

Resettlement Plan for Adabaria Canal/Khal Subproject November-2012

**BAN: Participatory Small-Scale Water Resources Sector Project (PSSWRSP)
ADB Loan No. 2542-BAN (SF)**

Prepared by:



CHRISTIAN COMMISSION FOR DEVELOPMENT IN BANGLADESH

Street Address:

88, Senpara Parbatta, Mirpur-10, Dhaka-1216.

Mailing Address: G.P.O. BOX-367, DHAKA, BANGLADESH.

Phone: 9020170-3-Ext: 25,30,46 * Fax: (880-2) 9020227.

* Email: cdbresettlement@yahoo.com, ccdb@bangla.net

for

Local Government Engineering Department (LGED)

Local Government Division

Ministry of Local Government, rural Development and Cooperatives

LGED, Bhaban, Sher-e Bangla Nagar, Agargaon, Dhaka.

EXECUTIVE SUMMARY

One of the components of the Participatory Small-Scale Water Resources Sector Project (PSSWRSP, or 'the Project') is to construct water management infrastructure. The main objective of the Project is to enhance agricultural production, poverty reduction and economic growth in subproject areas. The Project objectives will be achieved through the participation of stakeholders in identification, implementation, improvement and management of water management related infrastructures. The Project infrastructure is diversified, including: re-excavation and improvement of Khal (Channels, of rivulets): construction of levees on the bank of Khal; construction and supplementary irrigation in monsoon/dry season. In addition, suitable hydraulic structures will be constructed.

The Adabaria Subproject area is located at Adabaria Union of Baufal Upazila under Patuakhali district. This subproject consists of the Reconstruction of 3.95 km embankment on Khas/Government land and re-excavation of 2.30 km silted canal/Khal on Khas/Government land. All the project areas are surrounded by agricultural land. The embankment will protect the command area from flooding through Lohalia river which carries saline water from Bay of Bengal during the high tide and the re-excavated canal/Khal will principally serve the drainage purposes. One sluice gate will also be constructed at the junction point of the canal/Khal with the embankment which will be used for draining out the logged water to Lohalia river during the monsoon.

The proposed subproject has a gross benefited area of 319 ha with a net benefited area of 276 ha. The total catchment area of the embankment and khal is 319 ha; but to a large extent the khal is silted, leading to extensive drainage problem. Re-excavating the khal will remove the drainage congestion and drainage improvement will also release some areas for Rabi crops and facilitate planting HYV Boro on a timely basis. And for the embankment of 3.95 km, it is to be reconstructed on khas/Government land to protect the area from saline water during the high tide at Bay of Bengal from where the saline water enters the area through the Lohalia river.

The intervention will require 1.87 acre of land of which 1.09 acre belong to private owners and the rest 0.78 acre is khas land. Acquisition is the only way to get such a huge amount of land as per Resettlement Network. But the acquisition process is lengthy and may cause delay and uncertainly in implementation of the subproject. The affected private land owners are also the beneficiaries of the subproject. Understanding that they will be more benefited from the subproject compared to their continuous losses, they have proposed for using the required land for the subproject through profit sharing basis. But the affected persons demanded compensation for their loss of existing trees and crops. But due to siltation of the khal, some people took the opportunity to use the bed of the canal/khal for cultivation of paddy in the dry season. However, due to the re-construction of embankment, about 43 households with a population of 205 will lose their present right of using canal bed for cultivation. The affected people will loss a part of their livelihood. All of them will be compensated for this loss in cash as have been determined by the PVAT. Only two homesteads and no Commercial Business Enterprises (CBEs) will be affected by the subproject, so no relocation of residential structures

of CBEs is required. There will not be any negative impacts on Common Property Resources (CPRs) such as mosques, schools, or Union Parishad offices. There is no Indigenous People (IP) in the area and no negative social impacts were indicated in Group Discussions or from the household survey.

In accordance with the Resettlement Framework's (RFs) Entitlement Matrix, all the 43 (4 of them will receive compensation both for trees and crops) AHHs will receive compensation at the market value of the crops as assessed by Property Valuation Assessment Team (PVAT). As most of the AHHs are landless or marginal farmers, they will also receive income-generation oriented training and employment measures under the income-generation sub-components of the subproject (para-36). Due to re-excavation of Adabaria khal 43 AHHs will lose their right to use the bed of the khal for cultivation of rice subsequently will lose part of their livelihood. The affected Households (AHHs) are not title holders of the land and their compensation will not follow CCL under land acquisition procedure. Moreover, if possible, the vulnerable households (very poor, poor, disabled and female headed households) will be given some money and grant for helping them in their endeavors to survival.

The Socio Economist of LGED and Upazila Engineer in conjunction with WMCA/Union parishad representative through INGO inform the APs of the subproject regarding the Impact, their entitlement under the RP. The non titled holder APs of this subproject will be compensated under the Resettlement framework following the entitlement matrix. As per RF the payment of full cost of compensation will be the responsibility of LGED. While the subproject has a non-significant impact on the property of the AHHs, the APs themselves in group discussions have indicated that they will get more benefit from the subproject than losses. They will also be benefited, having this land protected from flooding and water-logging. Moreover, they would be able to retain monsoon water within the subproject area for irrigation in the winter season. Fishing, both open water as well as cultured, will also be enhanced and improve their socioeconomic condition. No works under any contract awarded under the subproject will commence until all required compensation payment have been available to those affected people. The INGO will assist LGED in the context of Information Dissemination and feedback, Assisting APs in Resettlement Process, Assisting in Grievance redress Procedure, Information Management, Reporting and RP preparation and implementation.

Some salient information of the RAP are:

- Length of the embankment to be reconstructed =3.95 km;
- Length of the canal/khal to be re-excavated=02.30 km;
- Area to be irrigated after re-reconstruction of embankments =276 hectare;
- Number of households within the subproject command area=645;
- Number of households expected to be directly benefited=536;
- Number of households to be affected by re-reconstruction of embankment =43 (affected by crops=17, affected by trees =28, affected by structures=2; 4 of them are affected in two ways);
- Among the 43 APs, 3 are females;

- Number of disabled affected persons=Nil;
- None of the affected persons will lose more than 10% of their annual income;
- None of the APs will become vulnerable because of the loss of khas land under their cultivation;
- Total land needed for this subproject =1.87 acre of which 1.09 acre are owned by 19 persons (private owner);
- Of these 19 private owners, 2 will be affected by trees in 0.11 acre land;
- The rest 0.98 acre is cultivated by 17 persons with the intensity of 2 crops in a year : paddy and moog dal;
- Khas land = 0.78 acre (1.87- 1.09) of which 0.05 acre is under homestead of 2 persons;
- One of the 2 homestead losers is female and is considered as vulnerable;
- The rest 0.73 acre khas land is owned by 26 persons and the entire area is under trees;
- Total tree owners = 26 on khas land + 2 on private land = 28;
- Total land under trees, both khas & private = 0.84 acre;
- Crop compensation per decimal= Tk. 225 (for one paddy crop in a year);
- Crop compensation for Moog dal per decimal = Tk. 1,650
- Total amount of crop compensation= Tk. 1,83,750;
- Compensation of trees including the cost of sapling = Tk.2,57,430;
- Compensation for structures= Tk. 2,25,000;
- Grant to the female homestead loser AP as vulnerable =5,000;
- EP files, stationery and other miscellaneous costs= Tk. 8,600;
- Total costs of RAP implementation= Tk. 6, 79,780.

RESETTLEMENT PLAN FOR ADABARIA SUBPROJECT

| <u>Table of Contents:</u> | <u>Page No:</u> |
|--|------------------------|
| A. PROJECT BACKGROUND AND DESCRIPTION | 1 |
| 1. Project Background | 1 |
| 2. Description of the Subproject | 1 |
| 3. Upazila Map Baufal | 2 |
| 4. Detailed Map of the Subproject | 3 |
| 5. Area and Location | 4 |
| 6. Socio-economic Survey Results of Beneficiaries | 4-5 |
| B. SCOPE OF LAND ACQUISITION AND DISPLACEMENT | 6 |
| 1. Subproject Objectives | 6 |
| 2. Construction Activities | 6 |
| 3. Scope of Land Acquisition and Resettlement | 6-7 |
| 4. Land Use and Settlement Pattern | 7 |
| 5. Methodology of Data Collection | 7-9 |
| 6. Socioeconomic Profile of APs | 9-13 |
| C. LAND ACQUISITION AND RESETTLEMENT POLICY FRAME WORK AND ENTITLEMENTS | 14 |
| 1. Land Acquisition and Resettlement Principles | 14-15 |
| 2. Entitlement Matrix | 15-25 |
| D. CONSULTATION AND DISCLOSURE | 26 |
| 1. Consultation and Stakeholder's Participation | 26 |
| 2. Grievance Redress Mechanism | 26-27 |
| E. COMPENSATION AND RESETTLEMENT BUDGET AND FINANCING | 27-30 |
| F. RESETTLEMENT ACTION PLAN IMPLEMENTATION SCHEDULE | 30 |
| 1. Implementation Schedule | 30-31 |
| 2. Monitoring and Evaluation | 31-32 |
| G. IMPLEMENTATIONARRANGEMENTS | 33 |
| 1. Ministry of Local Government, Regional Development and Cooperatives (MOLGRDC) | 33 |
| 2. Water Management Cooperative Association(WMCA) | 33 |
| 3. Resettlement Processing Committees/Teams | 33-34 |

H. ANNEXURE:**Page No:**

| | | |
|-------|---|-------|
| Annex | 1: Lst of APs of Adabaria 2.14 km Embankment/Khal re-excavation Subproject (in Bangla) | 35-41 |
| Annex | 2: Government Office Orders (3 in Bangla) | 42-44 |
| Annex | 3: Property Valuation Advisory Committee (in Bangla) | 45 |
| Annex | 4: Property Valuation Report (According to Upazila Agriculture Officer) | 46 |
| Annex | 5: Property Valuation Report (in Bangla) | 47 |
| Annex | 6: Lst of APs of Adabaria 2.14 km Silted Canal/Khal re-excavation Subproject | 48-53 |
| Annex | 7: Lease Agreement | 54-60 |

Abbreviations

| | |
|------|---|
| ADB | Asian Development Bank |
| AHH | Affected Household |
| AP | Affected Person |
| BWDB | Bangladesh Water Development Board |
| CAD | Command Area Development |
| CBE | Commercial and Business Enterprises |
| CCL | Cash Compensation under Law |
| CFG | Community Forestry Group |
| CO | Community Organizer |
| CPR | Common Property Resources |
| CRO | Chief Resettlement Officer |
| CHT | Chittagong Hill Tracts |
| DC | Deputy Commissioner (Chief executive officer of the District) |
| DD | Detailed Design |
| DMS | Detailed Measurement Survey |
| EA | Executing Agency |
| EMP | Environmental Management Plan |
| EP | Entitled Person |
| ESS | Environmental and Safeguards Section |
| FGD | Focus Group Discussion |
| FMD | Flood Management and Drainage |
| GRC | Grievance Redress Committee |
| HH | Household |
| HHH | Household Head |
| IA | Implementing Agency |

| | |
|---------|---|
| IGA | Income Generating Activities |
| IGP | Income Generating Program |
| INGO | Implementing Non Government Organization |
| IP | Indigenous People |
| IPSAP | Indigenous People's Specific Action Plan |
| IR | Involuntary Resettlement |
| IWRM | Integrated Water Resource Management |
| IWRMU | Integrated Water Resource Management Unit of LGED |
| JVT | Joint Verification Team |
| LA | Land Acquisition |
| LAA | Land Acquisition Act |
| LAO | Land Administration Office |
| LAP | Land Acquisition Proposal |
| LGED | Local Government Engineering Department |
| LMS | Local Market Survey |
| MARV | Maximum Allowance Replacement Value |
| MDGs | Millennium Development Goals (2015) |
| MIS | Management Information System |
| MoLGRDC | Ministry of Local Government, Regional Development and Cooperatives |
| NGO | Non Government Organization |
| NPRR | Draft National Policy on Resettlement and Rehabilitation |
| PD | Project Director |
| PFA | Project Funding/Financing Agency |
| PIC | Project Implementation Consultants |
| PMO | Project Management Office |
| PRA | Participatory Rural Appraisal |

| | |
|---------|--|
| PSSWRSP | Participatory Small-Scale Water Resources Sector Project |
| PVAT | Property Valuation Advisory Team |
| PWD | Public Works Department |
| O&M | Operation and Maintenance |
| RAC | Resettlement Advisory Committee |
| RC | Resettlement Coordinator |
| RCC | Reinforced Concrete |
| RCO | Resettlement Co-coordinator |
| RF | Resettlement Framework |
| RoW | Right of Way |
| RP | Resettlement Plan |
| RRP | Report and Recommendation to the President (ADB) |
| SES | Socioeconomic Survey |
| SSW-1 | SSWR Development Project Phase 1 (Alternative acronym for SSWRSDP) |
| SSW-2 | SSWR Development Project Phase 2 |
| SSWR | Small Scale Water Resources |
| SSWRSDP | Small Scale Water Resource Sector Development Project |
| UP | Union Parishad |
| WMCA | Water Management Cooperative Association |

| | | |
|---------------------------------------|---|--|
| Resettlement Framework (RF) | : | For loss of land property, income generation opportunity and cultural assets as were adopted at the time of the Loan Agreement, the RF lays out the policy, principles procedures and entitlements, as well as the institutional responsibilities to be followed in preparing subproject RPs under the loan. The RF is Supplementary Appendix K: <i>Resettlement Framework for Riverbank Protection Works</i> to the Project's RRP of October 2002 ² . |
| Resettlement Plan (RP) | : | A time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation. |
| Severely Affected Person (SAP) | : | A person who will (i) lose more than 10% of total agriculture/aquaculture land holding, and/or (ii) relocate and/or (iii) lose more than 10% of total income sources due to a project. |
| Squatter | : | One that squats: as <i>a</i> : one that settles on property without right or title or payment of rent <i>b</i> : one that settles on public land under government regulation with the purpose of acquiring title. |
| Union Parishad | : | The Union Parishad is one of the lowest administrative units in Bangladesh, part of a four-tier local government, namely <i>Gram</i> (Village) Parishad; Union Parishad Upazila (Sub district) Parishad and Zila (District) Parishad. |
| Uthulies | : | Long Term Squatters. Also called informal Settlers, i.e, HHs on other's land with permission. |
| Vita | : | High, raised land, often used for residential purposes |
| Vulnerable Households | : | For this Project, vulnerable groups are defined as APs who suffer more-economically and socially-from relocation than other affected population. Based on past experiences from similar Projects, the vulnerable groups include (i) women-headed HHs; (ii) landless HHs (those without agricultural land, and depend largely on day labor for survival); (iii) disabled HHs heads (iv) HHs having residual agricultural land less than 1 acre or losing more than 10%of their income from agriculture due to acquisition and (v) Those APs who have gone below the poverty line due to the subproject. |