

Resettlement Framework

Document stage: Draft for Consultation
August 2013

BAN: Dhaka Environmentally Sustainable Water Supply Project

Prepared by the Dhaka Water Supply and Sewerage Authority Government of Bangladesh for the Asian Development Bank

CURRENCY EQUIVALENTS

(as of 3 July 2013)

Currency unit	–	Tk
Tk1.00	=	\$ 0.013
\$1.00	=	Tk 77.75

ABBREVIATIONS

ADB	-	Asian Development Bank
EMP	-	environmental management plan
FGD	-	focus group discussion
GRM	-	grievance redress mechanism
IR	-	involuntary resettlement
lpcd	-	liters per capita per day
NGO	-	nongovernment organization
PMU	-	project management unit
PSC	-	program steering committee
ROW	-	right of way
RP	-	resettlement plan
SPS	-	Safeguard Policy Statement

WEIGHTS AND MEASURES

km	–	kilometer
m ²	–	square meter
mm	–	millimeter
mcg/m ³	–	micrograms per cubic meter
m ³	-	cubic meter

NOTES

- (i) In this report, "\$" refers to US dollars.
- (ii) "Tk" refers to Bangladeshi Taka.

This resettlement framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, ADB does not intend to make any judgments as to the legal or other status of any territory or area.

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. POLICY AND LEGAL FRAMEWORK	2
III. SOCIOECONOMIC INFORMATION	5
IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE	7
V. ENTITLEMENT, COMPENSATION, AND INCOME RESTORATION	8
VI. GRIEVANCE REDRESS MECHANISM	15
VII. INSTITUTIONAL ARRANGEMENTS	18
VIII. BUDGET AND FINANCING	18
IX. MONITORING AND REPORTING	19
APPENDIXES:	
1. Involuntary Resettlement Impact Categorization Checklist	21
2. Comparison of Resettlement and Compensation Policies of ADB, Government of Bangladesh and DWASA	22
3. Sample Outline of RP Monitoring Report and Sample Monitoring Sheet	27
4. Sample of Grievance Redress Form	31
5. Draft Leaflet for Project Information Disclosure	32

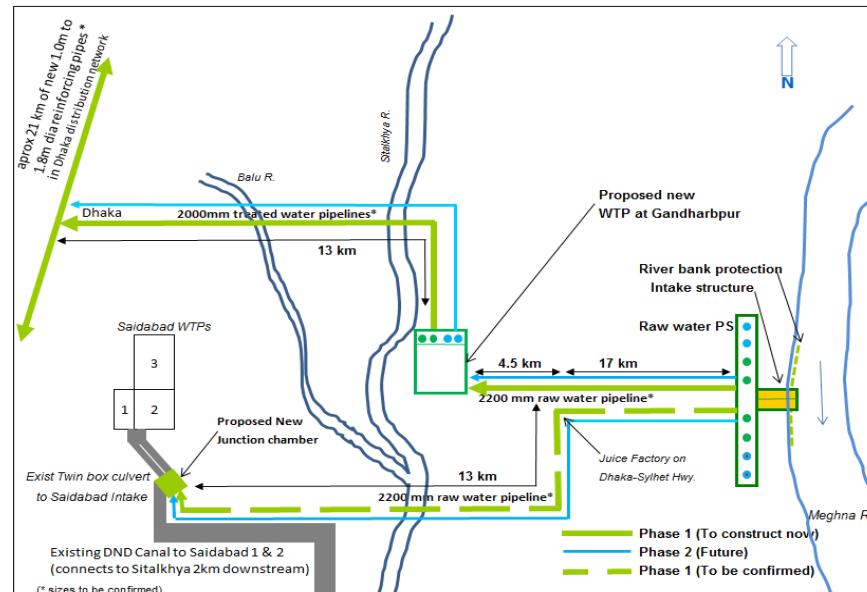
I. INTRODUCTION

1. **Background.** The Dhaka Environmentally Sustainable Water Supply Project (DESWSP) will provide more reliable and sustainable water supply for Dhaka City dwellers by developing a new surface water supply scheme for supply augmentation, which includes development of a water intake at Meghna River, one raw water transmission pipeline, a water treatment plant (WTP) at Gandharbpur with capacity of 500 million liters per day (mld), a treated water transmission pipeline to the existing water supply network, and distribution reinforcements. The project also includes distribution network improvements to reduce non-revenue water (NRW), and will promote household and community access to safe water, including support to low-income communities (LICs). Dhaka Water Supply and Sewerage Authority (DWASA) is the executing and implementing agency of the project. The outputs are summarized in the Table 1 below.

Table 1: Outputs

No	Component	Infrastructure	Contract Package
1	Water intake	2,000 mld capacity	Design-build (DB) with short operation
2	Pumping station	2,000 mld capacity pumping station with 500 mld pumping equipment	Same as above
3	Raw water transmission mains	21.5-km, 2,200-mm raw water pipelines from intake to Gandharbpur WTP	Same as above
4	Water treatment plant	500-mld capacity WTP at Gandharbpur	Same as above
5	Treated water transmission mains	13-km, 2000 mm treated water pipeline from WTP to US Embassy injection point	Construction contract
6	Distribution reinforcement	21-km distribution reinforcement	Construction contract
7	Distribution network rehabilitation (ICB 2.7)	Replacements water lines of 16 DMAs in the existing Dhaka City distribution networks	Design Build (DB)

Below is the schematic picture of the project area indicating project activities of components 1–6.



2. **Project benefits.** The project will support the delivery of improved water supply service to the people living in Dhaka. Access to improved water supply is expected to improve the health status of households (especially children and the elderly) and reduce medical

expenditures on water-borne and vector-borne diseases. The project will help DWASA expand water services in its service area, where temporarily affected businesses and residents get long-term benefits. The project will also employ local people (with different skill levels) during and after implementation.

3. **Involuntary resettlement impacts.** The DESWSP is category A for involuntary resettlement impacts. This is due to significant land acquisition and resettlement impacts from activities of components 1, 2, 3, 4, and 5. Two resettlement plans (RPs) were prepared for the project—one RP prepared for activity no 7, distribution network rehabilitation in Dhaka (contract package ICB 2.7, and another one is for the main WTP and related works (nos. 1-5 in Table 1 above). This resettlement framework (RF) is prepared to guide resettlement activities—screening, assessment, institutional arrangements, and RP preparation—for the project activity no 6, the distribution reinforcement component (no. 6 in Table 1), which consist of construction of 21 km of treated water mains in the existing system, to be prepared after Board approval. The proposed works for the distribution component will occur within the right of way (RoW), no acquisition of private land will be required, and the possible resettlement impacts resulting from this component are not significant and only temporary in nature—e.g., temporary loss of income due to shifting or disturbance to access.

4. This RF covers the mitigation response due to involuntary resettlement impacts that are limited and temporary in nature, for the distribution reinforcement component. Any unforeseen involuntary resettlement impacts from this component that may cause significant impacts and/or result in acquisition of private lands have to be mitigated based on the principles and procedures provided in ADB Safeguards Policy Statement (2009).

II. POLICY AND LEGAL FRAMEWORK

5. This framework is prepared based on applicable legal and policy frameworks of the government, namely the Acquisition and Requisition of Immovable Property Ordinance 1982 and its subsequent amendments in 1993 and 1994 (ARIPO), and ADB's Safeguards Policy Statement (SPS), 2009. In case of discrepancy between the policies of ADB and the government, the ADB policy will prevail.

6. The government's ARIPO policy does not cover project-displaced persons without titles or ownership record, such as informal settler/squatters, occupiers, and informal tenants and leaseholders (without documents), and does not provide for replacement value of the property acquired. The ARIPO has no provision for resettlement assistance for restoration of livelihoods of displaced persons, except for legal compensation for land and structures. Further, in most of the cases, the compensation paid does not constitute market or replacement value of the property acquired. Gaps between national law and ADB's SPS were identified, and bridging measures included in the entitlement matrix for the project. ADB's SPS applies to all ADB-financed and/or ADB-administered sovereign projects and their components, regardless of the source of financing, including investment projects funded by a loan, a grant, or other means. The draft resettlement plan represents a single, uniform document agreed upon by both the Government of Bangladesh and ADB to ensure compliance with respective rules and policies.

7. The land acquisition law of Bangladesh, the Acquisition and Requisition of Immovable Property Ordinance (ARIPO) 1982 with subsequent amendments in 1993 and 1994, is followed for acquisition and requisition of properties required for the development project in Bangladesh, which is not consistent with the government's commitment to reduce poverty. There are some gaps between the land acquisition law of Bangladesh and ADB Safeguard Policy Statement

(SPS) 2009. Here is the comparative analysis between ARIPO's laws related to land acquisition, compensation, and involuntary resettlement and ADB's requirements as prescribed in the SPS 2009. Table 2 describes the details.

Table 2: Comparison between Government of Bangladesh Laws and ADB Safeguard Policies on Land Acquisition and Resettlement

Sl. No.	ADB's SPS (2009)	Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982	Gaps Between ARIPO and ADB's Policies and Action Taken to Bridge the Gap
1	Involuntary resettlement should be avoided wherever possible.	Not defined in the ARIPO	Like with other donor-funded projects in Bangladesh the approach of avoiding involuntary resettlement has already been taken care of while preparing this project. This will be further practiced during design and implementation.
2	Minimize involuntary resettlement by exploring project and design alternatives	Not so clearly defined in the ARIPO Sections 3 and 18 exempt the acquisition of property used by the public for religious worship, public or educational institutions, graveyards, and cremation grounds.	The resettlement plan clearly defines the procedures on how to minimize the involuntary resettlement through proper alternate engineering design and adequate consultation with stakeholders.
3	Conducting census of displaced persons and resettlement planning	The ARIPO spells out that upon approval of the request for land by the office of the deputy commissioner, its own staff will conduct the physical inventory of assets and properties found on the land. The inventory form consists of the name of person, area of land, the list of assets affected, and the materials used in the construction of the house. The cutoff date is the date of publication of notice that land is subject to acquisition, and that any alteration or improvement thereon will not be considered for compensation.	The ARIPO does not define the census survey. It only reflects the inventory of losses (IOL), which is more in physical terms and only includes the names of the owners, etc. The ADB policy spells out a detailed census through household surveys of displaced persons in order to assess the vulnerability and other entitlements. This RP has been prepared based on the data collected through conducting a census, a socioeconomic survey for the displaced persons, and an inventory of losses.
4	Carry out meaningful consultation with displaced persons and ensure their participation in planning, implementation, and monitoring of resettlement program.	Section 3 of the ordinance provides that whenever it appears to the deputy commissioner that any property is needed or is likely to be needed for any public purpose or in the public interest, he will publish a notice at convenient places on or near the property in the prescribed form and manner, stating that the property is proposed for acquisition.	The ARIPO does not directly meet ADB's requirements. This section of the ordinance establishes an indirect form of public consultation. However, it does not provide for public meetings and project disclosure, so stakeholders are not informed about the purpose of land acquisition, its proposed use, or compensation, entitlements, or special assistance measures. The resettlement plan for the project has been prepared following a consultation process which involves all stakeholders (affected persons, government department/line agencies, local community, NGORP, etc.), and the consultation will be a continuous process at all stages of the project development such as project formulation, feasibility study, design, implementation, and post-implementation, including the monitoring phase.
5	Establish grievance	Section 4 allows the occupant of	The Section 4 provision is consistent with

Sl. No.	ADB's SPS (2009)	Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982	Gaps Between ARIPO and ADB's Policies and Action Taken to Bridge the Gap
	redress mechanism.	the land to raise objections in writing. These should be filed with the deputy commissioner within 15 days after the publication. The deputy commissioner will then hear the complaints and prepare a report and record of proceedings within 30 days following expiry of the 15-day period given to affected persons to file their objections.	ADB's grievance redress requirements. The resettlement plan has a special provision for grievance procedures, which includes formation of a grievance redress committee, appointment of an arbitrator, and publication of the notice of hearings and the scope of proceedings.
6	Improve or at least restore the livelihoods of all displaced persons.	The ARIPO does not address the issues related to income loss, livelihood, or loss of the non-titleholders. This only deals with the compensation for loss of land, structures, buildings, crops and trees, etc. for the legal titleholders.	The resettlement plan for this project keeps the provision for a census survey that will have the data on the loss of income and livelihood, and the same will be compensated as per the entitlement matrix for both physically and economically affected persons.
7	Land-based resettlement strategy	The ARIPO does not address these issues.	The ARIPO does not meet the requirement of ADB. Though this option may be a difficult proposition, given the lack of government land and the difficulties associated with the acquisition of private lands, the resettlement plan proposes land-for-land compensation as its priority, if feasible. Attempt will be made to find alternate land for the loss of land, in case it is available and if it is feasible, looking at the concurrence of host community and land value.
8	All compensation should be based on the principle of replacement cost.	The ARIPO states that the deputy commissioner determines the amount of compensation by considering: (i) the market value of the property based on the average value during the 12 months preceding the publication of notice of acquisition; (ii) the damage to standing crops and trees; (iii) damage by severing such property from the other properties of the person occupying the land; (iv) adverse effects on other properties, immovable or movable, and/or earnings; and (v) the cost of change of place of residence or place of business. The deputy commissioner also awards a sum of 50% on the market value of the property to be acquired.	The ARIPO is largely consistent with ADB policy. However, there are differences in the valuation of land and prices of affected assets, where ADB prescribes the use of current market rates/replacement cost in the project area. The ordinance does not ensure replacement value or restoration of pre-project incomes of the affected persons. The resettlement plan addresses all these issues, and spells out a mechanism to fix the replacement cost by having an independent evaluator (committee) who will be responsible for deciding the replacement costs.
9	Provide relocation assistance to displaced persons.	No mention of relocation assistance to affected persons in ARIPO	The resettlement plan provides for the eligibility and entitlement for relocation of the affected persons, in the form of relocation assistance which includes shifting allowances, right to salvage materials, and additional transitional assistance for the loss of business and employment.
10	Ensure that displaced persons without titles to land or any recognizable	The ARIPO does not have this provision.	The ARIPO does not comply with ADB policy. This is a major drawback of the national law/policy compared to that of ADB. The ARIPO only takes into consideration the legal

Sl. No.	ADB's SPS (2009)	Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982	Gaps Between ARIPO and ADB's Policies and Action Taken to Bridge the Gap
	legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.		titleholders and ignores the non-titleholders. The resettlement plan ensures compensation and assistance to all affected persons, whether physically displaced or economically displaced, irrespective of their legal status. The end of the census survey will be considered the cut-off date, and affected persons listed before the cut-off date will be eligible for assistance.
11	Disclose the resettlement plan, including documentation of the consultation in an accessible place and a form and language understandable to affected persons and other stakeholders.	The ordinance only ensures the initial notification for the acquisition of a particular property.	The ARIPO does not comply with ADB's SPS-2009 as there is no mention of disclosure of resettlement plan. The SPS ensures that the resettlement plan, along with the necessary eligibility and entitlement, will be disclosed to the affected persons in the local language (Bengali) in the relevant project locations and concerned government offices, and the same resettlement plan will also be disclosed on the executing agency's website and on the website of ADB.
12	Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits.	The ARIPO has a provision to include all the costs related to land acquisition and compensation of legal property and assets. However, it does not take into account the cost related to other assistance and involuntary resettlement.	The ARIPO partially meets the requirement of ADB, as it only deals with the cost pertaining to land acquisition. The resettlement plan provides eligibility to both titleholders and non-titleholders with compensation and various kinds of assistances as part of the resettlement packages, and the entire cost will be part of the project cost.
13	Pay compensation and provide other resettlement entitlements before physical or economic displacement.	The ARIPO has the provision that all the compensation will be paid prior to possession of the acquired land.	The ARIPO meets the requirement of ADB.
14	Monitor and assess resettlement outcomes, and their impacts on the standards of living of displaced persons.	This is not clearly defined in the ARIPO.	The ARIPO does not comply with ADB safeguards policies. The resettlement plan has a detailed provision for a monitoring system within the executing agency. The executing agency will be responsible for proper monitoring of resettlement plan implementation, and the monitoring will be verified by an external expert.

ADB = Asian Development Bank, ARIPO = Acquisition and Requisition of Immovable Property Ordinance 1982, IOL = inventory of losses, NGORP = nongovernment organization implementing the resettlement plan, SPS = Safeguard Policy Statement.

III. SOCIOECONOMIC INFORMATION

8. As works will occur within the right of way (RoW), the possible resettlement impacts resulting from this component are not expected to be significant, and are temporary in nature—e.g., temporary loss of income due to shifting or disturbance to access. Following the finalization of detailed design of a subproject, a transect survey and a census will be conducted on the roads in which distribution reinforcement activities are proposed, to identify and quantify all potential resettlement impacts and the AP. This assessment must be done with participation

from the recruited management design and supervision consultant (MDSC) resettlement specialists, engineers, and the recruited NGO for resettlement implementation for this component. The cut of date will be established through formal announcement by DWASA and local authority following the completion of the final design and census survey conducted by the NGO. The eligible hawkers/vendors will be provided with ID cards to receive their compensation. A project sign board will be installed in the project areas to inform the vendors and the public about project activities and prevent new encroachment.

9. The prepared survey form will be used to record data on the nature and extent of resettlement impacts, and socioeconomic conditions of the community and among likely affected persons. This information should be collected through a census of all businesses to be affected by the project activities in terms of possible loss of income/livelihood. Information to be collected includes:

- (i) businesses: number and type of businesses; type of ownership; average monthly income;
- (ii) number of persons in the affected households
- (iii) affected structures
- (iv) affected trees
- (v) affected employees
- (vi) affected number of hawkers, vendors, shops; including type of merchandise; average monthly income; and
- (vii) any other social and economic impacts (both permanent and temporary) including its nature and size of the impact.

Table 3: Checklist for Transect Walks–Socioeconomic Survey

Date of Survey					Serial No:
DMA no.					
Name of road					
Type of road (by width)	<input type="checkbox"/> < 2 m	<input type="checkbox"/> 2 m to 4 m	<input type="checkbox"/> > 4 m	<input type="checkbox"/> Major road	<input type="checkbox"/> VIP road
Name of affected person					
Father's/mother's name					
Address /location					
Type of business	<input type="checkbox"/> Permanent		<input type="checkbox"/> Semi-permanent		<input type="checkbox"/> Hawker/movable
Type of merchandise	<input type="checkbox"/> Fruits and vegetables		<input type="checkbox"/> Food		<input type="checkbox"/> Books/stationery
	<input type="checkbox"/> Clothes		<input type="checkbox"/> Shoe repair		<input type="checkbox"/> Others (Specify)_____
Status of ownership	<input type="checkbox"/> Owner			<input type="checkbox"/> Tenant	
Since when has the person operated in that location?					
Frequency of operating in a week	<input type="checkbox"/> Every day		<input type="checkbox"/> Most days		<input type="checkbox"/> 1-2 days per week
	<input type="checkbox"/> Less than 1 day per week		<input type="checkbox"/> Seasonal (Specify)_____		<input type="checkbox"/> Others (Specify)_____
Person/s employed, if any	No:				
Rent per month, if any	Tk.				
Average profit per day	Tk.				
Will the person be affected?	<input type="checkbox"/> Yes			<input type="checkbox"/> No	
Type of vulnerability/distress	<input type="checkbox"/> None		<input type="checkbox"/> BPL		<input type="checkbox"/> Disabled
	<input type="checkbox"/> WHH		<input type="checkbox"/> Minority/child worker		<input type="checkbox"/> Others (Specify)_____
Date when work will start on road					
Permanent structure/s present?	<input type="checkbox"/> Yes			<input type="checkbox"/> None	
Use of permanent structure	<input type="checkbox"/> Boundary wall/s		<input type="checkbox"/> Residential		<input type="checkbox"/> Commercial/business
If structure is present, type of	<input type="checkbox"/> Owner			<input type="checkbox"/> Rental	

Date of Survey	Serial No:	
ownership	How much per month? _____ Tk.	
Document prepared by:	Supervised by:	Document checked by:

BPL=below poverty line; WHH=woman-headed household/woman as chief wage earner

IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE

10. The consultation with all the affected persons will be carried out forward during the subsequent stages of the project design and implementation by the PMU safeguard implementation unit, with the support of an NGO. Resettlement information leaflet will be distributed to all DP.

11. **Consultation during detailed design.** (i) Focus group discussions with affected persons and other stakeholders (including women's groups, NGOs) to hear their views and concerns, so that these can be addressed in project design where necessary; and (ii) structured consultation meetings with the institutional stakeholders (government bodies and NGOs) to discuss and approve key aspects of the project.

12. **Consultation during construction.** (i) Public meetings with affected communities to discuss and plan work programs and allow issues to be raised and addressed once construction has started; and (ii) smaller-scale meetings to discuss and plan construction work with individual communities to reduce disturbance and other impacts, and provide a mechanism through which stakeholders can participate in project monitoring and evaluation.

13. **Information disclosure.** To provide for more transparency in planning, prevent new encroachment and for further active involvement of the public and other stakeholders, the project information will be disseminated early in the project detail design stage through dissemination of information brochures, disclosure of project planning documents and putting project sign boards in the project areas. The Project cut off date will be announced formally by DWASA with the support from the local authority office. The DWASA, through its PMU, will keep the public informed about the project impacts, the compensation and assistances proposed for affected persons, project grievance and redress mechanism and its contact persons. The information will also be made available at convenient places in the project area, especially the office of DWASA, offices of the upazila, union parishad in the project locations, and at other key accessible locations (such as market places) convenient to the public. For the benefit of the community, a summary of the RF and RPs will be translated in Bengali and made available at (i) the office of the PMU, DWASA, and (ii) the office of Narayanganj district. Hard copies of the RF and RPs will be available in the PMU and accessible to citizens as a means to disclose the document and at the same time create wider public awareness. Copies of the RF and RPs are available at the cost of photocopy from the office of the PMU, with a written request and payment for the same to the project director. The PMU will issue notification on the disclosure mechanism in local newspapers, ahead of the implementation of the project, providing information on the project, as well as the start dates, etc. The notice will be issued by the PMU in local newspapers 1 month ahead of implementation. This will create awareness of project implementation among the public. Brochures designed to create mass awareness of the basic tenets of the RF will be distributed in different localities. The sample of project information brochures is in Appendix 5.

V. ENTITLEMENT, COMPENSATION, AND INCOME RESTORATION

14. **Eligibility.** Affected persons eligible to receive compensation and other entitlements via this RF are defined as individuals who, at the time of the detailed measurement survey (DMS), are living or working in the project area, at locations that are likely to be affected by construction or operation of the infrastructure works, regardless of whether or not they have legal title to the affected land or assets. The DMS will be conducted once detailed designs have been completed and prior to commencement of works on an identified stretch.

15. The initial description of construction methods suggests that there should be relatively few types of resettlement impact, and this will be confirmed by the transect surveys to identify loss of business income if customer access is impeded by trenches, excavated soil, and machinery. APs are therefore defined as the following:

- (i) those who experience loss of livelihood/income during construction due to temporary relocation of their businesses (shopkeepers, other businesspeople, and hawkers) or access disturbance;
- (ii) persons whose normal activities are disturbed by the presence of trenches, excavated soil, and machinery (local residents and shop customers); and
- (iii) APs who belong to socially and economically vulnerable groups.

16. Hawkers or businesses that settle in the affected areas after the cut-off date will not be eligible for compensation. They will, however, be given sufficient advance notice (at least 60 days), and assisted in vacating the premises and dismantling affected structures prior to project implementation. Contractors will provide shifting assistance to hawkers/vendors requiring help. Information regarding the cut-off date for eligibility for all types of compensation will be documented and disseminated throughout the project area.

17. **Entitlements.** The entitlement matrix (Table 4 below) summarizes the types of possible losses and corresponding entitlements in accordance with ADB policies, based on the principle of “replacement cost.” In addition to the estimated potential temporary impacts, the entitlement matrix safeguards unforeseen damages to structures that may take place during construction, and any temporary losses to shops and businesses that may occur as a result of full closure of roads that may be necessary/known during construction, as well as other unforeseen impacts.

18. Procedures for assistance and compensation to affected persons who are temporarily impacted will involve the following steps:

- (i) **Step 1.** Conduct public awareness and information dissemination prior to construction works through the MSC, contractors, and NGO.
- (ii) **Step 2.** The contractor will identify roads which will experience full/partial closure and/or disruptions in parking, display of wares, or traffic, and the estimated period of closure/disruption. NGO will list down the roads which will be closed during the fixing of pipes, and the number of days of the expected closure.
- (iii) **Step 3.** The MSC resettlement expert will then (a) conduct a transect walk jointly with the DWASA PMU resettlement specialist contractor and the project NGO to determine the extent or nature of impacts on identified roads where full/partial closure is likely. Such walks will establish the need for detailed measurement surveys and impacts assessment on each road stretch; (b) conduct a detailed measurement and inventory of losses survey based on detailed designs and final alignments to identify potential impacts; establish the number of APs and businesses along each proposed water distribution reinforcement stretch, with potential impacts on the affected shops, vendors, hawkers, etc.; and prepare an

- inventory of losses; (c) conduct the income/business survey to determine the compensation; and (d) prepare RP and submit to ADB for review and approval after detailed designs and surveys are complete. NGO will conduct a video documentation of the road that is likely to remain closed.
- (iv) **Step 4.** The DWASA PMU resettlement specialist will distribute identity cards to affected persons, including those facing income losses and those requiring assistance, and vulnerable APs.
 - a) NGO fills up a prescribed form for each AP, listing down the name, location, and business type of the AP, including signature;
 - b) NGO takes passport-sized photograph of each AP with digital camera;
 - c) NGO prepares a database of the APs with digital photographs;
 - d) NGO issues ID cards to APs with corresponding ID serial number to match with database and AP photo; and
 - e) NGO determines income loss of the vendors/small shop owners based on the business survey (capital less than Tk. 50,000 and who are due to be affected)¹.
 - (v) **Step 5.** Affected persons can then access the compensation, assistance, and allowances provided from PMU.
 - (vi) **Step 6.** DWASA PMU will pay compensation, assistance, and allowances prior to displacement in sections ready for construction (as required). The project director will closely monitor these activities.
 - a) PMU opens a bank account with a bank, including an MOU to make payment from the account to ID-card holders of APs only.
 - b) PMU issues checks to APs, which are distributed by the NGO.
 - c) Bank pays an AP as bearer of the check; on the reverse side of the check, the bank puts a seal containing a box, notes the ID serial number of the AP, and checks the bearer's ID and photograph.
 - d) PMU collects the bank statement containing the IDs of persons who have been paid compensation.
 - (vii) **Step 7.** DWASA PMU will keep accounts—record of affected persons, amounts paid, and receipts record—for accounting purposes.
 - a) The NGO and PMU will keep all documents, including accounting and records, both in hard and soft copies.
 - b) The NGO will prepare monthly progress report for the PMU-SIU containing all physical and financial progress related to resettlement issues.

19. **Vendor assistance.** Vendors requiring temporary shifting assistance during construction will be notified in advance and assisted to shift to alternative locations to continue their trade with limited disruption. They will be allowed to return to their original location after construction is completed. Vendor assistance will involve the following steps:

- (i) **Step 1.** Impacted vendors will be identified by MDSC resettlement expert through detailed measurement and inventory of losses surveys, based on detailed design.
- (ii) **Step 2.** Notify vendors at least 60 days in advance, followed by a reminder 7 days before, and again, 24 hours in advance. Consult with local vendor associations, if they exist.
- (iii) **Step 3.** Identify alternative locations nearby for affected vendors to continue business.

¹ People who will claim more than Tk. 500 are likely to have records of paying income tax in previous years. In that case, the claimant has to produce income tax record for the last 3 years.

- (iv) **Step 4.** Assistance will be given by contractor to shift to new location. If income disruption is expected during this time, DWASA PMU will pay compensation for lost income with assistance from the NGO.
- (v) **Step 5.** Assistance will be given by contractor to return to original location after construction works are completed and monitored by the NGO.

20. **Project benefits.** The project will support the delivery of improved water supply service to the people living in Dhaka. Access to improved water supply is expected to improve the health status of households (especially children and the elderly) and reduce medical expenditures on water-borne and vector-borne diseases. The project will help DWASA expand water services in its service area, where temporarily affected businesses and residents get long-term benefits. The project will also employ local people (with different skill levels) during and after implementation.

21. **Vulnerable affected persons.** Hawkers and any other APs recorded by the DMS as vulnerable groups will be given additional support to improve their economic and social status, through preferential employment in construction workforces in the affected areas, if they are found to be suitable. Suitability will be determined by specialists appointed to coordinate with the contractor and NGO. This policy will be supported by the inclusion of clauses in the contracts appointing construction contractors, requiring them to employ specific numbers of women and other vulnerable APs. In the event other types of vulnerable persons are identified during the RP preparation survey, safeguards policies and procedures in this framework will be used to deliver appropriate compensation and assistance as determined in the entitlement matrix below.

Table 4: Entitlement Matrix

Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsibility
Loss of livelihood (temporary)	Business activity disrupted by construction work	(i) Legal titleholders, licensed vendors; (ii) tenants, leaseholders; and (iii) persons with non-recognizable claims (non-licensed hawkers, vendors, employees of shops, etc.)	<ul style="list-style-type: none"> - Provision of information to APs 60 days prior to works - Cash compensation, calculated at the amount of income lost during the period of disruption - Compensation will be paid regardless of whether or not the business closes during the construction period. 	<ul style="list-style-type: none"> - DWASA PMU resettlement specialist and MDSC resettlement expert (supported by NGO) will determine lost income of the eligible affected businesses through detailed business income survey. - Mobile hawkers and vendors will be assisted by contractor in moving to alternative locations during the period of construction. - Temporary sites to continue economic activity will be identified. - The date of the DMS census shall serve as the cut-off date. - Shop owners will be encouraged to maintain any employees if shifted. If employees are not kept as a result of a shift, then they will be entitled to compensation for lost income as per the RP of the Gandharbpur water treatment component of this project. - The period of disruption will be assumed to be 5 days. 	<ul style="list-style-type: none"> - DWASA PMU resettlement specialist and MDSC resettlement expert will determine income lost during the construction periods through detailed business survey to determine the daily net income of the affected businesses. - Contractor will perform actions to minimize income/access loss. - Contractor will be responsible for notices and reminders. - DWASA PMU resettlement specialist and MDSC resettlement expert will monitor contractor action.
Loss of access (temporary)	Access to houses, shops, and common property resources common (including community structures and facilities) disrupted by construction	(i) Residents (ii) Shop customers	<ul style="list-style-type: none"> - Provision of information to APs 60 days prior to works. - Temporary access structures will be provided to allow pedestrians and vehicles to cross trenches safely. - Restoration of affected common property resources/community buildings and structures to at least previous condition, or replacement or restoration of access to similar facilities in areas identified, in consultation 	<ul style="list-style-type: none"> - Construction contracts will require contractors to provide planks and metal sheets where necessary to allow access across trenches by pedestrians and vehicles respectively. - Extreme care should be taken by the contractors to avoid damage to any properties during construction. Compensation for the losses/damages will be borne by the contractor. 	<ul style="list-style-type: none"> - Contractor will be responsible for notices and reminders. - The MDSC will ensure that contractors have sufficient planks and metal sheets available before any trench construction begins. - DWASA PMU resettlement specialist and MDSC resettlement expert will monitor contractor action. - Contractors will restore or replace affected community structures and facilities and

Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsibility
	work		with affected communities and relevant authorities		coordinate with other government agencies for restoration of utilities.
Impacts on vulnerable APs	Special provisions (in addition to any other compensation for loss income)	Vulnerable APs ⁹	Support for alternative livelihoods: - Employed preferentially in workforces created by this project (construction and operations and maintenance) if suitable, or cash compensation at Tk 350 per day for up to 5 days Assured involvement in project activities - Assured of representation on project- related consultative committees and other communication and planning forums	- Construction contracts will require contractors to employ specific numbers of vulnerable APs in their construction workforces. - DWASA will adopt targets of the numbers of vulnerable APs to be employed long-term in operations and maintenance workforces for DWSSDP. - Representation from vulnerable APs will be a requirement of all committees and consultation forums for DWSSDP.	- DWASA PMU resettlement specialist and MDSC resettlement expert will monitor contractor action.
Damage caused to government or private property and assets during construction	Partial or total damage to permanent structures	(i) Legal titleholders; (ii) tenants, leaseholders; and (iii) persons with non-recognizable claims (informal settlers)	Replacement cost of restoring to original or better condition	- Extreme care should be taken by the contractors to avoid damaging any properties or assets during construction. - Compensation for the losses will be the responsibility of the contractor, as a part of the contract.	- Contractor responsible for compensation - DWASA PMU resettlement specialist to monitor - MDSC resettlement expert and project NGO will assist PMU resettlement specialist.
Loss of structures in RoW	Temporary or semi-permanent structures or stalls and other assets	(i) Legal titleholders, licensed vendors; (ii) tenants, leaseholders; and (iii) persons with non-recognizable claims (informal settlers, non-licensed hawkers, vendors, etc.)	- Replacement cost of the structure and other assets (or part of the structure and other assets, if remainder is viable) - 60 days advance notice, followed by reminders 1 week and 24 hours in advance - Shifting assistance from and back to the location - Right to salvage materials from structure and other assets - Additional compensation for vulnerable households of Tk 350 /day for up to 5 days, or employed preferedly in	- Temporary shifting for 5-7 days during period of construction - Vulnerable households will be identified during the DMS survey.	- Extent of impacts to be verified by PMU resettlement specialist, MDSC resettlement expert, and contractors through DMS census (100% data collection of affected households/businesses) to determine assistance - PMU and contractors will identify alternative site - Contractor will be responsible for notices and reminders. - Contractors will help in shifting.

Type of Loss	Application	Definition of Entitled Person	Compensation Policy	Implementation Issues	Responsibility
			workforces created by the project.		
Temporary disruption in water supply service	Reduced water supply hours	Residents and business owners	- Alternative sources of water should be made available during the construction period.	- The time lag between the construction of new system and transfer from the old system should be minimized.	- PMU and contractors will identify alternative source of water supply during period of disruption. - Contractor will be responsible for notices and reminders. - PMU will be responsible for providing water supply to APs.
Damage to water supply connections during pipe replacement or rehabilitation	Damaged water connection pipes to property	Residents and business owners	Immediate replacement and restoration of connection	- Care should be taken by the contractors to avoid damage to connections during construction. - Cost of replacement of connection will be borne by the contractor.	- Contractor will restore or replace affected connections. - DWASA PMU resettlement specialist and MDSC resettlement expert will monitor contractor action.
Unidentified losses	Any other loss not identified in this matrix	Affected person	- Unanticipated involuntary impacts will be documented and mitigated based on principles in the project resettlement framework.	- Actions to address any issues will be proposed by PMU resettlement specialist - Proposed action will follow ADB SPS, 2009 and adopt a similar approach as outlined above, if applicable.	- MSC resettlement expert will help PMU resettlement specialist ascertain the nature and extent of such loss and finalize the entitlements in line with the principles in the project resettlement framework, ADB SPS, 2009, and Government of Bangladesh ARIPOF - PMU will seek approval of ADB

22. **Income restoration and rehabilitation.** The project envisaged temporary loss of income or access to shops/business locations as the only resettlement impact from the distribution reinforcement component. The entitlement matrix prepared in this framework indicates direct replacement the loss of income and livelihood rehabilitation assistance of the affected persons. This involves the provision of cash compensation to shopkeepers, owners and operators or other businesses, and hawkers, equivalent to the amount of income they lose.

23. Compensation and assistance to APs must be provided prior the start of civil works.

24. APs will be provided 60 days advance notice, followed by a reminder 1 week before construction, and again, 1 day before construction to ensure no or minimal disruption in livelihood.

25. If required, they will also be assisted to temporarily shift for continued economic activity; for example, they will be assisted to shift to the other side of the road where there is no construction, and then assisted in shifting back, post-construction.

26. Preferential employment in project-related work will be offered to local people, with priority to vulnerable persons.

Resettlement Plan (RP) Preparation

27. As part of RP preparation, a screening exercise will be undertaken by MDSC resettlement specialist using ADB's Screening and Categorization forms for involuntary resettlement, to assess the potential involuntary and resettlement impacts to the affected population (Appendix 1).

28. The RP will be prepared for different components, if required, based on the results detailed design survey and census. Different activities associated with the preparation of an RP:

- (i) survey of the involuntary resettlement (IR) impacts after the final detailed design of the project sites are finished;
- (ii) consultation with affected communities;
- (iii) census and DMs (detail measurement) activities; and
- (iv) preparation of RP following the RF specification.

29. The RP is prepared based on the possible land acquisition/involuntary resettlement impacts following the completion of the final detail design (engineering). The final RP will be reviewed and approved by ADB prior to contract award/start the civil works.

30. The RP will be updated and prepared by the MDSC resettlement specialist and PMU-SIU resettlement/social officer. The RP will be brought to the notice of affected persons. The RP will be prepared in English, with main content translated into the local language, and made known to the public (this can include posters and/or resettlement booklets). The RP will be structured in the following manner:

- (i) Executive Summary;
- (ii) Project Description;
- (iii) Scope of Land Acquisition and Resettlement;
- (iv) Socioeconomic Information and Profile;
- (v) Information Disclosure, Consultation, and Participation;
- (vi) Grievance Redress Mechanism;
- (vii) Legal Framework; and

- (viii) Entitlements, Assistance, and Benefits
- (ix) Relocation of Housing and Settlements
- (x) Income Restoration and Rehabilitation
- (xi) Resettlement Budget and Financing Plan
- (xii) Institutional Arrangement
- (xiii) Implementation Schedule
- (xiv) Monitoring and Reporting

VI. GRIEVANCE REDRESS MECHANISM

31. The project will establish a grievance redress mechanism to ensure greater accountability of the project authorities towards all APs. DWASA will establish a grievance redress mechanism acceptable to APs and ADB, and establish a special committee to receive and resolve complaints/grievances or act upon reports from stakeholders on misuse of funds and other irregularities, including grievances due to resettlement. The GRM for the project is outlined below, and consists of three levels with time-bound schedules for addressing grievances.

32. Procedures of resolving grievances are described in Table 5 below.

Table 5: Grievance Redress Procedures

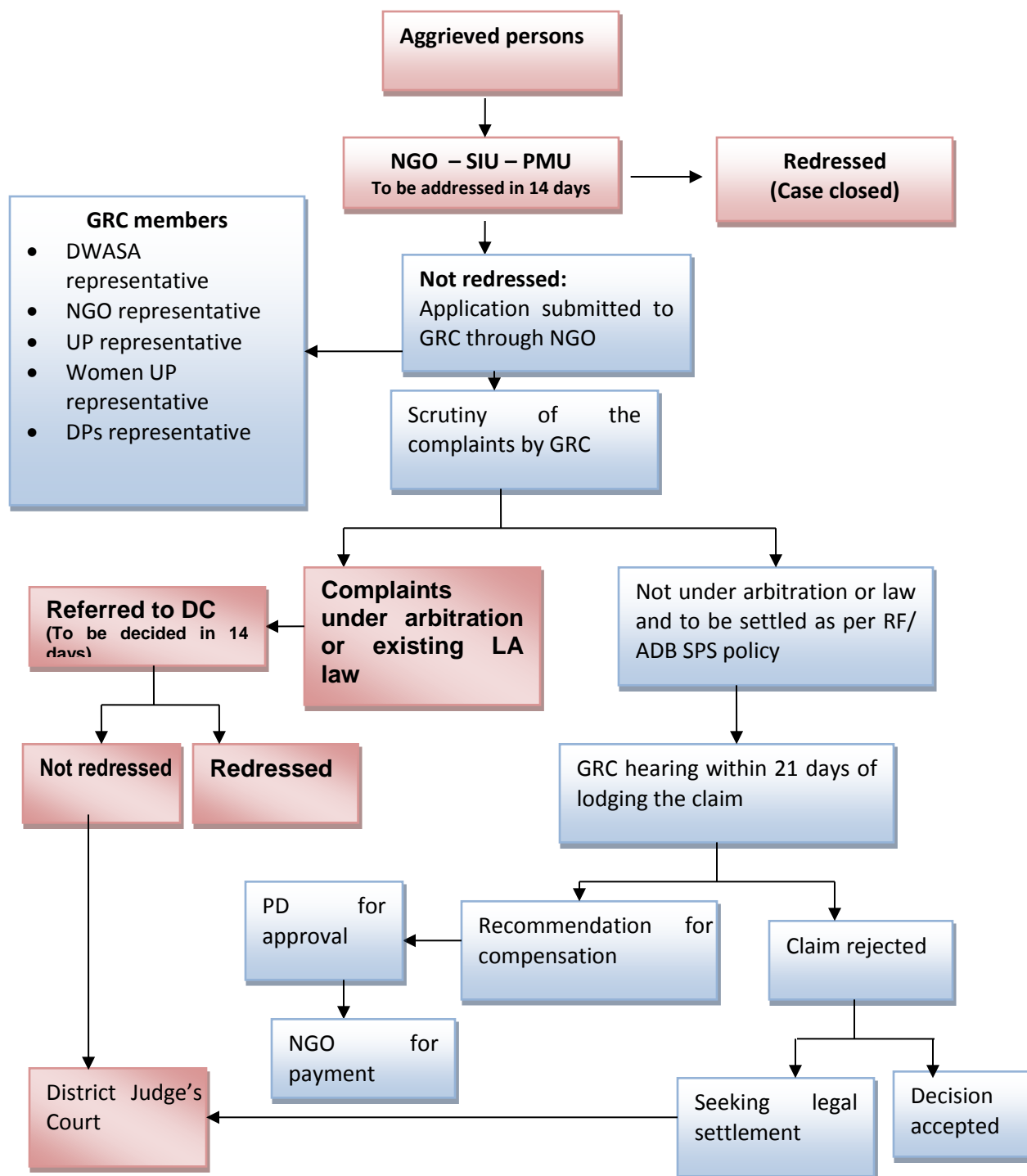
Step 1	In case of any grievances, the complainant approaches the NGO field level officials for clarification, or submits any formal complaints. The NGO will provide clarification to the DPs and try to resolve the problem at the local level with the involvement of the SIU social safeguards officer. If not resolved in 14 days,
Step 2	The NGO will recommend that the DPs submit their complaints to the GRC. NGO staff assists the DPs filing the complaints (maximum 7 days).
Step 3	GRC to scrutinize applications, to determine whether the submitted cases are within their mandate. Cases related to compensation under the ARIPO will be referred to DC through DWASA SIU for further review and action. Decision has to be made by the DC within 14days and inform the decision to the complainant within 7 days.
Step 4	If within the GRC mandate and not related to compensation under ARIPO, GRC, with supports from the NGO will hold sessions with aggrieved DPs, minutes recorded. If resolved, the project director approves.. Decision has to be made within 21 days of lodging the claim and inform the decision to the complainant within 7 days.
Step 5	The DP may accept GRC decision; if not, he/she may file a case in the court of law for further appeal.
Step 6	The GRC minutes, approved by the project director, will be received at the conveners' office. The approved verdict is communicated to the complainant DP in writing.

33. DPs will be able to submit their grievance/complaint about any aspects of resettlement plan implementation and compensation. Grievances can be shared with DWASA verbally or in written form, but in case of verbal form, the NGO representatives in the GRC will write it down at the first instance during the meeting at no cost to DPs. The DPs will sign and formally submit the written report to the GRCs at the office of the NGO assisting DWASA in implementing the RP. Any DP can also take their case to the court following the country legal system at any stage without going through the project GRM if they wish to do so.

34. The GRCs will be activated with power to resolve resettlement and compensation issues not to be addressed under legal suit in the courts. The GRCs will receive grievance cases from the affected persons through the resettlement implementation NGO. The NGO will assist the

DPs in lodging their resettlement complaints in a proper format acceptable to the GRCs after they get ID cards from DWASA or are informed about their entitlements and losses.

35. The appeal procedure and conflict resolution will be as follows:
- (i) All complaints from the DPs will be received at the field office of the resettlement implementation NGO, the member secretary of the GRCs, with a copy for the concerned union parishad representatives.
 - (ii) The representative of the NGO in the GRCs, upon receipt of complaints, will inform the convener (DWASA representative) of the GRC, and the convener will organize a hearing session from the complainants in the concerned UP chairman's office, where the complaint was received.
 - (iii) The GRC will review the proceedings and pass verdicts to convey to the concerned DP through the NGO.
 - (iv) If there are matters relating to arbitration or compensation under the existing law, the matter will be referred to the DC and the courts. The DC has to make decision within maximum of 14 days.
 - (v) The GRC will settle the disputes within a maximum of 21 days of receiving the complaints from the DPs.
 - (vi) Resolution of the GRCs will be sent to the PD for approval, and after approval these will be adopted in the process of resettlement for issuance of ID cards, determination of loss and entitlements, and payment thereof.
 - (vii) All the GRM cost will be borne by the project, with assistance and monitor by the NGO
36. In the event that the established GRM is not in a position to resolve the issue, the affected person can also use the ADB Accountability Mechanism (AM) through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB Headquarters or the ADB Bangladesh Resident Mission (BRM). The complaint can be submitted in any of the official languages of ADB's DMCs. The ADB Accountability Mechanism information will be included in the PID to be distributed to the affected communities, as part of the project GRM. The sample of the GRM form is in Appendix 4.



VII. INSTITUTIONAL ARRANGEMENTS

37. Dhaka Water Supply and Sewerage Authority (DWASA) is both the executing agency (EA) and the implementing agency (IA) for the project. A project management unit (PMU) has been established in the IA with a safeguards implementation unit (SIU) staffed with a social safeguards officers. To support the SIU in managing safeguards related activities a NGO will be engaged to facilitate RP finalization and implementation for each subproject RP.

38. The social and gender officer in the SIU, assisted by the resettlement specialists on the MDSC teams, will oversee implementation of involuntary resettlement safeguards work under the project, with support of a qualified NGO to implement the RP. The SIU will oversee the following activities: (i) review the RP prepared by the MDSC resettlement specialist in accordance with ADB's Safeguards Policy Statement (SPS, 2009) based on detailed designs and to be submitted to ADB for review, final approval, and disclosure prior to commencement of works; (ii) monitor RP implementation and rehabilitation of displaced persons prior to and during construction; (iii) conduct internal monitoring of the resettlement process to ensure smooth implementation; (iv) monitor work of NGO²; (v) ensure that timely payments of compensation and other entitlements as per the RP are made before displacement occurs; (vi) consolidate monthly resettlement monitoring reports prepared by resettlement NGO into semiannual monitoring reports to be submitted to ADB; (vii) address and record grievances through the grievance redress mechanism in a timely manner, and take quick corrective actions where necessary to facilitate the redressal of grievances in coordination with contractors, NGO, and displaced persons; and (viii) engage in ongoing meaningful consultations and RP disclosure with stakeholders and affected persons.

VIII. BUDGET AND FINANCING

39. Where involuntary resettlement will be unavoidable, detailed budget estimates for each subproject will be prepared and included in the RP. The budget shall include: (i) detailed costs of land acquisition (i.e. compensation of all affected assets, and if applicable, relocation and transitional allowance), as well as (ii) livelihood and income restoration (this includes compensation of current and future lost of income); (iii) administrative costs; (iv) monitoring cost; (v) cost of hiring an NGO for RP implementation; (vi) GRM establishment; (vii) source of funding; and (viii) the flow of funds and contingency arrangements. All land acquisition, compensation, relocation and rehabilitation, administrative, monitoring, and consultant costs as well as income and livelihood restoration costs will be borne by the DWASA, which will ensure timely disbursement of funds to the DC's office for land acquisition and to the PMU/NGO for disbursement of resettlement assistances.

Table 6: Sample Table of Resettlement Cost

Resettlement Costs	Quantity ³	Unit Cost (Tk)	Total (Tk)
Compensation for private lands			
Compensation for private structures			
Compensation for trees and crops			
Compensation for loss income			
Relocation and transitional allowance			

² An NGO will be engaged to implement the RPs, including carrying out surveys of affected persons based on detailed designs, ensuring all APs are compensated and relocated prior to construction in relevant sections, and leading the ongoing consultation and rehabilitation process.

³ The numbers of the affected shops and vendors will be confirmed by the MDSC resettlement specialist and its supporting NGO after the final detail design,

Resettlement Costs	Quantity³	Unit Cost (Tk)	Total (Tk)
Livelihood and rehabilitation cost			
Vulnerable groups allowance			
IR training and monitoring			
Recruitment of NGO for RP implementation			
DMS cost			
Consultations, disclosure			
GRM			
Contingency cost			
Total			

IX. MONITORING AND REPORTING

40. The PMU will submit separate semiannual resettlement monitoring reports to ADB, which will be disclosed on ADB's website. The monitoring reports will be prepared by the MDSC safeguards specialists for the PMU safeguard implementation unit, with inputs from the contractors and NGOs, where relevant. The status of safeguard implementation, issues, and corrective actions are to be clearly reported to ADB. The status of safeguards implementation will also be discussed at each ADB review mission, and with necessary issues and agreed actions recorded in Aide Memoires. A sample of the monitoring report outline and template is given in Appendix 3.

Table 7: Sample of Monitoring Indicators

Monitoring Issues	Monitoring Indicators
Budget and time frame	Have all resettlement staff been appointed and mobilized for field and office work on schedule? Have capacity building and training activities been completed on schedule? Are resettlement implementation activities being achieved according to agreed implementation plan? Are funds for resettlement being allocated to resettlement agencies on time? Have resettlement offices received the scheduled funds? Have funds been disbursed according to RP? Has the land been made encumbrance-free and handed over to the contractor in time for project implementation?
Delivery of DP entitlements	Have all DPs received entitlements according to numbers and categories of loss set out in the entitlement matrix? How many affected households have relocated and built their new structures at new locations? Are income and livelihood restoration activities being implemented as planned? Have affected businesses received entitlements? Have the squatters, encroachers of DWASA land displaced due to the project, been compensated? Have the community structures (e.g. mosque, club, etc.) been compensated and rebuilt at new sites? Have all processes been documented?
Consultation, grievances, and special issues	Have resettlement information brochures/leaflets been prepared and distributed? Have consultations taken place as scheduled, including meetings, groups, community activities? Have any DPs used the grievance redress procedures? What grievances were raised? What were the outcomes? Have conflicts been resolved? Have grievances and resolutions been documented? Have any cases been taken to court?
Resettlement Benefit/ Impacts	What changes have occurred in patterns of occupation compared to the pre-project situation? What changes have occurred in income, expenditure and livelihood patterns compared to pre-project situation?

Monitoring Issues	Monitoring Indicators
	Have DPs' income kept pace with these changes? What changes have occurred for vulnerable groups?

APPENDIX 1: INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION CHECKLIST

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing right-of-way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
10. Will people lose access to natural resources, communal facilities, and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Information on displaced persons				
Any estimate of the likely number of persons that will be displaced by the project? [] No [] Yes				
Are any of them poor, female heads of households, or vulnerable to poverty risks? [] No [] Yes				
Are any displaced persons from indigenous or ethnic minority groups? [] No [] Yes				

**APPENDIX 2: COMPARISON OF RESETTLEMENT AND COMPENSATION POLICIES OF
ADB, GOVERNMENT OF BANGLADESH, AND DWASA**

ADB SPS 2009	Government of Bangladesh Acquisition and Requisition of Immovable Property Ordinance 1982	Gaps between Government of Bangladesh ARIPO 1982 and ADB SPS 2009	DWASA Resettlement Policy Framework (RPF) 2006	Gaps Between DWASA RPF 2006 and ADB SPS 2009
Involuntary resettlement should be avoided wherever feasible.		The ordinance has no direct or implied statement that involuntary resettlement should be avoided	The first objective of the DWASA RPF is to avoid involuntary resettlement where feasible and minimize resettlement where population displacement is unavoidable.	No difference between DWASA and ADB policy on this issue.
Where population displacement is unavoidable, viable livelihood options should be provided to minimize the impact.	Where population displacement is unavoidable, viable livelihood options should be provided to minimize the impact.	The Ordinance prohibits acquisition of land used for these purposes, but has no provision for minimizing adverse impacts on private property or common resources, and makes no mention of providing alternative livelihoods.	The Impacts and Entitlement Framework states that all PAPs that are severely affected due to loss of productive assets, incomes and employment are entitled to income rehabilitation assistance including income restoration programs, training to improve skills or other assistance for self-employment. These measures focus on severely affected (displaced) PAPs, vulnerable groups, itinerant workers, small businesses, and those below the poverty line, and are intended to improve their livelihood.	The DWASA RPF concurs with ADB policy on this issue and ensures that alternative livelihood options are offered to other vulnerable APs, in addition to those that are displaced.
If individuals or a community must lose all or part of their land, means of livelihood, or social support systems, so that a project might proceed, they will be compensated and assisted through replacement of land, housing, infrastructure,	The Deputy Commissioner (DC) determines amount of compensation by considering the: (i) market value of the property based on the average value during the 12 months preceding the publication of notice of acquisition; (ii) the damage to	Section 8 of the Ordinance is largely consistent with ADB policy. However there are differences in the valuation of land and prices of affected assets. The Ordinance also does not ensure replacement value; and does not ensure restoration of pre-	The second objective of the RPF is to ensure that displaced people receive compensation, assistance and rehabilitation so that they are at least as well off as they would have been in the absence of the project. The	DWASA and ADB policy are in broad agreement, except that the DWASA entitlement matrix indicates that: a) vulnerable squatters are entitled to assistance for loss of land, but other squatters/encroachers are not, and b) compensation for loss

ADB SPS 2009	Government of Bangladesh Acquisition and Requisition of Immovable Property Ordinance 1982	Gaps between Government of Bangladesh ARIPO 1982 and ADB SPS 2009	DWASA Resettlement Policy Framework (RPF) 2006	Gaps Between DWASA RPF 2006 and ADB SPS 2009
resources, income sources, and services, in cash or in kind, so that their economic and social circumstances will be at least restored to the pre-project level. All compensation is based on the principle of replacement cost. ^a	standing crops and trees; (iii) the damage by severing such property from the other properties of the person occupying the land; (iv) the adverse effects to other properties, immovable or movable and/or his earnings; and (v) the cost of change of place of residence or place of business. The Deputy Commissioner also awards a sum of 50% on such market value of the property to be acquired.	project incomes of the APs. There is no provision to assess the impacts on incomes and livelihood from the loss of employment and business or to restore lost incomes and livelihoods.	Entitlement Framework extends these provisions to displaced and non-displaced APs and specifies replacement of lost land, housing and other structures, income, standing crops and trees, and other assets. Community infrastructure will be restored or repaired. Compensation is at replacement cost, based on current market value, and additional amounts are provided for land transaction costs	of business income and wages is paid only if the business closes.
Each involuntary resettlement is conceived and executed as part of a development project or program. During project preparation, ADB and the EA or project sponsor/s assess the opportunities for affected people to share project benefits. The affected people need to be provided with sufficient resources and opportunities to re-establish their livelihoods and homes as soon as possible, with time-bound action in coordination with the civil works.	The requiring body submits a land acquisition proposal to the Office of the DC for appropriate action: (i) if the total land is above 50 bighas, or 16.1 acres, the approval will come from the National Government; (ii) if the requirement is above 2 acres and below 16.66 acres, approval is by the Divisional Land Allocation Committee; and (iii) if the land is 2.0 acres or less, the approval will be made at the District Land Allocation Committee.	The body requesting the land leaves the inventory of affected assets to the DC, and there is no requirement to consider the adverse socioeconomic impacts of land acquisition on APs.	The third objective of the RFP is to ensure that PAPs will benefit from the project. The Entitlement Framework includes measures to assist APs in re-establishing their livelihoods and homes (cash compensation for loss of land, crops, trees, structures, income, employment, common resources and community infrastructure). Additional assistance (e.g. shifting and transition allowance) is also provided. All compensation and assistance is provided before land and structures are acquired, and before the start of civil work construction.	No difference between DWASA and ADB policy on this issue.
Affected people are	Section 3 provides	This section of the	The RPF describes	DWASA RFP

ADB SPS 2009	Government of Bangladesh Acquisition and Requisition of Immovable Property Ordinance 1982	Gaps between Government of Bangladesh ARIPO 1982 and ADB SPS 2009	DWASA Resettlement Policy Framework (RPF) 2006	Gaps Between DWASA RPF 2006 and ADB SPS 2009
<p>to be consulted on compensation and/or resettlement options, including relocation sites, and socio-economic rehabilitation. Pertinent resettlement information is to be disclosed to the affected people at key points, and specific opportunities provided for them to participate in choosing, planning and implementing options. Grievance redress mechanisms for affected people are to be established. Where adversely affected people are vulnerable groups, resettlement decisions will be preceded by a social preparation phase to enhance their participation in negotiation, planning and implementation.</p>	<p>that whenever it appears to the DC that any property in the locality is needed or is likely to be needed for any public purpose or in the public interest, he shall publish a notice at convenient places on or near the property in the prescribed form and manner stating that the property is proposed for acquisition.</p> <p>Section 4 allows the occupant of the land to raise their objections in writing. These should be filed to DC within 15 days after the publication. The DC will then hear the complaints and prepare a report and record of proceedings within 30 days following expiry of the 15 day period given to APs to file their objections.</p>	<p>Ordinance establishes an indirect form of public consultation. However, it does not provide for public meetings and project disclosure so stakeholders are not informed about the purpose of land acquisition, its proposed use, or compensation, entitlements or special assistance measures.</p> <p>The Section 4 provision is consistent with ADB grievance and redress policy. Grievance procedures in Sections 27-34 include appointment of an arbitrator and publication of the notice of hearing and the scope of proceedings. However, this does not provide for a social preparation phase for vulnerable groups.</p>	<p>procedures for public consultation and participation, which state that preparation of documents and planning and implementation for the acquisition of land and other assets will be carried out in consultation with PAPs. The RPF also states that DWASA will disclose to key stakeholders details of the project, Resettlement Plan, entitlements, compensation process and rates, relocation site development and operation, etc.</p> <p>The RPF describes the Grievance Redress Mechanism involving a three-person Grievance Resolution Committee, lead by the DWASA Project Coordinator, with representatives of residents and a local NGO/CBO.</p>	<p>complies with ADB policy in most respects. However stakeholder involvement mainly involves provision of information and there is no specific mechanism for APs to participate actively in choosing, planning or implementing resettlement options.</p> <p>There is no specific social preparation phase, although the RPF states that particular attention is paid to vulnerable groups, and that DWASA will attempt to ensure that such groups understand the process and that their needs are considered.</p>
<p>Institutions of the affected people, and where relevant, of their hosts, are to be protected and supported. Affected people are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.</p>		<p>The Ordinance has no provision that can be interpreted as addressing this ADB policy requirement.</p>		<p>The RPF does not contain measures to support institutions of APs or host communities, to minimize impacts on host communities, or to promote social harmony.</p>
The absence of a		This principle is not	The Entitlement	No difference

ADB SPS 2009	Government of Bangladesh Acquisition and Requisition of Immovable Property Ordinance 1982	Gaps between Government of Bangladesh ARIPO 1982 and ADB SPS 2009	DWASA Resettlement Policy Framework (RPF) 2006	Gaps Between DWASA RPF 2006 and ADB SPS 2009
formal legal title to the land is not a bar to compensation and entitlement policy.		provided for in the Ordinance.	Framework states that PAPs without any legal title to the land they occupy will be compensated for lost assets (house, structure, etc) and assisted to find a suitable relocation site. They are not compensated for loss of land	between DWASA and ADB policy on this issue.
Affected people are to be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits	Upon approval of the request for land by the DC office, its own staff will conduct the physical inventory of assets and properties found in the land. The inventory form records the name of the person, quantity of land, assets affected, and materials used to construct the house. The cut-off date is the date of publication of the notice that the land is subject to acquisition and that any alteration thereon will not be considered for compensation.	While the Ordinance and ADB's Policy agree on the inventory of losses (IOL), they differ on tools of the survey. The Detailed Measurement Survey (DMS), aside from IOL, also provides for the inventory of social resources of APs' skills essential for social rehabilitation, and it also covers gender sensitivity.	Section 5 of the RPF indicates that DWASA will carry out three surveys: a census; an inventory of losses; and a socio-economic baseline survey. The census and asset inventory cover all PAPs regardless of entitlement or land ownership. Section 4.2 states that for PAPs with legal titles the cut-off date is the date of issue of legal notice under the ARIPO. For those without titles the cut-off date is the date of commencement of the census.	No difference between DWASA and ADB policy on this issue.
Particular attention must be paid to the needs of the poorest APs, and vulnerable groups that may be at high risk of impoverishment. This may include those without legal title to the land or other assets, household headed by females, the elderly or disabled and other vulnerable groups, particularly indigenous peoples. Appropriate		This requirement is not provided for in the Ordinance.	The fifth objective of the RPF is to provide additional assistance to vulnerable groups, which are defined as distinct groups that might suffer disproportionately, including households that are poor, elderly or headed by females or disabled persons. The Entitlement Matrix provides additional measures for vulnerable APs, including relocation	The only difference between DWASA and ADB policy is that the DWASA definition of vulnerability does not include Indigenous Peoples.

ADB SPS 2009	Government of Bangladesh Acquisition and Requisition of Immovable Property Ordinance 1982	Gaps between Government of Bangladesh ARIPO 1982 and ADB SPS 2009	DWASA Resettlement Policy Framework (RPF) 2006	Gaps Between DWASA RPF 2006 and ADB SPS 2009
assistance must be provided to help them improve their socioeconomic status.			allowance and livelihoods improvement measures.	

^a Replacement cost is based on market value before the project's acquisition. In the absence of functioning markets, a compensation structure is required that enables affected people to restore their livelihoods to levels at least equivalent to those maintained at the time of dispossession, displacement, or restricted access.

APPENDIX 3: SAMPLE OUTLINE OF RP MONITORING REPORT

1. Following requirements of the ADB Safeguard Policy Statement (2009) and the *Operations Manual* section on safeguard policy (OM F1), borrowers/clients are required to establish and maintain procedures to monitor the status of implementation of safeguard plans and ensure progress is made toward the desired outcomes. For projects categorized as A or B in Involuntary Resettlement and/or Indigenous People, the Borrowers/clients are required to submit semiannual monitoring reports for ADB review. The level of detail and comprehensiveness of a monitoring report is commensurate with the complexity and significance of social safeguards impacts (IR and IP) and with the current status of project implementation phase.

2. This outline can be used for
- (i) Periodic monitoring report (semiannual) and/or
 - (ii) RP/IPP completion report to start the civil works on the impacted areas.

3. A safeguard monitoring report may include the following elements:

A. Executive Summary

4. This section provides a concise statement of project scope and impacts, key findings and recommended actions (as applicable).

B. Background of the Monitoring Report

5. This section provides:
- (i) Background/context of the monitoring report which includes information on the project, project components, safeguards categorizations and general scope of the social safeguards impacts;
 - (ii) Information on the implementation progress of the project activities, scope of monitoring report and requirements, methodology used, reporting period;
 - (iii) Changes in project scope, if any.

C. Scope of Impacts

6. This section outlines the detail of
- (i) Scale and scopes of the project impacts on involuntary resettlements or indigenous people as identified in the approved RP/IPP,
 - (ii) Adjusted safeguard measures due to changes in project scope, if applicable,
 - (iii) Vulnerability status of the affected people,
 - (iv) Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final RP(s) /IPP(s).

D. Status of RP/IPP Implementation

7. This section provides detail and progress for the implementation of the RP/IPP. This includes various activities and institutional arrangements required prior the finalization and implementation of the RP/IPP. This section should have descriptions on:

1. Institutional Arrangement and Capacity

8. This section describes the actual implementation or any adjustment made to the institutional arrangement for implementing and managing the social safeguards issues. This includes the establishment of safeguards unit/ team and appointment of staff in the EA/IA; implementation of the GRM and its committee; supervision and coordination between institutions involved in the management and monitoring of safeguards issues, the roles of NGO and women's groups in the monitoring and implementation of the plan, if any; budget/fund availability for implementing the GRM, RP/IPP; adequacy of EA/IA capacity to manage safeguards issues; updated RP/IPP implementation schedule, etc.

2. Compensation and Rehabilitation¹

9. This section describes the process and progress of the implementation of the land acquisition and resettlement (LAR) and/or indigenous people (IP) impacts mitigation activities as determined in the RP/IPP. This includes payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons; provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan. Quantitative as well as qualitative results of the monitoring parameters, should be provided. (e.g., adequacy of compensation rates and timeliness of payments, adequacy and timeliness of IR rehabilitation measures including preparation of the replacement housing sites, house reconstruction, livelihood support measures, and training, etc.). Any discrepancies that may occur from the approved RP/IPP during the implementation should be explained.

3. Disclosure and public consultation

10. This section describes public disclosure and consultations activities during the project's implementation as agreed in the plan. This includes final consultations with APs during RP finalization after the completion of detail design and final DMS survey; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing NGOs, project supervision consultants, contractors; project reports posted on website, etc.

4. Grievance Redress Mechanism (GRM)

11. This section described the implementation of project GRM as design in the approved RP/IPP. The monitoring and evaluation include its readiness, effectiveness, procedures, complaints receive, timeliness to resolve issues/ complaints and adequacy of resources provided to solve the complaints. Special attentions should be given if there are complaints received from the affected people or communities.

E. Summary Monitoring Results and Key Findings

12. This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status or

¹ If the final detail design at the submission date of the report is not yet ready this activity might not yet started. In this situation provide the information on the project's readiness for the RP/IPP implementation and management (i.e. LAR fund availability, RP finalization, assets inventory and mapping, ID cards distribution, etc.) and the updated schedule of the compensation and rehabilitation activities, as applicable.

resolutions/follow up of previously identified issues. It also compared against the objectives of safeguards or desired outcomes (e.g. IR impacts avoided or minimized; livelihood restored or enhanced; IP's identity, human right, livelihood systems and cultural uniqueness fully respected; IP not suffer adverse impacts, other social impacts avoided or minimized, etc.).

F. Compliance Status

13. This section summarizes the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR2 and 3 (as applicable).

G. Follow up Actions, Recommendation and Disclosure

14. This section describes recommendations and further actions or items to focus on for the remaining monitoring period. If noncompliance or any major gaps identified, include the recommendation of corrective action plan. It also includes lesson learned for improvement for future safeguards monitoring activities. Disclosure dates of the monitoring report to the affected communities should also be included and, as needed, a time-bound summary table for required actions.

Appendix 1

- (i) Summary of final/draft RP/IPP with entitlement matrix

Appendix 2

- (i) List of Affected Persons and Entitlements
- (ii) Summary of the survey results (from the external monitor)
- (iii) Copies of AP's certification of payment (signed by the APs)
- (iv) Summary of minutes of meetings during public consultations
- (v) Summary of complaints received and solution status
- (vi) Photographs of the affected areas, consultation meetings, housing reconstruction activities, etc.

SAMPLE MONITORING TEMPLATE

S. N.	Resettlement Plan Activities	Completed Y/N	Remarks
A. Pre Construction Activities and Resettlement Plan Activities			
1	Approval of final Resettlement Plan by ADB prior to contract award		
2	Disclosure of final Resettlement Plan on ADB and EA websites		
3	Circulation of summary RP in the three local languages to all stakeholders		
4	Establishment of GRC and other committees for the RP finalization/ implementation		
5	Recruitment/ appointment of external monitoring agency		
A. Resettlement Plan Implementation			
1	Grievance Redress Committee and telephone hotlines established		
2	Entitlements and grievance redress procedure disclosed		
3	Finalization of list of APs, vulnerable APs and compensation/ assistance/ allowances		
4	Finalization of list of affected common facilities and roads for closure; mitigation measures proposed		
5	Affected persons received entitlements as per amounts and program specified in RP		
6	Payment of compensation, allowances and assistance (No. of APs)		
7	Additional assistance for vulnerable households given (No. of vulnerable APs)		
8	Livelihood arrangements provided to vulnerable APs		
9	Reinstallation of affected common facilities		
10	Grievances No. of grievances registered No. of grievances redressed Outstanding complaints Disclosure of grievance redress statistics		
11	Consultation, participation and disclosure as per Plan		
12	Livelihood and income restoration activities: 1. No of families resettled 2. No of families attend the retraining program 3. No of families replaced their agricultural land 4. No of families join the micro finance program 5. No of families reconstruct the loss businesses		
C. Monitoring			
1	Survey on socio-economic status of APs (including vulnerable APs) completed and compared with baseline survey results		
2	Survey on satisfaction levels of APs with RP implementation completed		
D. Labor			
1	Implementation of all statutory provisions on labor like health, safety, welfare, sanitation, and working conditions by Contractors		
2	Equal pay for equal work for men and women		

Note: Where applicable, the information provided in the table should be supported by detailed explanatory report, receipts and other details.

APPENDIX 4: SAMPLE GRIEVANCE REDRESS FORM (To be available in Bangla)

The _____ Project welcomes complaints, suggestions, queries and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback. Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing ***(CONFIDENTIAL)*** above your name. Thank you.

Date		Place of registration			
Contact Information/Personal Details					
Name		Gender	* Male * Female	Age	
Home Address					
Place					
Phone no.					
E-mail					
Complaint/Suggestion/Comment/Question Please provide the details (who, what, where and how) of your grievance below:					
If included as attachment/note/letter, please tick here:					
How do you want us to reach you for feedback or update on your comment/grievance?					

FOR OFFICIAL USE ONLY

Registered by: (Name of Official registering grievance)	
Mode of communication: Note/Letter E-mail Verbal/Telephonic	
Reviewed by: (Names/Positions of Official(s) reviewing grievance)	
Action Taken:	
Whether Action Taken Disclosed:	Yes No
Means of Disclosure:	

APPENDIX 5: DRAFT LEAFLET FOR PROJECT INFORMATION DISCLOSURE

A. Background

1. Dhaka, the capital of Bangladesh is facing shortage water supply and demand is increasing day by day. Dhaka WASA is preparing Dhaka Environmentally Sustainable Water Supply Project (DESWSP) to supply treated surface water, collected from the river Meghna, to Dhaka city dwellers through the construction of Gandharbpur Water Treatment Plant Project (GWTPP). The project also includes distribution reinforcement and network improvements to reduce non-revenue water (NRW) for safe water and support to low income communities (LICs). With financial assistance from ADB, AFD and EIB, this project aims to reduce abstraction of ground water amounting 150 million liter per day (MLM). The project area covers parts of Araiuhajar and Rupganj upazila of Narayanganj district and various areas of Dhaka district.

B. Project Description

2. The main project components are: (a) water intake facility at Araiuhajar upazila; (b) Raw water transmission pipe (4 pipes with diameter 2,200 mm) for a total of length of 17.5 km from intake to Sejan juice; (c) Raw water transmission pipe (2 pipes with diameter 2,200 mm) for a total of length of 4.5 km from Sejan juice to Gandharbpur; (d) Water Treatment Plant (WTP) at Gandharbpur; (e) Treated water transmission pipe (2 pipes with diameter 2,200 mm) for a total of length of about 14.2 km from WTP to Vitara Baridhara; and (f) distribution reinforcement and rehabilitation networks in Dhaka city areas.

C. Resettlement Plan: Policy and Principles

3. A Resettlement Plan (RP) has been prepared for the project based on ADB's Safeguard Policy Statement 2009, and Government of Bangladesh (GOB) *Acquisition and Requisition of Immovable Property Ordinance 1982* (ARIPO).

D. Involuntary Resettlement impact

4. In total XXX acres of land is needed to implement the components (a) to (e) of the project. For these components a total XXXX households with the total population of XXX persons will be affected permanently or temporarily from their private land or from the government land that they are currently using for their livelihood activities. XXX CBE owners, XXX vendors will be affected for temporary period. XXX informal land users cultivating in the Dhaka WASA land for the future Gandharbpur water treatment plant will be affected. No land acquisition will be required for the water supply distribution reinforcement and networks. The impacts in these components will be limited to temporary disturbance during civil works to vendors and hawkers in the project areas.

E. Entitlement

5. The project provides for compensation of all potential losses including potential income losses for vendors at replacement value. As required by ADB Safeguards Policy (2009) the project will provide compensation and resettlement assistance for households' lost land, business, structures and other lost assets in connection with the project. The RP approach incorporates (i) compensation for lost assets; (ii) resettlement issues; (iii) impact mitigation with special attention to the women and vulnerable groups; and (iv) income generating support to the members of the physically displaced households and including them in the poverty reduction

and livelihood enhancement program. A budgetary provision of USD XXXX for RP implementation is made, including provisional sums of USD XXXX for compensation of lost income and USD XXXX for additional assistance to vulnerable APs.

6. The eligible DPs for this project are (a) title owner who will lose land partial or total; (b) owners of affected houses, shops, sheds or other types of structures for residential, commercial purposes regardless to their title to the land; (c) owners of affected trees, crops, fish ponds affected by the land acquisition regardless to their titles to the land; (d) any DPs who will lose livelihood income permanent or temporary from any income generating activity affected by the project; (e) DP who will loss access to land or communal facility; (e) any formal and in formal lessee to land, shelters, shops, sharecroppers, shareholders, renters, etc. who will lose their access to land or shops/shelters due to acquisition of such assets by the project and (f) vulnerable DPs as defined by ADB safeguards policy. The people who have legal title of the affected properties will be compensated in two steps. Initially they will receive compensation according to the government policy (ARIPO) from DC office based on their legal documents. In the next step they will receive additional compensation from DWASA. On the other hand the non title holders identified through census and socioeconomic survey will receive compensation from DWASA through the resettlement assistance NGO directly.

G. Institutional Arrangement

7. DWASA has established, for the Project, a PMU headed by a PD, who will be responsible for the overall execution of the Project. The PMU will be supported with an experienced NGO for the implementation of resettlement activities which include livelihood rehabilitation. DWASA will implement the RP through setting a Safeguard Implementation (SIU) headed by DPD at the DESWSP PMU. The SIU, under the overall responsibility of the PD, will undertake day-to-day activities with the appointed NGO. The concerned Safeguards Officer at the level of AE, of SIU, appointed by PIU will be convener of the JVC and PVAC. The DPD of SIU will perform as convener of GRC and RAC. The resettlement assistance NGO will assist APs to put forth grievances and access information on opportunities for employment in project related activities, rights and entitlements and the grievance redress process, and make informed choices.

H. Grievance Redress Mechanism (GRM)

8. To resolve all project related grievances and complaints a common social and environmental grievance redress mechanism will be in place. Common and simple grievances will be sorted out at project site level by the Contractor's Resettlement Supervisor, supervision staff of PMU and project NGO within 7 days. More serious complaints will be sent to the safeguard officer at the PMU to be resolved in 14 days. Any unresolved grievances will be forwarded to the Grievance Redress Committee GRC. Complaints and grievances which are not addressed by Grievance Redress committee (GRC) within 30 days will be sent to the Program Steering Committee (SC) to be resolved within 7 days. Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage.

Contact detail for inquiry:

Name : Designation : DWASA Safeguards Implementation Unit Telephone No: E-mail: Address:	Name Designation DESWSP Project Management Unit Telephone No: E-mail: Address:
---	---