

# Resettlement Framework

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## BAN: Irrigation Management Improvement Project

Prepared by the Ministry of Water Resources for the Asian Development Bank.

## CURRENCY EQUIVALENTS

(as of 1 December 2013)

Currency unit	–	taka (Tk)
Tk1.00	=	\$0.5629
\$1.00	=	Tk77.76

## ABBREVIATIONS

AD Line	–	Alluvion and Diluvion Line
ADB	–	Asian Development Bank
ADC	–	additional deputy commissioner
AH	–	affected household
ARO	–	assistant revenue officer
BWDB	–	Bangladesh Water Development Board
CRO	–	chief resettlement officer
DLAC	–	district land allocation committee
DMS	–	detailed measurement survey
DP	–	displaced person
DRO	–	deputy resettlement officer
EA	–	executing agency
EMA	–	external monitoring agency
FCDI	–	flood control, drainage and irrigation
GKIP	–	Ganges-Kobadak Irrigation Project
GOB	–	Government of Bangladesh
GRC	–	grievance redress committee
ha	–	hectare
HIES	–	household income and expenditure survey
IGA	–	income generating activities
IGP	–	income generation program
IMIP	–	Irrigation Management Improvement Project
INGO	–	implementing ngo
IOL	–	inventory of losses
IPDP	–	indigenous peoples development plan
IRS	–	international resettlement specialist
JMC	–	joint management committee
JVT	–	joint verification team
km	–	kilometer
LAR	–	land acquisition and resettlement
LAO	–	land acquisition officer
LAP	–	land acquisition proposal
LCS	–	labor contracting society
LGI	–	local government institution
LWL	–	lowest water level
m	–	meter
MIP	–	Muhuri Irrigation Project
MIS	–	management information system
MOL	–	Ministry of Land
MOWR	–	Ministry of Water Resources
NGO	–	nongovernment organization
NRS	–	national resettlement specialist

O&M	–	operation and maintenance
PCO	–	project coordination office
PIB	–	public information brochure
PPP	–	public private partnership
PPR	–	project progress report
PPTA	–	project preparatory technical assistance
PVAT	–	property valuation advisory team
PWD	–	public works department
R&R	–	resettlement and rehabilitation
RAC	–	regional accounting centre
RF	–	resettlement framework
RO	–	resettlement officer
ROW	–	right-of-way
RP	–	resettlement plan
TA	–	technical assistance
TOR	–	terms of reference

## GLOSSARY

*AD Line:* means the bank-line demarcating the floodplain and river, legally established by ADC-Revenue in the respective districts and the Lowest Water Level (LWL) as the AD Line (Alluvion and Diluvion Line) through a joint survey by the EA and the ADC Revenue.

*Affected Person:* includes any person, affected households (AHs), firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with physical or economic displacement.

*Assistance:* means support, rehabilitation and restoration measures extended in cash and/or kind over and above the compensation for lost assets.

*Awardee:* means the person with interests in land to be acquired by the project after their ownership of said land has been confirmed by the respective Deputy Commissioner's office as well as persons with interests in other assets to be acquired through by project. Compensation for acquired assets is provided to 'awardees' through notification under Section 7 of the *Acquisition and Requisition of Immovable Property Ordinance II (1982)*.

*Compensation:* means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost.

*Cut-off date:* the date after which eligibility for resettlement assistance will not be considered is the cut-off date. Date of service of notice under Section 3 of the *Acquisition and Requisition of Immovable Property Ordinance II (1982)* is considered to be the cut-off date for recognition of the legal titleholders for compensation and the commencement day of carrying out the census/inventory of losses will be the cut-off date for eligibility of the non-titleholders under this RF.

*Displaced persons (DP):* In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

*Encroachers:* mean those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project. A person or entity that extends their own property or usufruct to neighboring public or state land is also referred to as an encroacher.

*Entitlement:* means the range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to AHs, depending on the type and degree nature of their losses, to restore their social and economic base.

*Eminent Domain:* means the regulatory authority of the Government to obtain land for public purposes or use as described in the 1982 Ordinance and Land Acquisition Law.

*Household:* A household includes all persons living and eating together (sharing the same kitchen and cooking food together as a single-family unit).

*Inventory of losses:* means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.

*Non-titled:* means those who have no recognizable rights or claims to the land that they are occupying and includes people using private or state land without permission, permit or grant i.e. those people without legal title to land and/or structures occupied or used by them. ADB's policy explicitly states that such people cannot be denied compensation.

*Project:* means the ADB funded Second Command Area Development Project or IMIP.

*Relocation:* means displacement or physical moving of the APs from the affected area to a new area/site and rebuilding homes, infrastructure, provision of assets, including productive land/employment and re-establishing income, livelihoods, living and social systems.

*Replacement cost:* is based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued; (iv) transition and restoration costs; and (v) other applicable payments, if any.

*Replacement Land:* means the land affected by the project that is compensated through provision of alternative land, rather than cash, of the same size and/or productive capacity as the land lost and is acceptable to the AP.

*Resettlement:* means all the impacts associated with land acquisition including restriction of access to, or use of, land, acquisition of assets, or impacts on income generation as a result of land acquisition.

*Significant impact:* means where 200 or more persons suffer a loss of 10% or more of productive assets (income generating) or physical displacement.

*Squatters:* means the same as non-titled and includes households, business and common establishments on land owned by the State. Under the project this includes land on part of the crest and slopes of canal dykes, flood control embankments, and similar areas of the drainage channels.

*Structures;* mean all buildings including primary and secondary structures including houses and ancillary buildings, commercial enterprises, living quarters, community facilities and infrastructures, shops, businesses, fences, and walls.

*Subproject*: means any components or works that are to be undertaken under the project and will include, but not necessarily be limited to, schemes such as: (i) Ganges-Kobadak Irrigation Project; (ii) Teesta Barrage Project;; and (iii) Muhuri Irrigation Project for modernization.

*Vulnerable Households*: means households that are (i) headed by women with dependents and low incomes; (ii) headed by elderly (generally persons aged 60 and above)/ disabled people without means of support; (iii) households that fall on or below the official poverty line as defined in the Household Income & Expenditure Survey<sup>1</sup> (BBS) (iv) households of indigenous population or ethnic minority; and (v) households of low social group or caste, those without title to their land and landless persons.

## **NOTES**

- (i) The fiscal year (FY) of the Government of Bangladesh and its agencies ends on 30 June. FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY2013 ends on 30 June 2013.
- (ii) In this report, "\$" refers to US dollars.

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<sup>1</sup> Bangladesh Bureau of Statistics (BBS) conducted the latest round of the Household Income & Expenditure Survey (HIES) in 2010, which is being processed. The latest poverty line of Bangladesh is based on the HIES of 2005 and for the year 2012 adjusted by 6% annually. The upper poverty line is the official poverty line for the absolute poor (based on CBN method) and the lower poverty line is for the hard core poor. In the subproject areas of GKIP, TBP, and MIP the upper poverty line is Tk. 834, Tk. 861, and Tk. 1041 respectively, and the lower poverty line is Tk. 735, Tk. 737, and Tk. 846 respectively.

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## Table of Contents

I.	INTRODUCTION .....	1
II.	LAR RELATED PROJECT PROCESSING REQUIREMENTS.....	1
III.	INDIGENOUS PEOPLES AND VULNERABLE GROUPS .....	2
IV.	RP PREPARATION AND IMPLEMENTATION .....	2
V.	OBJECTIVES, LEGAL AND POLICY FRAMEWORK AND ENTITLEMENTS .....	2
	A.    OBJECTIVES .....	2
	B.    BANGLADESH’S LEGAL FRAMEWORK ON LAND ACQUISITION .....	3
	C.    THE ADB SAFEGUARD POLICY .....	4
VI.	THE IMPROVEMENT PROJECT’S COMPENSATION ELIGIBILITY AND ENTITLEMENTS FRAMEWORK .....	6
	A.    ELIGIBILITY TO COMPENSATION AND REHABILITATION.....	8
VII.	CONSULTATION AND INFORMATION DISCLOSURE .....	12
	A.    DISCLOSURE OF RF AND RPs.....	12
VIII.	GRIEVANCE REDRESS MECHANISM.....	13
IX.	INSTITUTIONAL ARRANGEMENTS.....	14
	A.    INSTITUTIONAL CAPACITY ASSESSMENT .....	14
	B.    INSTITUTIONAL RESPONSIBILITIES .....	14
X.	BUDGET AND FINANCING .....	18
	A.    INTRODUCTION .....	18
	B.    APPROVAL OF THE RESETTLEMENT BUDGET.....	19
	C.    MANAGEMENT OF COMPENSATION AND FLOW OF AWARDS.....	19
XI.	MONITORING AND EVALUATION .....	20
	A.    INTERNAL MONITORING .....	20
	B.    EXTERNAL MONITORING AND EVALUATION .....	21
XII.	OUTLINE OF THE LAND ACQUISITION AND RESETTLEMENT PLAN.....	22

Table 1	Key Differences and Gaps between Bangladesh <i>Acquisition and Requisition of Immovable Property Ordinance II, 1982</i> (Ordinance) and ADB Policy .....	5
Table 2	.....	13
Table 3	Institutional Responsibilities in Resettlement Process .....	14
Table 4	Potential Monitoring Indicators.....	20





## I. INTRODUCTION

1. The People's Republic of Bangladesh (Bangladesh), with the Ministry of Water Resources (MOWR), Bangladesh Water Development Board (BWDB) as the executing agency (EA), is requesting financial assistance of the Asian Development Bank (ADB) to implement the Irrigation Management Improvement Project (the Project). The Project includes physical components (i.e., irrigation infrastructure development) most of which may involve Land Acquisition and Resettlement (LAR) impacts.<sup>2</sup> The Project has for involuntary resettlement safeguards been classified by ADB as Category C, as no land acquisition or involuntary resettlement is envisaged for the Muhuri Irrigation Project. The priority irrigation projects identified for funding under the Project are; (i) The Teesta Irrigation Project ; (ii) the GK Irrigation Project and (iii) the Muhuri Project. The financing of the preparation of the feasibility and detail design for GK Irrigation Project and the Teesta Irrigation Project will be covered by the Project. The work for the modernization of these schemes may be financed under additional financing or a new standalone project in 2016.

2. This Resettlement Framework (RF) was prepared by MOWR, BWDB to detail mechanisms, procedures and compensation entitlements for planning/implementing LAR tasks for the Project as a prudent measure, should there be a need for involuntary resettlement during the implementation of the Muhuri project or the subsequent GK and Teesta irrigation projects. The RF in English will be posted on the ADB website and it will also be translated into Bangla and disclosed on the MOWR website.

3. The IMIP may involve acquisition of land and vacating other land belonging to BWDB such as land in closed canals, dykes of functional irrigation canals and embankments slopes but used and occupied by non-titled people/ squatters as houses, businesses (small shops), and for agriculture and social forestry. Initial consultations indicate that Displaced Persons (DPs) will mainly be squatters. Resettlement impacts on DPs, for other than land acquisition, will also be planned and implemented as per this RF.

## II. LAR RELATED PROJECT PROCESSING REQUIREMENTS

4. LAR tasks involved in the approval and implementation of a stand-alone project will require the preparation of the following documents:

- (i) A RF is required for sector lending or project loans with subprojects or components prepared after Board approval, applicable to all subprojects implemented under the Project.
- (ii) The RP will include detailed compensation budgets and implementation schedules linking LAR tasks to the initiation of civil works will be prepared for each Tranche.

5. As indicated above, this RF has been prepared as a prudent measure, should there be any resettlement impact during the project implementation. Accordingly, this RF contains only pro-active measures and is not based on actual resettlement impacts of this project, if any.

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<sup>2</sup> According to ADB OM/F1 (March 2010), involuntary resettlement impacts are considered significant if 200 or more persons will experience major impacts, *which are defined as: (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).*

### III. VULNERABLE GROUPS

5. Special attention will be given to identifying and addressing the needs of disadvantaged groups such as the landless, the impoverished, and female-headed households through measures included in the RP to try and improve (over and above cash compensations and restoration of) their livelihoods.

### IV. RP PREPARATION AND IMPLEMENTATION

6. RP preparation will be an integral part of the preparation of tranche subprojects with LAR starting with impact screening tasks and ending with a readily implementable RP based on detailed design. RP preparation will entail the execution of: a) a Detailed Measurement Survey (DMS) of all land and non-land impacts; b) a census of all affected households (AHs) and Displaced Persons (DPs); c) a valuation of all affected assets and a LAR budget, and; d) a socio-economic survey (SES) of the AHs based on a 20% statistical sample.<sup>3</sup>

7. **RP preparation and implementation process.** RP for MIP are not required. However in case of any unforeseen resettlement situation arising, an RP will be prepared by the project preparation consultants. Similarly RP for GKIP and TBP, if required will be prepared during the detailed design stage under IMIP. MIP RP implementation will be overseen by the supervision consultants. RP preparation and implementation will follow the process detailed below:

- (i) **RP preparation.** This phase will be carried out in parallel with the preparation of the subproject design (See Appendix I for a standard outline of a RP).
- (ii) **RP review and finalization.** This phase will be carried out during detailed design preparation and will include eventual updates of impacts (AP data) and revision of compensation rates. Contracted construction activities will initiate after review and final RP approval.
- (iii) **RP implementation.** This phase will start after the final RP is approved and will be concluded with the provision of due compensation to all AHs.
- (iv) **Civil works implementation.** In general, civil works will start only after all AHs are compensated. However, if a flood control irrigation and drainage structure, channel or embankment has sections without impacts and of sufficient size and length to economically justify construction, civil works for these sections may be initiated immediately after the beginning of the construction phase of the contract. In these cases, the absence of impacts will have to be demonstrated by a due-diligence report, prepared or endorsed by BWDB and submitted to ADB for review.

### V. OBJECTIVES, LEGAL AND POLICY FRAMEWORK AND ENTITLEMENTS

#### A. Objectives

8. This RF combines existing legal framework and procedures for land acquisition in Bangladesh and the involuntary resettlement safeguards stipulated in ADB Safeguards Policy Statement, 2009.

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<sup>3</sup> Detailed measurement survey (DMS) and census include: i.) a full inventory/measurement of all land/other items losses including buildings, crops, trees, and income; ii.) an assessment of unit replacement values for each affected item/loss; iii.) identification of each AH/DP by gender, age and ethnic affiliation.

9. The RF sets out the objectives, principles, eligibility criteria for displaced persons for receiving entitlements, and includes an entitlement matrix, legal and institutional framework, modes of compensation and rehabilitation, participation and consultation procedures, and grievance redress mechanisms which will be employed to compensate, resettle and rehabilitate the livelihoods and living standards of displaced persons. The RF also sets out the steps for preparation of resettlement plans (RPs) for subprojects to be implemented by BWDB under the project.

10. The RF has been prepared to guide BWDB, the executing agency (EA), in the preparation and implementation of resettlement plans for the four selected subprojects under IMIP progressed under this PPTA. It will serve as the basis and guide for finalizing the RPs prepared for the selected subprojects for implementation. The basic objectives of the RF are to: (i) guide the EA in properly identifying, compensating, and restoring the livelihoods of DPs, (ii) serve as a binding document to ensure payment of compensation and assistance to DPs, and (iii) provide direction in preparing, updating, implementing and monitoring subproject RPs.

11. This RF will be approved by the Government and endorsed by ADB. Once the document has been approved, it will be uploaded to ADB's website in compliance with ADB's communications and disclosure policy.

## **B. Bangladesh's Legal Framework on Land Acquisition**

12. Land acquisition by eminent domain for infrastructure projects is governed by the Acquisition and Requisition of Immovable Property Ordinance II (1982) including amendments up to 1994 (the Ordinance). Under this law, if land is acquired for development projects, the land owners receive cash compensation at market value with a premium of 50 per cent on the assessed price. The law is restricted to "legal" owners of property as supported by records of ownership such as deeds, title or agreements. The law specifies methods for calculation of market value of land, structures, crops, trees and perennials based on recorded prices obtained from relevant Government departments such as Registrar (land), Public Works Department (structures), Department of Forest (trees) and Department of Agriculture (crops). The recorded prices do not necessarily reflect actual or current market value.

13. In addition the acquisition of any land or forest area, in the Chittagong Hill- Tracts districts requires consent under the Chittagong Hill-Tracts (Land Acquisition) Regulation (1958) and the Forest Act (1927).

14. Forest reserves, natural water-bodies, archaeological sites and historical places cannot be acquired for development projects. Under the Ordinance the DC is entrusted to acquire land for any public infrastructure project. The requiring body, after getting approval of the administrative ministry, requests DC to undertake acquisition of the required land as per its proposal.

15. The DC processes land acquisition under the Ordinance and pays compensation to the legal owners of the acquired property. The MOL is authorized to deal with land acquisition through the DCs. Khas (government owned land) lands should be acquired first when a project requires both khas and private land. If a project requires only khas, the land will be transferred through an inter-ministerial meeting following the preparation of acquisition proposal submitted to DC/MOL.

16. As noted above, the land owner has to establish ownership by producing record-of- rights in order to be eligible for compensation under the law. The record of rights prepared under Section 143 or 144 of the State Acquisition and Tenancy Act 1950 (revised 1994) are not always updated and as a result legal land owners have faced difficulties trying to “prove” ownership. The Displaced Person (DP) has also to produce rent receipt or receipt of land development tax, but this does not assist in some situations as a person is exempted from payment of rent if the area of land is less than 25 bighas (3.37 ha).

17. The State Acquisition and Tenancy Act (Sections 86 & 87) also define the ownership and use right of alluvion (payosti or reformation in situ or original site) and diluvion land (nadi sikosti) in the country. In legal terms, eroded lands (sikosti) inside the alluvion-diluvion (AD) line (i.e. including submerged land or underwater land) are considered khas land once declared by demarcating the AD Line. However, the "original" owner(s) can claim the land if it reappears through natural process within 30 years.<sup>4</sup>

### **C. The ADB Safeguard Policy**

18. The ADB Safeguard Policy Statement, 2009, (SPS (2009)) applies to losses due both to physical and economic displacement caused by involuntary acquisition of land, involuntary restrictions on land use or on access to legally designated parks and protected areas. SPS (2009) covers such losses whether these losses and involuntary restrictions are full or partial, permanent or temporary. SPS (2009) is based on the following basic principles:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons’ concerns.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who

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<sup>4</sup> The Assistant Commissioner of Lands (AC Land) in respective districts demarcates the AD Line each year in areas where rivers frequently erode their banks. According to law, if the land classified by an AD Line reappears within 30 years from the date of erosion, the original owner(s) can claim the land

- enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.
  - (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
  - (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
  - (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
  - (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement.
  - (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

#### A. Identification of Gaps between ADB Policy and Bangladesh Law

19. The *Acquisition and Requisition of Immovable Property Ordinance II, 1982* (Ordinance) which governs land acquisition by eminent domain for infrastructure projects in Bangladesh and ADB policy diverge on some key points. The Ordinance in contrast to ADB SPS (2009) does not require adequate consultation with affected parties; it simply requires that declaration and notice be given about temporary use of land or acquisition and the purposes for which it is required. Nor does the Ordinance require preparation of a "plan" documenting the process, and consultations undertaken with DPs. Finally, the Ordinance does not entitle compensation to DPs without title nor provides compensation for income losses caused by LAR. Table 1 summarizes the differences between the Ordinance and ADB safeguards.

**Table 1** Key Differences and Gaps between Bangladesh *Acquisition and Requisition of Immovable Property Ordinance II, 1982* (Ordinance) and ADB Policy

ORDINANCE	ADB SPS 2009	Measures to Address the Gap
Compensation for land and other assets is based on average values and department unit rates that do not ensure replacement market value of the property acquired.	DPs are to be compensated for all their losses at replacement cost, including transaction cost and other related expenses, without deducting for depreciation.	Provision of additional 50% over and above the compensation amount determined by average values and department unit rates to minimize the gap between replacement cost and average values and department unit rates. Provision of PVAT has been made to determine and enable compensation rates that equal replacement cost of land.
No provision for	Requires support for	Provision is made in the framework to

income/livelihood rehabilitation measures, allowances for severely Displaced Persons and vulnerable groups, or resettlement expenses.	rehabilitation of income and livelihood, severe losses, and for vulnerable groups	compensate for loss of income, and provide support to vulnerable persons
Lack of formal title or the absence of legally constituted agreements is a bar to compensation/rehabilitation. (Squatters and informal tenants/leaseholders are not entitled to compensation for loss of structures, crops)	Lack of formal title is not a bar to compensation/rehabilitation. All DPs, including non-titled DPs, are eligible for compensation of all non-land assets.	Squatters, informal tenants/leaseholders are entitled by this framework to be compensated for loss of structures and livelihood and for relocation.
Land acquisition and compensation process is conducted independently by the Deputy Commissioner of the district (DC) following a lengthy prescribed legal and administrative procedure. There are emergency provisions in the procedure that can be leveraged for civil works to proceed before compensation is paid.	Involuntary resettlement is conceived, planned and executed as part of the project. Affected people are supported to re-establish their livelihoods and homes with time-bound action in coordination with the civil works. Civil works cannot proceed prior to compensation.	The EA will prepare resettlement plans, as part of project preparation based on an inventory of losses, livelihood restoration measures, Bangladesh law and principles enumerated in SPS 2009. Where ever gaps exist in the interpretation of Bangladesh law and resettlement practices, requirements of ADB's involuntary resettlement policy will prevail. Civil works may only proceed after the resettlement plan is implemented and compensation for loss of assets and other allowances (budgeted as part of the project cost) is fully paid.
No convenient grievance redress mechanism except recourse of appeal to formal administrative jurisdiction or the court of law	Requires the establishment of accessible grievance redress mechanisms to receive and facilitate the resolution of DPs' concerns about displacement and other impacts	The Project will establish an easily accessible grievance redress mechanism that will be widely publicized within project area and amongst the DPs.

## VI. THE PROJECT'S COMPENSATION ELIGIBILITY AND ENTITLEMENTS FRAMEWORK

20. To reconcile the gaps between Bangladesh laws and regulations and ADB Safeguards, MOWR/BWDB has drafted this specific framework detailing the compensation eligibility and

entitlements for the Project. The key principles of the framework detailed below, will be applied in preparing, finalizing and implementing the subproject RPs:

- (i) The negative impact on AP must be avoided or minimized as much as possible
- (ii) Where negative impacts are unavoidable, the persons affected by the project and vulnerable groups will be identified and assisted in improving or regaining their standard of living;
- (iii) Lack of formal legal rights to the assets lost will not bar any AP from receiving compensation, entitlement and rehabilitation assistance;
- (iv) Cost of development made on affected lands, houses, buildings and structures as well as trees planted or transferred thereon after the cut-off date in each subproject area will not qualify for compensation or rehabilitation under the project;
- (v) Special assistance measures will be incorporated in each RP to protect the socially and economically vulnerable APs;
- (vi) Relocation of community structures will be done in consultation with the community and disinterment and re-interment of graves (if any) will be done under religious norms and in consultation with the relatives of the deceased;
- (vii) Before taking possession of the acquired lands and properties, compensation and resettlement and rehabilitation (R&R) assistance will be paid in accordance with the provision described in this document;
- (viii) Appropriate grievance redress mechanism as described in this RF will be established at the district level to ensure speedy resolution of disputes, complaints and grievances;
- (ix) Institutional arrangements and human resources will be in place for consultation, liaison, land acquisition, resettlement and monitoring to ensure the effective implementation of the RP prior to commencement of civil works;
- (x) An entitlement matrix for different categories of people affected by the project has been prepared and provisions will be kept in the budget for those who were not present at the time of census survey. However, people moving in the project area after the cut-off date will not be entitled to any assistance. In case of land acquisition the date of notification for acquisition will be treated as cut-off date. For non-titleholders such as squatters and encroachers the date of project census survey or a similar designated date declared by the executing agency, coinciding with the video footage date verifying existing squatted or encroached structures, will be considered as cut-off date. This cut-off date will be widely publicized;
- (xi) Adequate budgetary support will be fully committed and made available to cover the costs of land acquisition, compensation, entitlements, resettlement activities, physical surveys and administrative functions for full implementation of RPs. All payments will be recorded on official forms and documents for accounting transactions. These will be monitored internally and also by qualified and experienced external experts or qualified NGOs (EMA);
- (xii) Land acquisition, payment of compensation, resettlement and rehabilitation activities must be satisfactorily completed and the required lands cleared of all encumbrances prior to the award of civil works contract; and
- (xiii) Internal monitoring and evaluation mechanisms will be established as part of the resettlement management system, and the Project will hire an EMA to evaluate the compliance of resettlement process with the RPs and this RF, as well as the ability of APs to restore their pre-project livelihoods. Monitoring will include redress functions, and validate the records of compensation payments to APs

with results and recommendations to be submitted by the EA to ADB for approval prior to award of civil works contract. The EMA will also conduct a baseline survey and follow up social impact assessment to assess if the resettlement objectives have been achieved.

## A. Eligibility to Compensation and Rehabilitation

### 1. Eligibility Criteria

21. All APs will be entitled to compensation and resettlement assistance based on the category of loss. Nevertheless, eligibility to receive compensation and other assistance will be limited by the cut-off date for any non-title holders. This date will correspond to the census for IOL carried out for the subprojects as part of the preparation of respective the draft RPs. All APs settling in affected areas after that date and who cannot prove that they are displaced users of affected plots will not be eligible for compensation. However, the IOL will be updated through a DMS prior to implementation works. The disclosure of RPs will include the eligibility cut-off date in the subproject areas. The absence of legal title will not bar DPs to compensation and assistance.

### 2. Compensation and Entitlement

22. Compensation and entitlements for each category of loss are based on type and level of loss or impact. An entitlement matrix (Table 2) has been prepared on the basis of entitlements approved by Government for similar projects. It identifies the categories of impact and shows the entitlements for each type of loss. If additional or unforeseen impacts are identified during detail design and/or implementation then such losses will be included in a revised entitlement matrix and the RPs will be appropriately updated.

**Table 2 - Entitlement Matrix**

Type of Loss	Application	Unit of Entitlement	Entitlement	Policy Aspects
1. Loss of land (agricultural, commercial, homestead, pond, common land)	Land to be acquired by DC falling within the alignment of the ROW	Legal owner(s) of land	Cash compensation under law as determined by DC in respective districts plus 50% premium Additional grant as required to ensure replacement cost to be determined by PVAT. Payment in cash of the value of stamp duty required to purchase equivalent land irrespective of whether a purchase is made. In case of pond the cost of digging, in addition to the cost of land as in above. Usufruct holder, legal or informal, to get compensation for fish stock, if any, at market prices and allowed to harvest the fish	Provision of equivalent land or replacement value to the APs including all costs
2. Loss of submerged land	Land to be acquired by DC in the river,	Legal owner(s) of land (DC's khas land after legally	Same as in above if DC cannot declare as khas. In case of khas land, cash compensation under law to respective DCs without	Replacement of land or value to the owners



	beyond the AD Line, if falling within the alignment of ROW	established AD Line); previous private owners of land below AD Line	50% premium. Replacement of eroded khas land assessed by PVAT to previous owner(s). . Payment in cash of the value of stamp duty required to purchase equivalent land irrespective of whether a purchase is made.	
3. Loss of housing/commercial structures	Structures falling within the alignment of the ROW identified by DC and /or the Census for IOL and relocated due to the Project	A. Legal owner(s) of structures  B. Non-titled owners and squatters identified by the Census and IOL (In case of squatters only those actually occupying the structures)	<u>A. Legal owner(s)</u> i. Cash compensation under law to be determined by DC based on joint verification with legal owners of structures standing on acquired private land plus 50% premium ii. Additional grant as required to ensure replacement cost of structure determined by PVAT. iii. In case of partial loss cash assistance compensation will be provided to restore the remaining structure. If more than 25% of the building's floor area is affected, cash compensation will be computed for the entire building. iv. Salvaged materials free of deductions. v. Relocation Grant @ TK 3000/ household/business for shifting belongings or shop inventory  <u>B. Non-titled owners and squatters</u> Will receive the following grants based on current market replacement cost <sup>5</sup> determined by PVAT: Non concrete (kuccha) structures with tin roof, tin wall and earthen plinth - Rebuilding Grant @ TK xxx/sft (based on costs to be incurred at current market prices for dismantling, rebuilding the earthen plinth and reassembling the tin structure including a	Reconstruction of structure
			20% of the current replacement cost of the structure to cover for damage during dismantling and cartage.) Semi-concrete (semi- pucca) structures with tin roofs, brick and	

<sup>5</sup> These rates were computed in the field through FGD with civil society activists, craftsmen and BWDB staff and will need to be calculated during the valuation survey.

			<p>mortar walls and plinth, Rebuilding Grant@TK 800/sft based on current market replacement cost determined by PVAT.</p> <p>Concrete structures (pucca) with concrete roof Rebuilding Grant @ TK 1500/sft.</p> <p>In case of partial loss of semi-pucca and pucca structures cash assistance @ respective rates above will be provided to restore the remaining structure. If more than 25% of the building's floor area is affected, cash compensation will be computed for the entire building</p> <p>Salvaged materials free of deductions.</p> <p>Relocation Grant @ TK 3000/ household/business for shifting belongings or shop inventory.</p>	
4. Loss of Livelihood during relocation	Residential and commercial structures affected	Head of the displaced entity	Transition Allowance @TK7,800 (official minimum monthly wages) for 3 months	Livelihood restoration
5. Loss of fish stock, trees, crops (including banana, <sup>6</sup> betel leaf), perennials	Standing crops, trees on the Project right of way land or fish stock in acquired ponds/ water- body	Legal owner(s) of land identified by DCs; cultivators under terms with the land owners identified by IOL; Sharers incl. official lease holders on BWDB land identified by IOL.	<p>Compensation at the rate estimated by the DOF for trees, DOAE for crops and Dept. of Fisheries for fish stock as fixed by DCs.</p> <p>Additional grant as required to ensure current market price as specified in the resettlement plan(s).</p> <p>Share of market value of fish stock, trees, crops and perennials determined by PVAT among sharers/ planters/ cultivators as per terms of their agreement identified by IOL.</p> <p>Salvage of fish stock, trees, crops and perennials by owners free of deductions</p> <p>Priority given to APs in any future similar arrangements.</p>	Compensation for loss of production and income
6. Loss of business	Permanent or	Business	Cash grant for net income loss for	Compensation

<sup>6</sup> In Bangladesh the land law prescribes compensation for trees and fruit trees at market value and 50% of that amount as solatium. The market value is a composite amount that reflects the net present value, calculated for its average productive life of a fruit tree. This is subject to review by the property valuation advisory team (PVAT) that is syndicated to review a project and that recommends the replacement cost of trees including fruit bearing trees to the government.

and employment,	temporary business losses	owners (including, renters and informal settlers and squatters) and employees identified by IOL	duration of business stoppage, (6 months for permanent loss and no more than 3 months for temporary stoppage.) The calculation of business losses will be based on tax receipts or when these are not available on fixed rates calculated on average income for similar businesses in the area determined during RP preparation surveys. A one- time cash grant of Tk 3000 to affected employees or compensation equivalent to 2 months' wages whichever is the higher	for loss of business and wages
7. Affected vulnerable households	Vulnerable households on the ROW (both titled and non-titled)	Heads of vulnerable households identified by Census	Additional cash grant of Tk. 19400 (two months average household income in the project area) to head of Ahs Priority for employment in the project construction work, if available, and inclusion on LCGs for work during O&M activities	Poverty reduction measures
8. Displaced or damaged community structures or common property resources	All such structures and resources in ROW	Community group (representative) identified by DC and IOL	Cash compensation under law to be determined by DC plus 50% premium Additional grant as required to ensure market value or replacement cost to be determined by PVAT. Transfer grant equivalent to 5% of the value of structure assessed by PVAT. Disinterment and reinterment of graves @ Tk. 12 <sup>7</sup> 00 each; Dismantling and reconstruction cash assistance as required and assessed by PVAT	Restoration of community structures and resources for common benefit
9. Project induced erosion of accreted land	Char land if eroded due to the project works within 2 years of its completion	Owners/ occupiers of eroded char land	i. Market value of concerned land assessed by PVAT to the owner-occupied land by 100% ii. Share (50-50) among owners and occupiers for non-owner occupied land.	Project benefit shared to all APs
10. Temporary loss of land	Temporary use of land during construction	Titled owner, or usufruct holder, formal or informal	Cash compensation based on local land rental rates for the duration of use and restoration at the end of the rental period	Compensation for loss of access

<sup>7</sup> These need verification during the evaluation survey

11. Unforeseen impact	Any impact recognized at the final design stage	Any and all DPs	i. Determined as per policy on unique findings at detailed design stage.	No impact is left unmitigated.
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## VII. CONSULTATION AND INFORMATION DISCLOSURE

23. APs and their communities must be fully informed, closely consulted, and encouraged to participate in the resettlement process. Consultation and communication with APs and other stakeholders during preparation stage of the subprojects will be an integral part of the process of gathering relevant data for impact assessment, and facilitates the development of appropriate options for resettlement of the affected people. The main theme and scope of the resettlement framework will be disclosed to the affected community in Bangla through personal contact, focus groups discussions, and consultation during carrying out social surveys to obtain their views of APs and other stakeholders on the compensation and resettlement provisions as per Government laws and ADB guidelines. The contribution of APs will be included as a section in the RPs. Issues raised will be highlighted in one column and in a corresponding column how relevant issues were addressed.

24. Consultation is a continuous process and will also be carried out during updating of the RPs, as well as during their implementation and monitoring. Relevant costs associated with the consultation process will be budgeted for appropriately.

25. The areas for participation of the primary stakeholders include: (i) identify alternatives to avoid or minimize resettlement; (ii) assist in inventory and assessment of losses; (iii) assist developing alternative options for relocation and income restoration; (iv) identify relocation sites for displaced households and businesses; (v) provide inputs for entitlement provisions; and (vi) identify likely conflict areas with re-settlers.

### A. Disclosure of RF and RPs

26. Initial discussions will be held with the primary stakeholders (landowners, householders, and business operators) on the IMIP concept following approval of this RF and during preparation of RPs. These consultations will include meetings and discussions as well as participatory surveys. The RPs will include an appendix that identifies all participants in meetings and all those consulted during the preparation of the RPs.

27. The RF will be made available, both in English and Bangla languages, to the APs at the relevant BWDB office, once approved and endorsed. The English versions of both the RF and all subproject RPs will be disclosed on ADB website after they are endorsed by BWDB, prior to contract signing and RP implementation, and kept at subproject offices as a public document accessible to all stakeholders especially the APs. Each RP will be summarized into a pamphlet form, containing relevant information for disclosure to affected persons that will include information on the cut-off date, compensation eligibility and entitlement provisions, the mode of disbursement, grievance redress mechanism, translated into Bangla and distributed to all the APs and AHs. Moreover, as required in the new ADB public communications policy, monitoring reports on RP implementation will also be posted on the ADB website. The EA will also post these on its website.

28. Public information brochures (PIB) will include information such as (i) brief Project description and its objectives; (ii) types of impacts; (iii) eligibility of DPs; (iv) basic compensation policy and entitlements; (v) subproject implementation schedule; (vi) grievance redress and the mechanism; (vii) mode of payment of compensation; and (viii) the importance of community participation. The Project Director will also ensure that relevant information about any major changes to subproject scope is shared with the public.

### VIII. GRIEVANCE REDRESS MECHANISM

29. Complaints and grievance procedures will be outlined in the RPs and Grievance Redress Committees (GRCs) will be established to ensure stakeholders participation in the implementation process. Through public consultations, the APs will be informed that they have a right to grievance redress from the BWDB. The APs can call upon the support of implementing NGO(s) to assist them in presenting their relevant grievances or queries to the GRCs. Other than disputes relating to ownership right under the court of law, GRCs will review grievances involving all resettlement assistances, relocation and other supports. Grievances will be redressed within a month from the date of lodging the complaints.

30. The GRCs will be formed and activated during implementation of the RP to allow APs to lodge complaints and safeguard their recognized interests and associated costs will be appropriately budgeted in the resettlement plan(s). Where land acquisition will not be involved but relocation of structures or vacating land from cultivation will be required, the GRCs will facilitate resolution of complaints regarding categorization of vulnerable Displaced Persons, types of structures and eligibility for compensation and assistance within the set guidelines and provisions of the RF.

31. Grievances Redress Committees (GRCs) will be formed at union level for any grievances involving resettlement benefits, relocation, and other assistance. A gazette notification on the formation and scope of the GRCs will be required from the MOWR. The GRC for each union will comprise:

- (i) PIU Director Executive Engineer respective O&M Division, BWDB – Chairman;
- (ii) Area Manager, RP Implementing NGO, member secretary.
- (iii) U/P Chairman /Member - member.
- (iv) One women U/P member - member.
- (v) One representative of APs – member

32. Any complaints of ownership or other suits, lying before the judicial system, will not be resolved in GRCs (Table 2 ).

Table 2 Grievance Redress Procedures

Step 1	APs are informed of their losses and entitlements in writing and through personal contact by BWDB through the workers of RP implementation NGO. If satisfied, the AP claims resettlement payments from BWDB. If unclear,
Step 2,	The AP approaches the NGO workers for clarification. The NGO workers clarify the provisions, and entitlements for various categories of loss as per RP and the provisions that apply to an AP due to the nature of loss. If resolved, the AP claims
Step 3	The AP approaches the GRC. NGO staff assist the AP in articulating a complaint and organize hearing within 7 days of the GRC receiving the complaint.

Step 4	GRC sessions held with aggrieved APs, minutes recorded and duly constituted. If resolved, the Tranche Project Director approves. If not resolved, repeat the cycle
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33. APs will be able to submit their grievance/complaint about any aspects of resettlement plan implementation and compensation. Grievances can be shared with the BWDB verbally or in written form, but in case of the verbal form, the NGO representatives in the GRC will write it down in the first instance during the meeting at no cost to APs. APs will retain their right to go to the court of law at any stage of the process.

## **IX. INSTITUTIONAL ARRANGEMENTS**

### **A. Institutional Capacity Assessment**

34. The Directorate of Land and Revenue (DLR) of BWDB is responsible for ensuring land acquisition and management of BWDB land. Presently there is no established resettlement unit within it with appropriate staffing. A separate safeguards cell will be established in the BWDB with a full time social safeguards officer. In the O&M divisions where the tranche projects will be implemented, no staff from DLR is currently in place, even if provisioned for in the staff allocation. Technical assistance and support will be needed in preparing, updating and implementing the RPs, responsibilities will need to be assigned and assumed to ensure safeguard compliance.

### **B. Institutional Responsibilities**

35. The Project Director and head of the Project Management Unit (PMU) will be the designated the Chief Compliance Officer for IMIP. A Safeguards Cell reporting directly to the Chief Monitoring staffed by a national safeguard/ resettlement officer will provide independent oversight. The Project Management and Design Consultants have a resettlement specialist position that will provide support and strengthening of the PMU resettlement activities. The PIU Director, the Executive Engineer of the project being rehabilitated and modernized, will assign respective Section Officers reporting through their sub divisional engineers. For each sub-project the preparation of the resettlement plans, if required, will be the responsibility of the designer (For MIP this is under the PPTA for 30% of the work and PMDC thereafter and for GKIP and TBP, this will be the responsibility of the PMDC). The tasks of implementing the resettlement will be assigned to an experienced Implementation Non Government Organization (INGO) who will verify the IOL and census of affected persons prepared by the project designers. The INGO will conduct training workshops for EA staff in association with the PMDC on good resettlement practices and will focus on the differences between ADB involuntary policy and country laws and practices relating to resettlement, particularly as they relate to treatment of non-titled squatters. Adequate budgetary provision need to be included in the resettlement plan(s) for this training activity, and for covering the transport and traveling allowances of EA staff verifying the IOL and census in the field. Institutional responsibilities for RP preparation and implementation activities are shown in the table below.

Table 3 Institutional Responsibilities in Resettlement Process

<b>Related Activities and Responsibilities</b>	<b>Responsibility</b>
<b>A. Preparation of Updated RPs</b>	
Preparation of land acquisition and resettlement plans	TPD/PMDC
LA process and land acquisition	DC/TPD/DLR

Recruitment of IRS and NRS	PMU/ADB
Recruitment of Implementing NGO (INGO)	PMU
Design and reproduction of RP Information Brochures	TPD/IMO/IRS/NRS
Disclosure and public consultations	TPD/IMO/INGO
Selection of members for resettlement advisory bodies	PMU/TPD/IMO/INGO
Design and carry out census for joint inventory of losses	INGO/IMO/TPD
Market survey on prices of lands, structure, crops and trees.	INGO/PVAT
Establishment of unit prices	PVAT/PMU
Processing the IOL and socioeconomic data of APs	INGO/NRS
Determination of entitlements and consultations with individual APs	PMU/TPD/IMO
Preparation of draft proposals for updating the RPs	INGO/NRS
Consultation of Draft RP with EA, APs and stakeholders	NRS/IMO
Incorporate suggestions and finalizing the RPs	NRS
Review and concurrence of RP	ADB
<b>B. RP Implementation</b>	
Mobilization of GRC	PMU/TPD/INGO
Establishment of internal monitoring and hiring of EMA	PMU/TPD/IMO
Budget approval for compensation and resettlement	BWDB
Release of funds for compensation	BWDB/RACs
Filing and resolution of complaints APs,	PMU/TPD/GRCs/INGO
Assess needs, identify sites and develop relocation sites	TPD/ IMO/INGO/APs
Consultation with APs on schedule of clearing the lands	TPD/IMO/INGO
Clearing of lands	APs
Confirmation of "No Objection" for the award of civil works contract	ADB
Relocation and livelihood restoration assistance	INGO/TPD/IMO
<b>C. Monitoring and Evaluation</b>	
Internal monitoring	PMU/TPD/IMO/IRS/NRS/INGO
Independent external monitoring and evaluation	BWDB

## 1. Bangladesh Water Development Board

36. The Project Director and posting an officer not less than a chief engineer through a gazette notification, will form various committees/teams for implementation of the RP at the field level. The Team Leader of the Implementing NGO will work as member secretary for all the committees/teams involving representatives from DC, BWDB, LGI and APs as the case may be. These committees/teams will ensure stakeholders' participation and uphold the interest of the vulnerable APs. The powers and jurisdictions of the committees will be clearly defined in the gazette notification. The implementing agency/NGO will form resettlement council (RC) to involve the local communities and APs in the implementation process.

37. As the EA, BWDB has overall responsibility for IMIP. It will: (i) facilitate the placement of additional staff for resettlement management at subprojects; (ii) provide and release adequate budgetary support for its share in implementing the RPs; (iii) facilitate power to PCO/SMO for resolution of complaints and grievances of APs related to RP implementation through gazette notification through MOWR as well as JVT for authentication of IOL and determination of replacement price of property; (iv) submit to ADB relevant sub- project documents requiring review and approval; and (v) request for “No Objection” from ADB for the award of civil works contract upon its concurrence on the RPs. The BWDB will draw support from the Project Management Unit (PMU) headed by the Project Director (PD) with the rank of Superintending Engineer/chief engineer, who will be designated as Chief Compliance Officer.

## **2. Deputy Commissioners**

38. The DCs have the power to acquire land and to assess compensation of property thus acquired. The 1982 Ordinance provides the power to the DC, who conducts the acquisition through the Land Acquisition Officer (LAO) of concerned districts. The LAO (or his officers) along with BWDB and NGO staff will conduct joint physical verification of property on the land in accordance with the Land Acquisition Proposal (LAP) to be submitted by BWDB as soon as the detailed design and alignments for the subprojects interventions will be available.

39. The DC offices are responsible for the entire acquisition process from notification to affected households to award of compensation to owners of property and payments of compensation. BWDB/INGO shall liaise with concerned DC offices to complete the land acquisition process in a timely fashion. However, the LAOs will prepare estimates of LA and request placement from the BWDB. The LAOs will also share the award and payment data with the SMOs, BWDB through INGOs to facilitate processing of resettlement data.

## **3. RP Implementing NGO(s)**

40. BWDB will employ experienced INGO(s) for implementation of the RPs in the field level in coordination with the DC, BWDB and Consultants. The EA will contract out clearly defined tasks of the RPs in detailed Terms of Reference such as consultation /public information campaign, issuance of ID cards, payment of eligible benefits to affected households/ individuals, institutional development, skill training and micro-credit /management training, community awareness and empowerment, etc. The consultants finalizing subproject RPs will also prepare and attach detailed Terms of Reference for RP implementing NGO(s). The Implementing NGO (INGO) tasks will include:

- (i) Consultation and community awareness
- (ii) Verification of the resettlement plan
- (iii) Issuing of ID cards to AP/AHs
- (iv) Liaison with the BWDB and the District Commissioners Office
- (v) Establishing an MIS system and entitlement cards
- (vi) Prepare monthly progress reports
- (vii) Prepare payment debit vouchers and other documents to support payment.

### **a. Joint Verification Teams (JVT)**

41. The BWDB will form a Joint Verification Team (JVT) for each tranche project. The tasks of the JVT will be the verification of the census of assets affected by the project. The appointment of the JVT and tasks will be made public through a gazette notification to compare



and review the physical verification data conducted by Implementing NGO with the DCs' assessment of loss of physical assets and their owners. The scope and responsibility of the JVT will be clearly defined in the gazette. The implementing NGO will process the entitlements of the project-Displaced Persons using the JVT data as one of the determinants. The JVT will be a five member body and will comprise:

- (i) Tranche Project Director/ Executive Engineer respective O&M Division, BWDB – Chairman;
- (ii) LAO or his/her designated representative of concerned district – member;
- (iii) Area Manager, RP Implementing NGO – member secretary;
- (iv) Assistant Revenue Officer, O&M Division, BWDB – member; and
- (v) A representative of women's groups in the subproject area.

#### **b. Property Valuation Advisory Teams**

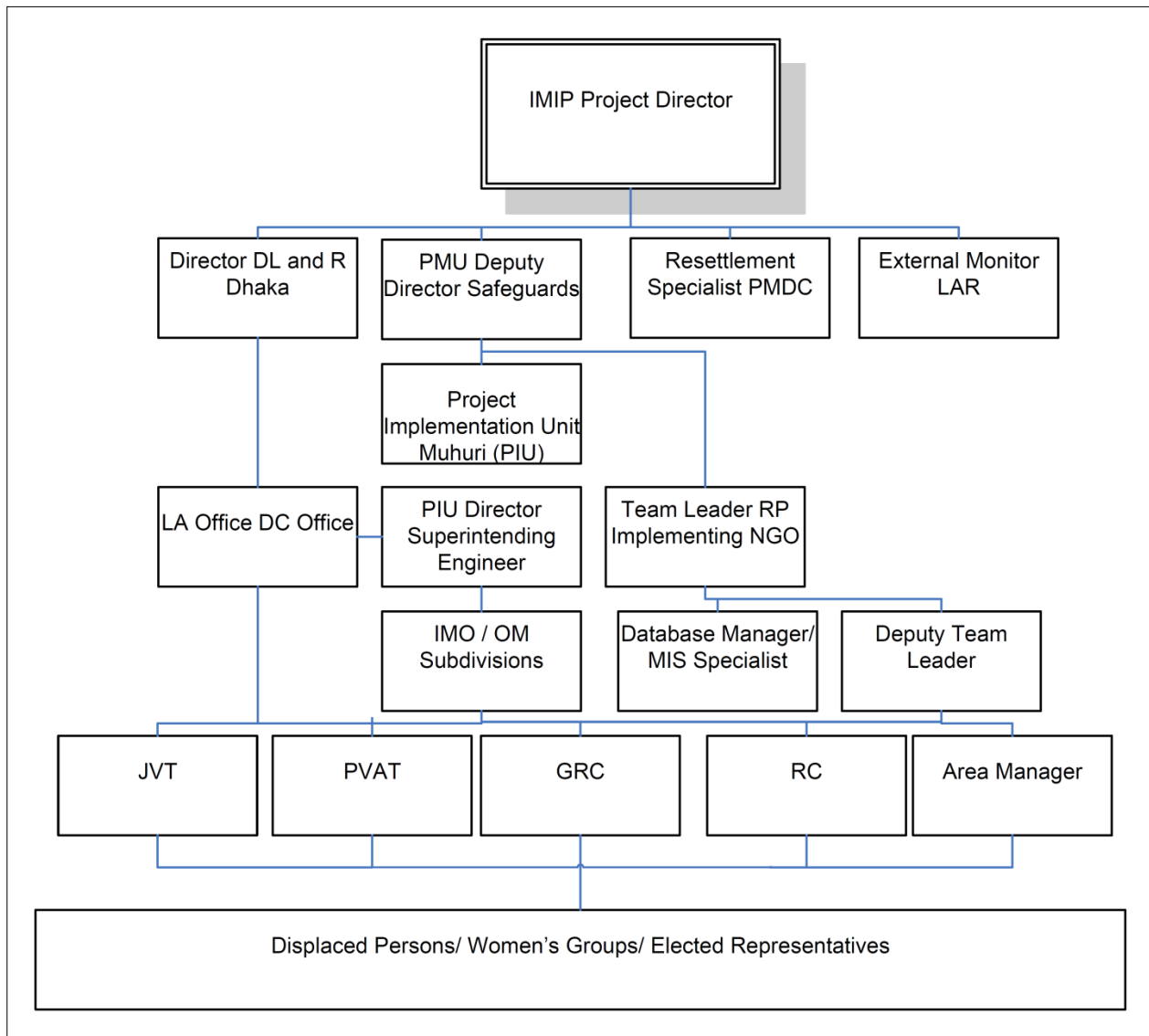
42. A Property Valuation Advisory Team (PVAT) will be formed by the MOWR through a gazette notification for each district of command of the subprojects. The PVAT will review the assessment of the implementing NGO on the market price of land and other property affected by the project at their replacement cost. The scope and responsibility of the PVAT will clearly be defined in the gazette. The Implementing NGO will process the entitlements of the project-Displaced Persons using the PVAT data as one of the determinants. The PVAT will comprise:

- (i) Tranche Project Director/ Executive Engineer respective O&M Division, BWDB – Chairman;
- (ii) LAO or his/her designated representative of concerned district – member;
- (iii) Area Manager, RP Implementing NGO – member secretary;
- (iv) Assistant Revenue Officer, O&M Division, BWDB – member.

#### **c. Resettlement Council**

43. The implementing NGO will form RCs at subproject level to involve the local communities and APs in the implementation process. The RCs will be comprised of BWDB representative as the chair, the implementing NGO as member secretary and representatives of various stakeholders in the respective area. The committees will seek local inputs from the affected people and communities in the implementation process and assist the implementing agency in all matters related to resettlement. The RCs will ensure local participation in the implementation of the resettlement plan. Figure 1 shows the institutional relationships in resettlement process under the IMIP.

Figure 1 LAR Implementation Organisation



ARO = Assistant Revenue Officer, DC = Deputy Commissioner, DL&R = Directorate of Land and Revenue, EE = Executive Engineer, GRC = Grievance Redress Committee, JVT= Joint Verification Team, LA = Land Acquisition, LAR = Land Acquisition and Resettlement, MIS=Management Information System, IMO = Irrigation Management Operator, NGO = Non-Government Organization, O&M = Operation and Maintenance, PMU = Project Management Unit, PVAT = Property Valuation Advisory Team; RC = Resettlement Council, RO = Resettlement Officer, SDE = Sub-divisional Engineer; SE= Superintending Engineer.

## X. BUDGET AND FINANCING

### A. Introduction

44. In each sub-project RP, the budgets for compensation for land, structures, other assets, crops and trees, and special assistance will be calculated using the markets rates reflecting replacement cost. The costs for relocation and special assistance will be consistent with the RF policies. Other costs involving project disclosure, public consultations and focus group discussions, surveys, training and income restoration, and monitoring and evaluation will be

incorporated in the RP budget. There will also be a budget allocation for RP administration (15% of the total) and a 10% contingency.

45. All resettlement costs will be borne by the EA based on the financing plan agreed by the Government and ADB. Land acquisition, compensation, relocation and rehabilitation of income and livelihood will be considered as an integral component of project costs but not a part of the ADB loan.

46. The estimate for land acquisition by the DCs will be prepared by his/her LA section and placed to the PMU, BWDB for transfer of the fund to the account of the DCs. The additional benefits as per the framework will be paid directly by the EA through Implementing NGO. However, the NGOs will assess the quantity of losses and the eligible persons for resettlement benefits and produce a resettlement budget to BWDB for approval and periodic release.

47. The PMU would ensure that the land acquisition and resettlement budgets are delivered on time to the DCs and the implementing NGOs for timely implementation of the RPs. BWDB will also ensure that the RPs are submitted to ADB for approval, and that fund for compensation and entitlement under the RPs are fully provided to APs prior to the award of the civil work contract.

## **B. Approval of the Resettlement Budget**

48. Land acquisition and resettlement budget included in the draft RPs will be revised as per findings in the detail design stage through census for inventory and assessment of losses and market survey for replacement price of land and property. The revised budget will be approved by the Ministry of Water Resources along with the revised RPs and the PP prepared by BWDB and approved by MOWR. Upon approval of land acquisition by Ministry of Land, the DCs will prepare estimates for compensation including service and produce that to the BWDB for placement.

49. The RP Implementing NGO(s) upon placement through competitive bidding as per procurement guidelines of GOB at subproject level will prepare resettlement budgets covering all eligible loss and entitlements confirmed through joint verification and determination of replacement market price of land and property by PVAT. This budget will be approved by BWDB through appropriate authorities and make available for placement with the Regional Accounting Centre (RAC) at respective subproject regions for disbursement against the requisition by the Resettlement Officer(s). PIU Directors will be designated Resettlement Officers.

## **C. Management of Compensation and Flow of Awards**

50. The BWDB does not have any set codified rules for payment of grants to APs for resettlement of project-Displaced Persons. The details of payment modality will be incorporated into the RP. Both the BWDB and the RP implementing NGO(s) will follow the administrative guideline after its approval from the Project Director, IMIP (PD). The consultants (resettlement specialists) at the PMU will prepare the guidelines. The modality will include definition of various resettlement terms, the entitlements, detail procedure for identification of eligible persons for resettlement entitlements of the RPs, assess loss and entitlement of individual APs, process payments, effecting their disbursement and documentation.

51. The RAC with requisition of payments for individual APs from the PIU Director/ respective Executive Engineer, O&M Division, BWDB, who is also designated Resettlement Officer (RO) will issue cheques for each AP. INGO will assist the opening of accounts of APs in

local banks. The administrative guidelines will contain details of the management aspects and monitoring mechanism. Vouchers on payment will be prepared in quadruplicates: one for RAC, one for TPD record, one for INGO and one for PMU. The RO, Accountant representative from RAC and authorized representative from INGO will sign the vouchers. Payment will be made and records maintained as per approved RP administrative guidelines.

52. Compensation under law for land acquisition will be paid to the legal owners of land and property by the concerned Deputy Commissioner's LA section. DCs will prepare individual checks accompanied with receiving copies of payment and undertaking note.

## **XI. MONITORING AND EVALUATION**

### **A. Internal Monitoring**

53. Internal monitoring will be undertaken by the PMU supported by the INGOs. The INGOs will gather information on respective RP implementation covering relevant activities as per schedule. All activities listed will be illustrated in Gantt Charts showing the target dates for completing resettlement activities. Internal monitoring reports on implementation of RPs will be included in a semi-annual report to ADB. The report of IMO through the TPD will contain: (i) accomplishment to-date, (ii) objectives attained and not attained during the period, (iii) problems encountered, and (iv) targets for the next quarter. The internal monitoring report will then be integrated by the PMU with the overall PPR submitted to ADB. The NRS and IRS will assist PMU preparing the overall PPR for ADB. Table 6 below shows the potential monitoring indicators that will be reported. The NRS will monitor activities of the INGO on a monthly basis and report to PD, PMU.

Table 4 Potential Monitoring Indicators

Monitoring Issues	Monitoring Indicators
Budget and Timeframe	<p>Have all land acquisition and resettlement staff been appointed and mobilized for field and office work on schedule?</p> <p>Have capacity building and training activities been completed on schedule?</p> <p>Are resettlement implementation activities being achieved against agreed implementation plan?</p> <p>Are funds for resettlement being allocated to resettlement agencies on time?</p> <p>Have resettlement offices received the scheduled funds?</p> <p>Have funds been disbursed according to RPs?</p>
	<p>Has all land been acquired and occupied in time for project implementation?</p>
Delivery of AP Entitlements	<p>Have all APs received entitlements according to numbers and categories of loss set out in the entitlement matrix?</p> <p>How many affected households relocated and built new structures at a new location?</p> <p>Have affected businesses received entitlements?</p> <p>Have the APs losing their eroded land received proper compensation?</p> <p>Have the squatters, encroachers of khas land or BWDB land,</p>

	displaced due to the project, been compensated? Have the community structures that were compensated been rebuilt at new site?
Consultation, Grievances Special Issues	and Have resettlement information brochures/leaflets been prepared and distributed? Have consultations taken place as scheduled including meetings, groups, community activities? Have any APs used the grievance redress procedures? What were the outcomes? Has the prescribed time frame for addressing grievances been adhered to? Have conflicts been resolved?
Benefit Monitoring	What changes have occurred in patterns of occupation compared to the pre-project situation?  What changes have occurred in income and expenditure patterns compared to pre-project situation?  How do AP income levels compare with pre project levels one year later?  Has the situation of vulnerable groups deteriorated or improved?

## B. External Monitoring and Evaluation

54. An external monitoring agency (EMA) engaged by the PMU will verify the EAs internal monitoring information and advise on safeguard compliance issues. And if any significant compliance issues are identified the EMA on behalf of the EA prepare corrective action plans to address such issues. External monitoring will be in two phases: compliance monitoring and social impact evaluation.

### a. Compliance Monitoring

55. Compliance monitoring of RP implementation will cover (i) sub-project compensation and entitlement policies, (ii) adequacy of organizational mechanism for implementing the RPs, (iii) restoration of APs incomes, (iv) settling complaints and grievances, and (v) provisions for adequate budgetary support by BWDB for implementing the RP. The EMA will assess if the APs: (i) have found alternative sites for relocation; (ii) have reestablished their structures; (iii) have reestablished their business; and (iii) were extended assistance to restore their incomes to pre-sub-project levels. It will also appraise the accounting documents used in recording the payments of compensation to APs by the EA.

### b. Social Impact Evaluation

56. The EMA will conduct a one-time social impact evaluation, at least six months following the completion of resettlement. It will use appropriate investigative and analytical techniques in assessing the post-Project socio-economic conditions of the APs in relation to the baseline socio-economic data generated before undertaking of the resettlement implementation.

57. The evaluation will describe any outstanding future issues that are required to bring the resettlement into compliance with ADB's Policy on Involuntary Resettlement and Government

policies, and further mitigation measures needed to meet the needs of any APs or families perceiving themselves to be worse off as the result of resettlement. It will include lessons learned from the evaluation that may be useful in developing future policies on involuntary resettlement of APs in Bangladesh. The RPs will include as an appendix an approved Terms of Reference (TOR) for the EMA.

58. The Resettlement Specialists within the PMU will conduct periodic review and supervision missions during the implementation stage. In addition to regular review missions, ADB will undertake Mid-Term comprehensive review of the RP implementation. A post-evaluation of RP activities will be carried out by ADB to assess the resettlement impact in terms of adequacy and deficiency in planning and LAR operations following the social impact evaluation.

### **c. Reporting**

59. BWDB will be responsible, using the supervision consultants, to consolidate the internal and external monitoring reports and submit them to ADB semi-annually.

## **XII. OUTLINE OF THE LAND ACQUISITION AND RESETTLEMENT PLAN**

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

**A. Executive Summary:** This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

**B. Project Description** This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

**C. Scope of Land Acquisition and Resettlement:** This section:

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

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

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;

- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

**E. Information Disclosure, Consultation, and Participation:** This section:

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

**F. Grievance Redress Mechanisms:** This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

**G. Legal Framework:** This section:

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

**H. Entitlements, Assistance and Benefits:** This section:

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

**I. Relocation of Housing and Settlements:** This section:

- (i) describes options for relocating housing and other structures, including

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

**J. Income Restoration and Rehabilitation:** This section:

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

**K. Resettlement Budget and Financing Plan:** This section:

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

**L. Institutional Arrangements:** This section:

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



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

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