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WATER MANAGEMENT
IMPROVEMENT PROJECT

**RESETTLEMENT
POLICY FRAMEWORK**

FEBRUARY 2004

BANGLADESH WATER DEVELOPMENT BOARD

**Water Management Improvement Project
RESETTLEMENT POLICY FRAMEWORK**

TABLE OF CONTENTS

<i>Acronyms and Abbreviations</i>	iii
<i>Executive Summary</i>	iv
I. INTRODUCTION	1
II. THE PROJECT AND THE SCOPE OF RESETTLEMENT	2
▪ <i>Resettlement in the Legal Context of Bangladesh</i>	3
III. THE FRAMEWORK FOR RESETTLEMENT	5
▪ <i>Resettlement Policy Objectives</i>	5
▪ <i>Land Acquisition and Impact Mitigation Principles</i>	6
▪ <i>Compensation/Entitlement Modalities</i>	6
▪ <i>Grievance Redress</i>	8
▪ <i>Compensation Payment</i>	8
▪ <i>Participation in Planning, Implementation and Monitoring</i>	8
IV. DEFINITION OF IMPACTS AND IMPACTEES	9
▪ <i>Impacts Eligible for Mitigation</i>	9
▪ <i>Project Affected Persons/Groups</i>	11
V. ENTITLEMENT POLICY MATRIX	11
VI. ARRANGEMENTS FOR PREPARATION & IMPLEMENTATION OF RESETTLEMENT ACTION PLANS	18
<i>Preparation of Resettlement Action Plans</i>	
▪ <i>Preparation of Land Acquisition Proposals</i>	18
▪ <i>Land Acquisition Procedure</i>	18
▪ <i>Census of Affected Persons/Households</i>	20
▪ <i>Determination of Replacement Value/Market Prices</i>	20
▪ <i>Consultation and Information dissemination</i>	21
▪ <i>Grievance Redress</i>	21
<i>Implementation of Resettlement Action Plans</i>	
▪ <i>Organizational Arrangements</i>	22
VII. MONITORING AND EVALUATION	24
▪ <i>Land Acquisition</i>	24
▪ <i>RAP Preparation and Implementation</i>	24
▪ <i>Evaluation</i>	25
VIII. TIME-TABLE FOR LAND ACQUISITION	25
IX. BUDGET FOR LAND ACQUISITION AND RESETTLEMENT	26
<i>ANNEX-A: Roles and Responsibilities of Key BWDB and TA Consulting in Land Acquisition and Preparation and Implementation of Resettlement Action Plans.</i>	27
<i>ANNEX-B: Suggested Formats for Monitoring Progress in Land Acquisition and RAP Implementation.</i>	33
<i>ANNEX-C: Scheduling Format for Land Acquisition and Preparation and Implementation of Resettlement Action Plan.</i>	37

ACRONYMS AND ABBREVIATIONS

ADG	<i>Additional Director General</i>
BWBD	<i>Bangladesh Water Development Board</i>
CE	<i>Chief Engineer</i>
CERP	<i>Coastal Embankment Rehabilitation Project</i>
CO	<i>Community Organizer</i>
CUL	<i>Compensation-Under-Law</i>
DC	<i>Deputy Commissioner</i>
DG	<i>Director General</i>
DLAC	<i>District Land Acquisition Committee</i>
DLR	<i>Directorate of Land and Revenue</i>
EP	<i>Persons Entitled to Compensation/Assistance</i>
FCD/I	<i>Flood Control and Drainage/Irrigation</i>
GOB	<i>Government of Bangladesh</i>
GRC	<i>Grievance Redress Committee</i>
HCG	<i>House Construction Grant</i>
HTG	<i>House Transfer Grant</i>
JVT	<i>Joint Verification Team</i>
LAO	<i>Land Acquisition Officer</i>
LAP	<i>Land Acquisition Proposal</i>
LAC	<i>Land Acquisition Case</i>
MOWR	<i>Ministry of Water Resources</i>
NGO	<i>Non-government organization</i>
PAH	<i>Project Affected Household</i>
PAP	<i>Project Affected Person</i>
PC	<i>Program Coordinator</i>
PCU	<i>Program Coordination Unit</i>
PS	<i>Project Sociologist</i>
RAP	<i>Resettlement Action Plan</i>
RBPP	<i>River Bank Protection Project</i>
RRMIMP-II	<i>Rural Roads & Markets Improvement and Maintenance Project II</i>
RTIP	<i>Rural Transport Improvement Project</i>
SIA	<i>Social Impact Assessment</i>
SE	<i>Superintending Engineer</i>
TA	<i>Technical Assistance</i>
UP	<i>Union Parishad</i>
VNR	<i>Vested and Non-resident (properties)</i>
WARPO	<i>Water Resources Planning Organization</i>
WMA	<i>Water Management Association</i>
WMIP	<i>Water Management Improvement Project</i>
WMO	<i>Water Management Organization</i>
XEN	<i>Executive Engineer</i>
XO	<i>Extension Overseer</i>

EXECUTIVE SUMMARY

1. The Bangladesh Water Development Board (BWDB) under the Ministry of Water Resources (MOWR), Government of Bangladesh, will implement this multi-component Water Management Improvement Project (WMIP) with financial support of the World Bank. The project will rehabilitate/improve a large number of existing Flood Control and Drainage/Irrigation (FCD/I) schemes in the flood and cyclone prone areas of Bangladesh. Implementation of the project will use Participatory Scheme Management (PSM), an integrated approach to select, plan and implement the rehabilitation/improvement works, and subsequent operation and maintenance of the FCD/I infrastructures by local water user communities through the Water Management Organizations (WMOs) and their constituents. The individual FCD/I schemes for rehabilitation/improvement will be selected in the second or third year of the project after the WMOs are created/strengthened to meaningfully participate in the PSM cycle.
2. It is expected that rehabilitation/improvements of the FCD/I schemes will help to reduce rural poverty in cyclone prone areas of Bangladesh by reducing risk and vulnerability of lives and property through improved flood, drainage and cyclone management; and enhancing livelihood of the poor, landless and small farmers by improved and integrated water resources management by the local communities. In view of this goal, the project has been developed with the objectives to (i) empower the water users in the FCD/I schemes to play an expanded role in all stages of water resources management, ranging from planning to implementation and operation and maintenance, and (ii) enhance institutional performance of principal water institutions, including BWDB and Water Resources Planning Organization (WARPO).
3. Rehabilitation/improvement of the FCD/I infrastructures, especially of the embankments and flood control regulators, may require acquisition of private lands and resumption of public lands from private uses. The magnitude of the acquisition will however be known in the second or third year of the project after the WMOs and their constituents are sufficiently strengthened to participate in the FCD/I selection and other activities included in the PSM cycle. However, as the physical works will largely be carried out on the existing facilities, it is expected that land needs from private ownership are likely to be quite modest. Acquisitions, wherever required, are expected to be in strips along the existing embankments and the associated adverse impacts are very unlikely to be severe. There is also a possibility that work on the existing embankments, especially on the sections passing through the villages, may temporarily displace households and businesses that may have been squatting on BWDB and other public lands.
4. BWDB has planned to address these and any other potential adverse impacts due to acquisition and displacement, according to the World Bank's OP 4.12 on Involuntary Resettlement. However, as the acquisition needs and impact details for the entire project (which are required to prepare a standard Resettlement Action Plan (RAP) remain unknown, it has been agreed that BWDB would prepare a Resettlement Policy Framework (RPF) for the project as a whole. This will serve to prepare separate RAPs for each phase of civil works after the FCD/I schemes are selected, and land acquisition needs and their locations are determined. *The RPF, as proposed, contains (i) a legal framework outlining the principles and guidelines which will be used to acquire lands and mitigate the adverse impacts; (ii) a detailed mitigation policy matrix; (iii) an organizational framework to plan and implement the mitigation measures; (iv) a grievance redress procedure for the project affected persons (PAPs); (v) a framework to monitor progress in land acquisition and RAP implementation; and (vi) a planning process defining the tasks for phase-wise land acquisition and RAP preparation and implementation.* With this RPF in place, the phased

RAPs will basically include FCD/I scheme-specific acquisition requirements, impact details and, if necessary, review/revision of the mitigation measures, resettlement budget and a RAP implementation schedule. *Each phase-wise RAP will be subjected to Bank review and approval before the civil works packages are accepted for Bank financing.*

5. The main objectives of this RPF are to avoid or minimize, to the extent possible, the hardships and impoverishment that land acquisition and displacement would cause, and to mitigate any adverse impacts thereof at the household and community levels. It is determined, however, that these objectives cannot be achieved by using the country's existing legal framework for land acquisition. In most respects, the provisions of the acquisition law are significantly restrictive to meeting the requirements of the OP 4.12. As such, the RPF has been prepared by using the Bank's OP 4.12 and the Acquisition and Requisition of Immovable Property Ordinance, 1982 of Bangladesh. As done in all Bank-supported projects, the RPF has proposed to use the law to legalize the acquisitions as required in the present land administration system, and the principles and guidelines of the OP 4.12 to plan and implement the impact mitigation policies. The following principles and guidelines will be used for land acquisition, formulation of compensation/entitlement policies, and planning and implementation of the resettlement activities.

Land Acquisition and Mitigation Principles

6. **Minimizing Adverse Impacts:** To the extent feasible, the project will consider alternative engineering designs to avoid or minimize land acquisition in order to minimize its adverse socioeconomic impacts on the people and communities. Under unavoidable circumstances, considerations will be made to (i) avoid or minimize displacement from homesteads; (ii) avoid or minimize displacement from buildings/structures used for permanent business/commercial activities; (iii) use least productive lands; and (iv) avoid acquisition of community facilities like educational institutions, places of worship, cemeteries, buildings/structures that are historically/culturally significant, and the like. Attempts will also be made to minimize displacement during implementation of the civil works.

7. **Mitigation Principles:** Resettlement of the project affected persons (PAPs) will be planned and developed as an integral part of the project, and will be implemented as a development program. In specific, the RPF has used the following principles to determine the nature of impacts that would require mitigation and the PAPs who would be entitled to assistance under the project: (i) absence of legal title will not be considered a bar to assistance, especially for the socio-economically vulnerable persons and groups; (ii) homestead-losers, including the households/persons squatting on public lands, will be given the options of physical relocation in designated sites or any locations they choose, and will be assisted with relocation; (iii) the project will rebuild or provide access to alternatives, where community facilities are affected; (iv) economically well-off persons who use their social and political influence to use public lands will be ineligible for assistance; and (v) the project will not be used to collect arrear land development or any other taxes.

8. **Project Affected Persons:** The principles make the following persons/groups eligible for compensation and support: (i) owners with legal titles/agreements to the affected lands and other properties; (ii) squatters and others using public lands; (iii) users of vested and non-resident properties; (iv) sponsors/beneficiaries of development programs using public lands (e.g., social/community afforestation and other land-based income generation programs for socio-economically vulnerable groups); (v) persons with usufruct rights; and (vi) communities/groups where impacts are community-wide. Certain guidelines will be used to

determine eligibility of the affected persons for compensation/assistance. For easy reference, the RPF includes a Entitlement Policy Matrix defining the entitlements, entitled persons, and application and implementation guidelines, in terms of various loss categories.

Compensation/Entitlement Modalities

9. **Impacts to be Mitigated:** Since the most preferred “land-for-land” option is not feasible in land-scarce Bangladesh, the compensation for lands will be fixed at their replacement value, and for other affected properties at replacement costs or market prices, which will be determined by market price surveys. The following are the types of losses which will qualify for compensation/assistance: (i) lands of all kinds; (ii) all non-land assets, such as houses/structures, trees, crops and other immovable assets, that exist on the acquired lands; (iii) physical relocation in cases of homestead loss; (iv) temporary income loss by business operators and their employees; (v) loss of rental income from houses/structures built on acquired private lands; and (vi) loss of use of vested and non-resident properties, which are not under lease. No compensation will however be paid for (i) acquired lands for which the affected persons do not possess legal titles acceptable to the Deputy Commissioners; (ii) equipments, machineries or parts thereof, which can be dismantled and moved away intact; (iii) loss of use of vested and non-resident properties under lease; and (iv) loss of rental income from houses/structures built on public lands. The Entitlement Policy Matrix provides definition of the entitlements and the entitled persons, application guidelines and the organizations responsible to implement them.

10. **Cut-Off Dates:** Cut-off dates will be established to identify the non-land assets that will qualify for compensation, and to discourage attempts to abuse the mitigation policies by defrauding the project. These are the dates on which census of the affected persons and their assets are taken. No person or his/her assets will qualify for compensation unless they appear in the census taken on the cut-off dates.

11. **Compensation Payment:** Given that the existing law will be used to legalize the acquisitions, a part of this compensation will be assessed and paid to the title-holding PAPs by the Deputy Commissioners (DCs—responsible for the acquisitions). If this payment, ‘compensation-under-law’ or CUL, is lower than the replacement value/market price, BWDB project office will directly pay the difference (top-up) to make up for the shortfall. The compensations/entitlements due to all other PAPs, who are not recognized by the law, will also be directly paid by BWDB project office. BWDB will ensure that the compensations/entitlements due to the PAPs are paid in full before they are evicted from the acquired private and public lands.

Where a person loses lands or other assets in more than one mouza (land administration unit), the person will be counted once, and his/her top-up will be paid together. The amount of top-up due to a property owner will be determined by comparing the total amount of CUL paid by the DCs for all acquired lands and other assets in all mouzas, with the total replacement costs/market prices thereof.

12. **Grievance Redress:** BWDB will establish a grievance redress procedure to deal with various non-legal issues which may arise during preparation and implementation of the resettlement activities. Grievances may typically involve PAPs or affected assets missed by census, and minor disputes concerning co-ownership, co-inheritance, etc of the affected properties. A Grievance Redress Committee (GRC) in each selected FCD/I scheme will try to

resolve such issues amicably by bringing together the contestants. The GRCs will be formed of project and local government officials, WMO members, and TA consultants. Decisions made by using this mechanism will be binding on BWDB. The GRCs will not provide legal advice to the contestants, and its proceedings will be recorded and monitored to ensure transparency and impartiality, and to prevent the procedure from abuses.

Implementation Arrangements

13. A Program Coordination Unit (PCU) at BWDB, headed by a Program Co-ordinator (PC), will coordinate preparation and implementation of the phase-wise land acquisition and the resettlement action plans. In carrying out these activities, BWDB, assisted by TA consultants, will primarily utilize its existing staff at the Zone, Circle and Division levels headed respectively by Chief Engineers (CEs), Superintending Engineers (SEs) and Executive Engineers (XENs). The XENs will be responsible for the key RAP preparation tasks, such as determination of land acquisition needs by FCD/I schemes and their locations on the ground, PAP census, market price surveys, and facilitating and following through the acquisition process, and RAP implementation. The CEs and SEs will coordinate and supervise these activities in their Zones, and transmit all required information to the PCU in Dhaka.

14. In an effort to strengthen the proposed PSM approach, BWDB will use 57 new staff, 50 of whom will be posted at Division levels to work as Extension Overseers/Community Organizers (XOs/COs) under direct supervision of the XENs. Meanwhile, seven 'project sociologists' have been hired to work on the PSM activities. The existing and new staff will be trained to carry out the process tasks required to prepare and implement the phase-wise RAPs. If required, the project will also finance temporary services of NGOs to perform specific tasks. The TA consultants will provide the professional services of a resettlement specialist and other social scientists to assist the BWDB staff at the division, circle, zone and PCU levels. In keeping with the civil works plan, these professionals will actively assist the PC, CEs, SEs and XENs to schedule all tasks related to land acquisition, and RAP preparation and implementation. Among other tasks, they will prepare all data gathering instruments for PAP census, market price surveys etc, and prepare the RAPs; process compensation data; and monitor and prepare the routine progress reports. The PCU will set up a information processing facility to collate and update the resettlement database to monitor progress in land acquisition and entitlement delivery, with the required number of appropriately qualified persons.

15. *Implementation Procedures: A long sequence of tasks and steps are involved in the land acquisition, and RAP preparation and implementation processes. Land acquisition process begins with the selection of the FCD/I schemes and determination of the acquisition requirements and their locations, preparation and submission of the acquisition proposals to the DCs, who then invokes the legal acquisition process. The RPF clarifies all the major time-consuming steps in the legal process. Some of the process tasks, such as census of the affected persons and their assets, could begin only after identification of acquisition requirements and their exact locations on the ground. The RPF clarifies all major tasks and steps in order for timely completion of land acquisition and RAP preparation and implementation.*

16. **Monitoring and Evaluation:** Three major tasks are to be completed before the lands are handed over for civil works: land acquisition by the DCs, and phase-wise RAP preparation and implementation. The pre-requisites for land acquisition and RAP preparation are selection of the FCD/I schemes, and determination of acquisition requirements and their exact locations on the ground. Monitoring will consist of an array of steps related to these tasks, and others

involved in the process leading to the commencement of civil works. Sequenced with the required tasks, the project will set up and operate an integrated system by using verifiable indicators to monitor and report progress and performance. The RPF includes an integrated schedule with monitoring indicators and formats to report progress on land acquisition and RAP implementation.

17. ***Land Acquisition and Resettlement Budget:*** The major direct cost items are lands of all kinds, houses/structures and standing trees, compensation for which will be paid at replacement/ market prices. There may also be a few items, such as temporary income loss, house transfer and construction grants, etc, which will add to the cost of resettlement. Preparation of a more realistic resettlement budget for the entire project will be possible by projecting the land acquisition and RAP implementation costs after the first phase-wise RAP is prepared in the second or third year of the project. Based on the experiences gained in other projects, BWDB has presently budgeted Taka 265.35 million for land acquisition and resettlement (to be revised). The budget will be revised with more concrete information that would be available with the design of the Phase-I civil works.

Bangladesh Water Development Board
Water Management Improvement Project
RESETTLEMENT POLICY FRAMEWORK

I. INTRODUCTION

1. This Resettlement Policy Framework (RPF) is intended to deal with the resettlement issues that may arise under Water Management Improvement Project (WMIP) prepared to rehabilitate/improve a considerable number of existing Flood Control and Drainage/Irrigation (FCD/I) schemes. The RPF contains the principles and guidelines to be used to acquire lands from private ownerships and resume public lands from authorized/ unauthorized private uses, as well as to formulate policies and measures to mitigate any adverse impacts the project may cause on the landowners and other persons and households. The Bangladesh Water Development Board (BWDB), under the Ministry of Water Resources (MOWR), has prepared the project and will implement it with financial assistance from the World Bank.

2. The rehabilitation and improvement works anticipated under WMIP will mostly be carried out on the existing FCD/I schemes. Use of private lands, wherever needed, is likely to vary in terms of scheme locations and the nature of the required civil works. Those that are in the interior of the country may require relatively small amount of private lands and are most likely to be in strips along the embankments. On the other hand, land needs may be relatively larger for the schemes in the erosion-prone coastal areas and along the larger rivers. A possibility is also there that new FCD/I schemes might be created depending upon strategic needs and local demand. In any case, this RPF, which is prepared by following the World Bank's OP 4.12 on Involuntary Resettlement, will deal with any resettlement issues that may arise irrespective of the scheme locations and magnitude of land requirements.

3. The main objective of this RPF is to formulate and agree on a legal framework outlining the principles and guidelines to be used for land acquisition, impact mitigation principles and measures, institutional/organizational arrangements to be used to implement and monitor them, as well as to specify the processes leading to RAP preparation and implementation under the individual yearly work programs. As the FCD/I scheme selection will begin later in the implementation process, after the Water Management Organizations (WMOs) are sufficiently strengthened to meaningfully participate in the process, this RPF does not include specifics of the impacts the project might have on the landowners and other potential PAPs. However, in order to understand the nature and magnitude of the potential impacts, it utilizes the experiences gained with similar Bank-supported projects implemented in the recent past.

4. This framework will provide the basis to prepare separate Resettlement Action Plans (RAPs) for the annual/phased civil works programs. As the impacts of land acquisition and displacement will only be known in the second or third year of the project, *it is agreed that this RPF will provide the bases to review the land acquisition and resettlement issues for appraisal of the project.* Separate RAPs will be prepared for each yearly/phased civil works program, as batches of schemes are selected with local participation. *It is also agreed that the RAP for each phase will be subjected to Bank review before a yearly civil work package is accepted for Bank financing.*

5. To prepare this RPF, BWDB has followed the World Bank's OP 4.12 and the *Acquisition and Requisition of Immovable Property Ordinance, 1982*, both of which were used in several Bank-financed projects in Bangladesh, including the River Bank Protection Project (RBPP) and Coastal Embankment Rehabilitation Project (CERP) implemented by BWDB itself. In specific, this RPF contains:

- a. A *legal framework* outlining the principles and guidelines which will be used to acquire lands and other assets from private ownership, as well as to resume public lands from authorized and unauthorized private uses;
 - b. A detailed *policy matrix* defining the entitlements, entitled persons, application guidelines and implementation issues, and the institutional/organizational responsibility to implement them;
 - c. An *organizational framework* to plan and implement the resettlement activities in general, and in particular to identify the location-specific impact details, and the tasks concerning policy revisions, budgeting, work planning and the like;
 - d. A *grievance redress procedure* to deal with disputes and complaints related to planning and implementation of the resettlement activities;
 - e. A *monitoring and evaluation framework* to be used for land acquisition, and the preparation and implementation of the phase-wise RAPs; and
 - f. A *planning process* defining the tasks leading to preparation of the location-specific land acquisition proposals, identification of the impact details, policy review, budgeting, task scheduling, etc.
6. The elements outlined in the legal framework, and the principles guiding eligibility and application scopes for the different loss categories and losers included in the mitigation policy matrix (presented in a later section) have long been agreed between the Government of the People's Republic of Bangladesh and the World Bank.

II. THE PROJECT AND THE SCOPE OF RESETTLEMENT

7. WMIP is a multi-component project aimed at alleviating rural poverty in the flood and cyclone-prone areas, by reducing risks and vulnerability of lives and property through improved flood management and cyclone mitigation infrastructure; and enhancing the livelihood of the landless poor and small farmers through improved water resources management. The specific project objectives are to improve monsoon water management; provide better water services by enhancing performance and sustainability of the existing infrastructure; facilitating institutional reform and improvement of public institutions responsible for water management; and fostering ownership and commitment of local stakeholders through their increased participation in planning, implementation, operation and maintenance of water infrastructure through progressive devolution of selected water management activities to local water management groups and associations, communities and local government.

8. One of the components will rehabilitate/improve a large number of existing FCD/I schemes and, if needed, create a few new ones depending on strategic needs and beneficiary demand. Selection of the existing schemes for improvement as well as those to be created anew will be done through an assessment of their impact on the environment, local economy, drainage, navigation, fish habitat and knock-on effect of flooding in the surrounding areas. A typical FCD/I scheme rehabilitation/improvement process will include activities, such as: (i) social mobilization to involve stakeholders and strengthening and capacity building of the existing WMOs and their constituents and forming the new ones; (ii) screening and selection; (iii) participatory scheme assessment by using social, environmental, engineering, institutional, economic, financial criteria, etc; (iv) identifying the rehabilitation/improvement requirements; (v) and planning and preparing the schemes; (vi) monitoring and evaluation through WMO participation. All of these activities are included in the Participatory Scheme Management cycle (PSM) which embodies an integrated approach to water resources management at the community levels.

9. As noted earlier, implementation of the physical component may involve acquisition of private lands. The exact amount of acquisition and the associated adverse impacts, if any, will however be known about half-way through the implementation period, or by the time works on local level capacity building progresses significantly to involve the WMOs in the scheme selection and planning process. At this stage, BWDB assumes that the potential impact categories of WMIP will largely be akin to those seen under RBPP and CERP, but far less severe because most of the rehabilitation and improvement works will be carried out on the existing FCD/I infrastructures. Private lands, wherever required for the existing embankments, are likely to be in strips, and those for any new ones are also unlikely to cause severe impacts because of the linear characteristics of the embankments¹. Field application of the proposed PSMC will provide much clearer understanding of the impacts to be expected under the existing and new schemes.

Resettlement in the Legal Context of Bangladesh

10. The legal framework presently in use is however not adequate to deal with the adverse impacts associated with land acquisition and involuntary displacement. Lands are acquired according to the 1982 Acquisition and Requisition Ordinance, but its provisions do not fully satisfy the requirements of the Bank's OP 4.12 on Involuntary Resettlement. In essence, the law is largely indifferent to the landowners' present socioeconomic conditions, or the long-term changes the acquisition and displacement may cause on the landowners. Also, no other policies are there to complement the acquisition law in ways to assess, mitigate and monitor the adverse impacts that the affected landowners may suffer.

11. To highlight some of the salient provisions of the law that require added mechanisms to meet the Bank's requirements:

- *Avoiding/Minimizing Land Acquisition:* The law only implicitly discourages unnecessary acquisition, as lands acquired for one purpose cannot be used for a different purpose. However, there are no mechanisms to monitor if this condition is actually adhered to.
- *Eligibility for Compensation:* The law stipulates compensation only for the persons who appear in the land administration records as the owners. It does not recognize the rights of those, such as squatters, who do not possess legal title to the lands they live in or make a living from. There is thus no provision to mitigate the adverse impacts they suffer.
- *Compensation Paid For:* Provides for compensation for lands and other objects built and grown on them (structures, trees and orchards, crops and any other developments like ponds, built amenities, etc.). No provisions are there to assess and restore lost income stream or income sources that acquisition causes to the affected persons, be they legal titleholders or others like squatters and employees of affected businesses.
- *Compensation Standards:* Although the law stipulates 'market prices' of the acquired lands as the just compensation, the legal assessment method almost always results in prices that are far below the actual market prices². Certain pricing standards, which are

¹ Given that landownership of a person/household, in general, consists of several plots scattered over an area, it is unlikely that the project would affect all of the plots. Lands taken in strips generally affects a larger number of plots and owners, but the impacts on individual landowners and households are often insignificant.

² According to the law, the 'market price' is calculated by averaging the sales prices recorded in the previous one year, in terms of land characteristics by land administration units or *mouzas*. But it is a widely accepted fact that prices determined as such hardly reflect the true market value of the lands. As the sale/acquisition prices are grossly under-reported to evade on sale taxes, assessment of legal compensation almost always fall far too short of the real market prices.

regarded as unrealistic, are used to assess other losses like structures and various built amenities, trees, crops, and the like.

- *Relocation of Homestead Losers:* No legal obligation is there to relocate, or assist with relocation of, those whose homesteads have been acquired. Such persons/households, be they titleholders or squatters, are left on their own.
- *Ensuring Payment/Receipt of the Compensation:* Even with the given legal provision, the compensation process is too lengthy, and there is no certainty about when an affected landowner would get the stipulated compensation, or would at all get it. Lands are legally acquired and handed over to the project execution agency as soon as the acquisition authority identifies the owners (or 'awardees'), by examining the records, and sends a legal notice advising them to claim the compensation (or 'awards'). Here ends the legal obligation, and now it is the obligation of the affected landowners to prove, by producing an array of documents, that the acquired lands legally belong to them. As gathering these documents is a long, expensive and cumbersome process, many landowners may remain unable to claim their awards³. The project has meanwhile started to use the lands.
- *Socioeconomic Rehabilitation:* Finally, the provisions are so restricted that the law shows no concern whatsoever about the long-term socioeconomic changes the affected persons and households might undergo in the post-acquisition period. Except for the compensation at the legal 'market price', there are no other provisions in the acquisition or other laws that require the government to mitigate the resultant adverse impacts caused by the acquisition. Socioeconomic rehabilitation of the involuntarily displaced persons is totally absent in the legal regime of the country.

12. In fact, the law is too long on the acquisition process and far too short in recognizing and dealing with the variety and severity of impacts the land-based development projects usually cause at the household and community levels, and even implementing the stipulations enshrined in it. As a consequence, the authorities are seldom aware of whether or not, or the extent to which, development projects are making certain people worse-off.

III. THE FRAMEWORK FOR RESETTLEMENT

13. These shortfalls in the legal provisions have been widely recognized as not fulfilling the requirements of the OP 4.12, ever since Bangladesh started to address resettlement issues in the Bank-financed projects in the early 1990s. Ever since, all projects, including BWDB-executed RBPP and CERP, have addressed the involuntary resettlement issues in the Resettlement Action Plans (RAPs), which were planned and implemented as integral parts of the projects. These RAPs used the present acquisition law to legalize the acquisition in the overall land administration system of the country. On the other hand, the provisions of the Bank's OP 4.12 (formerly OD 4.30) provided the bases to define the resettlement policy objectives, formulate mitigation measures, and to plan and implement the RAPs.

14. In keeping with the principles and provisions adopted in these RAPs, as well as the experiences gained so far in planning and implementation of land acquisition and resettlement activities, BWDB proposes the following framework to mitigate the adverse impacts expected

³ In the present land administration system, which is widely accepted as antiquated, land transactions, especially in the rural areas, often remain incomplete. Even after the sale/purchase deeds are legally executed, the sellers continue to remain as owners in the legal records until mutations are completed. As the transaction process is cumbersome and involves costs beyond those mandated by the law, and the practice that lands can be used with the deeds alone, most land transactions do not follow the process beyond deed execution. Many land purchasers are even not aware of the mutation or its significance.

to arise under the entire WMIP. This RPF will be treated as a live document and remain open to revisions and refinements as and when warranted during planning and implementation of the phase-wise RAPs. With this framework in place, RAP preparation tasks will basically consist of identifying the FCD/I-specific impact details, reviewing the mitigation policies to address any impacts that have remained unforeseen until now, and working out the resettlement budgets and the implementation schedules.

Resettlement Policy Objectives

15. Land acquisition and the associated impact mitigation principles and guidelines have been proposed with the objectives to *(a) avoid or minimize displacement, to the extent possible, from private and public lands; (b) mitigate any adverse impacts that may result in situations where displacement could not be avoided; and (c) determine and implement the mitigation measures with direct participation of project-affected persons and beneficiaries.* These are consistent with the project's goal of poverty alleviation in its rural command areas, where most people continue to subsist on agriculture. And these objectives provide the bases for the principles and guidelines proposed for land acquisition, adoption of compensation/entitlement policies, and planning and implementation of the resettlement activities.

Land Acquisition and Impact Mitigation Principles

16. **Land Acquisition:** In keeping with the resettlement objectives, the project will use the following principles to avoid or minimize land acquisition and displacement:

- Alternative designs of the rehabilitation/improvement works on the selected FCD/I schemes will be considered to avoid or minimize land acquisition in general, and particular attention will be paid to use minimum amount of private lands, and as much of public lands as possible.
- Alternative designs will also be considered to avoid or minimize displacement from homesteads.
- Wherever feasible, improvements on the existing FCD/I schemes will be designed to use lands that are of lower value in terms of uses and productivity.
- Rehabilitation/improvement works will be designed to avoid or minimize displacement from buildings/structures that are used for permanent business/commercial activities.
- Where landholdings remaining after acquisition become economically unviable, the landowners will be given the option to offer the entire holdings for acquisition.
- The lands that are *khas* or under the ownership of other public entities will be procured through the inter-ministerial negotiation process.
- FCD embankments will be re-aligned only where it is necessary to meet WMO/community demand and the defined technical standards.
- More options to avoid/minimize displacement will be explored during social screening of the individual FCD/I schemes, actual design of the rehabilitation/improvement works and their implementation on the ground.

17. **Impact Mitigation:** Operationalization of the Bank's resettlement principles and guidelines has undergone considerable refinements to make them contextually more and more pragmatic. The following impact mitigation principles adopted for WMIP are based on various lessons learned from projects implemented over a decade.

- Where displacement is unavoidable, resettlement of the project affected persons (PAPs) will be planned and developed as an integral part of the project, and will be implemented as a development program.

- Contrary to the requirement in the acquisition law, absence of legal title will not be considered a bar to assistance for the homestead losers, especially those who are socio-economically vulnerable.
- Vulnerability, in terms of economic, social and gender differentiations, of the project-affected persons will be identified and mitigated with appropriate policies and supports.
- People who are economically well-off and use their social and political influence to use public properties for free will not qualify for financial or any other form of assistance⁴.
- Where community-wide impacts are caused in the form of affecting community facilities, restricting access to common property resources, and the like, the project will rebuild such facilities and provide for alternative accesses.
- Homestead-losers, including the households squatting on public lands, will be given the options of physical relocation on designated lands or any locations they choose, and will be assisted with relocation.
- The resettlement component will not be used to collect arrear land development taxes, or any other form of taxes, by the land acquisition authority.

Compensation/Entitlement Modalities

18. Since the most preferred "land-for-land" option is not feasible in land-scarce Bangladesh, the compensation for lands will be fixed at their replacement value, and for other affected properties at replacement costs or market prices. The following are the types of compensation/entitlement which will be paid for losses expected to be caused by the project⁵:

- Compensation for the acquired lands, which includes home-lots, agricultural and other lands, including ponds and similar developments, will be paid at 'replacement costs' to be determined through land market surveys in the individual FCD/I schemes.
- All affected non-land properties, such as houses and other structures, trees, seasonal and perennial crops, orchards and other immovable items of value, will be compensated for either at replacement costs or at market prices at the time of first acquisition notification (Notice-3 under the acquisition law).
- Cut-off dates will be established to determine compensation eligibility of persons and their assets. These are the dates on which census of the affected persons and their assets will be taken. *Assets like houses/structures and others which are created, and the persons or groups claiming to be affected, after the cut-off dates will be ineligible for compensation.*
- Where acquisition causes displacement from homesteads where the affected persons may or may not have title to the land, the project will encourage for and assist with self-relocation. Where self-relocation is infeasible, the project will arrange for lands to relocate, and provide for basic social and physical infrastructure.

⁴ Such influential squatters/encroachers are unlikely to be vulnerable, and generally build durable structures for their own use or to rent them out to others. Quality of the building materials will be used to determine their eligibility for resettlement assistance. Structures made of bricks, reinforced cement concrete, steel, GI sheet, etc. will be considered ineligible for compensation. The affected households' global landownership will also be used to see if they are vulnerable.

⁵ The variety of the losses listed have been found to be caused by River Bank Protection and Coastal Embankment Rehabilitation projects executed by BWDB, and other similar projects implemented with Bank financing. WMIP is open to account for any losses that do not appear in this list, or any unforeseen impacts that might be encountered during the design and implementation of the yearly work programs.

- Assets like equipments, machineries or parts/components thereof, which can be dismantled and moved away, will not be eligible for compensation. But the owners will be paid a reasonable amount to cover the dismantling and moving costs.
- Owners of the affected businesses will be compensated for temporary loss of income for a reasonable period of time. However, if a business, which is recorded in the census, closes down or moves away for reasons unrelated to the project, will not be eligible for this compensation.
- Employees of the affected businesses, who have been continuously employed for at least six months up to the cut-off dates, will be compensated for temporary loss of income for a reasonable period of time. However, an employee, who is recorded in the census to be employed with a business, will not be eligible for this compensation if (i) the person leaves the business because of personal reasons, or (ii) if the employee is a minor member of the business owner's household and help him/her on a part-time basis, or (iii) the business closes down or moves away for reasons unrelated to the project.
- For the properties that have not been designated as Vested and Non-resident (previously 'enemy' properties under the *Enemy Properties Act of 1965*) through 1984, and are found to be vested or non-resident during this acquisition, the present users will qualify for compensation three times the value of all crops grown on the acquired portion in a given year⁶.
- Compensations/entitlements due to the PAPs will be paid in full before they are evicted from the acquired private and public lands.
- The project will identify and implement policies to mitigate any adverse impacts that are unique to any FCD/I schemes and have so far remained unknown.

Grievance Redress

19. A grievance redress procedure will be established to deal with various non-legal issues that may arise during preparation and implementation of the resettlement activities. Such issues more often involve PAPs or affected assets that have been missed by census/baseline surveys. There may also arise minor disputes concerning co-ownership, co-inheritance, etc., of the affected properties, which the Grievance Redress Committees (GRCs) will try to resolve amicably by bringing together the contestants. The GRCs will however not provide legal advice to the contestants. Decisions made by using this mechanism will be binding on BWDB (details in a later section).

Compensation Payment

20. As noted above, the compensations/entitlements due to the PAPs will amount to the replacement value/market prices of the affected properties. Given that the existing law will be used to legalize the acquisitions, a part of this compensation will be assessed and paid to the

⁶ These properties have been left behind by the peoples of minority communities who migrated to India since independence and partition of India in 1947. Although there are certain provisions for inheritance, the law is highly controversial and reportedly much abused, as its application is known to have discriminated against the peoples of minority communities. The total amount such properties is not known. An investigation through 1984 designated some of these properties as 'vested and nonresident', which have since been leased to the private citizens on an annual basis. But there may still remain more of such properties, which are used by the people related to the original owners. During acquisition, if the legal documentation is found unsatisfactory, the DCs declare them as vested and non-resident. This disqualifies the present claimants to ownership and/or users for the compensation-under-the-law (CUL). But, without the project they would have still continued to use these properties. As such, the present users of the lands, which might be declared 'vested and nonresident' during this acquisition, would be eligible for the proposed entitlement.

titleholding PAPs by the Deputy Commissioners (DCs -- responsible for the acquisitions). If this payment, 'compensation-under-law' or CUL, is lower than the replacement value/market price, BWDB project office will directly pay the difference (top-up) to make up for the shortfall. The compensations/entitlements due to all other PAPs, such as squatters, business operators and employees, and the like (who are not recognized as affected persons by the law) will also be directly paid by BWDB project office.

21. Where a person loses lands or other assets in more than one *mouza* (land administration unit), the person will be counted once, and his/her top-up will be paid together⁷. *The amount of top-up due to a PAP will be determined by comparing the total amount of CUL paid by the DCs for all acquired lands and other assets in all mouzas with the total replacement costs/market prices thereof.*

Participation in Planning, Implementation and Monitoring

22. As noted earlier, the project will use a Participatory Scheme Management cycle (PSM) approach designed to devolve various water management functions, including selection, planning and implementation of the improvement works, and operation and maintenance of the physical infrastructure, to the local water user communities. In fact, a FCD/I scheme will be undertaken for rehabilitation/improvement only if the local communities approach BWDB through their WMOs which may have been existent or will be created anew. This 'bottom up' approach provides a unique opportunity to directly involve the WMOs in planning, implementation and monitoring of the resettlement activities. It is expected that participation of the local stakeholders in such an organized manner will ensure transparency about the principles and guidelines used for impact mitigation, as well as their rights and obligations in the compensation assessment and payment processes. As was also done in the previous projects, BWDB project office will assist the PAPs procure any legal documents that are required to prove ownership to the acquired lands and claim compensation from the DCs. The grievance redress facility, as noted above, will also enhance PAP and other stakeholder participation.

IV. DEFINITION OF IMPACTS AND IMPACTEES

23. The mitigation principles and compensation/entitlement modalities stated in the preceding section are operationalized by defining and categorizing the potential impacts/losses which will qualify for mitigation. The listed losses/impacts reflect only those evidenced under BWDB-implemented RBPP and CERP, as well as several other Bank-supported projects in Bangladesh⁸. As such, the ones listed below and included in the policy matrix are not complete. Any other impacts unique to a selected FCD/I scheme will be mitigated with appropriate policies and measures.

⁷ The 'awards' or CULs are determined in terms of mouzas. As a result, a person becomes entitled to as many awards or CULs as the number of mouzas where his/her properties are acquired. The awards are paid separately for each mouza. On the other hand, the individual affected persons/households are counted once for resettlement purposes -- irrespective of the number of mouzas they lose lands.

⁸ For an understanding of the most probable impacts/losses, the following projects were reviewed: Second Rural Roads and Markets Improvement and Maintenance (RRMIMP); Second Road Rehabilitation and Maintenance (RRMP-II); Third Road Rehabilitation and Maintenance (RRMP-III), River Bank Protection (RBPP) and Coastal Embankment Rehabilitation Projects.

Impacts Eligible for Mitigation

24. In addition to the following, any other mitigable impacts/losses that may have remained so far unknown will be included in the RAPs, which will be prepared for each yearly/ phased civil works program.

- **Lands:** All kinds of lands, such as agricultural, commercial, home-lot, water bodies, fallow, and others acquired from private ownership. If public lands are resumed from legally authorized private uses, the users will be entitled to the remaining lease value and other entitlements for any losses in accord with the stipulated policies. The unauthorized users, such as squatters, are not eligible for compensation for land, but are eligible for other losses which are covered by the mitigation policies.
 - **Water-bodies:** Loss of man-made water-bodies like ponds. The compensation will include the costs of digging such facilities.
 - **Stamp Duty:** All affected landowners will be paid for stamp duty required to purchase replacement lands equal to the amount acquired for the project.
 - **Vested and Non-resident (VNR) Properties:** No compensation will be paid for lands. The present users of the VNR agricultural lands, which are identified during this acquisition, will be paid three times the value of all crops grown in a given year (Compensation for other assets created by the present users will be paid for according to the applicable policies).
- **Built Structures:**
 - **Houses and Other Structures on Private Lands:** All built structures, such as living quarters and those used for other purposes, commercial and industrial premises, and brick-concrete built amenities like drainage, sanitation facilities.
 - **Houses and Other Structures on Public Lands:** All non-pucca (*built with cheap materials, such as bamboos, straws and similar materials*) residential, and similarly built business premises.
 - *Any non-pucca structures, which are not used by the owners themselves, but rented out, will also not qualify for compensation.*
 - *Affected pucca (components like walls, roofs and floors built with bricks, cement, steel and other expensive materials) houses and other structures on public lands will not qualify for compensation⁹.*

Trees and Orchards: Market price of all trees, including those in orchards, grown on private and public lands. The compensation for fruits will be assessed (below) and paid in terms of seasonal and perennial characteristics.

- **Fruits and Other Crops – Seasonal and Perennial:** Compensation will be assessed based on the market value of the crops standing in the field and those found on trees at the time of joint on-site verification and inventory. For the seasonal crops, compensation will be paid for only one season, and that for the perennial crops will be paid for three years (three times the value assessed during verification).
- **Rental Income:** Loss of rental income from houses/structures situated on private lands for a reasonable period of time.

⁹ As explained earlier, owners of such houses/structures are not vulnerable. They use their social and political influence to use public properties for free and use their status to abuse the mitigation policies (also see Footnote 4).

- **Temporary Loss of Business and Wage Income:** Loss of business income by owners and wage income by the persons employed in the businesses displaced from private and public lands, for a reasonable period of time.
- **Community Facilities:** Affected educational institutions and other community facilities will be rebuilt by BWDB (No compensation will be paid in cash).
- **Common Property Resources:** BWDB will provide alternative access or develop similar resources, whichever is appropriate. No compensation will be paid in cash.
- **Usufruct Rights:** If such rights, which have been acquired by private citizens/groups through a formal agreement with the government, BWDB will pay for remainder of the lease value or fulfil the obligations agreed in the contract, and any other entitlements in accord with the mitigation policies (Where agreements are between private parties, the owner of the affected property will fulfil any obligations agreed between them).
- **Severely Affected Persons/Households:** If the acquisition leaves persons/households severely affected (in terms of land and/or homestead loss, e.g.), BWDB will provide reasonable assistance to enable them to cope with the changed socioeconomic condition.
- **Other Losses/Impacts:** All other losses/impacts that have remained unknown as of now, but identified by PAP Census or during RAP implementation on the ground, will be mitigated with appropriate policies and measures.

25. Project Affected Persons/Groups

According to the proposed mitigation principles and modalities, the following persons, households, and entities will be entitled to compensation and assistance. It is to be noted that depending upon the types of losses, a PAP may be entitled to more than one form of compensation/entitlement.

- **Private Land and Other Property Owners:** Legally-recognized owners of affected lands and other assets built and grown on the acquired lands. Legal owners will be identified by the Deputy Commissioners.
- **Squatters:** Residing on the existing embankments or public lands and/or using such lands for commercial purposes like operating small businesses. Compensation modalities relating to building materials characteristics will apply.
- **'Vested and Non-resident Property' Owners/Users:** Owners/users of the acquired lands and other properties that are designated as 'vested properties' during this acquisition (see Footnote 6).
- **Sponsors/Beneficiaries of Development Programs Using Public Lands:** They may include social/community afforestation and other land-based income generation programs for socio-economically vulnerable groups, which may have been implemented under the auspices of government and non-government organizations. Such programs may or may not have formal contract with the land-owning government agencies.
- **Owners and Employees of Displaced Businesses:** For a reasonable period of time, subject to certain conditions (See the section on *Compensation/Entitlement Modalities*).
- **Rental Income Earners:** From premises situated on private lands, for a certain period of time (Certain conditions will apply – see the section on *Compensation/Entitlement Modalities*).
- **Persons with Usufruct Rights:** Owners of business and other activities on formally leased-in public lands, in accord with the acquisition law.

- **Community or Groups:** Where local communities and groups are likely to lose income earning opportunities or access to crucial common property resources, special development programs will be undertaken to provide alternatives to restore and improve their livelihood.

26. For *adverse impacts on community facilities*, such as educational institutions, places of worship, graveyards, cremation grounds, etc, no financial compensation will be paid directly to individual persons and groups. BWDB will itself rebuild the affected facilities, or provide alternatives in consultation with the user communities. For easy reference, an **Entitlement Policy Matrix** defining the entitlements, entitled persons, and application and implementation guidelines, in terms of various loss categories is provided below.

V. ENTITLEMENT POLICY MATRIX

27. The following matrix lists 11 categories of impacts that have been seen under several Bank-supported projects in Bangladesh. Any other impacts that might be identified during social screening of the individual FCD/I schemes and PAP Census, as well as those that might be encountered during implementation of the civil works, will be recorded under 'Category 11' and mitigated according to the principles and guidelines stated in the preceding section. It is to be noted that a person could be eligible for compensation/entitlement in more than one category of impacts.

28. As to CUL payment, a person may be paid separately by DCs for each mouza where his/her lands or other assets have been acquired. But for top-up from BWDB, the person will be counted once and the top-up will be based on the global losses and the total CUL paid by DCs.¹⁰ *The amount of top-up due to a PAP will be calculated by comparing the total amount of CUL paid by the DCs for all acquired lands and other assets in all mouzas with the total replacement costs/market prices thereof.*

Category 1: LOSS OF AGRICULTURAL & COMMERCIAL LANDS

Entitlement	Entitled Person
1. CUL, which includes 50% premium, or replacement value, whichever is greater.	1. Legal owner(s), including mortgagors, as determined by DC during CUL payment, or by court in cases of legal disputes.
2. Stamp duties to purchase lands equal to the amount acquired.	2. Co-sharers/mortgagors to be determined by title deeds and mortgage documents.

Application Guidelines	Implementation Issues
1. Current market prices of land determined by JVT Team to be the basis for determining replacement value and top-up payment.	1. PAPs to be informed of the details of compensation policies after issuance of Notice-3
2. Purchase of replacement land is not required for stamp duty payment.	2. Landowners to be assisted to procure any missing legal documents required to claim compensation from DCs.
3. Persons using Vested & Non-resident (VNR) properties <u>under lease</u> will be treated as per lease agreement, and will not qualify for project grant.	3. Mouza-wise current market prices of lands to be determined, considering their quality in terms of number and types of crops produced a year, flooding, irrigation facilities, accessibility and other factors influencing market prices.
4. Advance notice to be issued in time to harvest standing crops. If not possible, the value of crop at full harvest value is to be paid.	4. The project will not be used to collect outstanding dues or taxes on the acquired or other lands.

¹⁰ The 'awards' or CULs are determined in terms of mouzas. As a result, a person becomes entitled to as many awards or CULs as the number of mouzas where his/her properties are acquired. The awards are paid separately for each mouza.

Responsibility

1. BWDB for overall execution and coordination, ensuring GOB's support and timely financial disbursements.
2. DC to pay CUL to all legal owners, and those with the legal evidence of interest in the lands.
3. BWDB/TA consultants to inform PAPs of RAP policies, assist in updating records, pay difference between CUL and replacement value, and the stamp duties on the acquired lands, and monitor and report progress on RAP implementation.

Category 2: *LOSS OF HOMESTEAD LANDS*

<i>Entitlement</i>	<i>Entitled Person</i>
1. CUL which includes 50% premium, or replacement value, whichever is greater.	1. Legal owner(s), including mortgagors, as determined by DC during CUL payment, or by court in cases of legal disputes.
2. Stamp duties to purchase lands equal to the amount acquired.	2. Co-sharers/mortgagors to be determined by title deeds and mortgage documents.

<i>Application Guidelines</i>	<i>Implementation Issues</i>	<i>Responsibility</i>
1. Current market prices of land determined by JVT Team to be the basis for determining replacement value and top-up payment.	Issues: Nos. 1, 2, 3 and 4 as indicated for Loss of Agricultural & Commercial Lands..	As in Nos. 1, 2 and 3 indicated for Loss of Agricultural & Commercial Lands.
2. Purchase of replacement land is not required for stamp duty payment.		
3. Persons using VNR properties <u>under lease</u> will be treated as per lease agreement, and will not qualify for project grant.		

Category 3: *LOSS OF PONDS AND FISH STOCK*

<i>Entitlement</i>	<i>Entitled Person</i>
1. CUL from DC which includes 50% premium, or replacement cost of pond, including cost of land and digging, whichever is greater.	Legal owner of the pond to get compensation for land area, while usufruct right holder, legal or socially recognized, to get compensation for fish stock.
2. PAPs are allowed to harvest and keep the fish stock.	
3. If the pond is under lease from any GOB agencies, compensation from DC as per lease conditions.	

<i>Application Guidelines</i>	<i>Implementation Issues</i>	<i>Responsibility</i>
1. Guidelines 1, 2 and 3 as indicated for Loss Category 1.	Magnitude of fish stock and value to be determined by JVT according to Fishery Dept standards and market prices.	As in Nos. 1, 2 and 3 indicated for Loss of Agricultural & Commercial Lands.
2. If the fishpond is on public land and not under lease from GoB, the PAP is entitled to compensation for 25% of the existing fish stock, but is allowed to retain the entire fish stock.		

**Category 4: LOSS OF HOUSES/STRUCTURES USED FOR LIVING
& COMMERCIAL ACTIVITIES**

<i>Entitlement</i>	<i>Entitled Person</i>
<ol style="list-style-type: none"> Legal Owners: CUL which includes 50% premium, or the replacement value, whichever is greater. Legal Owners: House Construction Grant (HCG) at one-eighth of the replacement value of the affected structures. Vulnerable Squatters: House Transfer Grant (HTG) and HCG for certain types of low-cost houses/structures belonging to vulnerable PAPs. All house/structure owners are permitted to retain the salvageable building materials. 	<ol style="list-style-type: none"> Legal owner as determined by DC during the CUL payment process and/or determined by court in cases of legal disputes. Socially-recognized and vulnerable owners of certain types of low-cost houses/structures built on public lands, as found during the PAP Census.

<i>Application Guidelines</i>	<i>Implementation Issues</i>
<ol style="list-style-type: none"> Legal Owners: Applies to all houses/structures standing on the acquired private lands at the time of issuance of Notice-3. Vulnerable Squatters: Applies to (a) <u>shiftable</u> structures built with materials salvageable without much damages (e.g., houses with bamboo thatch or other non-breakable walls and GI sheet or straw/leaf roofs and the like); and (b) <u>non-shiftable</u> houses with mud-plastered walls of jute stalk and similar cheap materials. <i>Such houses/structures will be <u>ineligible</u> for compensation if (i) they are not used by the owners themselves, or (ii) rented out to others.</i> Vulnerable Squatters: For (a) <u>shiftable</u> structures, HTG and HCG @ Tk 20 per sft with minimum Tk 1500 and maximum Tk 2000; and (b) <u>non-shiftable</u> structures, HCG @ Tk 30 per sft with minimum Tk 2500 and maximum Tk 3500. Non-shiftable houses/structures built with expensive materials (eg, brick walls with RCC roof, brick walls with GI sheet roof, cemented floor, etc) on public lands are <u>not</u> eligible for compensation or assistance. Small structures on poles which can be shifted without dismantling are <u>not</u> eligible for compensation (roadside small pan-bidi shops, groceries, tea stalls, etc.). No affected structures built after the cut-off date will be eligible for compensation. 	<ol style="list-style-type: none"> JVT to verify floor areas and materials based on Census data. The PAP Census will establish the cut-off date for all structures not covered under CUL.

Responsibility

As in Nos. 1, 2 and 3 indicated for Loss of Agricultural & Commercial Lands.

Category 5: *LOSS OF TREES, AND BAMBOO AND BANANA GROVES*

<i>Entitlement</i>	<i>Entitled Person</i>
<ol style="list-style-type: none"> <i>Timber trees and bamboos</i>: Current market value. <i>Fruit-bearing trees (without Timber)</i>: If the tree is at or near fruit-bearing stage, estimated current value of the fruit determined by JVT. <i>Fruit-bearing trees (with Timber)</i>: If the tree is at or near fruit-bearing stage, estimated market price of timber and fruits. <i>Banana Groves</i>: Estimated current value of one time crop of each grown-up tree. <i>Trees grown under public/NGO sponsored program</i>: Same as 1, 2, 3, and/or 4 above. <i>Owners will be permitted to fell and retain the trees and fruits, after payment of compensation.</i> 	<ol style="list-style-type: none"> Legal owners as determined by DC during CUL assessment process. Socially recognized owners, such as squatters People with valid lease from GOB agencies. Groups sponsored by public agencies/ NGOs.

<i>Application Guidelines</i>	<i>Implementation Issues</i>	<i>Responsibility</i>
<ol style="list-style-type: none"> Estimated market value of different species of trees, based on categorization: big, medium and small. Value of perennial fruits to be determined as three years' value of the crop at the harvest prices. Where ownership is in group, compensation will not be paid to the any individual or the sponsoring agency. 	Where ownership belongs to groups, BWDB will ensure that the compensation is distributed among the members as per agreements.	As in Nos. 1, 2 and 3 indicated for Loss of Agricultural Lands.

Category 6: *LOSS OF STANDING CROPS*

<i>Entitlement</i>	<i>Entitled Person</i>
<ol style="list-style-type: none"> Compensation for standing crops affected at the time of land handover. Cultivator will retain the crops and plants. 	Cultivator (person who planted the crop) whether owner, lease holder, tenant, sharecropper, etc. (formal or informal arrangements) as determined by JVT.

<i>Application Guidelines</i>	<i>Implementation Issues</i>	<i>Responsibility</i>
<ol style="list-style-type: none"> Estimated market value at harvest, to be determined by JVT. Advance notice to be issued in time to harvest the standing crop. If not possible the value of the crop at full harvest price is to be paid. 	<ol style="list-style-type: none"> Market value at harvest will be established by JVT through on-site verification before handover. Verify whether or not crop is in existence on the acquired lands at the time of handover. 	As in Nos. 1, 2 and 3 indicated for Loss of Agricultural & Commercial Lands.

Category 7: LOSS OF BUSINESS INCOME FROM DISPLACED COMMERCIAL PREMISES

<i>Entitlement</i>	<i>Entitled Person</i>
1. Compensation for loss of business/trading income.	1. Business operators in the affected premises, at the time of issuance of Notice-3, or during PAP Census.
2. Compensation for loss of rental income from rented-out premises situated on private lands.	2. Owner of the rented-out premises situated on private lands.

<i>Application Guidelines</i>	<i>Implementation Issues</i>	<i>Responsibility</i>
1. Compensation for loss of business income based on average daily net income prorated for maximum of <u>one</u> month, but not exceeding Tk 3000, ¹¹ as determined by JVT. 2. Three months' rent to owner of the premise on <u>private</u> land, as determined by JVT. 3. Owners of business premises on public lands are <u>not</u> eligible for rental income. <i>Also see Compensation & Entitlement Modalities</i>	1. Eligible premises are permanently fixed to the ground with walls and roofs (not shiftable in intact condition). 2. Business type, floor area and capital investment to be recorded during PAP Census. 3. Eligibility of business owners, and premise owners and tenants to be verified by JVT.	As in Nos. 1, 2 and 3 indicated for Loss of Agricultural Lands.

Category 8: TEMPORARY LOSS OF INCOME (WAGE EARNERS IN COMMERCE & INDUSTRY)

<i>Entitlement</i>	<i>Entitled Person</i>
Grant to cover temporary loss of regular wage income for one month.	Adult persons employed continuously for <i>at least six months</i> in businesses displaced from private and public lands.

<i>Application Guidelines</i>	<i>Implementation Issues</i>	<i>Responsibility</i>
1. Length of employment to be counted backward from the cut-off date. 2. Grant = daily wage rate x 30 days, to be determined by JVT. 3. Minor children of the business owners, who assist on a part time basis, are <u>not</u> eligible for this grant.	1. Information on business types, capital investment, daily gross turnover and the floor area of the business premise are to be recorded during the PAP Census 2. The JVT to verify these information in relation to the number of employees in the displaced business.	BWDB (1 and 3 as for Loss Categories 1 and 2).

¹¹ Based on the location of the FCD/I schemes, it is assumed that these businesses, if any, are likely to be very small operated from makeshift structures usually with very small investments. They generally sell a few essential goods, albeit in small quantities, that the people sometimes need before the 'haat' days (rural markets generally meet twice a week), pan-bidi, and tea.

**Category 9: LOSS OF USUFRUCT RIGHTS IN MORTGAGED-IN,
LEASED-IN AND KHAI-KHALASHI LANDS**

<i>Entitlement</i>	<i>Entitled Person</i>	
Compensation as per Loss Categories 1 & 2 above, to be shared as per usufruct/mortgage contracts.	1. Persons with legal agreements. 2. Persons with verbal agreements.	

<i>Application Guidelines</i>	<i>Implementation Issues</i>	<i>Responsibility</i>
1. Legal Agreement: Legal owner and mortgagee/leaseholder will be paid CUL by DC as per the law. 2. Verbal Agreement: Legal owner will pay the outstanding liabilities to the interested persons upon receipt of CUL from the DCs. 3. In cases where CUL is smaller than replacement value, legal owner will get the top-up from BWDB (i) if all liabilities are already paid up; (ii) if not, the legal owner will get the residual after all liabilities are paid up. If the liability exceeds the amount to be paid by BWDB, the landowner will pay it.	1. Where the contract is <i>verbal</i> , JVT will verify the persons with interests in the acquired assets due to mortgage, lease or khai-khalashi right. 2. Any disputes over verbal agreements to be resolved through grievance redress procedure.	As in Nos. 1, 2 and 3 indicated for Loss of Agricultural Lands.

Category 10: USES OF VESTED & NON-RESIDENT PROPERTIES (VNR)

<i>Entitlement</i>	<i>Entitled Person</i>	
1. Agricultural Land: Three times the estimated value of <u>all crops</u> produced in the acquired land in the year or preceding year of acquisition. 2. Homestead Land: (a) If only a portion of the land is acquired, the user is allowed to live on the remaining land and assisted to relocate his/her houses with HTG and HCG as stipulated for Loss of Houses/structures.	Present users of the VNR properties found during the PAP Census.	

<i>Application Guidelines</i>	<i>Implementation Issues</i>	<i>Responsibility</i>
1. Apply only to those cases that are identified by DCs during the acquisition for this project. 2. Will not apply to those VNR cases which were identified through 1984. Leaseholders of such lands will be treated by DCs as per agreement, and BWDB will have no obligation to deal with them.	JVT will verify whether the property was designated VNR earlier (1984 or before), or designated during acquisition for WMIP.	BWDB (1 and 3 as indicated for Agricultural and Commercial Lands)

Category 11: *OTHER/UNKNOWN LOSSES*

<i>Entitlement</i>		<i>Entitled Person</i>
Other impacts that may have remained unknown shall be mitigated based on the same principles applied for other impacts described in the Policy Matrix. The nature of entitlements and support mechanism shall be approved by GOB and IDA.		Legal owners, squatters and others with an interest on the lands.
<i>Application Guidelines</i>	<i>Implementation Issues</i>	<i>Responsibility</i>
To be based on PAP Census and nature of the impacts.	To be agreed upon by GOB and IDA.	As in Nos. 1, 2 and 3 indicated for Loss of Agricultural & Commercial Lands.

VI. ARRANGEMENTS FOR PREPARATION AND IMPLEMENTATION OF RESETTLEMENT ACTION PLAN

PREPARATION OF RESETTLEMENT ACTION PLANS

29. With this Resettlement Policy Framework (RPF) in place, separate Resettlement Action Plans (RAPs) will be prepared for each yearly/phased civil works program. A typical phase-wise RAP will contain information, by FCD/I schemes, on the amount of lands required from private and public ownerships; details of the impacts/losses and the number of landowners and others being affected; the alternatives/measures considered to minimize displacement; review of the applicable mitigation measures (with new ones, if necessary); a detailed budget to implement the mitigation measures; and a time-schedule for RAP implementation. As also explained later, the process tasks required to generate these RAP inputs will seek active participation of the FCD/I scheme beneficiaries in keeping with the project's aims to enhance local ownership and capacity for operation and maintenance of the water management infrastructures.

Preparation of Land Acquisition Proposals

30. For the RAP preparation process to begin, the exact ground locations of the required lands are to be identified first. As such, following the selection of FCD/I schemes, the engineering consultants will carry out detailed engineering surveys and design the rehabilitation and improvement works and lay them on the mouza maps. This will provide the basis to prepare the land acquisition proposals (LAPs) which require administrative approval by the Ministry of Water Resources (MOWR), before they are submitted to DCs for acquisition. The LAPs will be prepared for each scheme and will include plot schedules, (with dag or plot numbers), the amount of land to be acquisitiond from each plot, and the ownership status, such as private and public lands. With the acquisition locations demarcated on the ground, work on the major process tasks, such as social screening and PAP census, will begin to generate the RAP inputs.

The Land Acquisition Procedure

31. Upon receipt of the LAPs, the DCs will register the cases, and organize a physical verification of the information provided in the documents. The BWDB XENs, supported by the Directorate of Land and Revenue (DLR) staff, will answer to any queries from the DC offices and assist to resolve any issues and problems with the LAPs. Physical verification will then be followed by the following steps in the acquisition process:

- The DCs will issue the legal Notice-3 (under Section 3 of the law), which will contain the plot numbers from which lands will be acquired and its purposes. The notice, which will

be displayed in public places, will give the concerned landowners a fixed period of 15 days to lodge objections to the proposed acquisitions, and another 30 days (maximum, if Divisional Commissioner allows) for the DCs to hear them.

- Upon resolution of the objections, if any, the DCs will then submit the LAPs/LA cases to the District Land Acquisition Committee (DLAC) for review and approval.
- Following the issuance of Notice-3, and while the approval is being processed, an on-site inventory and verification will be carried out jointly by the acquisition officials and BWDB staff, in the presence of the concerned PAPs, to classify and document the assets that will be acquired and compensated for.
 - While the district acquisition officials will themselves assess, according to the legal method, the compensation for the land, other assets, such as houses and other built structures, trees, standing crops, etc will be assessed by the representatives of the concerned GOB departments, such as Public Works, Agriculture, Forestry, etc, by using departmental standards. The compensation so determined is the compensation-under-law or CUL, which may or may not be the replacement values/current market prices of the acquired assets.
- Upon receipt of the Divisional Commissioners' approval, hearing of any objections by DCs, and completion of the joint on-site inventory and verification the DCs will issue Notice-6 to the individual property owners stating that the inventoried assets will be acquired and taken possession of, and that all claims for compensation be made to the concerned DCs. The claims will be made and reviewed on the basis of this on-site inventory and verification.
- Once valuation of all assets is completed, the DCs will prepare the 'compensation assessment rolls' or compensation budgets for the individual LAPs/LA cases and submit them to BWDB XENs requesting the funds within a maximum of 60 days. After review, the XENs will send the budgets to SEs at Circle level for approval.
- On SEs' approval, the XENs will place the funds with the DCs who will in turn issue Notice-7 indicating the amount of compensation, and advising the landowners to make the compensation claims, with the evidence that they are the legal owners or have an interest in the lands. The following evidence are required¹²:
 - Record of Right (ROR) or *Porcha* as proof of ownership to the lands
 - Rent Receipt (RR), commonly known as *Dakhila* where the affected person owns lands in excess of 25 standard bighas.
- The claims for compensation are accepted if the ownership evidence are found satisfactory. The CUL is then paid by checks drawn on the GOB Treasury at the district headquarters. If a landowner loses lands in more than one mouza or LA case, CUL payments are made by as many checks.

32. The XENs, assisted by the DLR staff and TA consultants, will play a critical role by liaising with the DCs and acquisition officials, including those of the Public Works, Agriculture, Forestry and other departments, and by following through every step of the process and monitoring progress in acquisition. BWDB will also remain prepared to provide any logistical support considered essential by the acquisition officials.

¹² Although Rent Receipts or *Dakhilas* are required of those who own lands in excess of 25 bighas, they are often sought of all landowners, irrespective of the sizes of their ownerships. The land administration system does not have a certain way to verify how much land a particular affected person owns.

Census of Project-Affected Persons/Households

33. These PAP censuses will begin as soon as the exact locations of the required lands are demarcated on the ground. They will provide an estimate of the would-be affected landowners and squatters and establish the cut-off dates as to who and what assets would qualify for compensation. These censuses will identify the landowners and squatters, including those with usufruct rights to any private and public lands, by name and location and list the assets they have created on the lands targeted for acquisition in each FCD/I scheme. These data will be used to determine the loss categories and, if needed, to adopt new measures to mitigate any impacts unique to any particular FCD/I schemes, as well as to prepare the scheme-wise resettlement budgets.

Determination of Replacement Value/Market Prices

34. The DCs will determine the CUL by using the legal method. However, in keeping with the proposed compensation principles, BWDB, assisted by Joint Verification Team (JVT), will determine the replacement values/current market prices of the affected assets. The coverage and the proposed survey methods are as follows:

- **Lands:** Will include all kinds of lands, such as agricultural, homestead, fallow, etc. To ensure transparency and fairness, this will be done at two stages: (a) during scheme assessment and screening the BWDB/TA consultants will collect information on current market prices of different kinds of land that are likely to be needed (along and in the vicinity of the FCD works) to carry out the anticipated rehabilitation/improvement works, from a sample of the potential project beneficiaries; and (b) at mobilization, WMOs will be consulted about the current market prices. The two sets of prices will be compared for each FCD/I scheme and a rate for each type of land will be jointly worked out in consultation with the beneficiaries and would-be affected landowners.
- **Houses and Other Built Structures:** BWDB and JVT will jointly determine the per unit replacement costs for different types of structures, based on the current market prices of different kinds of building materials in the local markets.
- **Trees, Seasonal and Perennial Crops, etc:** BWDB and JVT will jointly determine the compensation based on prices in the local markets.
- **Temporary Income Losses (*Business, Wage and Rental*):** BWDB and JVT will jointly determine the compensation, by using the relevant rates.
- **Unforeseen Losses:** Compensation for any unforeseen losses will also be determined by BWDB and JVT by using methods that will be considered most appropriate.

35. Joint verification of the affected properties will be conducted in the presence of their owners. The JVT will consist of the following four members:

Sub-Divisional Engineer, BWDB
TA Consultant/Resettlement Specialist
WMO Member
Local School Teacher
Revenue Surveyor

36. Reports, recording the replacement value/current market prices of the different asset categories, will be produced by FCD/I schemes and discussed with the WMOs, including the affected landowners and squatters, before finalization. These compensation data will be used to prepare the resettlement budgets.

37. BWDB will share each yearly/phased RAP with the Bank for review and approval, before the civil works packages are accepted for Bank financing. At BWDB, the PC, assisted by TA consultants will follow on and facilitate the entire preparation and approval processes. The BWDB field staff and WMOs will jointly carry out the process tasks under close supervision of the TA consultants, who will also prepare all data gathering (census and market price surveys, etc.) instruments, process the data, and prepare the RAPs. At implementation, BWDB will ensure that all compensations/entitlements due to the PAPs are paid in full, before the civil works begin on the acquired lands, including the public lands resumed from private uses.

Consultation and Information Dissemination

38. Beneficiary consultation is an integral part of the Participatory Scheme Management cycle (PSM) which will be used to assess local demand for rehabilitation and improvement of the FCD/I schemes and assist with the development programs like fisheries and others. In this framework, WMOs and their constituents are the focal points at the local levels and will eventually assume the devolved responsibilities of ownership and operation and maintenance of the FCD/I infrastructures, and management of the water resources infrastructure. As noted above, WMOs will also take active part in RAP preparation and implementation processes.

Grievance Redress

39. A formal grievance redress procedure will be set up to answer queries and address complaints that the PAPs may raise during land acquisition, and RAP preparation and implementation. The grievances may include disputes over ownership and inheritance of the affected assets, distribution of compensation among the heirs, missing affected assets and persons in the census, etc. The procedure will seek to resolve an issue quickly and amicably in order to expedite the compensation process, and save the PAPs from resorting to expensive and time-consuming legal actions. For the purpose, Grievance Redress Committees (GRCs) will be formed in each selected FCD/I scheme with the following seven memberships:

Executive Engineer, BWDB	Convenor
Assistant Director/ARO, Land & Revenue, BWDB	Member Secretary
WMO Members (3)	Members
TA Consultant/Resettlement Specialist (1)	Member
Union Parishad Chairman or Member (1)	Member

40. The convenor will ensure that all grievance decisions are made in formal hearings and that the individual GRC members are not contacted by the aggrieved PAPs in advance. The convenor will have the authority to (i) reject a grievance redress application with any recommendations written on it by a GRC member or any other person; (ii) remove a recommendation by any person that may separately accompany the grievance redress application; (iii) disqualify a GRC member who has made any recommendations on the application or separately before the formal hearing; and (iv) appoint another person in consultation with the SE and keep the PC informed of the replacement. The convenor will also ensure strict adherence to the compensation rates established through market price surveys or by JVTs. To ensure impartiality, fairness and transparency, the GRCs will record the details of the grievances and the reasons that led to acceptance or rejection of the particular grievances, and will present them in the WMO meetings.

IMPLEMENTATION OF RESETTLEMENT ACTION PLAN

41. Unlike the previous projects, where separate management structure was created for each new project, implementation of WIMP will be mainstreamed in the BWDB's organizational structure¹³. A Program Coordination Unit (PCU) headed by a Program Co-ordinator (PC) will coordinate the various project activities, and an inter-ministerial Project Steering Committee (PSC), chaired by the Secretary, Ministry of Water Resources (MOWR), will attend to any implementation issues which may as well involve other ministries. The Additional Director General (ADG) for O&M will oversee and guide the overall activities of the PCU. In this management structure, the PC will work as the focal point for the BWDB Directorate, MOWR and the project financiers.

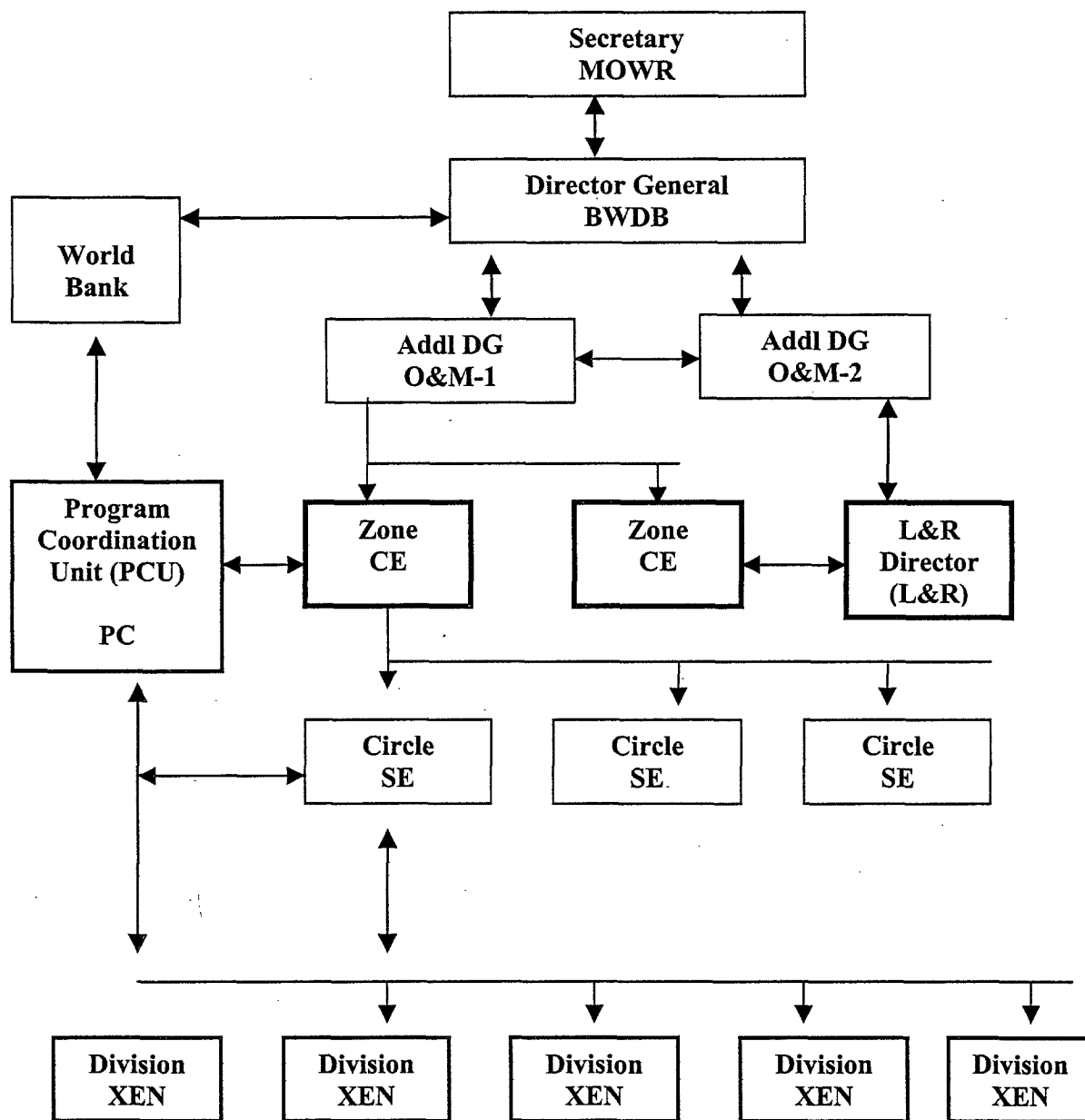
42. Organizationally, the Program Co-ordinator (PC), who remains accountable to the BWDB Director General and the Secretary, MOWR will coordinate the project in its entirety (organogram). Among other responsibilities, the PC will ensure that the engineering designs are done in time identifying the locations and magnitudes of the required lands for the selected FCD/I schemes, and that the land acquisition proposals are prepared at the division levels and approved by MOWR in time. In addition, the PC will make sure that all process tasks are carried out in time for preparation and implementation of the phase-wise RAPs, and will ensure that all compensations/entitlements are paid to the landowners and other affected persons before the lands are handed over for civil works. The PC will be actively assisted by the TA and engineering consultants in carrying out these and other coordination functions.

43. As to implementation on the ground, the Executive Engineers (XENs) at the Division levels will be the focal points of all project activities, and will be guided by Superintending Engineers (SEs) at Circle levels and Chief Engineers (CEs) at the Zonal levels. Assisted by BWDB field staff and TA consultants, the XENs will be responsible for overseeing all process activities (such as, preparation of land acquisition proposals, PA census, market price surveys, etc) leading to land acquisition, and RAP preparation and implementation. While the SEs will oversee some of the functions, the CE's office at the Circle will oversee and coordinate the project activities at the division levels. Assisted by BWDB staff and TA consultants, the CEs will gather and analyse all project information and transmit them to the PC who will be located in Dhaka.

44. As to land acquisition, the Directorate of Land and Revenue (DLR) in the BWDB, assisted by the XENs and TA consultants, will perform all the process tasks, like preparation of land acquisition proposals for each selected FCD/I scheme and get them through the approval process within BWDB, MOWR and the district land acquisition authorities. The DLR will designate its field staff appropriate for the tasks at the Zone and Division levels. As and when necessary, such DLR staff in a Zone could be pooled together to carry out tasks that require extra manpower. The Director of DLR will guide the DLR field staff and assist the PC and other project staff resolve all land acquisition-related issues.

¹³ The practice of establishing separate project management structure for each new project has bypassed BWDB's organizational structure. This has been found to adversely affect institutional development within BWDB. Mainstreaming is also seen beneficial for strengthening the water sector institutions and building up a participatory water management system which are parts of the proposed institutional reforms.

Bangladesh Water Development Board
Water Management Improvement Project
ORGANOGRAM FOR RAP PREPARATION AND IMPLEMENTATION



45. In view of its institutional development and local capacity building, 57 new positions have been proposed, of which seven will be positioned at zonal offices as Deputy Director of Community Development (DDCDs) and the 50 will be working as Community Organizers (COs) at division levels. BWDB will utilize the services of the new recruits (DDCDs and COs) and the relevant TA consultants (Social Scientists/Resettlement Specialists) to plan and implement the resettlement activities. For the purpose, the DDCDs and COs will be trained to perform the process tasks required for RAP preparation and implementation, in addition to those needed for community capacity building for water management and income generation activities. The Chief Engineers will have the authority to pool the community development staff together to carry out specific duties within the zones. BWDB will also consider to selectively use the services of NGOs that are expected to be appointed for community and social mobilization. Annex-A describes the roles and responsibilities of the key BWDB and TA consulting staff.

VII. MONITORING AND EVALUATION

46. Engineering designs of the rehabilitation and improvement works are a prerequisite to determining the amount of lands and identifying their locations on the ground, and carrying out the process tasks required to prepare the land acquisition proposals and phase-wise RAPs. Including this, monitoring will include an array of tasks that are known to be time-consuming.

Land Acquisition

47. The following are the major tasks/actions which will be monitored in the land acquisition process:

- Engineering designs of rehabilitation/improvement works completed
- Land acquisition proposals (LAPs) prepared and landownership status sorted out
- Land requirements demarcated on the ground
- LAPs approved (administrative) by Ministry of Water Resources
- LAPs submitted to DCs
- LAPs approved by DCs/DLACs
- Notice under Section-3 issued by DCs
- Notice under Section-6 issued by DCs
- Acquisition budgets prepared and sent to XENs
- Superintending Engineers at Circles approved DCs' budget
- Acquisition funds placed with DCs by XENs
- Notice under Section-7 issued by DCs
- CUL payment process started by DCs (*Progress in CUL payment will be monitored on a continuing basis*)

RAP Preparation and Implementation

48. Other RAP preparation tasks will begin as soon as the LAPs, especially the plot schedules, are finalized and the acquisition locations are demarcated on the ground. The following major activities will be monitored to assess progress in RAP preparation and implementation:

- Census of project-affected persons and assets
- Cut-off dates established by FCD/I schemes
- Census data processed
- Mitigation policies reviewed (if necessary)
- Replacement values/market prices of land reconciled and reported to the WMO meetings

- JVT verified and assessed nonland losses for individual PAPs
- Compensation budgets prepared and approved by BWDB
- GRCs established and made operational
- Individual entitlement files prepared
- Compensation/entitlement paid (*Will be monitored on a continuing basis*)
- Homestead losers relocated (wherever necessary)
- Lands handed over for civil works

49. Social assessment and screening of the selected FCD/I schemes, as proposed in the PSM, will be designed to gain an understanding of prevailing land tenure and market, and identify any major issues that may influence land acquisition in a given scheme. During these exercises, BWDB/TA consultants will also establish replacement/market values for lands in the selected schemes, which will be consulted and reconciled with the WMOs. As such, RAP preparation process could begin with social assessment and screening of the selected schemes. More substantive inputs, such as land requirements, impacts and impactees details, etc. will be available with the preparation of LAPs and processing of the census data.

50. **Reporting:** This RPF contains a number of formats suggested for routine monitoring of the different tasks involved in the land acquisition, and RAP preparation and implementation processes (Annex-B). These formats are subject to modifications as and when necessary for better understanding and including any critical steps/tasks, which may have remained unknown so far. Using these formats BWDB will provide the Bank with the following information for its review of performance and compliance with the OP 4.12:

- Monthly updates of progress in land acquisition and RAP preparation and implementation, in terms of FCD/I schemes;
- Reports for formal supervision missions with the details of progress in all on-going activities, such as land acquisition, RAP preparation and implementation, and any issues that are known to be impeding progress.

51. **Evaluation:** An independent review will be carried out to evaluate as to how effectively and efficiently land acquisition activities have been carried out and the RAPs have been prepared and implemented, and the efficacy of the stipulated mitigation measures. As the civil works on the FCD/I schemes will be undertaken in the second or third of the project, the timing of this evaluation will be determined later in consultation with the project financiers.

VIII. TIMETABLE FOR LAND ACQUISITION AND RESETTLEMENT

52. To ensure timeliness and compliance with OP 4.12, land acquisition, RAP preparation and implementation, as well as the award of the civil works contracts will be integrated into one schedule. Land acquisition process will commence with the engineering design of the civil works, preparation of LAPs and demarcation of the acquisition locations on the ground. RAP preparation tasks, such as PAP census, joint verification and valuation of the affected assets, market price surveys, budgeting, and implementation scheduling, will also begin following finalization of the LAPs.

53. The timetable proposed in this RPF assumes that there will be no change in the FCD/I schemes selected for rehabilitation or improvement. Any possibilities in this regard can be considered only in those selected for the later years, and only if the changes cause no delays in engineering design and initiation of the land acquisition and RAP preparation processes. This timetable also requires careful advance planning of the engineering designs of the schemes that need to use private lands. Furthermore, substantial design works must be completed in advance to allow land acquisition and RAP preparation processes proceed as uninterrupted as possible.

The proposed timetable (Annex-C) sequentially includes all monitoring indicators listed in the previous section, with the key entities responsible for carrying out the required tasks.

IX. BUDGET FOR LAND ACQUISITION AND RESETTLEMENT

54. The FCD/I schemes for rehabilitation/improvement will be selected in the second or third year after the WMOs are sufficiently strengthened to meaningfully participate in the selection process. As a result, a more reliable basis to prepare a budget for the entire project would be available around the time when the first-phase FCD/Is would be selected. Each phase-wise RAP will have a detailed budget for land acquisition and the costs of implementing various other measures that have been proposed to mitigate displacement impacts. At this stage, the costs of land purchase and resettlement have been estimated by using information generated to prepare the related project documents and the costs incurred in RBPP, CERP and other projects which are characteristically akin to WMIP.

Estimated Land Acquisition and Resettlement Budget
(In Millions of Taka)

Cost Items	Estimated Total	Unit Cost	Total Cost
Land (Hectares)			185.71
Houses/Structures (Floor Area)			13.265
Trees, etc. (Number)			13.265
Stamp Duty			42.49
Squatters and Others not Covered by Law			5.31
Others			5.31
TOTAL			265.35

Note : The average rate of land acquisition required for the R&I work is estimated as 0.1% of the total covered area under SIMT as this rehabilitation work was done in existing schemes. This estimation was made based on rehabilitated schemes of BWDB and indicative.

ANNEX-A

Water Management Improvement Project

Land Acquisition, and Resettlement Planning and Implementation ROLES AND RESPONSIBILITIES

PROGRAM CO-ORDINATOR (PC)

Overall responsibility for coordinating preparation and implementation of the land acquisition and resettlement activities in time.

- Routinely reviews and updates the schedules for FCD/I scheme selection, and design and implementation of civil works and other tasks, and coordinates them with the process tasks required for land acquisition, and RAP preparation and implementation.
- Coordinates, facilitates and monitors all activities performed at Zone, Circle and Division levels and ensures that all process tasks leading to FCD/I selection; design of the rehabilitation/improvement works with land acquisition needs and their ground locations; preparation and approval of the land acquisition proposals (LAPs); and placement of acquisition funds with DCs, are all completed in time.
- Ensures that PAP censuses and other tasks for RAP preparation and implementation, and that the PAPs are paid their compensations/entitlements in full before they are evicted from the acquired lands.
- Ensures that the phase-wise RAPs are prepared in time for review and approval by the Bank before the civil works packages are accepted for IDA financing.
- Liaises with and appraises the Ministry of Water Resources and the inter-ministerial Project Steering Committee to resolve any issues that are deemed instrumental for land acquisition and preparation and implementation of the resettlement activities.
- Ensures that all information on land acquisition, RAP preparation and implementation activities, which are transmitted from Zone and Circle levels, are collated and reported to IDA on a monthly basis, and status reports are prepared for all formal review missions.

CHIEF ENGINEERS (AT ZONE LEVELS)

Responsible for overseeing and coordinating the process tasks required for preparation and implementation of land acquisition and resettlement activities in time, analyzing and collating all related information in the Zones and transmitting them to PCU.

- Review, update and coordinate with PC the Zonal schedules for FCD/I selection, design and implementation of civil works and other tasks, vis-a-vis the process tasks required for land acquisition, and RAP preparation and implementation.
- Coordinate and facilitate all activities contained in PSM, including FCD/I schemes selection, social screening and public consultations; design of the civil works identifying the land acquisition needs and their ground locations; LAP preparation by respective Executive Engineers (XENs) in association with the DLR staff, and approval thereof by MOWR and DCs/DLACs; and placement of funds for acquisition.

- Coordinate and facilitate PAP censuses, market price surveys and other process tasks for RAP preparation and implementation, and monitors the RAP implementation process ensuring that the PAPs are paid their compensations/entitlements in full before they are evicted from the acquired lands.
- Ensure that all information related to land acquisition and resettlement are generated and collected from the Circles and Divisions, and are analyzed, collated and sent to PCU to prepare the phase-wise RAPs.
- Routinely monitor progress in land acquisition and RAP implementation activities and keep PCU informed on a monthly basis, and assist with the preparation of formal status reports for IDA review missions.
- Facilitate the land acquisition activities by liaising, as and when necessary, with the Deputy Commissioners and other GOB departments in the Zones.

SUPERINTENDING ENGINEERS (AT CIRCLE LEVELS)

Coordinate with Chief Engineers and XENs at Zone and Division levels the process tasks leading to, and oversee preparation of, the land acquisition proposals by DLR staff, review and approve the land acquisition budgets from DCs, and actively assist DLR staff and XENs follow through the acquisition process.

- Oversee LAP preparation by DLR staff in coordination with engineering design of the rehabilitation/ improvement works and their ground locations.
- Reviews and approves land acquisition budgets prepared received by XENs, and monitors placement of acquisition funds with DCs.
- Review and approve the top-up and other compensation (for those not covered by the acquisition law, but provided in the Resettlement Policy Framework) budgets.
- Facilitate the overall acquisition process by helping the XENs and DLR staff resolve any acquisition-related issues.

EXECUTIVE ENGINEERS (AT DIVISION LEVELS)

Execute all Division level project activities with the assistance of TA and engineering consultants and responsible for timely completion of all tasks in the Division, leading to land acquisition and reparation and implementation of the phase-wise RAPs.

- Assisted by TA consultants and field staff, ensures that social screening, public consultations, identification of acquisition requirements and ground locations, PAP census, market price surveys, joint on-site verification and similar tasks are completed in time.
- Submit LAPs to DCs and actively follow through the LAP approval processes by DCs and DLACs; legal acquisition process, including issuance of legal notices; placement of acquisition funds with DCs; and CUL payment.
- Actively liaise with CEs, SEs, L&R Director and others to resolve any land acquisition-related issues.
- Assist DCs, LAOs and other acquisition officials to arrange for spot payment of compensation and provide necessary logistical support to make the arrangements.
- Facilitate procurement of CUL payment information required to determine top-up payment by BWDB.

- Ensure that the Grievance Redress Committees (GRCs) are formed and made operational, and receive grievances from the aggrieved PAPs, and convene the hearings.
- Disburse the compensation due to the squatters and others as per RPF provisions, and the top-up to the legal owners (checks are signed at Regional Accounting Circle).
- Monitor all tasks related to land acquisition and resettlement and transmit the information to CEs and SEs, and ensure that the contractors do not start the civil works before the PAPs are paid their compensation in full.

ASSISTANT DIRECTORS (ADs) & ASSISTANT REVENUE OFFICERS (AROs)

Prepare LAPs, liaise with the land acquisition officials and follow through the acquisition process, and assist affected landowners in procuring any missing legal documents required to claim CUL.

- In close consultation with the XENs, prepare the formal LAPs with the documentation as required by the acquisition authority (acquiring body).
- Liaise with the land acquisition officials and follow through the acquisition process, including CUL payment by DCs.
- Assist PAPs in procuring any missing legal documents that are required to claim CUL from DCs.
- Assist XENs, Resettlement Specialist, and others in collecting CUL payment information from DCs which are required to determine top-up payment.
- Participate in grievance redress procedure as member-secretary and keep detailed records of grievances and the hearings, and assist to report the outcomes as per the format provided in the Resettlement Policy Framework.

Perform other tasks that are pertinent to land acquisition and resettlement.

DEPUTY DIRECTORS, COMMUNITY DEVELOPMENT (DDCDs)

Actively assist the XENs and TA consultants to schedule and carry out all process tasks for FCD/I scheme selection and land acquisition, and oversee activities of XOs and Project Sociologists, and ensures factual integrity of information collected to prepare and implement the RAPs.

- In consultation with the XENs, prepare the scheme-specific schedules to carry out the PSM activities and assist the CEs/XENs allocate Extension Overseers (XOs), Project Sociologists (PSs) and other personnel to carry out the process tasks.
- Participate in, and coordinate and facilitate, the PSM tasks leading to social mobilization, FCD/I scheme selection, and the process tasks for land acquisition, and RAP preparation and implementation.
- In assisting the XENs, Resettlement Specialist and others, ensure that the XOs and PSs carry out their duties as scheduled in the individual Divisions, and ensure that all information are transmitted to the Zones and PCU.
- Assist XOs, PSs and others compile the list of PAPs who would need to procure any legal documents that are required to claim CUL from DCs.

- Ensure factual integrity of all collected information related to social screening, public consultations, PAP census and market price surveys and coordinates them with the XENs, Resettlement Specialist and Social Scientist.

Perform other tasks that are pertinent to land acquisition and resettlement.

EXTENSION OVERSEERS/COMMUNITY ORGANIZERS (XOs/COs)

Directly work with the PAPs and participate in all process tasks leading to selection of FCD/I schemes, land acquisition and preparation and implementation of the phase-wise RAPs.

- Participates in process tasks like social screening, public consultations, and PAP census and market price surveys and coordinates them with XENs, DDCDs and Resettlement Specialist.
- In assisting XENs, DDCDs Resettlement Specialist, organize focus groups of PAPs, and consult the PAPs on a continuing basis to explain the compensation payment modalities and documents are required to claim compensation from DCs, and the grievance redress procedure.
- Assist the XENs, Resettlement Specialist and DDCDs to identify the PAPs, who do not have all legal documents to claim compensation from DCs, and prepare lists of the missing documents for individual PAPs.
- Assist aggrieved PAPs to lodge grievances and the XENs to schedule the grievance hearings by contacting the GRC members and the PAPs.
- Assists XENs, DDCDs, WMOs and land acquisition officials to arrange for spot payment of compensation by informing and organizing the PAPs.
- Keeps records of any compensation payment issues faced by the individual PAPs.

Perform other tasks that are pertinent to land acquisition and resettlement at the division level.

SENIOR SOCIAL SCIENTIST

Assist the PC, CEs and others in scheduling the PSM activities, including the process tasks that are to be performed for planning and implementation of land acquisition and resettlement activities, vis-à-vis the civil works, and overseeing and monitoring RAP preparation and implementation activities.

- Reviews/updates the work schedule and coordinate land acquisition and resettlement activities, such as social screening; public consultation; PAP census; market price survey of affected assets; LAP preparation, submission and approval; phase-wise RAP preparation and implementation activities; land handover; etc.
- Coordinates land acquisition and phase-wise RAP preparation and implementation activities with the engineering consultants, LGED's PMU and field staff at district and upazila levels.
- Reviews/designs/refines frameworks for use in social screening, public consultation, and other social aspects, and train LGED staff and others to implement them in the field.
- Prepares PAP census and market price survey instruments in line with the proposed land acquisition and mitigation principles, modalities and mitigation measures.
- Oversees overall data management facility, and design analytical schemes required to prepare the RAPs and monitoring progress in land acquisition and RAP implementation.

- In association with the Resettlement Specialist, reviews the proposed mitigation measures, prepares the land acquisition and resettlement budgets, and the phase-wise RAPs.
- Monitors progress in land acquisition and RAP preparation and implementation on a continuing basis, and prepares Monthly Progress Reports on land acquisition and RAP implementation.
- Prepares Terms of Reference for appointment of external agencies for periodic monitoring and evaluation of land acquisition and RAP implementation.

Performs other tasks that are pertinent to land acquisition and resettlement.

RESETTLEMENT SPECIALIST

Assist with scheduling of the process tasks at the Circle and Division levels, which are required for land acquisition and RAP preparation and implementation, oversee data and compensation processing and payment (top-up), and monitor and report progress in land acquisition and RAP implementation.

- Coordinates LAP preparation activities (to be carried out by the DLR staff) with design engineers, and get the accurate locations of acquisition identified by the engineering consultants, and assists the XENs, DDCCDs, COs, PSs and others initiate PAP census and market price surveys.
- Assists the Senior Social Scientist (SSS) to prepare the data gathering instruments with detailed guidelines for use by survey enumerators, and to train them on specific tasks.
- Assists the MIS staff at Circle/PCU to process the data, including those for resettlement budgets, as required to prepare and implement the phase-wise RAPs.
- Assists SSS to prepare the phase-wise RAPs with all required inputs as per those suggested in the Resettlement Policy Framework.
- Assists DDCCD, XOs, PSs and BWDB field staff with disseminating information on mitigation policies, compensation payment process, legal requirements to claim compensation from DCs, and the grievance redress procedure.
- Participates in and assists XENs conduct grievance hearings by following the guidelines given in the Resettlement Policy Framework.
- Prepares compensation processing schemes and ensures that the impacts data are accurately processed and 'entitlement files' for individual PAPs (including those not recognized by the acquisition law) prepared, and actively follows through the compensation process, including CUL payment by DCs.
- Assists the BWDB field staff and others in identifying PAPs with any legal documents that may have been missing, but required to claim compensation from DCs, as well as provide advice as to how and where they could be procured.
- Actively monitors and reports progress (monthly updates and detailed reports for formal review missions) in land acquisition, and RAP preparation and implementation, in accord with the schedules and formats included in the RPF.

PROJECT SOCIOLOGISTS (PSs)

Directly work with the PAPs and participate in all process tasks leading to selection of FCD/I schemes, land acquisition and preparation and implementation of the phase-wise RAPs.

- Participates in process tasks like social screening, public consultations, and PAP census and market price surveys and coordinates them with DDCDs, Resettlement Specialist and Social Scientists (TA).
- In assisting XENs, DDCDs Resettlement Specialist and Social Scientists, organize focus groups of PAPs, and consult the PAPs on a continuing basis to explain the compensation payment modalities and documents are required to claim compensation from DCs, and the grievance redress procedure.
- Assist the XENs, Resettlement Specialist and Social Scientists to identify the PAPs who do not have all legal documents to claim compensation from DCs, and to prepare lists of the missing documents for individual PAPs.
- Assist aggrieved PAPs to lodge grievances and the XENs to schedule the grievance hearings by contacting the GRC members and the PAPs.
- Assists XENs, DDCDs, WMOs and land acquisition officials to arrange for spot payment of compensation by informing and organizing the PAPs.
- Keeps records of any compensation payment issues faced by the individual PAPs.

Perform other tasks that are pertinent to land acquisition and resettlement at the division level.

ANNEX-B

Table-1: Suggested Format for Monitoring Progress in Land Acquisition

Zone: _____ Circle: _____ Division: _____ District: _____
FCD/I Name: _____ Upazila: _____ Union: _____ Date Updated: _____

[illegible]

Columns:

1: Names of FCD/I scheme; 2: If not fixed, approximate date around which civil works in FCD/I scheme will begin on the ground requiring the PAPs vacate the lands; 3: Total amount of private lands determined for each FCD/I scheme as per engineering designs of the improvements; 4: Dates on which the Land Acquisition Proposal (LAPs) for the individual FCD/I schemes submitted to DCs; 5: Dates on which District Land Acquisition Committees met to review the LAPs; 6: Dates of approval of individual LAP by DLAC, or by a higher authority (e.g., Land Ministry); 7: These are the numbers assigned by the DC offices and will be used as references by acquisition officials; 8 & 9: Issuance dates of the Legal Notices 3 and 6 for the individual LAPs; 10: The dates on which DCs submitted the Land Acquisition Budgets for the individual LAPs to BWDB; 11: Dates on which XEN submitted the budgets to SEs for review and approval; 12: Dates on which BWDB placed the acquisition funds with the DCs; 14: The dates on which DCs started to issue Legal Notice-7; 15: The total number of Notice-7 that will have to be served under the individual LA cases.

Table-2: Monitoring Progress in CUL Payment by DCs, by Land Acquisition Proposals (LAP) or LA Cases (LAC) and Districts

Reporting Date: _____

FCD/I Name/No.	District	Number of LAPs/LACs	Land Acqrd.	Total # Of EPs	CUL Payment		# of Compensation Cases in Following Categories							
					Full	Partial	Document	Court	Vested	Waqf	Khas etc	More	More	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Overall														

Columns:

3: The Land Acquisition Case or LAP numbers recorded in DC offices; 4: Total amount of lands being acquired under all LACs; 5: Total number of EPs (Persons Entitled to Compensation) as determined by the DCs, under each LAC; 6&7: DCs are sometimes seen to make part payments of the total CUL. As such, CUL payments are to be divide into 'Full' and 'Partial'; 8-12: Will record the cases involving issues that may delay CUL payment: 8: Number of cases lacking legal documents like mutation and others which the landowners could procure; 9: Number of cases contested in the courts of law; 10: Number of cases identified by DCs as vested non-resident properties; 11: Number of waqf cases as determined by DCs; 12: Number payments due to khas or lands that belong to any GOB departments. If there are more reasons for which CUL payment might be delayed, they should also be added to the table.

Table-3: Summary Information on Compensation Payment for Private Lands and Other Assets by Deputy Commissioners (DCs), By FCD/I Schemes

Progress As Of (Month): _____

FCD/I Name	District	No. of LACs/LAP	Total # of EPs	Number & Percentage of Entitled Persons (EPs) Paid (cumulative) by DCs for									
				Land		House/Structure		Trees		Amenities		Others Losses	
				# of EPs	# & % of EPs Paid	# of EPs	# & % of EPs Paid	# of EPs	# & % of EPs Paid	# of EPs	# & % of EPs Paid	# of EPs	# & % of EPs Paid
Overall													

Progress As Of (Month): _____

Table-5: Summary Information on Grants Payment by BWDB to Legal Owners of Affected Properties, By FCD/I Schemes

Progress As Of (Month): _____

WMIP Resettlement Policy Framework

Table-6: Summary Information on Grants Payment by BWDB to Squatters and Other Public Land Users, By FCD/I Schmes

Progress As Of (Month): _____

FCD/I Scheme & EP Groups	Total # of EPs	Total # of EPs Eligible	Number & (Percentage) of EPs Eligible & Paid by BWDB for									
			House Transfer Grant (HTG)		House Construction Grant (HCG)		Business Income		Wage Income		Other Losses	
			Eligible	Paid	Eligible	Eligible	Paid	Paid	Eligible	Paid	Eligible	Paid
1	2	3	4	5	6	12	13	9	10	11	12	13
FCD/I:									12	13		
Squatter												
Shopkeeper												
Etc.												
FCD/I:												
Squatter												
Shopkeeper												
Etc.												
TOTAL												

Table-7: Information on Grievance Redress Activities, By Contract

Progress As Of (Month): _____

FCD/I Name	# of Meet- ings (cumu)	# of Grievances Lodged, By Reasons and Affected Groups (Cumulative)									# of Grievances Reviewed, By Reasons and Affected Groups (Cumulative)									# of Grievances Accepted for Redress (Cumulative)				
		Reasons							# Lodged By		Reasons						# Reviewed For			Legal EPs	S-R EPs	Others		
		1	2	3	4	5	9	Legal EPs	S-R EPs	Others	1	2	3	4	5	9	Legal EPs	S-R EPs	Others					
TOTAL																								

Reasons: 1-5 for Five Major Reasons, and 9 for all other reasons (Name the major reasons listed under the codes).

Affected Groups: Legal EPs - Owners recognized by law; S-R EPs - Socially-Recognized Owners (squatters, etc); Others - persons not identified by socioeconomic survey, or persons and community groups acting independently or on behalf of the PAPs.

ANNEX-C

Timetable for Land Acquisition, and RAP Preparation and Implementation

Major Tasks	Responsibility	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M
LAND ACQUISITION																
Finalization of Land Acquisition & Locations	Engg Consultants/TAC															
Preparation of LAPs	BWDB															
Submission of LAPs to DCs	BWDB															
LAP Approval:																
▪ At District Level	DCs/DLACs															
▪ At Ministerial Level	MOL															
Issuance of Notice-3	DCs															
Joint On-Site Inventory & Verification	DCs, BWDB, TAC															
Issuance of Notice-6	DCs															
Preparation of CUL Budgets	DCs															
Submission of CUL Budgets to XENs	DCs															
Approval of CUL Budgets at Circle	BWDB															
Placement of CUL Fund with DCs	BWDB															
Issuance of Notice-7	DCs															
CUL Payment Begins	DCs															

BWDB: Bangladesh Water Development Board; MOWR: Ministry of Water Resources; MOL: Ministry of Land; DC: Deputy Commissioner; DLAC: District Land Acquisition Committee; TAC: Technical Assistance Consultants; LAP: Land Acquisition Proposal; JIV: Joint On-Site Inventory & Verification (for CUL); CUL: Compensation-Under-Law; JVT: Joint Verification Team (to determine Top-Up)

Time-Table for Land Acquisition, and RAP Preparation and Implementation (Contd)

	Responsibility	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M
RAP PREPARATION & IMPLEMENTATION																	
PAP Census & Fix Cut-Off Dates	BWDB, TAC																
Consultation & Information Campaign	BWDB, TAC																
Formation of GRCs & Redress process	BWDB																
Market Price Surveys	BWDB, TAC																
Valuation of Assets thru JVT	DC, BWDB, TAC																
▪ Preparation & Approval of Compensation Budgets for Squatters	BWDB, TAC																
▪ Approval of Compensation Budget for Squatters	BWDB																
▪ Compensation Payment to Squatters	BWDB																
Placement of CUL Funds with DCs	BWDB																
Issuance of Notice-7 (ref. Land Acquisition)	DCs																
CUL Payment	DCs																
Determination of Top-Up	BWDB, TAC																
Approval of Top-Up Budget	BWDB																
Top-Up Payment by BWDB	BWDB, TAC																
PAP Relocation	BWDB, TAC																
Site Handover	BWDB, TAC																
CIVIL WORKS																	
Contract Tendering and Award																	
Construction Begins																	