ration cards, electoral rolls, bank accounts, training for maintenance and management of housing societies, book-keeping, and creation and management of community development fund.

3. **COMMUNITY ENVIRONMENTAL MANAGEMENT PLAN - CEMP**
• Describe the existing environmental conditions of the community likely to be affected by the project with respect to key attributes.

• Assess and describe environmental conditions of the resettlement locations with respect to key environmental and civic services attributes.

• Describe the mitigating measures proposed to minimize any adverse impacts in the development plan of the relocation site.

• Describe in non-technical language the environmental “Dos” and “Don’ts” of living in multi-storeyed buildings.

• Describe the Environmental Management Committee set up to look after the maintenance of environmental services and the training imparted to them.
TERMS OF REFERENCE FOR THE
INDEPENDENT MONITORING PANEL (IMP)

1. INTRODUCTION

It is proposed to set up an Independent Monitoring Panel (IMP) with a chairman and three to four members to oversee the implementation of the RAP under the MUTP. The IMP would operate and interact at the level of the High Powered Steering Committee for MUTP.

2. OBJECTIVES

The main objectives of setting up IMP are -
(i) to ensure that the Bank’s safeguard policies related to social and environmental issues are followed, and
(ii) to monitor the implementation process of rehabilitation.

3. SCOPE

To achieve these objectives, the IMP will perform the following functions -
(i) To review the progress of R&R in terms of objectives of the R&R policy for MUTP and World Bank’s safeguard policies related to social and environmental aspects of the project. For this purpose the panel can adopt one or more of the following methods -
   • Reviewing the periodical progress reports prepared by the PMU on implementation of the rehabilitation plans,
   • Visiting the sites of rehabilitation,
   • Conducting an independent survey or data collection through an agency.
(ii) To make suggestions for improvement in the implementation process.

The IMP shall be empowered to modify the scope of their work in order to achieve the objectives defined in paragraph 2 above.

4. ADMINISTRATION

The IMP will meet once in three months. The PMU for MUTP, set up in MMRDA, will provide all secretarial assistance to the IMP. Traveling expenses, honorarium to the members for attending the meetings and all other expenses relating to IMP will be borne by MMRDA from its budgetary provisions for MUTP.
Mumbai Urban Transport Project

DRAFT TERMS OF REFERENCE - IMPACT ASSESSMENT OF INITIAL PHASE OF RESETTLEMENT IMPLEMENTATION

Background

1. Mumbai Urban Transport Project (MUTP) envisages improvements in urban transport in Mumbai, primarily to encourage public transport. These improvements will be achieved through the construction of roads, pedestrian sub-ways and bridges, road over rail bridges, improvements in traffic management and traffic control, strengthening of railway capacity optimization and enhancement, setting up of new corridors and purchase of rolling stock. The estimated cost of the project is about US $ 950 million (Rs. 4,500 crores) and the World Bank is considering to finance about 60 percent of the cost the project.

2. The proposed physical activities in the project is expected to displace about 19,000 households or 77,000 persons, most of whom are squatters living dangerously close to the railway tracks and right of way of proposed road widening corridors. The private land acquisition involved is about 60 hectares. Resettlement Action Plan and Implementation Plans have been prepared to undertake the planned resettlement. Mumbai Metropolitan Region Development Authority (MMRDA) on behalf of the main investment implementing agencies, viz., Mumbai Rail Vikas Corporation (MVRC), Public Works Department, Maharashtra State Development Corporation (MSRDC) and Municipal Corporation of Greater Mumbai will implement the resettlement program. The resettlement program will be implemented over a period of four years.

3. The relocation to new housing involves several changes for the people involved. Among these are the access to improved infrastructure facilities; the contribution of fees for services; and the organizing in groups facilitated by local NGOs. It is therefore likely that there may be both benefits and potential difficulties or adverse impacts for the project affected population. The resettlement undertaken to date has been done prior to project approval. The Government of Maharashtra and the World Bank are now seeking information about the experiences from this initial phase of resettlement. The assessment is expected to inform the Government and the Bank about whether the resettlement has been done in accordance with principles agreed on, the degree to which objectives have been achieved and to provide guidance to further resettlement during the project implementation period.

Initial Phase of Resettlement Implementation

4. While the project preparation is on, some of the civil works related to optimization of suburban railways and expansion of rail networks had to be undertaken on the safety and urgent consideration. At the same time a public interest litigation (PIL) was also filed in August, 1998 on the functioning of the railways and safety of the passenger was jeopardized on account of the existing squatter hutments close to the railway tracks. In
response to this PIL, the Bombay High Court had asked the government to provide a
time bound plan for shifting the encroachers along the safety zone of the railways tracks
with or without resettlement. This has resulted in undertaking the initial phase of
resettlement implementation during the period of April, 2000 to June 2001. GOM had
proposed two options to shift the squatters either to the already constructed tenements
or to the transit houses. Subsequently, MMRDA purchased 4,000 already constructed
houses from Maharashtra Housing and Area Development Authority (MHADA) and
undertaken the construction of about 6,000 transit houses to shift all squatters living
within the safety zone of the railway tracks. Thus, 3,935 households (20%) have been
relocated in 48 buildings in four different locations. In addition 107 were also offered
alternative shops to enable them to reestablish their petty shops. Another 6,125 (32%)
were shifted to the transit housing will eventually be shifted to permanent houses with in
three years.

Baseline Socio-economic Survey

5. A census and baseline socio-economic surveys were undertaken during 1997-
2000 by SPARC among those who have been resettlement under the pre-project
resettlement. The information on baseline socio-economic characteristics, housing
conditions, availability of basic amenities, income and resource ownership, nature of
petty business practiced, etc. were collected and dis-aggregated baseline data is
available with MMRDA in electronic form. The Resettlement Action Plan and
Resettlement Implementation Plans prepared based on the baseline surveys are also
available.

Objectives

6. To independently assess the experience and results of implementation of the initial
phase of resettlement program, both in terms of benefits to the population moved, and
difficulties or adverse impacts.

Scope of the Study

7. Against the above background, the present follow-up study would assess the
impact of pre-project resettlement to document the experience and results of the pre-
resettlement in terms of income restoration (the number & proportion of people whose
income is the same or higher) and delivery of entitlements (the number & proportion of
people receiving each entitlement) and accordingly propose additional measures, if
required to realize the objective of resettlement program. The outcome of this study
would also draw lessons learned which will be valuable for the implementation of
remaining resettlement program in the project.

8. The scope of consultant shall include but not limited to the following tasks.

(a) The study should cover all types of impacts. Therefore, the sample should be drawn
among: (i) those resettled in permanent houses; (ii) those resettled in transit houses; and,
(iii) those allotted alternative shop units across different geographical locations.
(b) Based on the sample household survey compare the changes in the living standards in terms of housing, basic amenities, income, occupation, distance to work place, site related opportunities, health conditions, etc and explore changes of enhanced benefits as perceived by PAHs.

(c) The study should ascertain whether the PAHs informed of the compensation and other entitlements and review payment of allowances such as transport allowance for increased distance, and subsistence allowance for loss of livelihood opportunities.

(d) Analyze the working of management of multistoried buildings by the project affected people in terms of operation and munificence of the common services.

(e) Assess the impact of organizing the affected people in groups to manage the cooperative housing societies, empowering for collective action in negotiating with the government and local authorities for various services and day-to-day requirements.

(f) The study should review the process followed for allotment of both residential and commercial units. The review should also look at the nature of assistance and support received from NGOs and government during shifting and transition period, difficulties undergone in allotment and shifting, problems with basic amenities, initial experience with managing the housing societies, etc. Based on the documentation suggest the measures need to be taken in the next round of resettlement to avoid the difficulties experienced during the initial phase of resettlement implementation.

(g) Review the functioning of local committees to deal with day-to-day issues and arrangements to deal with maintenance of the buildings.

(i) Separate data collection and analysis need to be undertaken among those who are allotted the alternative shops to compare the changes in income, type of business activity, impact on clientele, re-employment of workers from the old establishments, etc.

(j) Assess the level of satisfaction with quality and designing and space organization of the flats and available basic amenities in the new sites. The impact on health situation should be assessed on recall basis, since no baseline data was collected.

(k) Analyze the type of income restoration activities initiated among the PAHs and study the working of saving groups in managing the credit program.

(l) Assess the nature of special assistance received by vulnerable groups such as those living below poverty line, women headed households, disabled people, etc. and suggest the needs of vulnerable groups for consideration in the remaining resettlement of the project.

(m) The working of grievance redressal committee should be studied in terms of process and membership of the committee with a view to suggest changes, if required. Further, grievances still outstanding and how many have been resolved so far and their outcome should also be described.
(n) The study should review the regular monitoring arrangements of resettlement implementation and adequate mechanisms in place for institutional coordination for conducting all of the above activities.

Methodology

9. The study would use combination of sample household surveys, focus group discussion and interviews with NGOs, MMRDA and others involved with the implementation. The sample should cover all permanent buildings and transit housing sites with a view to undertaken separate analysis to find out whether there are any differences in different locations. Further, analysis should be carried out separately for those living in permanent tenements and transit housing. If some of the baseline data is not available, then such information should be compared with recall data.

Study Team

10. The study will be carried out by a team of professionals having combined experience in socio-economic surveys, resettlement, consultations and community development. It is anticipated that study would involve about 6 man months spread over a period of 3 months.

Reporting and deliverables

11. The consultants will work closely with MMRDA throughout the study. The inception report will be submitted with in one week of signing the agreement which will fully describe the work plan and provide the data collection instruments. An interim report describing the initial findings and observations should be in one month and the draft final report should be submitted based on the data collection and analysis within 2.5 months. The comments from MMRDA and World Bank should be incorporated in the final report within 2 weeks thereafter. All data, analysis and reports will be presented both as hard copies and diskette in an agreed format.