

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF  
BANGLADESH**

**LOCAL GOVERNMENT ENGINEERING DEPARTMENT  
(LGED)**

**Rural Transport Improvement Project II (RTIP-II)**

**Feasibility Study Document**

**SOCIAL IMPACT MANAGEMENT FRAMEWORK (SIMF)**

**Hifab International AB, Sweden**

*In association with*

**Resource Planning & Management Consultants (Pvt) Ltd.**

**Kranti Associates Ltd.**

**Eusuf and Associates Ltd.**

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### ACRONYMS & ABBREVIATIONS

ARP	Abbreviated Resettlement Plan
BBS	Bangladesh Bureau of Statistics
BIDS	Bangladesh Institute of Development Studies
CBO	Community-Based Organization
CHT	Chittagong Hill Tracts
CI	Corrugated Iron
CO	Community Organizer
CUL	Compensation-Under-Law
DC	Deputy Commissioner
DF	Department of Forest
DLAC	District Land Acquisition Committee
DS	Design and Supervision
EP	Entitled Persons
GCM	Growth Centre Market
GOB	Government of Bangladesh
GRC	Grievance Redress Committee
HCG	House Construction Grant
HTG	House Transfer Grant
IDA	International Development Agency
IP	Indigenous Peoples
IPP	Indigenous People's Plan
LA	Land Acquisition
LAP	Land Acquisition Plan
LCS	Labour Contracting Societies
LGD	Local Government Division
LGED	Local Government Engineering Department
MLGRD&C	Ministry of Local Government, Rural Development & Cooperatives
MS	Management Support
NGO	Non-government Organization
OP 4.10	Operational Policy 4.10 on Indigenous Peoples
OP 4.11	Operational Policy on Physical Cultural Resources.
OP 4.12	Operational Policy 4.12 on Involuntary Resettlement
OP	Operational Policy
PAP	Project Affected Person
PBMC	Performance-based Maintenance Contracting
PD	Project Director
PM	Project Manager
PMU	Project Management Unit
PWD	Public Works Department
RP	Resettlement Plan
RCC	Reinforced Cement & Concrete
RHD	Roads and Highways Department
RRMIMP	Rural Roads and Markets Improvement and Maintenance Project
RTIP-I	Rural Transport Improvement Project
SCC	Suggestion and Complaints Committee
SCM	Suggestion and Complaints Mechanism

SIMF	Social Impact Management Framework
TA	Transition Allowance
TG	Transfer Grant
TRG	Transfer and Reconstruction Grant
UE	Upazila Engineer
UP	Union Parishad
UNR	Union Road
URO	Upazila Revenue Office
UZR	Upazila Road
VNR	Vested and Non-resident
WB	World Bank
WMS	Women's Market Sections
XEN	Executive Engineer

## DEFINITION OF SELECTED TERMS

**Compensation:** Payment made in cash to the project affected persons/households for the assets acquired for the project, which includes the compensation provided in the *Acquisition and Requisition of Immovable Property Ordinance 1982* and others stipulated in this Social Impact Management Framework (SIMF).

**Compensation-Under-Law (CUL):** Refers to the compensation assessed for the acquired lands and other assets, such as trees, houses/structures, etc., by different government agencies as per the methods provided in the Land Acquisition Ordinance, and paid by the Deputy Commissioners.

**Consultation Framework:** In view of their stakes and interests in the project or subprojects, the framework is prepared to guide the project preparation team about who are to be consulted about the overall project and its positive and negative social impact implications and to seek their inputs and feedback in the different stages of the project cycle.

**Cut-off Dates:** These are the dates on which censuses of the affected persons and their assets are completed on a particular area (mauza/village). Assets like houses/structures and others which are created after the cut-off dates, and the persons or groups claiming to be affected, become ineligible for compensation and assistance. For private lands, these dates will however not constitute ‘cut-off dates’, if the legal Notice-3 is already issued before the censuses are taken. In such a situation, the Notice-3 dates are considered ‘cut-off dates’, as the acquisition ordinance prohibits changes in the appearance of the lands after issuance of Notice 3.

**Entitlement:** Refers to mitigation measures, which includes cash payments by DCs and LGED, as well as any non-cash measures stipulated in this SIMF (e.g., allowing the affected persons to keep felled trees, salvageable building materials, etc.), for which compensation is already paid.

**Income Restoration:** Refers to re-building the capacity of the project affected households to re-establish income sources at least to restore their living standards to the pre-acquisition levels.

**Indigenous Peoples:** Unless they are already recognized, the Indigenous Peoples are identified in particular geographic areas based on these four characteristics: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) an indigenous language, often different from the official language of the country or region.

**Involuntary Resettlement:** The situation arises where the State’s power of eminent domain requires people to acquiesce their rights to personal properties and re-build their lives and livelihood in the same or new locations.

**Khas Land:** Khas lands are public lands those are not recorded in the name of any private citizen/entity of the country as per latest settlement record or owned by any government agencies. Deputy Commissioner in a respective district is the custodian of all khas lands in a district.

**Participation/Consultation:** Defined as a continuous two-way communication process consisting of: ‘feed-forward’ the information on the project’s goals, objectives, scope and social impact implications to the project beneficiaries, and their ‘feed-back’ on these issues (and more) to the policymakers and project designers. In addition to seeking feedback on project specific issues, the participatory planning approach also serves the following objectives in all development projects: public relations, information dissemination and conflict resolution.

**Physical Cultural Resources:** Defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical,

architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above or below ground, or under water. Physical cultural resources are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices. Their cultural interest may be at the local, provincial or national level, or within the international community.

***Project-Affected Person/Household:*** Persons/households whose livelihood and living standards are adversely affected by acquisition of lands, houses and other assets, loss of income sources, and the like.

***Rehabilitation:*** Refers to improving the living standards or at least re-establishing the previous living standards, which may include re-building the income earning capacity, physical relocation, rebuilding the social support and economic networks.

***Relocation:*** Moving the project-affected households to new locations and providing them with housing, water supply and sanitation facilities, lands, schools and other social and health care infrastructure, depending on locations and scale of relocation. [Homestead losers may also relocate on their own in any location they choose.]

***Replacement Cost:*** The World Bank's OP 4.12 on Involuntary Resettlement describes "replacement cost" as the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets is not taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.

***Stakeholder:*** Refers to recognizable persons, and formal and informal groups who have direct and indirect stakes in the project, such as affected persons/households, shop owners, traders in *haats/bazaars/kitchen markets*, squatters, community-based and civil society organizations.

***Top-Up Payment:*** Refers to LGED's payment in cases where the compensation-under-law (CUL) determined and paid by DCs falls short of the replacement costs/market prices of the affected lands and other assets.

***Vested Non-Resident (VNR) Properties:*** Originally known as "enemy properties", these have been left behind by the people of minority communities who migrated to India and other countries as a result of the independence and partition of India in 1947. Some of these properties have been identified through 1984, and have since been leased to private citizens or allocated to various government agencies. The act is known to be controversial and has been widely abused.

## **A. INTRODUCTION: SOCIAL SAFEGUARDS & MITIGATION ISSUES**

1. This Social Impact Management Framework (SIMF) is proposed to deal with social safeguard compliance issues likely to arise under the Rural Transport Improvement Project-II (RTIP-II), a follow up program of the ongoing Rural Transport Improvement Project (RTIP-I) of the Local Government Engineering Department (LGED). LGED under the Ministry of Local Government, Rural Development and Cooperatives (MLGRD&C), Government of Bangladesh (GOB) is preparing RTIP-II (the Project) and will subsequently implement it. The Project is expected to improve, rehabilitate and carry out periodic maintenance on Upazila Roads and Union Roads and construct improved Growth Centre market facilities as well as revive rural waterway routes, all selected through a participatory approach in the central, north-eastern and south-eastern regions of Bangladesh. It is determined that implementation of the physical components of the project, especially the improvement of Upazila Roads, will involve social safeguards compliance issues. The International Development Association (IDA) of the World Bank group is assisting with preparation of the project and will provide financial support to implement it.

2. Social safeguards compliance issues are generally expected to relate to the World Bank's Operational Policies on Involuntary Resettlement (OP 4.12) and Indigenous Peoples (OP 4.10). But the details of the impacts will be known as the design of the many individual subprojects, which will involve multiple civil works contracts, progresses. According to the general scope of the civil works, the project is likely to trigger OP 4.12 as LGED will take back its previously unutilized lands along the Upazila Roads, and possibly Union Roads, some of which are likely to be under authorized and unauthorized private uses. There may also be a need for some additional private land at critical sections to meet the road safety requirements and road design standards. Application of OP 4.10 remains to be determined in terms of subproject locations and the scope and design of the improvement works. The nature and magnitude of impacts will be determined on a continuing basis as subproject design decisions are finalized. As the impact details become available, the SIMF will provide the basis to prepare and implement Resettlement Plans (RP) and Indigenous Peoples Plans (IPP), as may be required to mitigate adverse impacts under the individual subprojects in each phase of construction. This SIMF has been prepared on the basis of experience from RTIP-I and consultation at community level in potential RTIP-II areas.

### **The SIMF Objectives**

3. The SIMF is intended to provide general policies, guidelines, and procedures for integration of required mitigation measures of possible safeguard impacts into the selection, design and implementation of the subprojects in each phase. Its objective is to help LGED to ensure that the project:

- Enhances the social outcomes of implementation of the individual subprojects;
- Identifies and mitigates adverse impacts that the selected subprojects might cause on people (men & women), including protection against loss of livelihood activities, with culturally, socially and economically appropriate measures;
- Develops necessary safeguard mitigation measures to adequately disclose and consult with affected people on draft action plans, to replace their lost assets and to improve (or at least restore) their incomes and livelihoods, and
- Is prepared and implemented in compliance with relevant policies of the GOB and the World Bank.



### **The RTIP-II Project Area**

4. The RTIP-II project area comprises 26 of the 64 administrative districts (zila) of Bangladesh, a total of 223 rural upazila (sub-districts). It includes the whole of the eastern half of Bangladesh except for the three districts that make up the Chittagong Hill Tracts, plus two districts - Pabna and Sirajganj - that border the west bank of the Jamuna River (see map in Figure 1). The project area covers about 60,000 sq.km. All project districts have benefited from earlier infrastructure development assistance under GoB and foreign-financed programmes – including 15 districts which participated in RTIP - but much remains to be done to achieve an efficient and sustainable rural transport and trading infrastructure.

5. The project area encompasses different types of terrain and environmental conditions – flood-plains, low-lying and flood-prone areas including haors, upland areas and coastal belt. Rural transport is primarily using non-motorised, low-cost, and smaller motorised, vehicles. Inland waterway transport is important in some areas, but has been neglected. There are about 15,500 km of UZR, and over 19,000 km of UNR, in the project area. Crop production is the major rural economic activity, complemented by livestock, fisheries and small-scale rural industries. The rural characteristics of productive agriculture, high population densities and a high level of landlessness result in intensive rural transport and trading activity. The extensive network of rural markets, the most important located at designated Growth Centres, provides the focus for rural trading. There are 950 Growth Centres in the project area.

6. The project area, including Dhaka and Chittagong cities, has a population of about 82 million people<sup>1</sup>. Population density by district varies significantly between 666 and 8,111 persons per sq. km., higher in the districts that border on to Dhaka city. Poverty varies significantly between divisions and districts. According to estimates from the 2010 Household Income and Expenditure Survey (HIES), proportion of rural poor in the project area in the eastern side of the Jamuna river in 2010 was 28.4% and that of extreme poor was 15.1%. In the same year, poverty incidence in Rajshahi division representing Pabna and Sirajganj districts under RTIP-II was 43.70% in the rural areas and 38.1% in the urban areas. The HIES 2010 shows that poverty incidence, at the national level, has declined by 8.5% (approximately 1.7% annually), which is 8.6% in rural area and 7.1% in urban area during 2005 to 2010. Ethnic minorities or indigenous people, most of them living in the plain areas, make up about 0.6% of the project area population, lower than the national figure of over 1.1%. The highest concentration is in Habiganj district, 2.5% (see Annex C2).

### **Project Activities and Social Safeguards Implications**

7. The Project Development Objective (PDO) of RTIP-II is “Improved rural accessibility for rural communities and effective rural infrastructure asset management”. Building on the successful outcomes from the ongoing RTIP-I, RTIP-II will: (a) improve selected Upazila and Union Roads to full LGED technical standards including critical bridges and cross-drainage structures, with attention to gender inclusion and road safety issues; (b) rehabilitate, and carry out periodic maintenance on selected previously improved Upazila and Union roads to bring them back into a condition to be sustained through subsequent planned maintenance; (c) apply long-term performance-based maintenance contracting (PBMC) to roads already in good condition to sustain their level of service; and (d) provide improved, efficient and hygienic trading facilities at selected Growth Centre Markets (GCM). RTIP-II will strengthen the operation and management of these GCMs targeting market committees and women selected to operate shops in the Women’s Market Sections (WMS). RTIP-II will incorporate a pilot component to revive rural inland waterway transport using country and engine boats through dredging using low-cost technologies, navigation safety measures and provision of

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<sup>1</sup> Bangladesh Bureau of Statistics (BBS): Preliminary Results of 2011 Population Census, July 2011

improved cargo and passenger landing and handling facilities at selected locations (ghats). All these facilities will be gender inclusive in planning, construction and operation.

8. The Project will be implemented over 5 (five) years and in 4 (four) phases. It is determined that implementation of RTIP-II's physical components, especially the improvement of Upazila Roads (UZR) and possibly Union Roads (UNR), will require acquisition of land from private ownership and resumption of public land from authorized and unauthorized private uses. LGED will apply a consultative and participatory approach to the selection of sub-projects in order to involve key stakeholder groups, including those who are socio-economically vulnerable and indigenous peoples, in the decision-making process and to share in the development benefits.

9. It is expected that Project improvements of physical infrastructure will help to reduce rural poverty and stimulate economic development by providing people and communities with improved access to economic and social services and facilities, to information, and to a more efficient trading network. This will create opportunities to enhance productivity, employment, incomes and the provision of education and health care. The Project will generate substantial direct short and longer-term employment for the poor, including disadvantaged women. The Project will contribute to improving the capability of vulnerable communities including women to cope with the impacts of flooding and climate change. The locations of the Project's physical components - roads, markets, rural waterways and ghats - will be selected to create efficient rural transportation and socio-economic networks and to improve rural-urban linkages. The project will benefit the population of the target districts through improved communication and trading network services irrespective of gender and ethnicity.

10. RTIP-II is a multi-component project that is expected to comprise<sup>2</sup>:

- Improvement of about 700 km of Upazila Road and 500 km of Union Roads - including bridges, cross-drainage structures and safety measures.
- The rural roads periodic maintenance (RPM) of about 4,000 km of UZR and UNR, including long-term PBMC of about 450 km of roads.
- Improvement of about 50 growth centre markets and 20 ghats.
- Development of about 50 km of pilot rural waterways for use by country and engine boats, including improvement of landing and handling facilities at ghats along the routes.

11. Engineering survey and detailed design (and hence the definition of land acquisition requirements) of phase 1 sub-projects is being carried out as part of project preparation. The first year works are RPM of UZR and UNR and improvement of UNR those are being designed to carry out within existing right of way without any encroachment. The RPM will be replacement of pavement and some off-pavement works on hard shoulder and slopes. UZR civil works for improvement will commence in phase II construction. Under the circumstances, there will be no land acquisition or displacement of people in the first year works. Social screening for the first year works has been done in February 2012 using the format in Annex-A1 that has confirmed that there will be no resettlement issues or impact on indigenous peoples due to the RPM works. Accordingly the first Phase program has been taken and reflected in the Procurement Plan. The social screening report<sup>3</sup> has been shared with the Bank and disclosed locally and at Bank Infoshop end March 2012.

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<sup>2</sup> These figures are as currently agreed between the Local Government Engineering Department (LGED), Dhaka, and the World Bank, as of the ongoing RTIP-II Preparation Support Mission (October 2011). They may be further refined as the preparation of RTIP-II proceeds.

<sup>3</sup> LGED, Social Screening Report (For first Year Subprojects), March 2012

12. The major physical works that may require private land acquisition and taking back of the public land from private uses are the improvement of UZR<sup>4</sup>. Road improvement works typically include raising and widening of the existing embankments. It is likely that a substantial part of these works will be carried out on LGED's own land along the roads, which may have been eroded or encroached upon over the years. Acquisition, wherever necessary for widening, will likewise be in strips along the roads. The experience from RTIP-I is that this strip acquisition affects a large number of landowners, with the impacts associated with the loss of very small amounts of land. It is also likely that the acquisition will displace households and businesses that may have been squatting on LGED or other public lands. The extent and magnitude of the overall adverse impacts will however be known only after detailed engineering design of the improvements, and finalization of the acquisition requirements.

13. In exceptional circumstances land acquisition may be required for Upazila Roads only. The Project strategy is that:

- As far as possible, UZR will be selected where the improvement works can be carried out within the existing alignment.
- The rehabilitation and periodic maintenance of UZR and UNR will be within the existing alignments, to restore the roads to their previously improved condition. Similarly PBMC works will sustain the level of service of roads within existing alignments.
- Improved UNRs and GCMs will be constructed on existing land/khas land – markets and union roads where there are land problems or disputes will be excluded from consideration under the project.
- Improved rural waterways including improvement of landing and handling facilities at ghats along the routes will be constructed within available land/khas land and problems in availability of land or disputes on land use will disqualify for project finance.

14. As to impacts on indigenous peoples (IPs), the general nature of works - rehabilitation and improvement - on the existing roads is highly unlikely to cause adverse impacts that would be substantially different from those on the mainstream communities. According to the 2001 population census, only 0.20% of the total population in the 9 central, 1.04% in the 9 north-eastern and 0.53% in the 8 south-eastern districts are indigenous tribal peoples (Annex C2). It is therefore anticipated that the IPs will be equally benefited from the project and there is little or no likelihood of relocation impact on the indigenous peoples living in the vicinities of the road corridors to be improved. But pending screening of the specific roads for improvement in phases, it remains unknown whether or not, or the extent to which, IPs would be affected by the project. The proposed SIMF has therefore taken into account the guidelines and provisions of OP 4.10 on Indigenous Peoples to deal with any potential impacts that might be caused by any chosen subprojects in any phases of construction.

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<sup>4</sup> Almost all rural roads were originally built over a long period of time on private lands under employment generation programs like Food-for-Work, Test Relief, CARE, etc. Although the Director-General of Survey records them as 'Public Roads', ownership of these roads still remains partially with the private landowners. Even then, at various times, LGED carried out improvements on these roads.

Figure – 1 Project Location Map (RTIP-II)



15. Women in Bangladesh are at the forefront of awareness and empowerment through equity focused actions in government and in non-government sectors. But women's access to health services, labour markets and physical security, and their role in decision-making processes still leaves room for improvement. Especially in rural areas, they are lacking adequate access to resources and opportunities. LGED, being in the forefront of government activities for achievement of gender equity, has its own gender strategy for equal participation by men and women in the development process. It has a Women Development Forum which intervenes to achieve incremental benefits of infrastructure development for women and to increase their participation in planning, implementation and operation. RTIP-II is expected to benefit both men and women in the project influence areas with improved access to roads, growth centre markets and the waterways. The Project will provide a specific long-term employment opportunity for disadvantaged women, following established LGED practice, through Labour Contracting Societies (LCS) for off-pavement routine road maintenance. However, due to low access to resources and opportunities, women in the project influence areas may undergo disproportionate impact in the process of land acquisition, resettlement and project construction. The SIMF, therefore, provides guidelines for gender sensitive actions in preparation, design, implementation and monitoring and evaluation of Social Management Plans in each phase.

### **Basic Principles**

16. In consideration of the potential adverse impacts associated with land acquisition and displacement of authorized and unauthorized private activities from its own (and other public) lands, LGED will select, design and implement all subprojects in accord with the following principles:

- Prior to selection of specific roads/subprojects, LGED will undertake community and stakeholder consultations about their objectives, scopes, and social safeguard implications, especially with respect to land acquisition and displacement of businesses, trading and other activities from its own lands (and other public lands, if they are also likely to be used by the project). Consultations will inter alia include,
  - All formal/informal local entities, such as Municipal Committees, Union Parishads, Market Management Committees, local women's groups and others with direct and indirect stakes in the project who are deemed key actors to influence project design and implementation.
  - The persons, such as landowners, business owners, traders, and the like, who would be directly affected by the subprojects.
  - The persons who would be indirectly affected in terms of loss of livelihood and/or loss of access to common property resources.
- Unless absolutely required, LGED will avoid private land acquisition and keep the improvement and rehabilitation works limited, to the extent feasible, to the existing right-of-way to minimize displacement of economic and other activities from private and public lands, including its own.
- LGED will avoid, to the extent feasible, subproject activities that will threaten the cultural way of life of IPs; severely restrict their access to common property resources and livelihood activities; and affect places/objects of cultural and religious significance (places of worship, ancestral burial grounds, etc.).
- LGED will undertake social screening of all subprojects to identify potential social safeguard issues, and adopt and implement impact mitigation measures consistent with the Bank's OP 4.12 and OP 4.10.

- Special attention will be given to female affected persons in the resettlement process and to the vulnerability of women and children in the project areas to social exclusion, trafficking, risks of HIV/AIDS infection and road safety following the policy guidelines of the World Bank on gender.

### **Safeguards Screening & Mitigation Guidelines**

17. LGED will screen each subproject under each phase to identify potential safeguards compliance issues and social impacts associated with the rehabilitation and improvement works, in order to determine applicability of the OP 4.12 and OP 4.10 and the required Social Management Plans (a screening format is provided in Annex A1). Where adverse impacts cannot be avoided entirely, LGED will select, design and implement the individual subprojects in accord with the following guidelines:

- *Guidelines for Land Acquisition & Resettlement.* Contains principles, policies and guidelines for private land acquisition and use of public lands and adverse impact mitigation; mitigation measures; and implementation and monitoring arrangements for mitigation plans (Section B);
- *Framework for Indigenous Peoples Plan.* Contains principles and guidelines to identify and deal with adverse impacts on IPs, and a consultation framework for adoption of mitigation and development measures, where subprojects would adversely affect them (Section C); and
- *Guidelines on Gender Actions:* Contains principles and guidelines to identify and deal with gender sensitive project issues including participation, benefit sharing, empowerment and vulnerability management (Section D).

### **Assessment of Impacts and Risks**

18. Social impacts and risks including land acquisition, resettlement and social concerns will primarily be identified during the initial social screening of subprojects. Once social impacts are noted, census of affected persons and assets will be conducted following the road design and land acquisition plan in compliance with the SIMF guidelines on land acquisition and resettlement (section B), on indigenous peoples (section C) and on gender actions (section D). The affected persons and their communities will be consulted during the census survey to understand the risks and options and devising mitigation of social impacts. Land acquisition process will be initiated by LGED well ahead of time so that assessment of social impacts and risks can be done for preparation and approval of RPs and IPPs before award of civil works contract and implementation of the same before displacement of people. The screening and assessment of resettlement impacts will be done using Annex A1 and valuation of assets will be done following the methods in Annex B2. Land acquisition proposal for respective subprojects will provide information on land and the census (by LGED) and joint verification (jointly by DC and LGED) will provide data on inventory of losses and risks recognized in the SIMF.

19. LGED will prepare and submit to the Bank for safeguards review, clearance and public disclosure of social impact assessment (SIA) including RP and IPP for all site specific roads and waterways for the first year and subsequent years. A social screening report will be prepared for all specific roads and waterways component based on the SIMF. A comprehensive SIA has to be prepared for the waterway component following the Bank safeguards policies and procedures. All subprojects' SIA and RP/IPP will be disclosed locally and in Bank Infoshop prior to mobilization of the civil works contract.

### **Implementation Arrangements**

20. Headed by a Project Director (PD), LGED has established a Project Management Unit (PMU) at its headquarters to prepare and implement the entire project. The PD is accountable to the Chief

Engineer, LGED and the Secretary, Local Government Division of the Ministry of Local Government, Rural Development and Cooperatives (MLGRD&C) for successful implementation of the project. Among other responsibilities, the PD will oversee preparation and implementation of the phase-wise land acquisition and the Resettlement Plans. The PD will ensure that the engineering designs identify the locations and magnitudes of the land to be acquired precisely, prepare and submit the acquisition proposals to the Deputy Commissioners (DC – head of the acquisition authority), and provide them with the acquisition funds, allowing sufficient time to complete the acquisition process. The PD will also ensure that compensation payment and measures to mitigate social impacts adopted beyond the provisions of the acquisition law are all completed before handing over land for civil works. A Senior Sociologist at the PMU will assist the PD in the process of land acquisition and resettlement of affected persons and in managing social issues including gender and vulnerability. The PMU will act as the Bank's counterpart for all activities that involve land acquisition and resettlement, and indigenous peoples.

21. The PD and the PMU will be actively assisted by the Management Support Consultant (MS Consultant) in carrying out the project preparation and implementation tasks. In the field, however, the focal points are the LGED Executive Engineers (XEN) in each district who will implement the Project on the ground, including land acquisition and resettlement plans, and where applicable indigenous people's plans for the subprojects undertaken in their districts. The XENs will call on the services of an LGED District Sociologist posted in each district. The XENs will be directly assisted by the Upazila Engineers (UE – one in each upazila) who will, in turn, be assisted by their Community Organizers (CO – one in each upazila). The Design and Supervision Consultant (DS Consultant) will also assist and support LGED project staff at the district and upazila levels. Actions and responsibilities of LGED staff in PMU and in field level district and upazila offices are summarized in Annex A2. The consolidated responsibility matrix, and a summary Job Description for the District Sociologists, are in Annex A3.

22. The evaluation of land acquisition and resettlement under RTIP-I identified that there were delays in the payment of CUL due to difficulties faced by land owners in organizing title documents from Upazila Revenue Offices (URO), and delays in the conduct by other agencies of market price surveys for structures and trees. LGED's legal authority to address these issues is constrained. In respect of non-compliance of legal documents, LGED district and upazila staff will assess where, and to what extent, this is causing delays in payment of CUL and the Community Organisers will meaningfully facilitate illiterate and marginal land losers in organizing their title documents. Where land acquisition will be involved, the LGED XENs and District Sociologists will coordinate with the UROs as well as with the COs to ease and expedite the process. In respect of the valuation of structures and trees, the LGED, through its District Sociologists and Community Organisers, will give priority to facilitating and expediting the surveys, and increase its participation in the valuation process by PWD and forest offices by providing equivalent officers in the valuation team. Where there is serious concern about the valuation levels proposed, LGED will take follow up action to achieve a satisfactory outcome.

23. The Project will finance additional personnel resources to enable the LGED to fulfill its commitment to implement the social component, in particular the resettlement activities proposed in this SIMF. They will include:

- A full-time Social Scientist in each of the 26 districts (District Sociologist) who will work on the social and resettlement aspects of the project components undertaken in the districts. These persons will spend at least 75% of their working time on land acquisition and resettlement matters, and will be the prime support to the XENs and UEs. Whenever required, these social scientists will be brought together to work in particular work areas, irrespective of their designated locations.

- A full-time Senior Sociologist in the PMU in Dhaka to look after the overall land acquisition, resettlement and other social issues that include phase-wise social screening, social impact assessment (whenever deemed necessary), the processing tasks relating to land acquisition, RP/IPP preparation and clearance of RP/IPP (by IDA), coordination and scheduling of these activities with the civil works programs, and documentation and reporting of all tasks performed up to RP/IPP preparation and clearance. This person will provide direct technical support to and supervise the works of the District Sociologists at the district level.
- An information processing facility, to collate and update the resettlement database used to monitor progress in land acquisition and delivery of entitlements, with the required number of appropriately qualified persons, will be established in each LGED district office.
- If required, the Project will also finance the temporary services of personnel for the enumeration of the censuses, baseline socio-economic surveys and market surveys, and provide resources for the valuation process jointly with the DCs, PWD, DF and other agencies.
- The MS and DS consultants will also actively assist LGED for social screening, social impact assessment, preparation and implementation of RPs and if required, IPPs for each phase of construction. The DS consultant will assist LGED in preparing land acquisition proposals and coordinating with concerned DC offices for expediting land acquisition.

### **Grievance Redress**

24. The Land Acquisition Ordinance allows landowners to object to acquisitions at the beginning of the legal process. Once the objections are heard and disposed of, there is virtually no provision to address grievances and complaints that individual landowners may bring in the later stages of the process. Since the ordinance does not recognize them, there is no mechanism to hear and redress grievances of people who do not have legal titles to the acquired lands. As seen in various projects, complaints and grievances may range from disputes over ownership and inheritance of the acquired lands to affected persons and assets missed by the censuses; valuation of affected assets; compensation payment; and the like. Considering the need, LGED will establish a procedure to answer to queries and address complaints and grievances about any irregularities in application of the guidelines adopted in this SIMF for assessment and mitigation of social safeguard impacts. Based on consensus, the procedure will help to resolve issues/conflicts amicably and quickly, saving the aggrieved persons from having to resort to expensive, time-consuming legal action. The procedure will however not preempt a person's right to go to the courts of law.

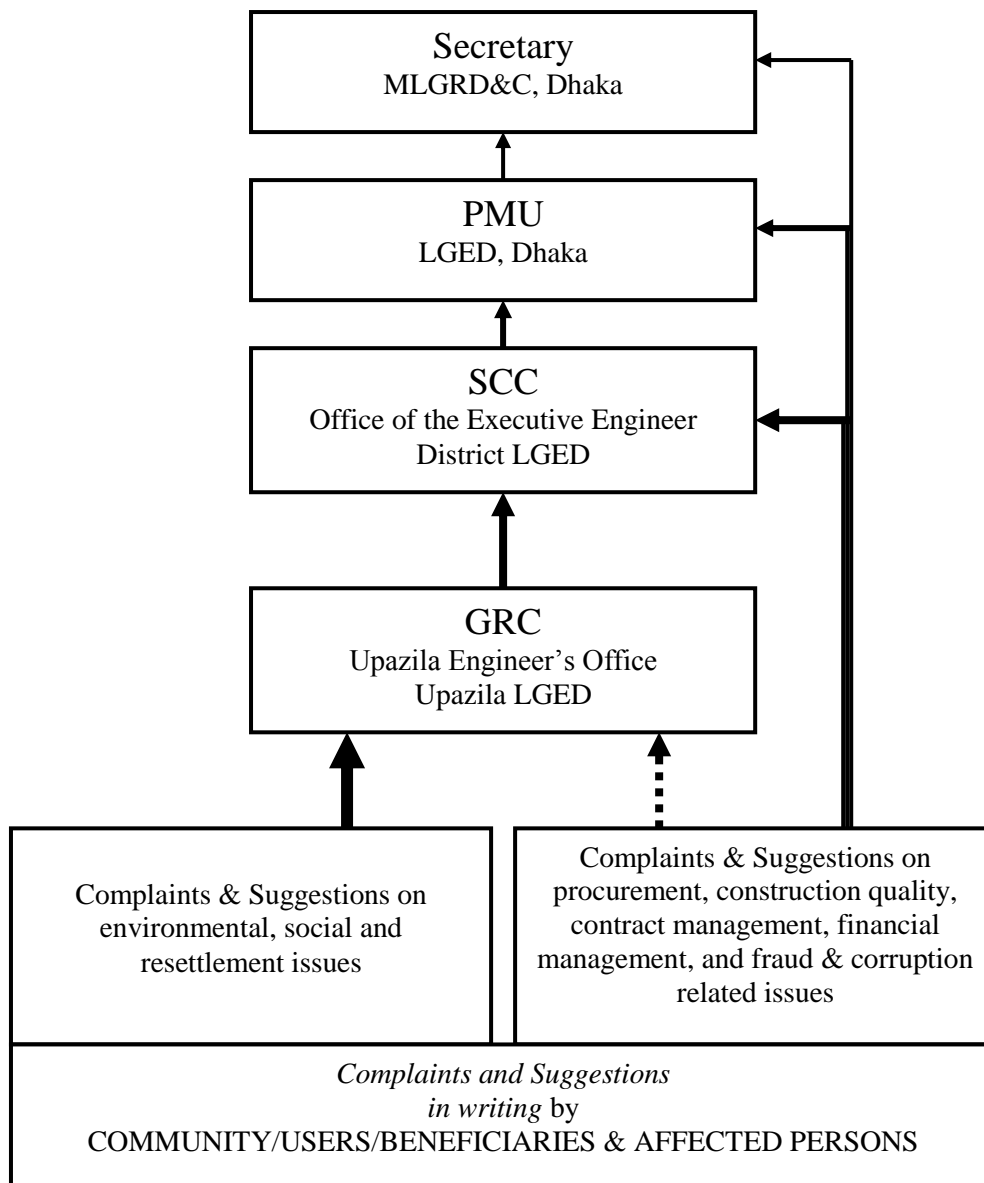
25. A Grievance Redress Committee (GRC) will be formed for each upazila to ensure easy accessibility by the affected persons (with a few exceptions, each civil works contract will be in one upazila). This GRC, and the process for resolving land acquisition grievances, will be one component of the RTIP-II "Suggestion and Complaints Mechanism (SCM)" which is presented in a separate document. The SCM sets out the information and communications strategy to ensure that PAPs are fully informed about their rights to offer suggestions and make complaints, and the different mechanisms through which they can do so, including grievances related to the land acquisition process. All land acquisition grievance received through the SCM process will be forwarded to the GRC. The Secretariat for each GRC will be at the office of the Upazila Engineer. The membership of the GRCs will ensure proper presentation of complaints and grievances as well as impartial hearings and investigations, and transparent resolutions. Where IPs are among the affected persons, the membership composition of the GRCs will take into account any traditional conflict resolution arrangements that IP communities may practice. If the aggrieved person is a female, LGED will ask the concerned female UP Member or Municipal Ward Councilor to participate in the hearings. Members of the GRCs will be nominated by the Upazila Engineer and approved by the Project Director.



GRC Membership

- |   |                    |
|---|--------------------|
| 1. Upazila Engineer (Upazila LGED Office)     | : Convenor         |
| 2. Community Organizer (Upazila LGED Office)  | : Member-Secretary |
| 3. Local UP Member/Ward Councilor             | Member             |
| 4. Teacher from Local Educational Institution | : Member           |
| 5. Representative of Local NGO                | : Member           |
| 6. Representative from Local Women's Group    | : Member           |
| 7. Representative from the PAP Group          | : Member           |

**Figure II: Institutional and Procedural Arrangements for Grievance Redress**



26. All complaints will be received at the Office of the Upazila Engineer through the Community Organizer. The District Sociologist will review and sort the cases in terms of nature of grievance and urgency of resolution, and schedule hearings in consultation with the Convenor. All cases at the local level will be heard within four weeks of their receipt.

27. If the resolution attempt at the local level fails, the GRC will refer the complaint with the minutes of the hearings to the district level Suggestions and Complaints Committee (SCC) under the

SCM for further review. With active assistance from the Sociologist, the SCC will make a decision and communicate it to the concerned GRC. The SCC's decisions on unresolved cases will be communicated to the GRC within one week of the complaint receipt. If a decision at this level is again found unacceptable by the aggrieved person(s), LGED can refer the case to the MLGRD&C with the minutes of the hearings at local and headquarters levels (Figure II). At the ministry level, decisions on unresolved cases, if any, will be made in no more than four weeks by an official designated by the Secretary, MLGRD&C. A decision agreed with the aggrieved person(s) at any level of hearing will be binding upon LGED.

28. To ensure that grievance redress decisions are made in formal hearings and in a transparent manner, the Convenor will apply the following guidelines:

- Reject a grievance redress application with any recommendations written on it by a GRC member or others such as politicians and other influential persons.
- Remove a recommendation by any person that may separately accompany the grievance redress application.
- Disqualify a GRC member who has made a recommendation on the application or separately before the formal hearing:
  - Where a GRC member is removed, appoint another person in consultation with the Project Director.
- The Convenor will also ensure strict adherence to the impact mitigation policies and guidelines adopted in this SIMF and the mitigation standards, such as compensation rates established through market price surveys.

29. The affected persons and their communities will be informed of the project's grievance redress mechanism in open meetings at important locations and in PAP group meetings. Bangla translations of the SIMF and the SCM in the form of information brochures will be distributed among the affected persons. The PAPs will also be briefed on the scope of the GRC, the procedure for lodging grievances cases and the procedure of grievance resolution at the project level.

30. To ensure impartiality and transparency, hearings on complaints will remain open to the public. The GRCs will record the details of the complaints and their resolution in a register, including intake details, resolution process and the closing procedures. LGED will maintain the following three Grievance Registers:

- **Intake Register:** (1) Case number, (2) Date of receipt, (3) Name of complainant, (4) Gender, (5) Father or husband, (6) Complete address, (7) Main objection (loss of land/property or entitlements), (8) Complainants' story and expectation with evidence, and (8) Previous records of similar grievances.
- **Resolution Register:** (1) Serial no., (2) Case no., (3) Name of complainant, (4) Complainant's story and expectation, (5) Date of hearing, (6) Date of field investigation (if any), (7) Results of hearing and field investigation, (8) Decision of GRC, (9) Progress (pending, solved), and (10) Agreements or commitments.
- **Closing Register:** (1) Serial no., (2) Case no., (3) Name of complainant, (4) Decisions and response to complainants, (5) Mode and medium of communication, (6) Date of closing, (7) Confirmation of complainants' satisfaction, and (8) Management actions to avoid recurrence.

31. Grievance resolution will be a continuous process in RP implementation. The PMU will keep records of all resolved and unresolved complaints and grievances (one file for each case record) and make them available for review as and when asked for by IDA and any other interested persons/entities. The PMU will also prepare periodic reports on the grievance resolution process and publish these on the LGED website. The format in Annex A4 may be used for periodic grievance reporting.

### **Training and Capacity Building**

32. RTIP-II is building on the experience of the ongoing RTIP in LGED. The RTIP PMU has also been given the responsibility for preparation, design and implementation of RTIP-II. Under these circumstances, the PMU has prior experience of dealing with land acquisition and resettlement in compliance with OP 4.12 on Involuntary Resettlement and OP 4.10 on Indigenous Peoples. PMU staff are already oriented on preparation of resettlement plans and implementation of the plans at the field level. In the preparation process of RTIP-II, the Executive Engineers from all the project districts were given a one day orientation on the project preparation process and on safeguard and non-safeguard social and environmental issues related to RTIP-II.

33. However, in monitoring land acquisition and RP (and IPP, if needed) implementation activities, the LGED Senior Sociologist at the PMU will identify any issues that may be impeding progress and coordinate them with the PD and Project Manager for actions by the XENs at the district level and the MS Consultant team. Jointly with the Consultants, the Senior Sociologist will also train the LGED field staff, especially those who will implement subprojects including the District Sociologists, on social safeguards compliance issues relating to involuntary resettlement and indigenous peoples, as well as implementation of the various impact mitigation policies and measures adopted in this SIMF. Gender actions as per the project SIMF will be given special attention in all training and capacity building activities.

### **SIMF Disclosure**

34. LGED will disclose a Bangla translation of this SIMF to the public, and authorize the World Bank to disclose the SIMF at its Country Office Information Center and in its InfoShop. LGED will ensure that copies of the translated document are available at its headquarters and district and upazila offices, MLGRD&C, public libraries and local government offices in the project districts, and other places accessible to the general public. The resettlement plans and indigenous people's plans (if any) for subprojects will be translated into Bangla and made available at public places accessible to the project-affected persons and other stakeholders before award of civil works contract. As to disclosure, LGED will inform the public through notification in two national newspapers (Bangla and English) about the SIMF and where it can be accessed for review and comments.

### **Monitoring and Evaluation**

35. LGED will set up an internal monitoring system to report quarterly involving the Upazila Engineer at the Upazila level and the Executive Engineer at the district level. The District Sociologists will primarily be responsible for collection of monitoring data on land acquisition and implementation of resettlement plans, indigenous peoples plans (if any) and gender actions in the process. The project Management Support Consultant team will include a senior, experienced Social Scientist who will be prepare six-monthly reports on monitoring of land acquisition and implementation of resettlement plans, indigenous peoples plans (if any) and gender actions in the process.

36. The LGED PMU will be responsible for monitoring, reporting and evaluation, including the design of the M&E system. Independent reviews of the LGED land acquisition process will be carried out at regular intervals through the RTIP-II integrated performance audit procedure on a 15% sample of roads under a construction phase. The timing of these independent audits, and the tasks of the auditor for each audit, will be done annually or as determined from time-to-time based on the status of implementation of the Project Work Plan. In respect of land acquisition, the audits will at different stages review the LGED land acquisition process and its monitoring results, and the implementation of the RAPs. This will provide timely feedback on the effectiveness of the planning and implementation process for land acquisition and resettlement of affected persons including indigenous peoples, and on

its monitoring. It will generate prompt feedback on problems and issues to be addressed by the Project. An independent impact evaluation will be carried out on 15% sample roads under each construction phase to evaluate the adequacy of the mitigation policies, the socio-economic impact of the Project on the persons affected, and the achievement of the social development goals as well as lessons for future projects. This independent evaluation will require inputs at project-start (to collect baseline data), during implementation (to expand the baseline data base and collect interim evaluation data) and at project-end (for evaluation). LGED will contract with local consultants to carry out the independent impact evaluation. Annex A5 presents the outline terms of reference for the independent evaluation. LGED has prepared the TOR for Independent Performance Auditing (IPA) and shared with the Bank before appraisal. All IPA reports including supervision of RP/IPP implementation will be shared with the Bank.

## **B. GUIDELINES FOR LAND ACQUISITION AND RESETTLEMENT**

### **Legal and Policy Framework**

37. The principal legal instrument governing land acquisition in Bangladesh is the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982 including amendments up to 1994) and other land laws and administrative manuals relevant to alluvion/deluvion land, char and khas land administration in Bangladesh<sup>5</sup>. The 1982 Ordinance requires that compensation be paid for (i) land and assets permanently acquired (including standing crops, trees, houses); and (ii) any other damages caused by such acquisition. The Deputy Commissioner (DC) determines (a) market value of acquired assets on the date of notice of acquisition (based on the registered value of similar property bought and/or sold in the area over the preceding 12 months), and (b) 50% premium on the assessed value (other than crops) due to compulsory acquisition. However, it is well known in Bangladesh that people devalue land during transactions to pay lower registration fees. As a result, compensation for land paid by DC including premium remains less than the real market price or replacement value. The 1994 amendment made provisions for payment of crop compensation to tenant cultivators.

38. The Ordinance, however, does not cover project-affected persons without title or ownership record, such as informal settler/squatters, occupiers, and informal tenants and lease-holders (without registration document) and does not ensure replacement market value of the property acquired. The act has no provisions for resettlement of the affected households/businesses or any assistance for restoration of livelihoods of the affected persons. As a result, land acquisition potentially diminishes productive base of farm families and those affected and displaced by development projects.

39. Since the 1982 Ordinance falls short of the requirements of the World Bank safeguard policies on some grounds, the project land acquisition and resettlement policy has been harmonized with the World Bank's social safeguard requirements. The harmonization has also benefited from the RTIP-I experience in resettlement.

### **Land Needs & Resettlement Issues**

40. RPM works and improvement of UNRs, GCMs, and waterways including ghats will be designed to avoid any land acquisition/resettlement requirements. This is a condition to be eligible to project financing. Works on UZR will consist of widening, raising and selective realignment of the selected roads, including improvement and rehabilitation of carriageways, shoulders, embankments etc, as well as construction of flood refuges in vulnerable areas. As discussed in the preceding section,

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<sup>5</sup> Alluvial, diluvion and char land survey and settlement ( No. 2-2/87/90(1060)/1987; Settlement of char land (No. 2L-3/73/86(19)-R.L/1973; Settlement of Diluviated Lands Reformed in Situ (Memo No. 196(36)-V-177/77-L.S /1978), State Acquisition and Tenancy (Amendment) Act, 1994; Transfer of Khas Land between GOB departments (M:/Sha-10/HUD/general-1/94/345(64)/1994 (source: Land Administration Manual, Vol. 1, Ministry of Land, GOB).

pending final selection of the subprojects and finalization of the engineering designs, it is assumed that potential resettlement issues are expected to be associated with (i) private land acquisition; (ii) displacement of squatters and encroachers from public lands, including those owned by LGED; and (iii) resumption of leased-out public lands from private citizens. Considering the potential impacts, LGED proposes to obtain private and public lands, which may have been under authorized and unauthorized private uses, by using the following means:

**Private Lands.** Wherever found absolutely necessary, LGED will use the present *Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982)*, and mitigate the associated adverse impacts in compliance with the Bank's OP 4.12 on Involuntary Resettlement and OP 4.10 on Indigenous Peoples. In some cases, LGED may have to acquire the lands that may have been already used for some of the existing roads.<sup>6</sup>

**Public Lands (Including LGED's Own Lands)**

- Under Authorized Use: If the required lands are presently under lease from any government agency, LGED may seek to use them by fulfilling the lease conditions.
- Under Unauthorized Use: LGED will take them back by mitigating the associated adverse impacts consistent with the World Bank's OP 4.12 and OP 4.10.

**Impact Mitigation Objectives**

41. The principles and guidelines proposed in this framework are to avoid or minimize adverse impacts on private landowners and public land users; mitigate the adverse impacts that are unavoidable by adequately compensating for or replacing lost assets; and assist the PAPs to improve, or at least to restore, their living standards and income earning and production capacity to the pre-project levels. To achieve these objectives, LGED will consistently adhere to the following guidelines:

- Avoid or minimize private land acquisition;
- Avoid or minimize displacement of persons and households who may have been using public lands for residential, commercial and other purposes; and
- Mitigate adverse impacts associated with private land acquisition; displacement from public lands; use of common property resources; and temporary displacement/closure of businesses and livelihood activities during implementation of civil works.

**Applicability & Impact Mitigation Plans**

42. The principles and guidelines as proposed in this SIMF will apply to all subprojects under RTIP-II that will involve land acquisition from private ownership and/or displace people from the existing right of way (public land), which they may have been using for residential, agricultural, commercial or other purposes with or without formal authorization.

43. To mitigate adverse impacts, LGED will prepare and implement one of the following instruments:

- Resettlement Plan (RP). Where land acquisition and resumption of public lands, including LGED's own, for the subprojects undertaken in a project phase affect 200 or more persons; or

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<sup>6</sup> It was found under RRMIMP-II that lands used for some of the existing Feeder-B roads did not belong to LGED. These roads were initially built on private lands without going through the legal acquisition process. As a result, LGED never became legal owner of this land. Under RRMIMP-II, this was detected at a late stage in the acquisition process, and the DCs required LGED to revise the acquisition proposals and go once again through the legal process. While preparing land acquisition proposals (LAPs) for RTIP-II, LGED will carefully check ownership status of the lands being proposed for acquisition.

- Abbreviated Resettlement Plan (ARP). Where the subprojects in a phase displace fewer than 200 persons, documenting the affected persons and valuation of affected assets, impact mitigation measures and budget, and an ARP implementation schedule.

44. The number of project affected persons consists of all affected persons including their dependents and heirs, irrespective of their tenure status to the lands they use for any purposes.

### **Land Acquisition & Impact Mitigation Principles**

45. As stated under Legal and Policy Framework, the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982 with amendments) is used to legalize acquisition in the country's land administration system, and the World Bank OP 4.12 provides the basis to define resettlement policy objectives, and adopt and implement impact mitigation measures. In keeping with OP 4.12, LGED will use the following principles and guidelines to acquire private lands and resume public lands from private uses, and adopt impact mitigation measures.

#### Land Acquisition Principles

46. LGED will select the subprojects and consider alternative designs with an emphasis on avoiding or minimizing adverse impacts on private landowners and those who have been using its own and other public lands with and without authorization. To minimize adverse impacts, LGED will use the following principles:

- Avoid or minimize acquisition of private lands;
- Use as much public land as possible;
- Avoid or minimize:
  - Displacement from homesteads,
  - Loss of land valued higher in terms of productivity and uses,
  - Loss of buildings/structures that are used for permanent business/commercial activities.
  - Dislocation of squatters/encroachers; and
  - Impacts on community facilities, such as educational institutions, places of worship, cemeteries, etc., and buildings/structures that are socially and historically important.
- Sections of the roads will be re-aligned only where it is necessary to meet the required technical and safety standards, or to avoid affecting concentrations of commercial activities.
- *Option to offer residual plots for acquisition:* Where the portion of a plot remaining after acquisition becomes economically unviable, the landowner will have the option to offer the entire plot for acquisition.

47. Avoid or minimize adverse impacts on Indigenous Peoples. Where adverse impacts are found unavoidable, LGED will adopt appropriate mitigation measures as per the Bank's OP 4.10 on Indigenous Peoples (Section C).

48. Avoid or mitigate impacts on Cultural Property. LGED will plan, design and implement all subprojects in compliance with the World Bank's OP 4.11 on Physical Cultural Resources.

49. Impact Mitigation Principles. Where adverse impacts are found unavoidable, LGED will plan to mitigate them in accordance with the following the principles:

- Resettlement of the project affected persons will be planned and developed as an integral part of the subproject design.

- Absence of legal titles in cases of public land users will not be considered a bar to resettlement and rehabilitation assistance, especially for the socio-economically vulnerable groups.
- Vulnerability, in terms of socio-economic characteristics of the affected persons/households, will be identified and mitigated according to the provisions adopted in this SIMF.
- Homestead-losers, including the poor and vulnerable households squatting on public lands, will be assisted with physical relocation and provision of basic facilities like water supply and sanitation.
- People squatting public lands/properties (without any legal agreement for right to use the land) will qualify for financial or any other form of assistance provided the acquisition affects significantly on their livelihood (lose more than 30% of their income) and cannot survive without income from the affected land/property<sup>7</sup>.
- Assets like equipment, machinery or parts/components thereof that can be dismantled and moved away intact will not be eligible for compensation, but the owners will be paid the actual costs of dismantling and moving them.
- No compensation will be paid for temporary inconveniences faced by business operators and traders, unless they are required to stop completely their operations during the construction period. However, to ensure sustenance of their income streams, LGED will undertake the following measures in consultation with the concerned Municipal/Bazaar Committees and Design and Supervision Consultant:
  - Plan and implement the construction works in a manner to avoid/minimize inconvenience and disruption to the road users, and to business/trading activities where applicable.
  - Ensure spaces for all temporarily displaced business/trading activities in the vicinities of their present locations, or allow them to relocate temporarily to spots they find suitable.
- Where the project activities cause community-wide impacts affecting community facilities, access to common property resources, etc., LGED will rebuild them with its own resources and/or provide alternatives in consultation with the user communities.

### **Eligibility for Compensation & Assistance**

50. Regardless of their tenure status to the lands used for a subproject, the affected persons/households will be eligible for compensation and assistance. Pending further investigations to identify other impacts and impacted persons, LGED will mitigate impacts on the following:

- Private Landowners. Persons who have legal rights to the affected lands and other assets, such as houses, other structures, trees, etc, built and grown on them.
- Squatters. Socio-economically vulnerable persons/households who do not have legal rights to the affected lands, but use them for residential, commercial or livelihood purposes. (They will not be compensated for land, but for the assets built and grown on the land.)
- Owners of Displaced Businesses. Compensation for income loss from businesses that are: (i) displaced from private lands and those belonging to LGED and other public agencies; and (ii) required to close down temporarily during implementation of the civil works. In both cases, compensation/assistance will apply to the actual owners of the affected businesses.
- Employees of Affected Businesses - who are employed in the above two types of affected businesses.

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<sup>7</sup> It was found under most previous projects that well-off and influential people built expensive and durable structures on public lands for their own use or to rent them out to others. They ranged from local politicians and musclemen to expatriate Bangladeshis. Under RTIP-II, criteria related to quality of building materials and current uses and users will be used to determine vulnerability and eligibility for resettlement assistance.

- Rental Income Earners, from built premises situated on private lands. (Those who earn rental income by erecting buildings/structures on LGED and other public lands will be ineligible for compensation/assistance.)
- Vested and Non-resident Property (VNR) Owners/Users. Current users of the acquired lands and other properties designated 'vested and non-resident properties' during acquisition for the current project.
- Usufruct Rights Holders. Owners of affected business, agricultural, fisheries and other activities on formally leased-in government land, where leases stipulate compensatory conditions in cases where lands are taken back or acquired before lease expiration.
- Community and Groups. Where local communities and groups are likely to lose income earning opportunities or access to crucial common property resources used for livelihood purposes.

### **Compensation Principles & Standards**

51. The following principles and standards will be used to determine compensation and assistance for persons/households in the different impact categories:

#### (1) Acquired Lands and Other Assets

- Replacement costs for an equal amount of land of same use and quality, including the registration costs or stamp duties.
- Replacement costs of houses/structures and other immovable built items (e.g. water supply, sanitation, drainage, etc), at current market prices of the same building materials plus the current costs of labor to build them.
- Current market prices of trees and other assets which are irreplaceable. Price of fruit trees will be determined considering the maturity and harvest price of fruits.
- Current market prices of crops in the field or on trees, if the lands are used before harvest.
- If the acquired land is agricultural and amounts to 20% or more of the total productive land owned by the affected household, a transition allowance at three times the value of the crops produced in a year on the acquired land.

*Valuation principles and methods to determine the replacement costs of lands, houses/structures and other replaceable assets, and market prices of trees, crops and other irreplaceable assets are suggested in Annex B2.*

#### (2) Displacement from Homesteads

- *Displaced from private lands*: Relocation assistance to lands the affected households can personally arrange to buy, or to public lands arranged by LGED.
- *Displaced from public lands*: Relocation assistance for socio-economically vulnerable households to public lands arranged by LGED.
- *Displaced from VNR lands*: Relocation assistance either to lands they can personally arrange to buy, or to public lands arranged by LGED.
- Provision of pre-acquisition level basic utilities, such as water supply, sanitation, electricity, etc.

#### (3) Loss of Business, Employment and Rental Income

*Temporarily Closed Businesses:*



Where business activities come to a complete closure during construction, the owners will be paid for income loss at rates based on average daily net income for the smaller of the number of days needed to reopen the individual businesses, or to complete the civil works.

*Partially Affected Businesses:*

Where business premises are partially dismantled and the remainder is structurally safe and useable, compensation, calculated as above, for the smaller of the number of days needed to repair and reopen the individual businesses, or to complete the civil works.

*Businesses Completely Displaced from Present Premises:*

Owners of affected business will be compensated for loss of income for 45 days based on average daily net income from the business and assisted in relocating their business in new locations.

*Loss of Employment Income from Displaced & Temporarily Closed Businesses:*

Persons who have been continuously employed by the displaced and temporarily closed businesses for at least six months up to the day of the PAP census (cut-off date) will be compensated for the period until their employers restart their operations, or for a maximum of 30 days. The daily rates will be based on their monthly/daily salary paid by the employers.

*Loss of Income from Rented-out Premises:*

Three months' rent at the current rates for loss of rental income from premises affected on private lands.

(4) Vested and Non-Resident Properties

Lands and other properties that were not declared 'vested and non-resident' (VNR -- previously 'enemy properties' under the *Enemy Properties Act of 1965*)<sup>8</sup> through 1984, and are found to be 'vested and non-resident' during acquisition for any subprojects under RTIP-II, the following guidelines will apply:

*Agricultural lands:*

- Present users/owners will qualify for compensation of three times the value of all crops grown in one year on the acquired lands;
- Current market prices of crops in the field or on trees, if the lands are used before harvest; and
- Where acquisitions affect the lands partially, the owners/users will be allowed to use the remainder.

*Acquired homesteads* (including houses/structures): To deal with partial and full acquisitions, LGED will consider the following alternatives in consultation with the present owners/users:

- *Partially acquired homesteads (including houses/structures):* Assistance to the present owners/users to move and rebuild the houses/structures on the remaining land.

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<sup>8</sup> These properties have been left behind by the people of minority communities who migrated to other countries as a result of the independence and partition of India in 1947. An investigation through 1984 designated some of such properties as 'vested and non-resident (VNR)', which have since been leased to private citizens on an annual basis, or allocated to various government agencies. There still remains an unknown amount of such properties, which are used by people claiming to be related to the original owners. If the legal documents possessed by the present users are found unsatisfactory *during acquisition for the RTIP-II subprojects*, DCs will declare them VNR and disqualify them for the compensation-under-the-law. LGED will however implement the proposed mitigation measures on the ground that without the proposed project the current users would still be using the properties.

- *Fully acquired homesteads (including houses/structures):* Relocation assistance either to lands they can personally arrange to buy, or to public lands arranged by LGED; or
- Six months' rent for living accommodation, comparable to the affected one, in the nearby towns where such accommodation is available for rental purposes.

(5) Leasehold Lands

- *Formally leased-in from any agencies of the Government:* Compensation as stipulated in the lease agreement.
- *Formally leased-in khas land:* Compensation, if any, stipulated in the lease agreement.

(6) Unforeseen Impacts

LGED will adopt and implement policies, in consultation with the affected persons/ stakeholders and the IDA, to mitigate any adverse impacts that may have remained unknown and are not covered in this SIMF.

52. Cut-Off Dates. These will be established to identify the non-land assets that will qualify for compensation and discourage abuse of the mitigation policies by defrauding the project. These are the dates on which censuses of the affected persons and assets are completed on particular area (mauza/village). No person or his/her assets will qualify for compensation unless they are recorded in the census taken on the cut-off date.

**Compensation Payment**

53. In cases of acquisitions, a part of the compensation for lands and other affected assets built or grown thereon will be assessed and paid to the title holding PAPs by the Deputy Commissioners (DCs), the heads of the Acquiring Bodies. If this payment, 'compensation-under-law' (CUL), is found to be lower than their replacement costs and/or market prices, LGED will directly pay the difference as 'top-up' to make up for the shortfall.

54. With and without acquisition, compensation/assistance due to all other PAPs, such as squatters, business owners and employees and those who are not covered by the acquisition ordinance, but qualify according to this SIMF, will also be directly paid by LGED.

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

56. Partial CUL and Top-up Payment: Where DC's CUL payment is not made together for all lands and other assets acquired from an owner due to legal disputes or other reasons, LGED will determine the top-up for the acquisitions as a whole, but pay on the lands and other assets for which CUL has been paid. Top-up for the rest will be paid whenever the CUL payment is made after resolution of the disputes.

57. Compensations/entitlements due to the PAPs, including those who are not covered by the acquisition ordinance, but eligible according to this SIMF, will be paid in full before they are evicted from the acquired private and public lands.

58. Based on the principles proposed for impact mitigation, the following matrix defines the specific entitlements for different types of losses, entitled persons, and the institutional responsibility to implement them. Further explanations and application guidelines are given in Annex B1.

### Entitlement Matrix

[Further explanations and application guidelines are provided in Annex B1. LGED will consult IDA for any modifications to the guidelines as and when found necessary for better implementation of the mitigation measures.]

#### 1. LOSS OF AGRICULTURAL & OTHER LANDS

Ownership Type	Entitled Person	Entitlement	Responsibility
<i>Private</i>	<i>Legal Owners, as determined by DCs, or by courts in cases of legal disputes</i>	Compensation-under-law (CUL) or replacement cost <sup>9</sup> , whichever is higher. <b><i>If applicable (subject to paragraphs 54 &amp; 55)</i></b> <ul style="list-style-type: none"> <li>• Top-up equal to the difference between CUL and replacement cost.</li> <li>• Transition allowance (TA) for income loss (see Loss Category 5 below).</li> </ul>	<ul style="list-style-type: none"> <li>• CUL paid by DCs</li> <li>• Top-up &amp; TA paid by LGED</li> </ul>
<i>Public Lands/VNR lands under lease</i>	<i>Leaseholders</i>	Three-month advance notice and contractual obligations with the public agencies (DCs if VNR), as determined by DCs	Paid by DCs
<i>Vested &amp; Non-Resident Property (not under lease)</i>	<i>Current Owners/Users (without lease)</i>	Transition allowance for income loss (see Loss Category 5).	Paid by LGED

#### 2. LOSS OF HOMESTEAD LANDS

Location	Entitled Person	Entitlement	Responsibility
<i>Homesteads on Private Lands</i>	<i>Legal Owners, as determined by DCs, or by courts in cases of legal disputes</i>	<b><i>In addition to CUL &amp; applicable top-up (as for Agricultural &amp; Other Lands):</i></b> <ul style="list-style-type: none"> <li>• Relocation assistance, including land development, where households choose to relocate on their own, <u>or</u> developed plots if they decide to relocate in public lands arranged by LGED.</li> <li>• Restoration of pre-acquisition level basic utilities (water supply, sanitation, electricity, etc.).</li> </ul>	By LGED
<i>Homesteads on Public Lands</i>	<i>Vulnerable Squatters</i>	<ul style="list-style-type: none"> <li>• Relocation assistance, including developed plots on LGED or other public lands to be arranged by LGED.</li> <li>• Provision of water supply &amp; sanitation facilities.</li> </ul>	By LGED
<i>Homesteads on VNR Lands</i>	<i>Present Owners/Users (without lease)</i>	<ul style="list-style-type: none"> <li>• Assistance to move and rebuild the houses in the same homestead, in cases of partial acquisitions.</li> <li>• Assistance to settle in developed plots on public lands arranged by LGED, where acquisition</li> </ul>	By LGED

<sup>9</sup> Replacement cost include current market price of land plus the expenditure for legalizing the land transfer including cost of stamp purchase and other duties (see Annex B2).

Location	Entitled Person	Entitlement	Responsibility
		<ul style="list-style-type: none"> <li>requires relocation elsewhere; <u>or</u></li> <li>Six months' rent for comparable living accommodations.</li> <li>Provision of water supply &amp; sanitation facilities.</li> </ul>	
	<i>Lessees</i>	<ul style="list-style-type: none"> <li>Contractual obligations with the public agencies (DCs), as determined by DCs</li> </ul>	Paid by DCs

### 3. LOSS OF HOUSES/STRUCTURES USED FOR LIVING, BUSINESS & OTHER ACTIVITIES

Type & Location	Entitled Person	Entitlement	Responsibility
<i>All Houses/ Structures on Acquired Private Lands</i>	<i>Legal owners</i> , as determined by DCs, or by courts in cases of legal disputes.	<ul style="list-style-type: none"> <li>Compensation-under-law (CUL) or replacement cost, whichever is higher.</li> <li>Transfer Grant (TG) to cover the carrying costs of household goods, at one-eighth (12.5%) of the replacement costs of the affected structures, in cases where a house is to be removed and constructed elsewhere.</li> <li>Rental Allowance (RA) to cover 3 (three) months' rental of a comparable residential house in the upazila town, in cases where a house is to be removed and constructed elsewhere.</li> <li>Allowed to keep the salvageable materials.</li> </ul>	<p>CUL paid by DCs and Top-Up paid by LGED in case replacement cost is higher than CUL.</p> <p>TG and RA paid by LGED</p>
<i>Shiftable &amp; Non-shiftable Structures on Acquired Public Lands</i>	<i>Vulnerable Squatters</i>	<ul style="list-style-type: none"> <li><i>Shiftable structures</i><sup>10</sup>: Transfer and Reconstruction Grant (TRG) @ Tk 50 per sq.ft. of floor area with a minimum of Tk 4,000 and maximum of Tk 6,000.</li> <li><i>Non-shiftable structures</i><sup>11</sup>: TRG @ Tk 75 per sq.ft. of floor area with minimum of Tk 5,000 and maximum of Tk 7,000.</li> <li>Allowed to keep the salvageable materials.</li> </ul>	TRG paid by LGED
<i>Houses/ Structures on VNR Lands</i>	<i>Current Owners/Users</i>	<ul style="list-style-type: none"> <li>TRG (Amounts are to be determined in consultation with the current owners/users).</li> <li>Allowed to keep the salvageable materials.</li> </ul>	TRG paid by LGED

<sup>10</sup> Small structures on poles, which can be shifted without dismantling are not eligible for compensation (road side small pan-bidi shops, groceries and tea stalls).

<sup>11</sup> Non-shiftable structures with costly materials (RCC roof or CI sheet roof with brick walls) will not be eligible for this entitlement.

#### 4. LOSS OF TREES AND CROPS ON ACQUIRED PRIVATE & PUBLIC LANDS

Location	Entitled Person	Entitlement	Responsibility
<i>On private Lands</i>	<i>Legal owners</i> as determined by DCs, or by courts in cases of legal disputes <i>Current cultivator of agricultural lands (including tenants)</i>	<ul style="list-style-type: none"> <li>• Current market value of trees, based on species, size and maturity.</li> <li>• Current market prices of fruits on trees, if they are felled before harvest.</li> <li>• Current market price of crops based on variety</li> <li>• Owners are allowed to fell the trees and harvest the crops, and keep them.</li> </ul>	By DCs (included in the CUL) and/or By LGED (included in the top-up)
<i>On public Lands</i>	<ul style="list-style-type: none"> <li>• <i>Squatters</i></li> <li>• <i>Private groups, NGOs, etc.*</i></li> </ul>	As those stipulated above for trees and fruits.	By LGED
<i>On VNR Lands</i>	<i>Present Owner/User</i>	As those stipulated above for trees and fruits.	By LGED

\* Public lands, especially along the roads, are sometimes leased out to private groups and NGOs for tree plantation under income generation programs.

#### 5. LOSS OF AGRICULTURAL, BUSINESS, EMPLOYMENT & RENTAL INCOME

Impact Type	Entitled Person	Entitlement	Responsibility
<b><i>Agricultural:</i></b> <ul style="list-style-type: none"> <li>• <i>If acquisition amounts to 20% or more of the total productive land holding</i></li> <li>• <i>If acquired VNR lands are agricultural</i></li> </ul>	<i>Legal Owners</i> , as determined by DCs, or by courts in cases of legal disputes.	Transition allowance @ BDT 1500 per decimal of acquired agricultural land.	By LGED
	<i>Present Owners/Users</i>	Transition allowance equivalent to three times the harvest prices of one year's crops produced on the acquired agricultural lands.	By LGED
<b><i>Business:</i></b> <ul style="list-style-type: none"> <li>• <i>Temporary closure of businesses in existing premises</i></li> <li>• <i>Partially affected businesses</i></li> </ul>	<i>Business Owners</i> (premise/land owners & tenants)	Compensation, based on daily net income, for the actual number of days the businesses remain closed or needed to complete the civil works, whichever is smaller.	By LGED
	<i>Business Owners</i> (premise/land owners & tenants)	Compensation, calculated as above, for the number of days needed to repair and reopen the individual businesses, or complete the civil works, whichever is smaller.	By LGED
<ul style="list-style-type: none"> <li>• <i>Businesses requiring removal from the existing premises and</i></li> </ul>	<i>Business Owners</i> (premise/land owners & tenants)	Compensation, calculated as above, for the number of days the business owners need to find alternative locations themselves, which will be paid for a maximum of 90 days.	By LGED

Impact Type	Entitled Person	Entitlement	Responsibility
<i>spots</i>			
• <i>Loss of employment income</i>	<i>Business Employees</i>	Compensation at current daily wage rate for the period needed to reopen the businesses, which will be for a maximum of 30 days.	By LGED
• <i>Loss of income from rented-out premises</i>	<i>Legal Owners</i>	Three months' rent at the current rates to the owners of the premises.	By LGED

## 6. UNFORESEEN LOSSES

Impact Type	Entitled Person	Entitlement	Responsibility
<i>As may be identified during subproject preparation &amp; implementation</i>	<i>As identified</i>	As determined in consultation with IDA and the stakeholders.	By LGED

### Preparation of Mitigation Instruments

59. The nature and scope of the improvement and rehabilitation works will be determined in accordance with the basic principles proposed in paragraph 16 of Section A, which include community and stakeholder consultations, as well as other guidelines (paragraphs 44-48 of Section B) to minimize private land acquisition and displacement from LGED's own and other public lands. Once the improvement works are finalized and land acquisition needs determined, the major preparation tasks will consist of:

- *Land acquisition proposals (LAP).* Where lands from private and public ownership, excepting those owned by LGED itself, are to be acquired, LAPs will be prepared as per the standard requirements of the acquisition authority.
- *PAP census and fixing the cut-off dates.* To prepare RPs and ARPs, the censuses will assess details of the impacts and impacted persons/households with respect, but not limited, to the impact categories and compensation/assistance eligibility criteria proposed in this SIMF (paragraphs 48-50 of Section B). The dates on which censuses are taken will constitute the cut-off dates for squatters, and those on which the legal notice under Section 3 of the acquisition ordinance (Notice-3) is served will be the cut-off dates for private landowners. (Private landowners are not allowed to alter the appearance of the lands by erecting new structures or otherwise, after the Notice-3 is served.)
- *Market surveys.* To determine the replacement costs of lands, houses/structures and other replaceable, and market prices of irreplaceable, affected assets (Survey methods suggested in Annex B2).

### Contents of RP & ARP

60. The RPs or ARPs will be prepared in view of the number of the persons affected by the civil works undertaken in each phase of the Project. With the principles and guidelines proposed in this SIMF, the mitigation plans will include the following:

#### Resettlement Plan (RP)

- Brief description of the improvement and rehabilitation works undertaken on the individual road (or contract in cases of multiple contracts) with location of major impact spots, such as road sections/junctions, bazaars/trading centers, etc.;
- Results of census survey and summary of impact details (PAP/household level raw data will be computerized to prepare the entitlement files);
- An account of the alternatives considered to avoid and/or minimize the adverse impacts;
- An account of the consultations with the affected persons/households about the mitigation measures and implementation procedure;
- Specific compensation rates and standard of entitlements and entitled persons/households for different types of losses as per the principles and guidelines adopted in this SIMF;
- An account of impacts by gender and vulnerability due to subprojects in each phase and the special assistance that is to be provided;
- Description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living;
- Grievance redress mechanism;
- Resettlement budget with breakdowns by loss categories and the number of persons entitled to compensation/assistance, and a RP implementation schedule; and
- Monitoring and evaluation.

#### Abbreviated Resettlement Plan (ARP)

- Documentation of the private and public lands, including LGED's own, required for the civil works in each phase, a census survey of affected persons, and valuation of the affected assets;
- Description of compensation and other resettlement assistance that will be provided according to the principles and guidelines adopted in this SIMF;
- An account of the consultations with the displaced persons/households about acceptable alternatives;
- Grievance redress mechanism;
- A resettlement budget with breakdowns by loss categories and the number of persons entitled to compensation/assistance, and an ARP implementation schedule;
- Monitoring and evaluation.

61. For convenience of review during implementation, the following from the SIMF may be annexed to both RPs and ARPs: Entitlement Matrix; Annex A2 on Implementation Arrangements; Annex B1 on Application Guidelines for Mitigation Measures; and Annex B3 on Monitoring Land Acquisition and Preparation and Implementation of impact mitigation plans.

#### **Community/Stakeholder Consultations**

62. Selection of subprojects and civil works will include extensive discussion on social safeguard issues associated with private land acquisition and displacement from LGED's own and other public lands; minimizing adverse impacts; gaining support and cooperation of local government bodies like Union Parishads; stakeholder groups like Haat/Bazaar Committees, and any entities looking after community interests; and most of all the affected landowners, squatters, business owners, and traders at bazaars/trading centers and others, who would directly face the adverse impacts and temporary inconveniences. Suggestions/feedbacks received from the consultations will be considered in subproject design.

63. Consultations will primarily include the following topics as they relate to project preparation and implementation:

- Subproject objectives, scope and implications with respect to its socioeconomic impacts; community inputs/feedback on design; and the rights and responsibilities on the parts of the communities themselves and of the agencies involved in its preparation and implementation, such as GOB, LGED, World Bank, Design & Supervision Consultants, etc.
- Potential impacts and their sources relating to the scope of the civil works required for specific subprojects. Once the would-be PAPs are identified, LGED will,
  - Consult and provide information to the PAPs on specifics of the mitigation measures and the processes that will be followed to implement them;
  - Inform the affected landowners of the legal documents required to claim compensation from DCs, and explain the procedure where the landowners may need to have them processed anew (LGED will actively assist the landowners procure any documents required for CUL payment);
  - Explain the functions and limitations of the Grievance Redress Committees, and how the aggrieved PAPs could lodge their complaints and grievances; and
  - Ensure contacts and information to all the PAPs eligible for compensation and assistance through all possible means of communication including radio broadcast, newspaper advertisement, local notification, personal mails and any other feasible means.

Stakeholder consultation will be carried out throughout the project preparation and implementation period and LGED will consider stakeholder inputs and feedback to minimize the project's adverse impacts at any stage of the project cycle.

### **Documentation**

64. While RPs/ARPs will include summaries of the impacts and impacted persons/ households, LGED, assisted by the MS Consultant, will ensure availability of the following and any other documentations as and when requested by IDA:

- Minutes of stakeholder consultation on matters like selection of rehabilitation/ improvement works, social safeguards implications of private land acquisition and displacement from public lands, mitigation measures adopted in the SIMF, etc.
- Inventory of different categories of PAPs based on the census of affected persons/ households and assets.
- Reports on all market price surveys conducted to determine replacement costs and current market prices of different types of assets.
- Entitlement files of individual PAPs, with the accounts of losses, CUL payment by DCs, and top-up and any other entitlements payment by LGED.
- Records of complaints and grievances and the decisions given by Grievance Redress Committees, LGED or by the MLGRD&C.

### **Monitoring & Reporting**

65. Monitoring will consist of an array of steps related to land acquisition, and preparation and implementation of impact mitigation plans. The major tasks that are to be monitored are provided in Annex B3. The MS Consultant will assist LGED to set up and operate a computerized system to monitor and report progress and performance in land acquisition and resettlement activities.



66. LGED will provide the IDA with the following information for its review of performance and compliance with the OP 4.12:

- Contract-wise monthly updates indicating progress in land acquisition and CUL payment by DCs, and any issues that are to be addressed to facilitate the acquisitions;
- Contract-wise monthly updates on LGED's part of the payment: (i) top-up and other applicable entitlements to the CUL recipients; (ii) compensation/entitlements to the affected squatters; and (iii) compensation/entitlements to any other persons/groups not covered in this SIMF, but found later to be affected by the project works.
- Detailed reports for IDA implementation support missions covering the entire resettlement program, which will include, among other information, the latest status in land acquisition and compensation payment by DCs and LGED; implementation of any other stipulations adopted in the RP; accounts of the GRC activities; and any issues that are to be addressed to improve performance of the resettlement program.

67. The regular RTIP-II independent integrated performance auditing (IPA) process will also cover social issues and assess how effectively and efficiently land acquisition is being carried out, and how impact mitigation plans (RPs or ARPs) are being prepared and implemented. It will identify any problems and issues arising to be addressed by LGED in order to improve the procedure and ensure compliance with safeguard policies. The independent impact evaluation of the RTIP-II land acquisition will focus on the adequacy of the mitigation policies, the socio-economic impact on the persons affected by land acquisition, and the extent to which the intended social development goals have been achieved. It will identify lessons to make recommendations for improving LGED land acquisition processes for RTIP-II and subsequent other projects. For review and concurrence, LGED will share the consultants' TOR with the World Bank (see Annex A5).

#### **Land Acquisition & Resettlement Budget**

68. Given that the land acquisition needs and the associated impacts will be known with the phased selection of roads and design of the civil works, LGED has kept a provision of BDT 729 million for land acquisition, resettlement and other social mitigation measures for RTIP-II implementation. The first year program involves no land acquisition or resettlement. However, an estimated BDT 50 million will be spent in the first year for covering the land acquisition and resettlement for the second year program. The phase-wise budget for land acquisition and resettlement will be determined after selection of roads and design of civil works ensuring the following:

- The RP or ARP prepared for each phase, which is to be subjected to Bank review and clearance prior to accepting the work packages for Bank financing, will include a precise budget for land acquisition and resettlement; and
- The project funding approval process of the GOB, which may involve other ministries, will provide funds to finance land acquisition and resettlement activities that could not be identified at this stage of project preparation.

69. The budget for each phase will be detailed with breakdowns in terms of various types of losses with their replacement costs/market prices and the number of persons entitled to compensation in each loss category.

70. Provision for a Social Scientist is included in the management support consultancy and for a Land Acquisition and Resettlement Specialist is included in the design and supervision consultancy package.

## C. FRAMEWORK FOR INDIGENOUS PEOPLES PLAN

### Introduction

71. The largest proportion of the country's small indigenous population lives in the three districts of the Chittagong Hill Tracts (CHT) -- Bandarban, Rangamati and Khagrachari -- which are also heavily populated by mainstream peoples. The rest is dispersed in the plains districts where they generally live in settlements among the mainstream communities. However, none of the RTIP-II subprojects are located in the CHT districts. In any case, given the nature of works - improvement/rehabilitation works on existing roads – it is highly unlikely that impacts on IPs in the plains districts would be substantial and different from those on the mainstream peoples. Land acquisition, if required, would most likely be in very small amounts and may affect those who live by the existing road alignments. But it will remain largely unknown whether or not, or the extent to which, the project as a whole will affect IPs until all roads and other subprojects are selected and surveyed.

72. Applicability of the Bank's OP 4.10 on Indigenous Peoples will depend on the presence of IPs in the project's impact zones where they might be affected in a manner that could threaten their culture and way of life, including present livelihood activities. Since the nature and scale of impacts will remain unknown until all roads/subprojects are selected and screened, LGED has decided to formally adopt guidelines to address IP issues and concerns, and identify and promote development opportunities for the affected IP communities. *The proposed framework outlines principles, policies, guidelines and the procedure to identify impact issues and potential risks and, if required, formulate and execute Indigenous Peoples Plans (IPPs), whenever improvement and rehabilitation works are found to affect IPs under any subproject financed by the project.*

### Objectives of IPPs

73. The primary objective is to ensure that the road improvement and other works funded by the Bank do not adversely affect IPs and that they receive culturally compatible social and economic benefits. This will require LGED to work with the following strategic objectives:

- Screen all subprojects to determine presence of IPs and, if so, ensure their direct participation in selection, design and implementation of the physical works;
- Select subprojects and determine their scopes to avoid or minimize, to the extent feasible, adverse impacts;
- Adopt socially and culturally appropriate measures to mitigate the unavoidable adverse impacts; and
- Wherever feasible, adopt special measures – in addition to those for impact mitigation – to reinforce and promote any available opportunities for socio-economic development of the affected IP communities.

### Defining the Indigenous Peoples

74. As IPs are found to live in varied and changing contexts, no single definition can capture their diversity. As such, RTIP-II will use the World Bank's guidelines to identify IPs in particular geographic areas by examining the following characteristics:

- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;

- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- An indigenous language, often different from the official language of the country or region.

### **Indigenous Peoples Plan**

75. In accordance with the Bank's requirements, the project proposes the following principles, guidelines and procedure to prepare Indigenous Peoples Plans (IPPs), where improvement and rehabilitation works under the projects are found to affect IPs. To avoid or minimize adverse impacts and, at the same time, ensure culturally appropriate benefits, LGED will apply the following basic principles in selection, design and implementation of the subprojects.

#### Basic Principles

76. Where IPs are present in the impact zones of any selected roads and other subprojects and are likely to be affected, LGED will:

- Ensure that IP communities in general and their organizations are fully included in the selection of particular roads, and design and implementation of the subproject activities.
- Carefully screen the subprojects, together with IPs, for a preliminary understanding of the nature and magnitude of potential adverse impacts, and explore alternatives to avoid or minimize them.
- Where alternatives are infeasible and adverse impacts are unavoidable, immediately make an assessment of the key impact issues, together with IPs and others knowledgeable of IP culture and concerns.
- Undertake the necessary tasks to identify the impact details and the most appropriate mitigation measures, through intensive consultations with the affected IP communities, IP organizations, civil society organization like NGOs and CBOs, professionals, and the like.
- *Not undertake a subproject where the IP communities remain unconvinced to offer broad support for the project (see details below).*

### **IP Participation and Consultation**

77. Participation of IPs in selection, design and implementation of the subprojects will largely determine the extent to which the IPP objectives will be achieved. Where adverse impacts on IPs are likely, LGED will undertake free, prior and informed consultations with the affected IP communities and those who work with and/or are knowledgeable of IP development issues and concerns. To facilitate effective participation, LGED will follow a time-table to consult the would-be affected IP communities at different stages of the project cycle. The primary objectives are to examine whether there is broad community consensus in support of the subproject and to seek community inputs/feedback to avoid or minimize the adverse impacts associated with the chosen subproject activities; identify the impact mitigation measures; and assess and adopt economic opportunities which LGED could promote to complement the measures required to mitigate the adverse impacts.

78. Consultations will be broadly divided into two parts. Prior to selection of a subproject located in an area predominantly inhabited by IPs, LGED will consult the IP communities about the need for, and the probable positive and negative impacts of, the road improvement/rehabilitation and other subproject works. Prior to detailed assessment of the impacts at household and community levels, the main objectives of consultation at this stage would be to ascertain (i) how the IP communities in general perceive of the need for undertaking the subproject in question and any inputs/feedback they

might offer for better outcomes; (ii) whether or not the communities broadly support the works proposed under the subproject; and (iii) any conditions based on which the IP communities may have provided broad support to the subproject, which are to be addressed in the IPP and subproject design. To ensure free, prior and informed consultation, LGED will:

- Ensure widespread participation of IP communities with adequate gender and generational representation; customary/traditional IP organizations; community elders/leaders; and civil society organizations like NGOs and CBOs; and groups knowledgeable of IP development issues and concerns.
- Provide them with all relevant information about the subproject, including that on potential adverse impacts, organize and conduct these consultations in a manner to ensure full coverage of IPs in the project areas and free expression of their views and preferences.
- Document and share with the Bank the details of all community consultation meetings, with IP perceptions of the proposed works and the associated impacts, especially the adverse ones; any inputs/feedbacks offered by IPs; and the minutes stating the conditions that have been agreed during the consultations and provided the basis for broad-based community support for the subproject.

79. Once broad-based community consensus is established in favour of the subproject, LGED will assess the impact details at the household and community levels, with particular focus on the adverse impacts perceived by the IPs and the probable (and feasible) mitigation and community development measures. To ensure continuing informed participation and more focused discussions, LGED will provide IPs with the impact details, both positive and adverse, of the proposed subproject activities. The disclosure of IPPs will be done in local language through face to face meetings and involving inter-generational representations. Times for disclosure and consultation will be set in line with the available time of the tribes. Other than those that are technical in nature, consultations will cover topics/areas suggested under paragraph 80 (below) and those the IPs consider important. Beginning with those for broad-based support for the subproject, community consultations will continue throughout the preparation and implementation period, with increasing focus on the households which would be directly affected. Consultation timing, probable participants, methods, and expected outcomes are suggested in a matrix in Annex C1.

### **Contents of Indigenous Peoples Plan**

80. The IPP will primarily aim at mitigating adverse impacts, and reinforcing and promoting any existing development opportunities in the project areas, with particular emphasis on the IPs who would be directly affected. The contents of the IPP will generally consist of the following:

- *Baseline data and impacts*, including analysis of cultural characteristics; social structure and economic activities; land tenure; customary and other rights to the use of natural resources; relationship with the local mainstream peoples; and other factors that have been suggested by IPs during consultations and are to be addressed in the IPP and project design. (Key areas of investigation are also suggested below.)
- *Strategy for disclosure and consultation*, indicating timing of disclosure and consultation, and the participants, such as affected IP communities, IP organizations, and individuals and entities who could provide useful feedback and inputs.
- *Mitigation measures and activities*, which will generally follow IP preferences and priorities, including those agreed between the IP communities/IP organizations and LGED.
- *Institutional capacity*, taking into account LGED's staff experience, consulting services, and IP and civil society organizations in designing and implementing IPPs.

- *IPP implementation schedule*, taking into consideration minimizing disruption to the livelihood and other activities of IPs.
- *Monitoring and evaluation*, with participation of IP representatives and organizations, as well as other civil society organizations that may have been operating in these areas.
- *Financing the IPP*. Budgets and sources of funds needed to implement the mitigation measures and development activities agreed between the IPs and LGED.

### **Socioeconomic Characteristics & Concerns**

81. Baseline data and identification of social concerns will primarily focus on the cultural and socioeconomic characteristics of IPs and the potential vulnerability that might be caused by the proposed subproject. Data on the following socioeconomic characteristics are expected to indicate the nature and scale of adverse impacts and provide the essential inputs for IPP.

#### Social & Cultural Characteristics

- Relationships with areas where they live -- relating to religious/cultural affinity with the ancestral lands, existence and use of livelihood opportunities, etc.
- Use of any indigenous languages for social interactions and their use in reading materials and for instruction in formal/informal educational institutions in IP localities.
- Food habits/items that may differ from non-indigenous peoples and the extent to which they are naturally available for free or can only be grown in the IP territories, and which are considered important sources of protein and other health needs of IPs.
- Interactions and relationships with other indigenous peoples' groups in the same and other areas.
- Presence of customary social and political organizations – characteristics indicating internal organization and cohesion of the communities, and their interaction with those of the non-indigenous population in these areas.
- Presence of IP organizations, like community based organizations (CBOs)/NGOs, working with IP development issues, and their relationships with mainstream organizations engaged in community development activities.
- Other cultural aspects likely to be affected or made vulnerable by the proposed subproject.

#### Settlement Pattern

- Physical organization of homesteads – indicating organizational patterns with the existing community facilities, such as schools, places of worship, cremation/burial grounds and others, water supply and sanitation, etc.
- The extent to which the indigenous settlements/neighbourhoods are spatially separated from those of the non-indigenous peoples, indicating interactions and mutual tolerance of each other.
- Present distance between the IP settlements/neighbourhoods and the selected subproject.

#### Economic Characteristics

- Prevailing land tenure -- indicating legal ownership and other arrangements that allow them to reside in and cultivate or otherwise use lands in their areas.
- Access to natural resources - prevailing conditions under which IPs may have been using natural resources like forests, water bodies, and others that are considered important sources of livelihood.
- Occupational structure - indicating the relative importance of the households' present economic activities, and the extent to which they might be affected or benefited because of the proposed subproject activities.

- Level of market participation -- engagement in activities that produce marketable goods and services, and how and to what extent market participation would be affected or enhanced by the subproject activities.

### **Impact Mitigation & Development Measures**

82. To use private and public lands and avoid or minimize adverse impacts on IPs, LGED will apply the same guidelines proposed in Section B for involuntary resettlement. Eligibility and standards for compensation will also use those proposed in the same section. In addition, particular attention will be paid to ensure that non-local workers do not intrude into the IP localities, or resort to actions and behaviour that could be construed as culturally insensitive and disrespectful by IPs.

83. Choice of appropriate and culturally compatible development measures will largely depend on preferences and priorities of the affected IPs and their communities. Such measures may include providing credits where IPs are found to engage in the production of marketable goods, such as handicrafts, handlooms, small-scale horticulture; employment in construction and maintenance activities; basic water supply and sanitation facilities; and those, such as schools, that could be used by the communities as a whole. If credit programs are found appropriate, LGED will call upon civil society organizations like NGOs to organize and administer them.

## **D. GUIDELINES FOR GENDER SENSITIVE ACTIONS**

### **Introduction**

84. Women constitute about half of the national population in Bangladesh. They are now increasingly recognized to play an effective and critical role in the process for sustainable and equitable development for men and women in the country. The subprojects under RTIP-II in each phase will therefore include a gender analysis for gender inclusive design, implementation and operation.

### **Objectives**

85. Gender analysis for RTIP-II will take account of general and specific gender concerns and social vulnerabilities and identify specific actions which will:

- Promote women's participation in project planning and implementation.
- Maximise women's access to project benefits.
- Minimize social vulnerability.

### **Gender Actions**

86. In compliance with LGED's gender strategy<sup>12</sup> and Bank policy on gender, the project proposes the following principles, guidelines and procedures to identify gender actions in respect of subproject interventions and include those actions in subproject SMPs (Social Impact Assessment, RP/ARP and IPP). To mainstream gender in the project process, LGED will apply the following basic principles in selection, design, implementation and monitoring of the subproject SMPs.

- Ensure that women are involved in selection, design, implementation, and monitoring and evaluation of the subproject activities including land acquisition and resettlement.

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<sup>12</sup> LGED, 2010, Gender Equity Strategy and Action Plan (2008 – 2015), Dhaka, October

- Carefully screen the subprojects to identify needs and expectations of, and potential adverse impacts on, women and document them.
- Identify the impact details and the most appropriate mitigation measures through intensive consultation with the affected women and their communities, NGOs and civil society organizations, professionals, and the like.
- Identify appropriate actions to ensure and maximize project benefits to women through the consultative process.
- If women are involved in civil works construction, operation and maintenance of subproject infrastructure, ensure: (i) equal pay for equal work; (ii) gender friendly work environment; and (iii) work place safety for women and children.

*Increasing participation of women*

87. Participation of women will be ensured during the design phase by stimulating their participation in all community meetings and also consulting them separately in focused group discussions to learn their preferences, experiences and needs. During the implementation process, women will be encouraged to participate in all community meetings, to be represented in decision-making for implementation of RP/ARP/IPP and to contribute in safeguarding themselves from health and social vulnerabilities. Women will be fully informed about entitlements, timetable of compensation delivery and relocation activities. The District Sociologists will engage local women members to engage in community-led monitoring.

*Maximizing women's access to project benefits*

88. Local affected people, including women will be encouraged to take up construction employment through Labour Contracting Societies (LCS). LGED will monitor the employment of women through LCS. The Performance Based Maintenance Contracts (PBMC) will be executed with provisions for subcontracts with women LCSs.

*Reducing women's social vulnerability*

89. Social vulnerability of women in the context of subprojects under RTIP-II may include domestic violence, sexual harassment, vulnerability to sexually transmitted infections (STI) including HIV/AIDS, and, though limited, human trafficking. The SIMF booklet will include information about STI and HIV/AIDS, trafficking in women and children, and public health and education services in the area. Contractors will implement a zero tolerance policy against sexual harassment at work places.

**M&E of Gender Actions**

90. Gender actions as per the SIMF will be internally monitored by LGED on a regular basis and the results will be included in the quarterly SMP reports. The independent M&E Specialist will monitor gender inclusive implementation of SMPs and report to LGED and the Bank in the annual, mid-term and end-term M&E reports. A draft format for monitoring of gender actions is attached at Annex D.

## REFERENCES

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5. BIDS, 2010: Independent Review of the Resettlement Program under Rural Transport Improvement Project, LGED (Final Report), March 2010
6. RHD, 2008: Social Impact Management Framework, Road Sector Reform, Roads and Highways Department (RHD), Dhaka July 2008
7. LGED, 2007: A Proposal for Expediting Land Acquisition & Mitigating Financial Abuse Risks in Donor-Funded Projects, Local Government Engineering Department (LGED), Dhaka, 13 March 2007
8. LGED, 2004: Resettlement Action Plan, Second Phase, Rural Transport Improvement Project, LGED, Dhaka, 2004
9. LGED, 2003: Resettlement Framework, Rural Transport Improvement Project, LGED, Dhaka, 2003.
10. LGED, 2010: Gender Equity Strategy and Action Plan, 2008 – 2015, LGED, Dhaka, October



**ANNEX A1**  
**SCREENING FORM FOR SOCIAL SAFEGUARDS ISSUES**

*[To be filled in jointly by LGED and Consultants for each subproject/road, or section/spot. Where private lands are to be acquired, or public lands (including LGED's own) are to be resumed from authorized and unauthorized private uses, census of affected persons and inventory of losses to be prepared. The consultants will include a summary of the impacts and mitigation requirements for each subproject in the Screening Report. Impacts identification and the mitigation eligibility and requirements should follow the principles adopted in this SIMF.]*

**A. Identification**

1. *Name of subproject/road:* ..... *Name of District:* .....  
*Union/Municipality:* ..... *Upazila:* .....
2. *Road section/spot screened:* .....  
.....
3. *Project component:* .....
4. *Brief description of the physical works:* .....  
.....  
.....  
.....
5. *Screening Date(s):* .....

**B. Participation in Screening**

6. *Names of Consultants' representatives who screened the subproject:* .....  
.....
7. *Names of LGED officials participated in screening:* .....  
.....  
.....
8. *Local Government representatives and community members & organizations participated in screening: List them in separate pages with names and addresses, in terms of road sections/spots and any other information to identify them during preparation of impact mitigation plans.*
9. *Would-be affected persons participated in screening: List them in separate pages with names, addresses in terms of road sections/spots where they would be affected, and any other information to identify them during preparation of impact mitigation plans.*

**C. Land Requirements & Ownership**

10. Will there be a need for additional lands\* to carry out the intended works under this contract?  
 Yes       No      (\* 'Additional lands' mean lands beyond the carriageways and shoulders in case of roads and outside currently used space for GCM and Ghats)
11. If 'Yes', the required lands presently belong to (Indicate all that apply):  
 LGED       Government – khas & other GOB agencies       Private citizens  
 Others (Mention): .....

**D. Current Land Use & Potential Impacts**

12. If the required lands belong to Private Citizens, they are currently used for (Indicate all that apply):  
 Agriculture      # of households using the lands: .....  
 Residential purposes      # of households living on them: .....  
 Commercial purposes      # of persons using them: .....      # of shops: .....  
 Other Uses (Mention): .....      # of users: .....
13. If the required lands belong to LGED and/or other Government agencies, they are currently used for (Indicate all that apply):  
 Agriculture      # of persons/households using the lands: .....  
 Residential purposes      # of households living on them: .....  
 Commercial purposes      # of persons using them: .....      # of shops: .....  
 Other Uses (Mention): .....      # of users: .....
14. How many of the present users have lease agreements with any government agencies?  
.....
15. Number of private homesteads that would be affected on private lands:  
Entirely, requiring relocation: .....      Partially, but can still live on present homestead: .....
16. Number of business premises/buildings that would be affected on private lands: .....  
Entirely and will require relocation: .....      # of businesses housed in them: .....  
Partially, but can still use the premises: .....      # of businesses housed in them: .....
17. Residential households will be affected on LGED's own and & public lands: .....  
Entirely affected and will require relocation:      # of these structures: .....  
# of structures built with brick, RCC, & other expensive and durable materials: .....  
# of structures built with inexpensive salvageable materials (bamboo, GI sheets, etc: .....

*Partially affected*, but can still live on the present homestead: # of structures: .....  
 # of structures built with brick, RCC, & other expensive and durable materials: .....  
 # of structures built with inexpensive salvageable materials (bamboo, GI sheets, etc): .....

18. # of *business premises* that would be affected on LGED’s own & other public lands: .....

*Entirely affected* and will require relocation: # of these structures: .....  
 # of businesses housed in these structures: .....  
 # of persons presently employed in the above businesses: .....  
 # of these structures built with brick, RCC, & other durable materials: .....  
 # of structure built with inexpensive salvageable materials (bamboo, GI sheets, etc): .....  
*Partially affected*, but can still stay in the present premises: # of these structures: .....  
 # of businesses housed in these structures: .....  
 # of persons presently employed in these businesses: .....  
 # of these structures built with brick, RCC, & other durable materials: .....  
 # of structure built with inexpensive salvageable materials (bamboo, GI sheets, etc): .....

19. # of *businesses/trading activities* that would be displaced from make-shift structures on the road, and other areas/spots: .....

20. Do the proposed subproject works affect any community groups’ access to any resources that are used for livelihood purposes?  
[ ] Yes      [ ] No

21. If ‘Yes’, description of the resources: .....  
 .....  
 .....  
 .....

22. Do the proposed works affect community facilities like school, cemetery, mosque, temple, or others that are of religious, cultural and historical significance?  
[ ] Yes      [ ] No

23. If ‘Yes’, description of the facilities: .....  
 .....  
 .....  
 .....

.....

24. Describe any other impacts that have not been covered in this questionnaire?

.....

.....

.....

.....

25. Describe alternatives, if any, to avoid or minimize use of additional lands:

.....

.....

.....

.....

26. Which of the following impact mitigation plans would be prepared for the subproject?

- Resettlement Plan                       Abbreviated Resettlement Plan                       None

**E. ADDITIONAL INFORMATION ON INDIGENOUS PEOPLES (IPs)**

(This section must be filled in if subprojects are located in areas that are also inhabited by indigenous peoples or adivasis.)

27. Names of IP community members and organizations who participated in screening:

.....

.....

.....

.....

.....

28. Have the IP community and the would-be affected IPs been made aware of the potential positive and negative impacts and consulted for their feedback and inputs?

- Yes                       No

Has there been a broad-based community consensus on the proposed works?

- Yes                       No

29. Total number of would-be affected IP households: .....

30. The would-be affected IP households have the following forms of rights to the required lands:

- Legal:                      # of households: .....

- Customary: # of households: .....
- Lease agreements with any GOB agencies: # of households: .....
- Others (Mention): ..... # of households: .....
31. Does the subproject affect any objects that are of religious and cultural significance to the IPs?  
 Yes  No
32. If 'Yes', description of the objects: .....  
.....  
.....
33. The following are the three main economic activities of the would-be affected IP households:
- a. ....
- b. ....
- c. ....
34. Social concerns expressed by IP communities/organizations about the works proposed under the subproject: .....  
.....  
.....  
.....  
.....  
.....  
.....  
.....
35. The IP community and organizations perceive the social outcomes of the subproject:  
 Positive  Negative  Neither positive nor negative
36. In respect of any conditions that may have been agreed for the broad-based community consensus, and the social impacts on IPs and their concerns, is there a need to,
- Undertake an in-depth Impact Assessment study?  Yes  No
- Prepare an Indigenous Peoples Plan?  Yes  No

**On behalf of the consultants, this Screening Form has been filled in by:**

Name: ..... Designation: .....

Signature: ..... Date: .....

**ANNEX A2**  
**SIMF IMPLEMENTATION ARRANGEMENTS:**  
**ROLES & RESPONSIBILITIES OF LGED**

PARTICIPANTS	RESPONSIBILITIES
CHIEF ENGINEER	Facilitate Project Management Unit (PMU) at LGED in the process of preparation, design, implementation and monitoring and evaluation of land acquisition and Social Management Plans.
<b>PROJECT MANAGEMENT UNIT (PMU)</b>	
PROJECT DIRECTOR	<ul style="list-style-type: none"> <li>• Project Director at the PMU has the overall responsibility for land acquisition and preparation and implementation of Social Management Plans with assistance district and upazila level LGED staff and the Project Managers at PMU. The specific tasks include the following:</li> <li>• Oversees that roads and other components are selected, land acquisition requirements and locations are identified, social screening and public consultations are carried out, land acquisition proposals (LAPs) are prepared and administrative approval thereof is received and submitted to DCs, PAP censuses are taken and phase-wise and RPs/PPs are prepared.</li> <li>• Liaises with other Government Ministries/Departments, including Deputy Commissioners, and any other stakeholders who are deemed instrumental in land acquisition and RP/IPP implementation processes.</li> <li>• Actively facilitates within LGED to have the services of Officials like District Sociologist, Asstt. Engineer, Sub Asstt. Engineer, Community Organizers from other districts and upazilas, as and when additional manpower is required in particular project sites.</li> <li>• Ensures that RPs/PPs are implemented in full, including compensation payment, before civil works start.</li> <li>• Monitors progress in selection of roads and other components, engineering design and determination of land acquisition needs and their specific locations, LAP preparation and approval thereof by MLGRD&amp;C, and submission of LAPs to DCs and approval by DLAC/relevant authorities.</li> <li>• Approves or actively facilitates approval of the land acquisition proposals and resettlement budgets by LGED/MLGRD&amp;C.</li> <li>• Monitors progress in social screening and public consultations, PAP census and data processing, and phase-wise RP/IPP preparation.</li> <li>• Actively liaises with DCs, assist LGED XENs to resolve any issues to complete land acquisition in time.</li> <li>• Review of progress of land acquisition and payment of CUL and to-up on routine basis.</li> </ul>
PROJECT MANAGER	<ul style="list-style-type: none"> <li>• Assists Project Director in preparation and implementation of land acquisition and resettlement activities.</li> <li>• To ensure that roads and other components are selected, land acquisition requirements and locations are identified, social screening and public consultations are carried out, land acquisition proposals (LAPs) are prepared and submitted to Project Director for necessary action. To coordinate with the District Administration in LA process.</li> <li>• Liaises with Project Director and offices at the District level including Deputy Commissioners, and any other stakeholders who are deemed instrumental in land acquisition and RP/IPP implementation processes.</li> <li>• Ensures that RPs/PPs are implemented in full, including compensation payment, before civil works start.</li> <li>• Monitors progress in selection of roads and other components, engineering design and determination of land acquisition needs and their specific locations, LAP preparation and approval thereof by MLGRD&amp;C, and</li> </ul>

SENIOR  
SOCIOLOGIST

- submission of LAPs to DCs and approval by DLAC/relevant ministries.
- Monitors progress in social screening and public consultations, PAP census and data processing, and phase-wise RP/IPP preparation.
- Actively liaises with Deputy Commissioners, assists LGED XENs to resolve any issues to complete land acquisition in time.
- Monthly review of progress of Land Acquisition and payment of CUL and to-up payment.
- Coordinates all process tasks leading to selection of roads and other components, land acquisition and preparation and implementation of the phase-wise RPs/IPPs.
- Coordinates and participate in the process tasks like social screening, public consultations, PAP census/surveys, market prices surveys, and joint on-site verification of the affected properties, and ensures flow of information between PMU and field offices.
- Assists Land Acquisition and Resettlement Specialist (DS Consultant) and others in scheduling the process tasks and determine the manpower requirements, and assists the Project Director and Project Manager and XENs in re-allocation of available manpower and, if required, to arrange for additional manpower.
- Assists Land Acquisition and Resettlement Specialist (DS Consultant) with RP/IPP preparation in the way of impacts and policy reviews, budgeting and working out the RP/IPP implementation schedules.
- Assists with preparation of the PAP entitlement files for individual PAPs, and facilitate procurement of CUL payment information required to determine the Top-Up.
- Assists the data processing personnel ensuring flow of data on process tasks, land acquisition and RP/IPP implementation, including details of compensation payment by DCs and LGED (Project Office).
- To prepare the Monthly Progress Reports.
- To monitor the activities of GRCs.

PROJECT FIELD OFFICES

LGED District Office

EXECUTIVE  
ENGINEER

- Coordinates all district level project activities with Project Director and Project Manager and DS consultants, and responsible for timely completion of all process tasks for the selected subprojects, leading to land acquisition and preparation and implementation of the phase-wise RPs/IPPs.
- Assisted by the DS 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.
- Submits LAPs to DCs and actively follows through the LAP approval processes by Deputy Commissioners and DLACs; legal acquisition process, including issuance of legal notices; and compensation payment by DCs.
- Assists Deputy Commissioners, LAOs and other acquisition officials to arrange for spot payment of compensation.
- Facilitates procurement of CUL payment information required to determine top-up payment by LGED (PMU).
- Ensures that the Grievance Redress Committees (GRCs) are formed and made operational, receives grievances from the aggrieved PAPs, and schedules hearings.
- Disburses the compensation due to the squatters, and the top-up to the legal owners (checks are signed by PD).
- Monitors all tasks related to land acquisition and resettlement, and ensures that the contractors do not start the civil works before the PAPs are paid their compensation in full.
- Ensures assessment of Market Prices and preparation of entitlement files for top-up payment as per Entitlement Matrix.

SENIOR  
ASSISTANT  
ENGINEER  
(CIVIL/PROJECT)

- Coordinates all district level project activities with Project Manager, Executive Engineer and DS consultants, and responsible for timely completion of all process tasks leading to land acquisition and preparation and implementation of the phase-wise RPs/ IPPs.
- Assists XEN, DS consultants and field staff, in 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.
- To assist XEN in submission of LAPs to Deputy Commissioner and actively follows through the LAP approval processes by Deputy Commissioners and DLACs; legal acquisition process, including issuance of legal notices; and compensation payment by Deputy Commissioners.
- To assist XEN to arrange for spot payment of compensation by the Land Acquisition Officers.
- Facilitates procurement of CUL payment information required to determine top-up payment.
- To form Grievance Redress Committees (GRCs) and receive grievances from the aggrieved PAPs, and schedules hearings.
- To act as convener of Grievance Redress Committees (GRCs) and preside over the GRC meetings and ensure that the decisions of the meeting are recorded properly and decisions are implemented.
- To assist Executive Engineer in disbursement of compensation due to the squatters, and the top-up to the legal owners.
- To assist Executive Engineer in assessment of Market Prices and preparation of entitlement files for top-up payment as per Entitlement Matrix.

DISTRICT  
SOCIOLOGIST

### **ROLES AND RESPONSIBILITIES**

The District Sociologists will play a critical role in the planning, implementation, monitoring and reporting of all the Social Dimensions of RTIP-II. These cover three aspects:

- (1) General social development work including the implementation of the information and communications strategy; participatory and consultation activities with different categories of beneficiaries, project affected persons (PAP), indigenous peoples and stakeholders; and implementation of the Suggestion and Complaints Handling Mechanism.
- (2) Land acquisition and resettlement.
- (3) Environmental matters.

The District Sociologist will report directly to their District Executive Engineers (XEN), but will also take advice and instructions from the PMU Senior Sociologist and, on specific matters, the MS Consultant Social Scientist (SS). They will provide oversight and support of the work of the upazila Community Organizers. Where appropriate and necessary on specific matters they will work together with other relevant LGED staff at district and upazila level, and with DS Consultant's district staff.

### **SPECIFIC TASKS**

#### Social Development Dimensions of Project

- Responsible for organising all information dissemination activities under the RTIP-II Information and Communications Strategy in their respective districts, including supervising and supporting the information work of the Community Organisers, and reporting on progress, achievements and issues



identified.

- Responsible for ensuring the proper and timely conduct of all participatory and consultation activities for different aspects of the project including organising and conducting certain activities, assisting the MS consultant social specialists and other project consultants in carrying out field works, supervising and supporting the participatory and consultation work carried out by the Community Organisers, and ensuring proper and timely reporting of all such work in their districts.
- Providing the secretariat services for the District level Suggestion and Complaints Committee (SCC), including collating and documenting all suggestions and complaints received through different channels: preparing the agenda and papers for, organising, and writing the minutes of SCC meetings; organising and monitoring the follow-up actions to decisions made at the SCC; preparing regular district-level reports on the handling of suggestions and complaints; and responding to follow-up from the PMU about these reports.
- Contributing to the training of Community Organisers.
- Generally providing support the LGED XENs, the PMU and consultants on all social aspects of project implementation and reporting.

#### Land Acquisition and Resettlement

- Responsible for all process tasks leading to selection of roads and land acquisition and preparation and implementation of the phase-wise RPs/IPPs.
- Conducts and ensures factual integrity of social screening, public consultations, and PAP census and coordinates them with the Land Acquisition and Resettlement Specialist (DS Consultant).
- In assisting the Land Acquisition and Resettlement Specialist, actively participates in Market Price Surveys of the affected properties, and assists with joint-on-site verification of the affected properties.
- Facilitates and expedites the conduct of market price surveys of structures and trees and ensures LGED participation in the PWD and Forest office survey teams.
- Takes follow-up action to address concerns over inflated valuations of structures and trees.
- Organizes focus groups of PAPs on a continuing basis to explain the compensation payment modalities and documents are required to claim compensation from the Deputy Commissioner, and the Grievance Redress Procedure.
- In assisting the Land Acquisition and Resettlement Specialist (LA&RS), identifies the PAPs who do not have all legal documents to claim compensation from Deputy Commissioner, prepares lists of the missing documents for individual PAPs, and assists in obtaining the required documents from the Upazila Revenue Offices.
- Assists aggrieved PAPs to lodge grievances and the XEN to schedule the grievance hearings, and keeps records of the grievance proceedings as per monitoring requirements.
- Assists XEN, LGED and LAOs to arrange for spot payment of compensation, and informs and organize the PAPs accordingly.
- Ensures that the PAPs, both legal owners and squatters, have received their compensation.
- Performs other tasks that are pertinent to land acquisition and resettlement.

#### Environment

- As part of information and communication responsibilities, ensure proper dissemination of all information on the RTIP-II environmental management

strategy and environmental procedures, including public dissemination of Environmental Management Plans (EMP), and supervise and support the work of the Community Organisers on this matter.

- As part of participation and consultation responsibilities, ensure proper and timely conduct of all participatory aspects of the implementation of the environmental strategy and EMPs, supervising and overseeing the related work of the Community Organisers and supports the project and consultant specialist environmental staff. These responsibilities will continue from planning and screening (including conduct of IEEs and EIAs) through the design, construction and post-construction phases, including support for environmental monitoring.
- Include the handling of all environmental suggestions and complaints within the scope of responsibilities in providing secretariat services to the SCC.

LGED Upazila Office  
UPAZILA  
ENGINEER

- Coordinates all Upazila level project activities with XEN, and responsible for the timely completion of all process tasks in the Upazila leading to preparation and implementation of the LAPs and RPs/IPPs.
- Assisted by the DS 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.
- Assists other responsible persons to identify the PAPs who do not have all legal documents to claim compensation from Deputy Commissioner, and to prepare lists of the missing documents for individual PAPs.
- Receives grievance petitions from aggrieved PAPs.
- To form Grievance Redress Committees (GRCs) and receive grievances from the aggrieved PAPs, and schedules hearings.
- To act as convener of Grievance Redress Committees (GRCs) and preside over the GRC meetings and ensure that the decisions of the meeting are recorded properly and decisions are implemented.
- Assists XEN and land acquisition officials to arrange for spot payment of compensation, and informs and organize the PAPs accordingly.
- Assists XEN to disburse the LGED's part of the payment to legal owners (top-up) and to the squatters.
- Monitors all tasks related to land acquisition and resettlement, and ensures that the contractors do not start the civil works before the PAPs are paid their compensation in full.
- Assist in LAP preparation and RP/IPP Implementation Process.
- To assist Upazila Engineer in performing the activities mentioned above and any other activity that may come up in the process of Land Acquisition, Resettlement of displaced persons and RP/IPP implementation within the Upazila.

SUB-ASSISTANT  
ENGINEER

COMMUNITY  
ORGANIZER

- Responsible for directly contacting the PAPs at the local levels.
- Participates in process tasks like social screening, public consultations, and PAP census and surveys and coordinates them with the District Sociologist, Upazila Engineer (UE) and Assistant Engineer (Project-District HQ).
- In assisting the Land Acquisition and Resettlement Specialist, actively participates in market price surveys, and assists with joint on-site verification of the affected properties.
- Assists the District sociologist to facilitate and expedite conduct of market price surveys for structures and trees. Accompanies the surveyors from PWD and Forest offices in the conduct of the market price surveys.
- In assisting District Sociologist organizes focus groups of PAPs, and consults the PAPs on a continuing basis to explain the compensation payment modalities and documents that are required to claim compensation Deputy Commissioners, and the Grievance Redress Procedure.

- Assists the Land Acquisition and Resettlement Specialist and District Sociologist to identify the PAPs who do not have all legal documents to claim compensation from Deputy Commissioners, to prepare lists of the missing documents for individual PAPs, and to obtain the documents from the UROs.
- Assists aggrieved PAPs to lodge grievances and the XEN to schedule the grievance hearings; keeps records of the grievance proceedings as per monitoring requirements.
- Assists XEN, District Sociologist and LAOs, in arranging spot payment of compensation by informing and organizing the PAPs.
- Keeps records of any compensation payment issues faced by the individual PAPs.
- Performs other tasks that are pertinent to land acquisition, RP/IPP implementation within the Upazila.

**ANNEX A3**

**TASKS AND RESPONSIBILITIES MATRIX FOR LGED**

<b>Main tasks</b>	<b>Specific activities</b>	<b>PMU, LGED HQ</b>	<b>District LGED</b>	<b>Upazila LGED</b>	<b>Consultant LGED</b>
Social impact assessment	Selection of roads and other components	PD and PM	XEN, DS	UE	LA&RS
	Identification of land requirements	PD and PM	XEN, DS	UE	LA&RS
	Social screening and public consultation	PD, PM & Sociologist	XEN / Sr Asstt. Engineer, DS	UE/ Sr Asstt. Engineer	SS, LA&RS
	Census and inventory of losses	PD, PM & S.Sociologist	XEN, DS	UE	SS, LA&RS
	Preparation of resettlement plans	PD, PM & S.Sociologist			SS, LA&RS
Land acquisition	Preparation of land acquisition proposals	PD, PM & S.Sociologist			SS, LA&RS
	Obtaining administrative approval on land acquisition	PD and PM			SS, LA&RS
	Participation in joint verification and valuation		Sr Asstt. Engineer	Sr Asstt. Engineer	LA&RS
	Providing funds for land acquisition	PD			
	Following up land acquisition process by DCs and ensure payment to all affected persons	PD, PM & S.Sociologist	XEN & DS	UE & CO	SS, LA&RS
	Taking over land and handing over to contractors		XEN	UE	SS
Implementation of mitigation plans	Identification of affected persons entitled for resettlement assistance		XEN & DS	UE & CO	SS, LA&RS
	Preparation of resettlement budgets and requisition to PMU		XEN & DS	UE & CO	SS, LA&RS
	Allocation of funds for resettlement & rehabilitation	PD and PM			
	Payment of top-up		XEN & DS	UE & CO	

Second Rural Transport Improvement Project (RTIP-II)  
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	and other cash assistance to PAPs				
	Relocation of PAPs		XEN & DS	UE & CO	SS, LA&RS
Supervision and monitoring	Land acquisition	PD, PM & S.Sociologist, DS	XEN & DS	UE & CO	SS, LA&RS
	Social impact assessment	PD, PM & S.Sociologist	XEN & DS	UE & CO	SS
	Implementation of mitigation plans	PD, PM & S.Sociologist	XEN & DS	UE & CO	SS, LA&RS

PD = Project Director, PM = Project Manager, XEN = Executive Engineer, DS = District Sociologist, UE = Upazila Engineer, CO = Community Organizer, SS = MS Consultant Social Scientist, LA&RS = DS Consultant's Land Acquisition and Resettlement Specialist

**ANNEX A4  
BIANNUAL GRIEVANCE REPORT**

Period from \_\_\_\_\_ to \_\_\_\_\_, 20\_\_

Project Phase: \_\_\_\_

Case No.	Complainant's name, gender and location	Nature of complaints and expectation of complainant	Date of Petition submitted	Method of resolution with dates	Decisions and date of communication to the complainant	Agreement with and commitment to complainant	Progress (solved/ pending)	Reason, if pending

ANNEX A5  
SCOPE OF INDEPENDENT PERFORMANCE AUDITING  
AND  
OUTLINE TERMS OF REFERENCE FOR INDEPENDENT EVALUATION

## 1. INTEGRATED PERFORMANCE AUDITING

### Objectives

The primary objectives of independent performance auditing of project are to review the efficacy of internal monitoring, and design and conduct periodic third party monitoring and provide feedback to LGED and the World Bank on improvement of the measures being applied and enhancement of the implementation process. These audits are independent of SIMF but will also cover pertinent issues on land acquisition and resettlement, and identify the problems to be addressed by LGED and the need for further mitigation measures. TOR for IPA is being prepared by LGED and will be placed with the Bank for agreement before appraisal.

### Scope of Tasks

The IPA, in addition to overall project performance, will cover the following tasks to cover also the SIMF objectives and procedures:

- (1) To identify monitoring indicators and develop baseline of the indicators through a well designed baseline survey at the outset of each subproject implementation. Essential indicators are provided in Annex-B3.
- (2) To review specific monitoring indicators for undertaking monitoring for Resettlement plans (RP), Indigenous peoples plans (IPP) and Gender actions.
- (3) To review and verify the progress in land acquisition/resettlement implementation of the Project, including implementation of the RPs.
- (4) Identify the strengths and weaknesses of the land acquisition/resettlement, approaches and implementation strategies.
- (5) Assess the quality, timeliness and sufficiency of delivery of different categories of entitlements (compensation and rehabilitation measures).
- (6) Review the results of internal monitoring and verify claims through sampling checks at the field level, involving affected people and community groups, to assess whether land acquisition/resettlement targets and objectives are generally being met.
- (7) Monitor and assess the adequacy and effectiveness of the consultative process with APs, particularly vulnerable groups and women, including the adequacy and effectiveness of grievance procedures and legal redress available to the affected parties, and dissemination of information about these.
- (8) Verify expenditure and adequacy of budget for resettlement activities.
- (9) Provide a summary of whether land acquisition and involuntary resettlement is being implemented (a) in accordance with the RPs/IPPs, and (b) in accordance with the stated policy.
- (10) Describe any outstanding actions that are required to bring the resettlement activities in line with the policy and the RP.

## **2. OUTLINE TERMS OF REFERENCE FOR INDEPENDENT EVALUATION**

### **Objectives**

The primary objectives for engaging independent evaluation consultants are to review the planning and implementation of land acquisition and involuntary resettlement and its results, and provide feedback to LGED and the World Bank on: (a) the project's achievements and shortcomings in respect of land acquisition; and (b) policy improvement and enhancement of the implementation process. The consultants will review the implementation process as per the policies set out in the SIMF, assess the achievement of resettlement objectives, the changes in living standards and livelihoods, the restoration of the economic and social base of affected people with special focus on women and vulnerable groups, the effectiveness, impact and sustainability of entitlements, the need for further mitigation measures if any, and identify strategic lessons for future policy formulation and planning.

### **Scope of Work**

The scope of work of the consultants will include the following tasks:

- Review the policies and procedures for land acquisition and involuntary resettlement under RTIP-II, and the monitoring processes and their outputs, and summarise the results based on the available monitoring data.
- Evaluate and assess the adequacy of compensation given to the PAPs and the livelihood opportunities offered, including for vulnerable women and IPs, and the effects on incomes as well as the quality of life of APs of project-induced changes.
- Review the quality and suitability of the relocation sites from the perspective of the both affected and host communities.
- Identify the categories of impacts and evaluate the quality, timeliness and sufficiency of delivery of entitlements (compensation and rehabilitation measures) for each category in relation to the approved policy. Assess how the entitlements were used and evaluate their impact and adequacy to meet the specified objectives of the Plans.
- Review the results of internal monitoring and evaluate the claims through checks at the field level to assess whether land acquisition/resettlement objectives have been generally met. Involve the affected people and community groups, including vulnerable women and IPs, in assessing the impact of land acquisition.
- Evaluate the adequacy and effectiveness of the participatory and consultative process with PAPs, particularly vulnerable groups and women, including the adequacy and effectiveness of grievance procedures and legal redress available to the affected parties, and dissemination of information about these.
- Provide a quantified assessment of the types of conflicts and grievances reported and resolved and the consultation and participation procedures.
- Assess the adequacy of budget for resettlement activities.
- Evaluate whether land acquisition and involuntary resettlement was implemented (a) in accordance with the RPs/IPPs, and (b) in accordance with the stated policy, define the socio-economic impacts on PAPs, and assess whether the project social development goals were achieved and adverse impacts avoided.
- Identify the strengths and weaknesses of the land acquisition/resettlement policies, objectives and implementation strategies applied, and make recommendations on policy improvement and enhancement of the implementation process.



### **Qualification and experience**

The independent consulting organisation that carries out the evaluation will have extensive experience in social impact assessment including census and socio-economic surveys, stakeholder consultation, and analyzing social impacts including gender issues in compliance with the social safeguard policies of international development financing institutions and in planning, implementation and monitoring of involuntary resettlement for rural infrastructure projects. It will also have experience in institutional capacity analysis and implementation arrangements for preparation and implementation of resettlement plans, indigenous peoples plans, gender action plans and knowledge of the latest social safeguard policies of the World Bank.

### **Time Frame and Reporting**

At project start the consultants will: (a) review the RTIP-II land acquisition/resettlement policies, objectives, implementation strategies and procedures; (b) design in consultation with LGED the impact evaluation methodology, sampling frame and field survey procedures; and (c) collect and analyse base-line data.

Prior to project mid-term the consultant will expand the collection and analysis of base-line data, and conduct and analyse sample impact evaluation surveys including field consultations.

Towards project-end the consultant will carry out all additional work necessary, including field data collection and analysis and field consultations, to complete the evaluation study.

At each of the three stages of the work the consultants will submit a draft report for review by LGED and the World Bank, and finalise the report incorporating the comments and feedback received.

**ANNEX B1**  
**APPLICATION GUIDELINES FOR MITIGATION MEASURES**

The following guidelines are based on the compensation eligibility of PAPs and mitigation principles and standards, and correspond to the entitlements proposed in the Entitlement Matrix.

**1. LOSS OF AGRICULTURAL & OTHER LANDS**

**Entitlements for Legal Landowners**

Compensation-Under-Law (CUL): As per Land Acquisition Ordinance, CUL covers lands and other assets, such as house/structures, trees, and other items of value, that are built and grown on the acquired lands.

*CUL is assessed by the Deputy Commissioners (DCs) and paid only to the persons who have legal titles (and legal agreements in cases of leased-in assets) to the acquired lands and other assets.*

Replacement Cost: Current cost of purchasing land of same quality and use, equal to the amount acquired, PLUS the registration cost or stamp duty.

*Current cost will be determined by LGED through local market price surveys for different types of lands, by using the methods suggested in Annex B2.*

Stamp Duty and Registration Cost: Charged on the price at which the land is being bought or sold.

*Stamp duty and registration cost will be calculated on the current market prices that will be determined through land market surveys.*

Top-Up: Equals the positive difference between the total replacement cost and the total CUL paid by DCs.

- *Top-up will apply only to the landowners who have legal titles (DCs identify the titleholders) to the affected lands and other assets.*
- *Top-up will be paid in cases where total CUL paid by DC to an affected property owner is found smaller than the total replacement costs/market prices of all affected assets determined through the market price surveys.*
- *Individual top-ups will be determined by taking into account all acquired assets (re: paragraph 52, Section B), but will be paid for the parts for which CUL is paid by DCs (re: paragraph 53, Section B). (Partial CUL and top-up payment may occur in situations where the lands acquired from an owner are located in more than one mouza, or are under more than one daag, or involve legal disputes.)*

Top-up will be determined in the following manner:

*Sum of the replacement costs and market prices (as may apply) of all affected assets, MINUS the total amount of CUL paid by DC to a landowner for lands and other assets affected in any number of mouzas (re: paragraph 52 in Section B).*

Transition Allowance: Will apply to certain landowners and 'vested non-resident (VNR)' land owners/users. Operational guidelines are provided under Loss Category 5 below.

**Leaseholders of Public Lands**

If such lands come under acquisition the DCs, who execute the lease agreements, will determine and settle the contractual obligations in the form of CUL.

## 2. LOSS OF HOMESTEAD LANDS (VITA)

Homesteads on Private Lands: For homesteads on private lands, the proposed assistance measures will apply in addition to the compensation for the lands as per provisions described above, and for the houses and other assets as per the provisions described below.

- *Where the affected households can no longer live in the present homesteads (vitaa), they can either directly purchase replacement lands at locations of their choice, or relocate on public lands that LGED would arrange. Wherever they decide to relocate, additional relocation assistance will consist of:*
  - Development of the lands to the level of other homesteads in the locality and provision of access roads.
  - Restoration of pre-acquisition level basic utilities, such as water supply and sanitation, electricity, etc.

Homesteads on Public Lands (Squatters): Relocation assistance will apply to poor and vulnerable households, and consist of:

*Development, as above, of LGED's own or other public lands that LGED would designate for their relocation, as well as provision of water supply and sanitation facilities.*

Homesteads on VNR Lands: Relocation assistance as follows:

- *Where parts are acquired and the remainders of the homestead lands are adequate to move and rebuild the houses:* Compensation/assistance will consist of moving and rebuilding costs.
- *Where acquisitions require physical relocation elsewhere – Relocation assistance will consist of relocation plot on public lands to be arranged and developed by LGED, and moving and rebuilding costs; OR*
- *Six months' rent for living accommodations comparable to the affected ones. The rent will be determined based on the prevailing rates in the nearby towns/urban settlements, including Upazila headquarters and the like.*

## 3. LOSS OF HOUSES/STRUCTURES

### Legal Owners

Compensation-Under-Law: Assessed by the DCs on all houses/structures standing on the acquired private lands at the time of issuance of Notice-3 under the Land Acquisition Ordinance.

Replacement Costs: Assessed by LGED, will include current costs of the same building materials, labor and any other cost items to rebuild the affected houses/structures.

- *Costs of materials, labour and other cost items will be determined by surveying their current prices in the local markets by using the methods suggested in Annex B2.*
- *Where houses/structures are partially affected and the remainders are structurally safe and useable, replacement costs will be determined on the affected portions.*

### Squatters

Socio-economically vulnerable squatters are entitled to Transfer and Reconstruction Grant (TRG) for shiftable and House Construction Grant (HCG) for non-shiftable houses.

- *TRG will apply to shiftable houses/structures built with materials/components that can be dismantled without much damage and the materials can be used to rebuild them. Shiftable*

houses/structures are generally built with bamboo thatch, GI sheets, wood, plastic sheets, and other inexpensive, generally non-breakable materials.

- *HCG applies to non-shiftable houses/structures generally built with materials/components that cannot be dismantled intact. These are likely to be built with mud walls, mud-plastered walls of straw/bamboo/jute stalks and similar cheap materials, and straw roofs.*

The following exceptions will apply for TRG and HCG:

- *Both shiftable and non-shiftable houses/structures will be ineligible for compensation if (a) they are not used by the owners themselves, or (b) are rented out to others.*
- *No affected structures built after the cut-off dates will be eligible for compensation.*

#### **Vested Non-Resident Property Users/Owners**

Are eligible for TRG or HCG, which will be determined in consultation with the present users/owners.

- *TRG will apply where houses/structures are to be moved and rebuilt.*
- *HCG will apply where houses/structures are partly affected and the remainders are structurally safe and usable.*
- *Where houses/structures are partly acquired, the current users will be allowed to use the remainder.*

#### **4. LOSS OF TREES ON ACQUIRED PRIVATE & PUBLIC LANDS**

Compensations for trees affected on private lands will be assessed by the District Forestry Department, and those grown on public and VNR lands by LGED.

Compensation for Trees: Will be based on the survey of current prices in the local markets by using the methods suggested in Annex B2. The compensation will take into account the species, size, maturity and other characteristics of the affected trees that influence their market value.

*In addition to the above compensation, the owners will be allowed to fell the trees and keep them. The owners will however not fell the trees unless LGED asks them to do so after it verifies, as and when necessary, the assessment by the Forestry Department.*

Compensation for Fruits on Trees: Will apply if the trees need to be felled before the fruits are harvested.

*LGED will use the standards of the Agriculture Department to estimate the amount of fruits on individual trees, and determine their value based on the survey of current harvest prices in the local markets (as suggested in Annex B2).*

#### **5. LOSS OF AGRICULTURAL, BUSINESS, EMPLOYMENT & RENTAL INCOME**

**Agricultural Income:** The transition allowance (TA), three times the value of crops grown a year, will be applied as follows: (a) *Legal Owners:* if acquisition amounts to 20% or more of the total productive area; and (b) *VNR Owners/Users:* for any amount of land acquired. The TA will be determined as follows:

In cases of multiple crops: *Sum of the harvest prices of the crops produced on the acquired land in each cropping season in the year, MULTIPLIED by three.*

In cases of single and perennial crops: *Total harvest price of the crop, MULTIPLIED by three.*

*LGED will use the standards of the Agriculture Department to determine the amount of various crops produced per unit of land, and the market surveys for harvest prices (as suggested in Annex B2).*

**Business Income:** Applies to the owners of all businesses affected on private and public lands.

*Unless proper bookkeeping is practiced by the business owners, use of the method suggested for determining loss of business income may become difficult. In order to corroborate the income loss determined based on information given by the owners, LGED will examine previous year's income tax returns and VAT payment records.*

Compensation for Temporarily Closed Businesses: Average daily net income, exclusive of expenses like rent, staff salary, utilities, etc., based on a period of 30 days.

*Compensation will be paid for the number of days needed to reopen the individual businesses, or complete the civil works, whichever is smaller.*

Compensation for Partially Affected Businesses: Applies to those which are affected partially and can still operate from the remainders of the premises.

*Compensation, calculated as above, will be paid for the number of days needed to repair and reopen the individual businesses, or complete the civil works, whichever is smaller.*

Compensation for Businesses Requiring Physical Relocation: Applies to businesses that are to be removed entirely from the present locations.

- In addition to their own initiatives to find alternative locations, the business owners will be allowed to relocate on LGED lands, if any in the vicinity, OR
- On public lands arranged by LGED, in consultation with the affected business owners and the local governments like Municipality, Union Parishads and haat/bazaar committees.
- Compensation based on average daily net income, exclusive of expenses like rent, staff salary, utilities, etc., based on a period of 30 days. Compensation will be paid as follows:
  - Self-relocation: For the number of days needed to reopen the individual businesses in locations the business owners choose, for a maximum of 90 days.
  - Relocation on LGED/Public Lands: For the number of days needed to reopen the individual businesses, for a maximum of 45 days.

Employment Income Loss: Will apply to persons who would be (i) found continuously employed in the affected businesses for at least six months up to the date of PAP census (cut-off date); and (ii) remain employed in those establishments at the time the businesses are required to vacate the lands.

- *Employees of businesses requiring temporary closure during construction will be compensated for the actual number of days needed to reopen the individual businesses, or for a maximum of 30 days.*
- *Employees of businesses requiring relocation will be compensated for the actual number of days needed to relocate them, or for a maximum of 45 days.*

*The daily compensation rates will be based on the individual employee's current monthly salary or daily wages.*

Rental Income Loss: Applies to the legal owners of the affected built premises located on private lands, which have been rented out to others. *The three months' compensation will be based on monthly rent paid by the current tenants.*

**6. UNFORESEEN LOSSES**

LGED will take into account any impacts/losses that are unique to any subprojects and not covered in this SIMF, and consult IDA to adopt measures and application guidelines required to mitigate them.

## ANNEX B2

### SUGGESTED METHODS FOR MARKET PRICE SURVEYS

In line with the proposed compensation principles, LGED, assisted by the DS consultants, will conduct market price surveys to determine replacement costs of the acquired lands, and where necessary of houses/structures and other replaceable assets and market prices of irreplaceable assets by using the methods suggested below.

#### *Lands of All Kinds*

The surveys will explicitly take into consideration the quality of the lands under acquisition. Quality will take into account current uses, cropping intensity and value of crops produced, accessibility from the existing roads, and any other characteristics that influence the market value. The surveys will be conducted with the following three groups of respondents:

- A random sample of 10-15 landowners in the *mouza* in which the lands under acquisition are located and in those adjacent to it along the road;
- As many of most recent buyers and sellers of similar lands as can be found in the same and adjacent *mouzas* along the road or near the subproject; and
- Deed writers, as many as can be found and agree to be interviewed at the land registration offices, who recently handled transactions of roadside lands in the same or adjacent *mouzas*. (They will be asked about the actual prices, not those written in the deeds.)

Market value of the lands will be determined in the following manner:

- *If variations in average prices reported by the three respondent groups are insignificant (or, are 10% or less), current value of the lands will be fixed at the average of the prices reported by the three groups.*
- *In cases of significant differences (more than 10%), the current prices will be negotiated in open meetings with the affected and other landowners, community leaders, CBOs/NGOs and the like.*

*Replacement costs of land will equal the market price, plus the registration cost or stamp duty. The registration cost will be calculated on the current market price.*

#### *Houses and Other Built Structures*

Replacement costs will be based on the current prices of various building materials, labor and other cost items in the local markets. The costs of building materials, such as bricks, cement, steel, sand, bamboo, timber, GI sheet, roofing materials like straw, golpata, etc, and labor will be based on:

- Survey of current prices of different types of materials with five or so dealers/manufacturers in the local markets.
  - *The replacement cost of the house/structure will be based on the lowest quoted price for each type of material, plus their carrying costs to the sites.*
- The current costs of labor with different skills will be determined by interviewing local contractors, LGED staff, or local construction workers.

*Replacement costs of any other replaceable affected assets will also be based on the current prices of materials, transportation and labor costs, etc.*

***Trees & Other Irreplaceable Assets***

Market prices of different species of trees will be determined by surveying the prevailing prices paid by timber and fuel-wood traders in the local markets. *The compensation for trees will be fixed at the highest prices offered by a trader.*

*Compensation for all other irreplaceable assets will also be based on survey of their prevailing prices with dealers/traders in the local markets.*

***Fruits and Other Crops***

Compensation will be fixed at the harvest prices of the fruits and other crops. Harvest prices of different varieties of fruits and crops will be collected from a sample of 7-10 dealers in the local markets. *The compensation for each type of fruit and crop will be fixed at the highest price offered by a trader.*

The market price surveys will begin as soon as locations of the required acquisitions are identified on the ground. LGED will document the replacement costs and market prices of various affected assets and make them available as and when asked for review by IDA.



**ANNEX B3**  
**MONITORING LAND ACQUISITION AND PREPARATION &  
IMPLEMENTATION OF IMPACT MITIGATION PLANS**

The following indicators will be used to monitor the status of major tasks involved in land acquisition and in preparation and implementation of resettlement activities.

**A. *Land Acquisition.*** *Engineering Designs* are a pre-requisite for starting the land acquisition activities. Once the design decisions are finalized determining the acquisition needs and their ground locations, the following tasks will be monitored to assess progress in land acquisition:

- Preparation of the Land Acquisition Proposals (LAPs), by using standard formats required by land acquisition authority.
- Dates LAPs submitted to the MLGRD&C for administrative approval.
- Dates LAPs submitted to the Deputy Commissioners (DCs).
- Dates LAPs approved by the District Land Allocation Committees (DLACs) and, if required, the Ministry of Land.
- Dates Notice-3 issued by DCs of the project districts (These dates serve as cut-off dates for the legal owners of the lands under acquisition).
- Dates Joint Verifications by acquisition officials and LGED completed in the individual project districts.
- Dates Notice-6 issued by DCs of project districts.
- Dates Compensation Estimates submitted by DCs to LGED.
- Dates LGED sent the Compensation Estimates to LGD.
- Dates LGD approved the Compensation Estimates.
- Dates LGED placed the compensation funds with DCs.
- Dates Notice-7 issued by DCs in the project districts.
- Dates DCs started the CUL payment process in the project districts.
- Continuing monitoring of progress in CUL payment by DCs.

**B. *Preparation & Implementation of Mitigation Plans.*** Preparation of impact mitigation plans begins once decisions on engineering designs are finalized and ground locations of the acquisitions are identified. The following are the major tasks that will be monitored during preparation and implementation:

- Census of the project affected persons (PAPs) and assets, and fixing of the cut-off dates for squatters.
- Survey of replacement costs and market prices of the affected lands and other assets.
- Consultation and information dissemination with regard to compensation payment procedure and the documents required to claim compensation from the DCs (a continuing activity).
- Formation of the Grievance Redress Committees (GRCs).
- Preparation of Compensation Budgets for squatters and others not covered by the acquisition ordinance, and top-up for titleholders.
- Preparation and submission of RP/ARP/IPP for IDA review and clearance.

- Preparation of the individual entitlement files for different PAP groups, with all applicable entitlements.
- Approval of the Compensation Budgets by LGED.
- Continuing monitoring and reporting of progress in payment of CUL, top-up and other applicable entitlements to titleholders and squatters and similar PAPs; and relocation of homestead losers, and displaced businesses and other activities. Data on following indicators will be essentially collected for continuous monitoring and reporting:
  - PAPs are aware of their entitlements, and of the procedures for receiving them, before start of land acquisition;
  - PAPs are satisfied that they were properly consulted at all relevant stages of project identification, selection, design and implementation with focus on land acquisition;
  - PAPs are aware of the Grievance Redress Mechanism and their grievances are satisfactorily resolved;
  - PAPs are fully compensated in accordance with the entitlement matrix for all assets at full replacement cost;
  - Valuation of land and other assets was done in a participatory method to ensure replacement cost;
  - PAPs receive their entitlements (CUL, top-up, & other allowances) prior to taking possession of land for project civil works construction; and
  - Livelihoods of the PAPs are fully restored.

Any other tasks that may have remained unknown will be included in the monitoring system. Progress in land acquisition and Resettlement Planning and implementation activities will be reported in appropriate formats on land acquisition and resettlement. Format on land acquisition process will update on the status of land acquisition including preparation of land acquisition proposal (LAP), administrative approval, submission of LAP to Deputy Commissioners (DCs), notifications under the law, assessment, valuation, placement of fund and disbursement of compensation under law. Format on resettlement will provide updates on payment of resettlement assistance including top-ups for replacement value after compensation under law, relocation assistance, vacating project right of way and livelihood restoration measures.

**ANNEX C1**  
**INDIGENOUS PEOPLES' CONSULTATION MATRIX**

<b>Timing</b>	<b>Consultation Participants</b>		<b>Consultation Method</b>	<b>Expected Outcome</b>
	<b>Project Authority</b>	<b>IP Community</b>		
<i>Reconnaissance of road under consideration</i>	LGED, NGOs/CBOs and others working with IP issues	IP Communities, including organizations, community leaders/elders	Open meetings & discussions, visit of IP settlements & surroundings	<i>First-hand assessment of IPs' perception of potential social risks and benefits, and prospect of achieving broad base support for the project</i>
<i>Preliminary Screening of the road</i>	LGED, NGOs/CBOs and others working with IP issues	IP Communities, including would-be affected IPs, IP organizations, community leaders/elders, key informants	Open meetings, focus group discussions, spot interviews, etc.	<i>Identification of major impact issues, feedback from IP communities and would-be affected persons/households, and establishing broad-based community support for the project</i>
<i>Feasibility Study taking into consideration, inter alia the conditions that led to community consensus</i>	LGED, project consultants (Social Scientists), NGOs/CBOs, other knowledgeable persons	Would-be affected IPs, IP organizations, community leaders/elders, key informants	Formal/informal interviews; focus group discussions; hotspot discussion on specific impacts, alternatives, and mitigation; etc.	<i>More concrete view of impact issues &amp; risks, and feedback on possible alternatives and mitigation measures; estimates of displacement from homesteads; inventory of common property resources; and information on other key impacts</i>
<i>Social Assessment</i>	LGED, project consultants (Social Scientists)	Adversely affected individual IPs/households	Structured survey questionnaires covering quantitative & qualitative information	<i>Inputs for IPP, and identification of issues that could be incorporated in engineering design</i>
<i>Detailed Design</i>	LGED, project consultants (Social Scientists) and other stakeholders	IP organizations, community leaders/elders, adversely affected IPs	Group consultations, hot spot discussions, etc.	<i>Preparation of IPP, and incorporation of SA inputs into engineering design to avoid or minimize adverse impacts, and IP development programs</i>
<i>Implementation</i>	LGED, project consultants (Social Scientists) &	Individual IPs, IP organizations, community	Implementation monitoring committees (formal or	<i>Quick resolution of issues, effective implementation of IPP</i>

Second Rural Transport Improvement Project (RTIP-II)  
Local Government Engineering Department (LGED)

<i>Timing</i>	<i>Consultation Participants</i>		<i>Consultation Method</i>	<i>Expected Outcome</i>
	<i>Project Authority</i>	<i>IP Community</i>		
	other stakeholders	leaders/elders & other stakeholders	informal)	
<i>Monitoring &amp; Evaluation</i>	LGED, IDA, project consultants (Social Scientists), NGOs & CBOs	IP organizations/ groups and individuals	Participation in review and monitoring	<i>Identification &amp; resolution of implementation issues, effectiveness of IPP</i>

**ANNEX C2**

**DISTRIBUTION OF INDIGENOUS PEOPLES IN THE PROJECT DISTRICTS**

Target Area	Districts	Number of Upazilas	Physical Area (sqkm)	Population 2011			IPs/Ethnic Minorities			
				Male	Female	Total	No. persons 2001	% of population 2001	Density IP per sqkm	
Central	Dhaka	6	717	6460	5415	11875	8,891	0.38%	12.4	
	Gazipur	5	1,761	1,738	1,596	3334	1,594	0.08%	0.9	
	Manikganj	7	1,378	669	709	1378	624	0.05%	0.5	
	Munshiganj	6	955	707	713	1420	1,170	0.09%	1.2	
	Narayanganj	5	760	1494	1403	2897	1,828	0.08%	2.4	
	Narsingdi	6	1,141	1,091	1,111	2202	629	0.03%	0.6	
	Pabna	9	2,371	1,250	1,247	2497	3,826	0.18%	1.6	
	Sirajganj	9	2,498	1,537	1,534	3071	2,159	0.08%	0.9	
	Tangail	12	3,414	1,742	1,829	3571	17,462	0.53%	5.1	
	<b>Sub-total</b>	<b>65</b>	<b>14995</b>	<b>16688</b>	<b>15557</b>	<b>32245</b>	<b>38183</b>	<b>0.20%</b>	<b>2.5</b>	
	North-eastern	Jamalpur	7	2,032	1,115	1,150	2265	5,065	0.24%	2.5
		Kishoreganj	13	2,730	1,403	1,450	2853	3,523	0.14%	1.3
Mymensingh		12	4,360	2,506	2,535	5041	40,671	0.91%	9.3	
Netrokona		10	2,810	1,101	1,106	2207	32,934	1.66%	11.7	
Sherpur		5	1,040	664	670	1334	19,923	1.56%	19.2	
Habiganj		8	2,637	1,010	1,049	2059	48,126	2.74%	18.3	
Maulvibazar		7	2,889	936	965	1901	35,954	2.23%	12.4	
Sunamganj		11	3,690	1,224	1,219	2443	7,639	0.38%	2.1	
Sylhet		12	3,489	1,712	1,692	3404	17,363	0.68%	5	
<b>Sub-total</b>		<b>85</b>	<b>25677</b>	<b>11671</b>	<b>11836</b>	<b>23507</b>	<b>211,198</b>	<b>1.04%</b>	<b>8.2</b>	
South-eastern	Brahmanbaria	8	1,927	1,349	1,459	2808	2,798	0.12%	1.5	
	Chandpur	8	1,704	1,135	1,258	2393	2,599	0.12%	1.5	
	Comilla	16	3,085	2,534	2,770	5304	4,360	0.09%	1.4	
	Feni	6	928	687	734	1421	191	0.02%	0.2	
	Noakhali	9	3,603	1,468	1,604	3072	16,532	0.64%	4.6	
	Lakshmipur	5	1,455	820	891	1711	185	0.01%	0.1	
	Chittagong	14	4,863	3,783	3,726	7509	57,379	1.30%	11.8	
	Cox's Bazar	8	2,492	1,163	1,113	2276	25,493	1.44%	10.2	
<b>Sub-total</b>	<b>74</b>	<b>20057</b>	<b>12939</b>	<b>13555</b>	<b>26494</b>	<b>109,537</b>	<b>0.53%</b>	<b>5.5</b>		
<b>Total Target Area</b>	<b>224</b>	<b>60729</b>	<b>41298</b>	<b>40948</b>	<b>82246</b>	<b>358918</b>	<b>0.59%</b>	<b>5.9</b>		
<b>Total Bangladesh</b>		<b>508</b>	<b>147,570</b>	<b>71,255</b>	<b>71,064</b>	<b>142319</b>	<b>1,410,169</b>	<b>1.13%</b>	<b>9.6</b>	

**ANNEX-D**  
**MONITORING GENDER ACTIONS IN PROJECT PROCESS**

**Detail Design Phase**

<b>Aim</b>	<b>Method</b>	<b>Target</b>	<b>Indicator</b>
Ensure gender inclusive design	Maximize participation of women in design activities through household surveys, focused group discussions, key informant interviews at community level.  Specifically involve women in the design of GCM and ghats	30% female response in field surveys, focus group discussions to boost participation as required  Women contribute to participatory design of GCM and ghats	Number of female respondents to household survey, list of women in focused group discussions, and list of key informants  Reports of GCM and ghat participatory design processes
Plan for and advocate involvement of women in subsequent Project phases	Project gender actions and participation strategy, plus specific gender actions in Project documentation	Monitorable Project gender actions	Specific mention of gender outcomes in Project documentation
Provision of base-line gender disaggregated information for subsequent monitoring of gender outcomes	Creation of a socio-economic baseline for the Project from household surveys	Gender disaggregated Project M&E framework	Project documentation and logical framework
Ensure gender mainstreaming of Project resettlement plan and land acquisition process	Attention to poor women as a vulnerable group, consideration of low female literacy rate when disseminating public information i.e. through individual contacts or focused group meetings.	20% female response in RP/ARP survey, incorporation of at least one woman on resettlement committees, public notification via community meetings - separate meetings for women	Number of female headed households in RP/ARP survey  Female attendance at public meetings  Membership of various RP/ARP implementation committees/boards

**Project Implementation Phase**

<b>Aim</b>	<b>Method</b>	<b>Target</b>	<b>Indicator</b>
Ensure both women and men benefit from jobs arising from Project construction	Explicit clause in works contract to employ PAPs, women, ethnic minorities and other local people in the order of preference	20% female workers on works contracts.  Women LCS get subcontracts under PBMCs for routine off-pavement	Contractor's monthly reports and external monitor's periodic reports.

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	<p>where labor is required, and to report labor hire disaggregated by gender.</p> <p>LCS provide off and on pavement road maintenance services under the Performance-based Maintenance Contracts</p> <p>Specify equal rates for men and women for equal work.</p>	<p>maintenance.</p> <p>'</p> <p>Equal rate for equal work for male/female workers</p>	
<p>Protect vulnerable women and children from trafficking and HIV/AIDS infection as a result of construction activity/influx of people to the Project area.</p>	<p>Implementation of the Project HIV/AIDS and Anti-Trafficking awareness program.</p> <p>Include this program in the Project information dissemination, monitoring and evaluation work, and in work contracts</p>	<p>HIV/AIDSs, Anti-Trafficking, and road safety are agenda items at every community meeting.</p>	<p>Monitoring and evaluation picks up good awareness of HIV/AIDS, Anti-Trafficking, and Road Safety information.</p> <p>No. of reported incidences of these issues in M&amp;E reports.</p>
<p>Ensure that both male and female are benefited from the Project</p>	<p>Gather local level data of male and female population receiving medical services and education</p> <p>Gather local level data on male and female population getting increased employment opportunities and income from the Project.</p> <p>Payment of compensation and resettlement assistance to both spouses or one male and one female in an affected family.</p>	<p>Improvement and balanced enrolment of girls and boys at schools</p> <p>Men and women get equal treatment for health problems</p> <p>Men and women get equal treatment for employment</p> <p>Men and women get equal treatment for resettlement</p>	<p>Monitoring and evaluation reports.</p>
<p>Provide Women's Market Sections (WMS) in project GCMs, and support</p>	<p>Design WMS with women's participation.</p> <p>NGOs provide support</p>	<p>WMS in all project GCMs</p> <p>Women developing</p>	<p>GCM design documents</p> <p>NGO reports</p>

women to make best use of this opportunity	to WMS users	marketing skills	
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**Project Monitoring & Evaluation**

<b>Aim</b>	<b>Method</b>	<b>Target</b>	<b>Indicator</b>
Ensure that the Project complies with the stated aims of government and WB gender policies	Periodic analysis of Project gender practices and outcomes, changes to Project practices as appropriate to enhance positive and mitigate negative gender outcomes.	Quarterly gender analysis may be incorporated into monitoring of construction, external monitoring of resettlement and income restoration programs as per RP/ARP.	Gender disaggregated M&E data in external M&E consultant's and implementation reports (for RP/ARP).  Annual and periodic WB portfolio reviews.  Reports of EA on the Project loan.