

Land Acquisition and Resettlement Framework

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CURRENCY EQUIVALENTS

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ABBREVIATIONS

ADB	-	Asian Development Bank
ADC (Rev)	-	Additional Deputy Commissioner (Revenue)
AH	-	Affected Household
AP	-	Affected Person
BWDB	-	Bangladesh Water Development Board
CPR	-	Common Property Resources
CIF	-	Climate Investment Fund
CCRIP	-	Coastal Climate Resilient Infrastructure Improvement project
CS	-	Cyclone Shelter
DC	-	Deputy Commissioner
DAE	-	Directorate of Agriculture Extension
DP	-	Displaced Person
DSC	-	Design & Supervision Consultant
DOF	-	Department of Forest
MSC	-	Management Support Consultant
EA	-	Executing Agency
EC	-	Entitlement Card
EP	-	Entitled Person
FGD	-	Focus Group Discussion
GOB	-	Government of Bangladesh
GPS	-	Government Primary School
GRC	-	Grievance Redress Committee
GRM	-	Grievance Redress Mechanism
Ha	-	Hectare
HH	-	Household
ID	-	Identity Card
IFAD	-	International Fund for Agricultural Development
IGP	-	Income Generating Program
IR	-	Involuntary Resettlement
ILRP	-	Income and Livelihood Restoration Program
IOL	-	Inventory of Losses
JVT	-	Joint Verification Team
KfW	-	Kreditanstalt für Wiederaufbau
LA	-	Land Acquisition
LARF	-	Land Acquisition and Resettlement Framework
LAO	-	Land Acquisition Officer
LA&R	-	Land Acquisition and Resettlement
LGED	-	Local Government Engineering Department
LGI	-	Local Government Institution
LGRD & C	-	Local Government Rural Development & Cooperatives
M&E	-	Monitoring & Evaluation

MIS	-	Management Information System
MOLGRD & C	-	Ministry of Local Government Rural Development & Cooperatives
NGO	-	Non-government Organization
PAH	-	Project Affected Household
PD	-	Project Director
PMU	-	Project Management Unit
PPR	-	Project Progress Report
PPCR	-	Pilot Program for Climate Resilience
PPTA	-	Project Preparatory Technical Assistance
PVAT	-	Property Valuation Advisory Team
R&R	-	Resettlement and Rehabilitation
RAC	-	Resettlement Advisory Committee
RF	-	Resettlement Framework
ROW	-	Right-of-Way
RP	-	Resettlement Plan
RV	-	Replacement Value
SES	-	Socio-economic Survey
SMO	-	Sub-project Management Office
SCF	-	Strategic Climate Fund
SLR	-	Sea Level Rise
SP	-	Subproject
SPCR	-	Strategic Program for Climate Resilience
TA	-	Technical Assistance
TOR	-	Terms of Reference
UP	-	Union Parishad
UZ	-	Upazila
VH	-	Vulnerable Household
VPAPs	-	Vulnerable Project Affected Persons
XEN	-	Executive Engineer

GLOSSARY

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

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

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

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

Cut-off date: means the date after which eligibility for compensation or resettlement assistance will not be considered is the cut-off date. Date of service of notice under Section 3 of Land Acquisition Ordinance is considered to be the cut-off date for recognition of legal compensation and the start date of carrying out the census/inventory of losses is considered as the cut of date for eligibility of resettlement benefits.

Displaced Person (DP): As per ADB Safeguard Policy Statement (SPS) 2009- displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

Encroachers: mean those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project. The term also refers to those extending attached private land into public land or constructed structure on public land for only renting out.

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

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

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

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

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

Subproject: means new or improved infrastructure works at a selected location under the Coastal Climate Resilient Infrastructure Project (CCRIP) funded jointly by GOB, Asian Development Bank (ADB), KfW and IFAD.

Project Affected Units (PAUs): combines residential households (HHs), commercial and business enterprises (CBEs), common property resources (CPRs) and other affected entities.

Project Affected Family: includes residential households and commercial & business enterprises except CPRs.

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

Replacement cost: means the value of assets to replace the loss at current market price, or its nearest equivalent, and is the amount of cash or kind needed to replace an asset in its existing condition, without deduction of transaction costs or for any material salvaged.

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

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

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

Structures: mean all buildings including primary and secondary structures including houses and ancillary buildings, commercial enterprises, living quarters, community facilities and infrastructures, shops, businesses, fences, and walls, tube wells latrines etc.

Vulnerable Households: means households that are (i) headed by single woman or woman with dependents and low incomes; (ii) headed by elderly/ disabled people without means of support; (iii) households that fall on or below the poverty line;¹ (iv) households of indigenous population or ethnic minority; (v) households of low social group or caste; and (vi) person without title to land.

NOTES

- (i) The fiscal year (FY) of the Government of Bangladesh and its agencies ends on 30 June. FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY2012 ends on 30 June 2012.
- (ii) In this report, "\$" refers to US dollars.

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EXECUTIVE SUMMARY

A. Introduction

1. The Coastal Climate Resilient Infrastructure Project (the project) is a result of the Government of Bangladesh's participation in the Strategic Program for Climate Resilience (SPCR) prepared under the Pilot Program for Climate Resilience (PPCR). The PPCR is a program under the Strategic Climate Fund (SCF) within the Climate Investment Funds (CIF), to pilot and demonstrate ways to mainstream climate resilience in development planning and management. As one of the projects approved for enhanced climate resilience under the SPCR, the Coastal Climate Resilient Infrastructure Project will improve livelihoods in the rural coastal districts vulnerable to climate variability and change.

2. The main objective of the project is to reduce poverty in the rural coastal districts vulnerable to climate change and increased safety of the population during extreme climatic events. The outcome will be enhanced climate resilience of coastal infrastructure in 12 rural coastal districts benefiting the poor and women. The overall project outcome will be achieved through the following project outputs: (1) improved road connectivity; (2) improved market services; and (3) improved climate capacity and protection including increased availability of climate disaster shelters, improved access to shelters and improved facilities of existing climate disaster shelters.

3. The improvement works for the subprojects to be selected under different components of the project are expected to have a limited impact as they will be carried out mostly on existing road alignments or market footprints. The main impacts will arise under the road component in the form of land acquisition with relocation of some houses/shops/businesses, and removal of trees with related income loss. LGED, through the Design & Supervision Consultant (DSC) will optimize the detailed designs for all road subprojects (without compromising climate resilience or minimum traffic design standards) to avoid and minimize impacts on existing buildings and land as far as practicable. Where resettlement impacts are unavoidable, LGED will implement a process of negotiated settlement (which may include voluntary land donation) with land/property owners following ADB's SPS 2009. As refusal to donate land or to enter into a negotiated financial settlement would necessarily lead to expropriation, any subproject that entails land acquisition (either through voluntary or involuntary means) or physical displacement will be subject to a resettlement plan (RP).

B. LARF Objective & Policy Frameworks

4. This Land Acquisition & Resettlement Framework (LARF) document expresses the Government's commitment to avoid any negative impacts due to the project interventions or to mitigate them ensuring that the DPs are able to maintain or improve their livelihood at the end of the project. The document incorporates a Land Acquisition and Resettlement Entitlement Matrix consistent with this project. The basic objectives of the LARF are to: (i) guide the EA for compensating project Affected People properly, (ii) to serve as a binding document to ensure DPs will be assisted and paid compensation, and (iii) to provide direction preparing, implementing and monitoring sub-project RPs. The Executing Agency (EA) will be responsible for ensuring the preparation and implementation of Resettlement Plans (RPs) consistent with this LARF. The LARF is a formally agreed document between the Government and ADB. Gaps between national law and ADB policy are identified and bridging measures are included in the Entitlement Matrix along with major types of losses and the corresponding nature and scope of entitlements in

accordance with GoB's LAR and ADB's SPS 2009 relating to safeguard requirements for the project. Where the entitlement matrix does not cover a particular impact, it can be enhanced in the resettlement plans based on the findings of the socio-economic assessment and detailed census survey. Standards described will not be lowered but can be enhanced in the subproject RPs as required.

C. Socioeconomic Assessment

5. As part of the social impact assessment (SIA), the LGED with the help of the MSC will conduct census, Socioeconomic survey and inventory of losses due to the project works which will be based on detailed engineering design and will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the LGED will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development. The Socioeconomic Assessment will identify the intensity of the land acquisition and resettlement impact in the subproject. Details on the scope and methods of carrying out the census, Socioeconomic Survey (SES) & Detail Measurement Survey (DMS) are stated in the main report.

D. Consultation Participation & Disclosure

6. The LGED will conduct meaningful consultation with the civil society, LGI & DPs especially covering the poor, vulnerable, the landless, the elderly, female headed households, women and children, Indigenous Peoples, and those without legal title to land for each and every subproject identified as having involuntary resettlement impacts. Meaningful consultation is a process that is continued throughout the project cycle from the very beginning of project to end of the project implementation among the DPs and different stakeholders of the project. The EA will provide relevant resettlement information in a timely manner, in an accessible place and in a form and language(s) understandable to DPs (Bengali language) and other suitable communication methods will be used for the illiterate DPs. The details on consultation process and disclosure at various phases of project development including the responsible agency are described in the main report.

E. Income Restoration

7. Income restoration assistance to the affected persons includes both short and medium term strategies. Short term income restoration strategies are for immediate assistance during relocation. Medium-term income restoration activities include skill development training based on need such as capacity building, enterprise, and self employment trainings. The PMU/LGED will organize such trainings to the APs. During the construction stage the APs/DPs, especially vulnerable DPs, will be given preference over others in being engaged in project activities by the contractors suitable to their skills.

F. Grievance Redress Mechanism

8. The EA will establish a mechanism to receive and facilitate resolution of affected peoples' concerns, complaints, and grievances about the project's safeguards performance at each subproject level with IR impacts. It will address displaced persons concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all segments of the affected people, at no cost. The

mechanism developed shall not impede access to the existing judicial or administrative remedies. Under the GRM, a Grievance Redress Committee (GRC) will be formed with involvement of local stakeholders. The EA shall ensure that the GRC is working impartially through monitoring GRC activities on a regular basis.

G. Institutional Arrangements

9. The LGED under the Ministry of LGRD & C, Rural Development Division will be Executing Agency (EA) responsible for implementing the RPs. LGED shall establish a Project Management Unit (PMU) for the Project, headed by a Project Director (PD) that will be responsible for the overall execution of the Project. The EA also will set up a Sub-projects Management Office (SMOs) headed by the Executive Engineer of the concerned district under the PMU. The SMOs will prepare land acquisition (LA) plan for the land to be acquired with the assistance from consultants for each subproject found with land acquisition & resettlement impacts and shall submit to concern DC. An experienced implementing NGO (INGO) shall be hired by LGED to assist EA in implementation of resettlement program. To expedite the process, the RP implementing NGO will assist the DC office and EA in the process of land acquisition. A Management Support Consultant (MSC) will be engaged by EA to assist to carry out a range of activities including implementing and monitoring the safeguards aspects of the project. The Resettlement Specialist (RS) of the MSC will be responsible for arranging or carrying out the activities of preparation/updating/finalizing the RPs for the subprojects with IR impacts based on information from the detailed engineering design documentation prepared by the Design & Supervision Consultant (DSC). The Ministry of LGRD will constitute required committees i.e. Joint Verification Team (JVT), Property Valuation Advisory Team (PVAT), Grievance Redress Committee (GRC etc. with involvement of representatives from LGED, INGO, DC, LGI and DPs. To ensure effective execution of all IR related tasks, capacity development trainings both at the PMU and SMO level is needed.

H. Implementation Schedule

10. The subprojects to be selected under the project will be implemented over the period of about six years. For each subproject or group of subprojects, there will be a separate time bound implementation schedule to be included in the RP for that particular subproject or group of subprojects. The implementation of each RP will include: (i) identification of cut-off date and notification, (ii) verification of losses and extent of impacts, (iii) finalization of entitlements and distribution of identity cards, (iv) consultations with DPs on their needs and priorities, and (v) resettlement, provision of compensation and assistance, and income restoration for DPs. An indicative RP implementation schedule is provided in the main report.

I. Budget and Financing

11. Detailed budget estimates for each RP are to be prepared by the MSC/PMU which will be included in the overall project estimate. The budget shall include: (i) detailed costs of land acquisition, structure, trees, relocation, and livelihood and income restoration and improvement; (ii) administrative costs; (iii) RP implementation cost iv) All training costs for the APs including capacity building of EA personnel v) monitoring cost; and (iv) arrangement for approval, and the flow of funds and contingency arrangements. The EA will be responsible for the timely allocation of the funds needed to implement the RPs. All costs associated with LAR will be funded by GoB, and there will be opportunity to monitor actual costs and funding requirements annually.

Accordingly, a provisional estimate of RPs implementation costs for the whole project has been estimated at about BDT.481 Millions.

J. Monitoring and Evaluation

12. The Executing Agency (EA), through the Project Management Unit, will establish a monitoring system involving the XEN, SMO, INGO and the MSC for collection, analysis, reporting and use of information about the progress of resettlement, based on the RP policy. The implementation of RPs will be monitored both internally and externally. The major objectives of monitoring are to: (i) ensure that the standards of living of DPs are restored or improved; (ii) ascertain whether activities are progressing as per schedule; (iii) assess if compensation, rehabilitation measures are sufficient; (iv) identify problems or potential issues; and (v) identify methods to rapidly mitigate any problems. Internal monitoring shall be undertaken by the PMU through the SMO DSMC and INGO. The LGED will also recruit an Independent External Monitor for monitoring the performance of RP implementation. The main task for the Independent External Monitor will be to monitor and evaluate all activities relating to resettlement on an audit or sample basis. The specific tasks and methodology for external monitoring shall include: (i) review of pre-Project baseline data on APs; (ii) identification and selection of an appropriate set of indicators for gathering and analyzing information on resettlement impact; (iii) use of various formal and informal surveys for impact analysis; and (iv) an assessment of RP strategy, effectiveness, impact and sustainability, drawing lessons as a guide to future Project preparation work. The Independent External Monitor will monitor activities over the project period and submit quarterly reports and a final evaluation report to LGED after completion of the RP implementation. The Project Director shall prepare and send status reports to ADB on RP implementation periodically through the semi-annual Project Progress Reports and a final report upon completion of the resettlement program.

LAND ACQUISITION & RESETTLEMENT FRAMEWORK

A. Introduction

1. Project Background and Rationale

1. The Coastal Climate Resilient Infrastructure Project (the project) is a result of the Government of Bangladesh's participation in the Strategic Program for Climate Resilience (SPCR) prepared under the Pilot Program for Climate Resilience (PPCR). The PPCR is a program under the Strategic Climate Fund (SCF)¹ within the Climate Investment Funds (CIF),² to pilot and demonstrate ways to mainstream climate resilience in development planning and management. As one of the projects approved for enhanced climate resilience under the SPCR, the Coastal Climate Resilient Infrastructure Project will improve livelihoods in the rural coastal districts vulnerable to climate variability and change.

2. The project, while enhancing longevity and sustainability of infrastructure, will improve livelihoods in 12 rural coastal districts vulnerable to climate variability and change and have deficient mobility and accessibility.³ The project aims to provide climate resilience measures that deliver a degree of climate proofing commensurate with both the task that structures have to perform and the level of acceptable risk as well as being sensibly within available budgets. Each of the project components, roads; growth centers, markets; and cyclone shelters have their specific tasks and levels of acceptable risk to the impacts of SLR, high wind, increasing temperature and increasing likelihood of severe cyclone events. The underpinning thrust is ensuring that all structures are constructed within a strong framework of enforced appropriate specifications and an as-built quality audit. "Climate-proofing" measures include enhanced resilience to present climate effects plus forecast future climate change impacts.

2. Project Impact, Outcome & Outputs

3. The impact of the project will be reduced poverty in the rural coastal districts vulnerable to climate change and increased safety of the population during extreme climatic events. The outcome will be enhanced climate resilience of coastal infrastructure in 12 rural coastal districts benefiting the poor and women. This will be achieved through the following project outputs: (1) improved road connectivity; (2) improved market services; and (3) improved climate capacity and protection including increased availability of climate disaster shelters, improved access to shelters and improved facilities of existing climate disaster shelters.

a. Output 1: Improved Road Connectivity

4. The project will upgrade 130 km of upazila roads, 174 km of union roads, and 233 km of village roads, providing year-round connectivity between agricultural production areas and

¹ The SCF is to finance targeted programs with dedicated funding to pilot new approaches with potential for scaling up. It includes PPCR, Forest Investment Program, and Scaling up Renewable Energy Program in Low Income Countries.

² The CIF are a unique pair of financing instruments designed to support low-carbon and climate-resilient development through scaled-up financing channeled through ADB, the African Development Bank, European Bank for Reconstruction and Development, Inter-American Development Bank, and World Bank Group.

³ These districts are: Satkhira, Khulna, Bagerhat, Perojpur, Barisal, Jhalokati, Bhola, Patuakhali, Barguna, Madaripur, Gopalganj, and Shariatpur.

markets and to the other parts of the country⁴. 3,050 meters of bridges/culverts will be constructed or upgraded. The road upgrading works will involve widening and raising of embankments, with suitable slope protection against erosion and wave action; and reconstruction or improvement of existing earthen, Herring Bone Brick, and bituminous and concrete surfaced road sections to appropriate “climate-resilient” standards. Specific adaptation measures to increase climate resilience have been considered for: earthworks; pavement; and drainage. These measures include constructing the road crest levels to 600mm above the maximum normal monsoon flood level, taking account of effective Sea Level Rise (SLR) during the next 20 years; widening the road carriageways to accommodate forecast traffic volumes over the next 20 years; embankment protection primarily by means of a combination of turf and shrubs, with additional geotechnical measures where there is high risk of active erosion; and special measures adjacent to structures together with increased cross drainage.

5. The road output will consist of over 100 sub-projects undertaken throughout the project area. Alignment and cross-section design will be optimized to minimize impacts on existing structures and land acquisition.

b. Output 2: Improved Market Services

6. Upgraded growth centers and large markets: 88 markets (ranging from growth centre markets to large rural markets) will be improved under the project. The market improvements will include (where relevant) paved trading areas, sheds, water supply system, drainage facilities, sanitation facilities, and market offices. Generally it is expected that resettlement impacts will be negligible and land acquisition will not be necessary. In some cases, where additional land is required it is intended that it would be unencumbered government (khas) land.

7. Upgraded village markets and collection points: The project will also improve 186 community markets and 11 women’s markets sections will be established in existing community markets. This subcomponent will build/improve physical markets (common shed, fish shed, open paved/raised area, women section, toilet block, internal drainage etc), build ‘commodity collection points, and build 37 boat landing platforms (ghats). Generally it is expected that resettlement impacts for the improved market services output will be negligible and land acquisition will not be necessary. In some cases, where additional land is required it is intended that it would be unencumbered government (khas) land

c. Output 3: Enhanced climate change adaptation capacity

8. The project will strengthen the capability of LGED staff and local government units through training and initiation of a knowledge management system, with particular emphasis on incorporating climate resilience and adaptation measures during the design, implementation and maintenance of rural infrastructure assets. The project will also enhance knowledge management for climate change

9. The project will construct or extend around 15 multipurpose cyclone shelters; improve about 10 existing cyclone shelters and upgrade around 15 km of cyclone shelter access tracks. Designs will take account of future sea level rise and other adjusted design requirements due to climate change effects. A provisional sum is allocated to provide for construction of killas in selected locations where there is a demonstrated long-term need, and sufficient land is readily

⁴ Final km and climate resilience standard for union and village roads are subject to review of IFAD’s final design mission.

available adjacent to a new or existing cyclone shelter. Generally for existing cyclone shelters it is expected that resettlement impacts will be negligible and land acquisition will not be necessary. For new cyclone shelters, where land is required it is intended that it will be unencumbered government (khas) land. Access tracks are intended to be improved without need for land acquisition.

3. Anticipated Project Land Acquisition and Resettlement (LAR) Impacts

10. The improvement works for the subprojects to be selected under different components of the project are expected to have a limited impact as they will be carried out mostly on existing road alignments or market footprints. The main impacts will arise under the road component in the form of land acquisition, some relocation of houses/shops/businesses, and removal of trees with some related income loss. Other components such as improvements to markets, and improvement of cyclone shelters will either not require any additional land or will rely on unallocated largely unoccupied Government-owned (khas) land.

11. At this stage of the project, it is not possible to precisely identify the impacts of proposed improvements to all road subprojects, and this will be done during the detailed design and implementation stage. Accordingly, the project is considered to be “sector” like and it has been agreed that a Resettlement Framework (this document) will be prepared that will guide the preparation and implementation of LAR activities across the whole project. Three sample subprojects have had a Resettlement Plan (RP) or due diligence prepared as defined in the Resettlement Framework (RF), and should be used as examples for future planning.

12. A preliminary estimate of LAR impacts for the whole project has been carried out based on examination of two sample road subprojects and two sample rural markets subprojects as summarized in Table 1 below. Any land acquisition/resettlement impacts for each subproject (or group of subprojects) will be precisely identified during detailed design, and documented through preparation of a Resettlement Plan (RP).

Table 1: Estimated LAR Impacts under CCRIP

Type of Subproject	Type of impact						
	Km/No.	Average Land requirement per Km length	Total land (sq.m)	Average No. of Structures* per Km	Total No of structures	Average No. of Trees per Km	Total No. of Trees
UZ Road	130 Km	2500 sq.m	325,000	2	260	100	13,000
UP road	174 Km	820 sq.m ***	142,680	2	348	100	17,400
Village Road	233 Km	410 sq.m ***	95,530	2	466	100	23,300
Market	88 No	Nil **	-	-	-	-	-
Cyclone shelter	25 No	Nil**	-	-	-	-	-
Cluster housing	Nil	Nil**	-	-	-	-	-
Total			563,210		1074		53,700

* Structures include houses, businesses, etc

** If/when land is required it shall be unallocated government/Khas land

*** From IFAD Project Design Report-Inception, March 2012 (Page 58)

13. Although there will be only a small number of land acquisition and resettlement impacts on each subproject, it is expected that the roads component as a whole, comprising up to 100 individual subprojects, will have more than 200 people suffering significant involuntary

resettlement. While involuntary resettlement will be minimized where possible, land acquisition will not be reduced at the expense of good technical project design.

4. Avoidance and Mitigation of Resettlement Impacts

14. LGED, through the Design & Supervision Consultant (DSC) will optimize the detailed designs for all road subprojects (without compromising climate resilience or minimum traffic design standards) to avoid and minimize impacts on existing buildings and land as far as practicable. Where resettlement impacts are unavoidable, LGED will implement a process of negotiated settlement (which may include voluntary land donation) with land/property owners following ADB's SPS 2009. As refusal to donate land or to enter into a negotiated financial settlement would necessarily lead to expropriation (in order to retain climate resilience design integrity), any subproject that entails land acquisition (either through voluntary or involuntary means) or physical displacement will be subject to a resettlement plan (RP). Annex 7 contains a sample voluntary donation agreement which will be improvised for this project.

15. Any negotiated settlement will require adequate and meaningful consultation with affected persons, including those without legal title to assets, with such consultation fully documented. A negotiated settlement should ensure an adequate and fair price for affected land and/or other assets i.e replacement cost of the affected properties. The borrower/LGED shall ensure that these negotiations with affected persons openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions. For this purpose, the borrower/LGED will be required to engage an independent external party to document the negotiation and settlement processes.

16. In the cases of negotiation and donation of land the following aspects must be addressed :

- (i) Verification and documentation that land required for the project is sold without coercion.
- (ii) Verification that nobody will be impoverished by the land donation (more than 5% of total land holding donated will trigger livelihood restitution measures to be specified in a resettlement plan).
- (iii) Verification that land donation will not displace tenants, if any, from the land.
- (iv) Meaningful consultation has been conducted with all affected persons. Documented verification of the agreement of affected persons under any sub-project.
- (v) Separate discussions to be held with women and minority groups as required to facilitate meaningful participation in the process of obtaining their consent.

5. Initial Screening of Involuntary Resettlement (IR) Impact of Subproject/s

17. The initial step of the resettlement planning is to carry out an inception and screening survey to identify the intensity of land acquisition and resettlement impacts of an individual subproject (or group of subprojects) as per ADB's SPS-2009 by using a standard IR impact checklist form. The preliminary impact checklist form is included in Annex 1. The level of detail and comprehensiveness of the resettlement plan are commensurate with the significance of the potential impacts and risks.

18. Sub-projects will most likely be combined for assessment purposes, so that a multitude of RPs are not prepared. This will be determined as the project is implemented. Sub-projects

may be grouped by District, phasing or some other rational means such as contract packages, with associated RPs developed for that group as a whole.

6. Preparation of Resettlement Plans

19. RPs are to be prepared by the project management unit (PMU) of LGED with assistance from the Management Support Consultant (MSC) and Design & Supervision Consultant (DSC) for any subprojects which will have land acquisition & resettlement impacts. Preparation of RPs will primarily be undertaken by the Resettlement Specialist of the MSC. Each RP will be brought to the notice of the relevant APs/DPs and host communities and any comments will be addressed in subsequent revisions of the RP. The RP will be prepared in English language, with main content to be translated in Bangla language and notified to the public (through posters and/or resettlement booklets). The completed RP will include the census of APs/DPs, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, avenues for grievance redress, and the monitoring mechanism. Each RP must be submitted to ADB for clearance prior to award of any contract relating to the subproject. An outline of a resettlement plan is presented in Annex 2.

B. Objectives, Policy Framework And Entitlements

1. Objectives of this Land Acquisition & Resettlement Framework

20. This Land Acquisition & Resettlement (LAR) Framework (LARF) document expresses the Government's commitment to avoid any negative impacts due to the project interventions or to mitigate them ensuring that the affected people (AP) are able to maintain or improve their livelihood at the end of the project. The document incorporates a Land Acquisition and Resettlement Entitlement Matrix consistent with this project, to bridge the Government's LAR policies and the ADB's SPS 2009 relating to safeguard requirements, and is to be implemented uniformly for the whole project.

21. The LARF identifies likely impacts of the project, describes anticipated groups of APs, clarifies land and resettlement principles, and assesses the legal framework for land acquisition and resettlement in Bangladesh. This also describes standard procedures and methods of redress, and outlines steps that will be taken to plan, obtain concurrence from ADB, and to implement and monitor the impact of land acquisition and resettlement. This LARF also applies to all APs affected permanently or temporarily due to the project implementation. During implementation, any subprojects requiring land acquisition or resettlement will require preparation of Resettlement Plans (RPs) by the Executing Agency (EA) based on this LARF. RPs may be prepared separately for each candidate subproject or for a package of subprojects (based on implementing year or district) as decided by the EA and MSC, considering the practical situation. Subprojects that have no land acquisition or resettlement impacts will require preparation of a due diligence report.

22. The basic objectives of the LARF are to: (i) guide the EA for compensating project Affected People (APs) properly, (ii) to serve as a binding document to ensure APs will be assisted and paid compensation, and (iii) to provide direction preparing, implementing and monitoring subproject RPs. The Executing Agency (EA) is the Local Government Engineering Department (LGED), who will be responsible for ensuring the preparation and implementation of Resettlement Plans (RPs) consistent with this LARF. The LARF is a formally agreed document

between the Government and ADB. No changes shall be made to the LARF without prior approval from ADB.

2. Government of Bangladesh (GoB) Laws

23. The current GoB legislation governing land acquisition for public purposes are: the *Acquisition and Requisition of Immovable Property Ordinance* (1982) and its amendments in 1992 and 1994, and the *East Bengal State Acquisition and Tenancy Act* (1951) revised in 1994. Under the law, the owners affected by the acquisition will be eligible to compensation for (i) land permanently acquired (including standing crops, trees, houses); and (ii) any other impact and damages caused by such acquisition. In accordance with the Ordinance, the legal process is initiated by an application by the requiring agency or department to the Deputy Commissioner (DC) of the concerned District with a detailed map of the proposed area. In determining the compensation, the DC considers the recorded price of land transacted during the past 12 months in the Project area, plus a 50 percent premium on the assessed value of the property for compulsory acquisition⁵. The 1982 Ordinance, however, does not cover the project Affected Persons (APs), such as informal settlers/squatters, persons without titles or ownership records. Further, the compensation paid does not constitute market or replacement cost of the property acquired.

24. The first step in acquiring land is an application to the Ministry of Land through the concerned ministry requesting requisition and transfer of the land and property in question. A detailed statement specifying whether the land mentioned in the application is needed for public or private purpose, the area of the land, a sketch-map, purpose for which it could be used, etc should be submitted as well. The Ministry of Land examines the application and sends it to the concerned DC for necessary action. The DC then authorizes the Additional Deputy Commissioner related to land (ADC-Land) to prepare and execute a plan of action for requisition. The DC in turn issues a public notice regarding the requisition with a view to settling matters relating to payment of compensation to the owner or owners of the property or any other person or persons entitled to compensation, and any other related issues. When any property is required temporarily for a public purpose or in the public interest, the DC may requisition it by an order in writing. In case of such a requisition of property, compensation shall be paid to the owner or owners of the property determined in accordance with legal provisions, and the decision taken by the government is deemed to be final. Any person who contravenes or attempts to contravene an order, or who obstructs the enforcement of an order, is punishable with imprisonment for a term which may extend to three months, or with a fine which may extend to Taka three thousand, or with both.

3. ADB's Safeguard Policy Statement (2009)

25. The objectives of ADB's Safeguard Policy Statement (SPS) 2009 with regard to IR are: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relating to pre-project levels; and (iii) to improve the standards of living of the displaced poor and other vulnerable groups.

26. ADB's SPS covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary

⁵ The premium was raised from 25 percent to 50 percent through an amendment in 1993.

restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

27. For any ADB financed projects requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following basic principles:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, concerned nongovernment organizations and other relevant stakeholders. Inform all displaced & affected persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards..
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan for each subproject with resettlement impacts elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

4. Comparison of Resettlement Policies of ADB and GoB

28. A comparison of GoB's policy and ADB's policy is given below in Table 2. The Government's policy does not cover project-affected persons without titles or ownership record, such as informal settler/squatters, occupiers, and informal tenants and lease-holders (without document) and does not ensure replacement value of the property acquired. The Acquisition and Requisition of Immovable Property Ordinance 1982 has no provision of resettlement assistance for restoration of livelihoods of affected persons except for the legal compensation. Gaps between national law and ADB policy are identified and bridging measures are included in the Entitlement Matrix for the project, described below. ADB will not finance the project if it does not comply with its SPS-2009, nor will it finance the project if it does not comply with its host country's social and environmental laws. Government agrees that where any discrepancies between the ADB and Government policies exist, the ADB policy will prevail. Moreover, the ADB SPS applies to the entire project regardless of the source of financing.

29. The differences between GOB law and policy guideline of the ADB/co-financers have been identified, together with the measures to be adopted to bridge them in terms of (i) assessment of loss and identification of affected persons (APs); (ii) assessment of compensation and valuation; and (iii) compensation entitlements in the Resettlement policy matrix developed for the project that complies with ADB's Safeguard Policy Statement (2009) standards.

30. The project will recognize three types of displaced persons including (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. Various involuntary resettlement requirements apply to all three types of displaced persons.

Table 2: Gap Analysis between GoB laws and ADB's SPS 2009

Ordinance No. II as Implemented in Bangladesh	ADB's Involuntary Resettlement Policy Requirements	Gaps Between the Two Compensation Policies	To Address the Gap
	Involuntary resettlement should be avoided wherever feasible.	The Ordinance has no direct or implied statement that involuntary resettlement should be avoided	The EA to follow ADB's SPS to avoid IR where feasible
Sections 3 and 18 exempt the acquisition of property used for religious worships, public or educational institutions, graveyards & cremation grounds.	Where population displacement is unavoidable, impact should be mitigated through provision of viable livelihood options.	While it provides for some exceptions, the Ordinance is silent on minimizing the adverse impacts on private properties and common resources.	The EA to follow ADB's SPS to avoid IR where feasible
Section 8 prescribes the amount of compensation to be determined by the Deputy Commissioner (DC) based on: (i) market value of the property considering average value during the twelve months preceding the publication of notice of acquisition; (ii) damage to standing crops and trees; (iii) damage for severing	If individuals or a community must lose all or part of their land, means of livelihood, or social support systems so that a project may proceed, they will be compensated and assisted through replacement of land, housing, infrastructure, resources, income sources, and services, in cash or in kind, so that their economic and social circumstances will be at least restored to the project level. All compensation is based on the principle of replacement cost.	Section 8 of the Ordinance is largely consistent with ADB's compensation policy. But they differ on the valuation of land and prices of affected assets, where ADB prescribes for the current market rates in the project area and provision for the restoration of pre-project incomes of the APs.	Provision of additional fifty percent compensation of the property to APs to minimize the gap between replacement cost and compensation. Moreover, provision has been kept for replacement cost of land in the compensation & policy matrix to be estimated by PVAT.
such property from other properties of the person occupying the land; (iv) adverse effects to other properties, immovable or movable and/or earning; and (v) cost of change of place of residence or place of business. In addition, the Deputy Commissioner will award a sum of fifty percent on such market value of the property to be acquired.			
The requiring body submits land acquisition proposal to the Office of the DC for appropriate action: (i) if the total land is above 50 <i>bighas</i> , or 16.66 acres, the approval will come from the National Government; (ii) if requirement is above 2 acres and below 16.66 acres, approval comes from the Divisional Land Allocation Committee; and (iii) if the land is 2.0 acres or less, the approval will be made at the District Land Allocation Committee.	Each voluntary resettlement is conceived and executed as part of a development project or program. During project preparation, ADB and the EA or project sponsor/s assess the opportunities for the affected people to share project benefits. The affected people need to be provided with sufficient resources and opportunities to reestablish their livelihoods and homes as soon as possible, with the time-bound action in coordination with the civil works.	The body requesting for land leaves the inventory of affected assets to the DC without considering the adverse socioeconomic impacts of land acquisition to APs. The Ordinance also suggests a long and complicated process of land acquisition, as there are different government offices involved in it.	The EA to follow ADB's SPS & measures will be taken to minimize lengthy procedures

<p>Section 3 provides that whenever it appears to the Deputy Commissioner that any property in the locality is needed or is likely to be needed for any public purpose or in the public interest, he shall publish a notice at convenient places on or near the property in the prescribed form and manner stating that the property is proposed for acquisition.</p> <p>Section 4 provides the occupant of the land to raise their objections in writing that should be filed to DC within 15 days of publication. The DC will then hear the complaints and prepare his report and the record of proceedings within 30 days following the expiry period of 15 days given to APs to file their objections.</p>	<p>Affected people are to be consulted on compensation and/or resettlement options, including relocation sites, and socio-economic rehabilitation. Pertinent resettlement information is to be disclosed to the affected people at key points, and specific opportunities provided for them to participate in choosing, planning and implementation options. Grievance redress mechanisms for affected people are to be established. Where adversely affected people are vulnerable groups, resettlement decisions will be preceded by a social preparation phase to enhance their participation in negotiation, planning and implementation.</p>	<p>The section of the Ordinance somehow manifests public consultation, yet indirectly. It does not provide for public meeting and project disclosure as to the purpose of land acquisition, its proposed use, and compensation as well as entitlements of and special assistance to APs.</p> <p>The Section 4 provision is consistent with the grievance and redress procedures prescribed in the ADB policy. The grievance procedures are set out in Sections 27 through Sections 34 that appoints an arbitrator, the notice of hearing and the scope of proceedings. However, this does not provide for social preparation phase of groups vulnerable to adverse impacts of land acquisition.</p>	<p>The EA to follow ADB's SPS</p>
	<p>Institutions of the affected people, and where relevant, of their hosts, are to be protected and supported. Affected people are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.</p>	<p>This Ordinance has no provision that can be interpreted nearest to this ADB policy requirement.</p>	<p>The EA to follow ADB's SPS</p>
	<p>The absence of a formal legal title to the land is not a bar to compensation and entitlement policy.</p>	<p>This principle is not provided for in the Ordinance.</p>	<p>The EA to follow ADB's SPS</p>
<p>Upon approval of the request for land by the DC Office, its staff will conduct the physical inventory of assets and properties found in the land. The inventory form consists of name of person, quantity of land, list of assets affected, materials used in the construction of the house. The cut-off date is the date of publication of notice that land is subject to acquisition, and that any alteration or improvement thereon will not be considered for compensation.</p>	<p>Affected people are to be identified and recorded as soon as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits.</p>	<p>While both the Ordinance and ADB's Policy on Involuntary Resettlement agree on the inventory of losses, they totally differ on tools of the survey. Also provides for the inventory of social resources of AP's skills essential for social rehabilitation, and it also covers gender sensitivity.</p>	<p>The EA to follow ADB's SPS</p>
	<p>Particular attention must be paid to the needs of the poorest affected people, and vulnerable groups at high risk of further impoverishment. This includes those without legal title to the land or other assets, female-headed households, elderly or disabled and other</p>	<p>This requirement is not provided for in the Ordinance.</p>	<p>The EA to follow ADB's SPS</p>

	vulnerable groups, such as the indigenous peoples. Assistance will be provided to help them improve their socioeconomic status.		
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5. Eligibility and Entitlement

31. All APs & DPs who will be identified in the subproject-impacted areas as at the cut-off date⁶ will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.

6. Compensation and Entitlements Policy

32. The entitlement matrix (Table 3) below summarizes the major types of losses and the corresponding nature and scope of entitlements in accordance with GoB and ADB policies. Where the entitlement matrix does not cover a particular impact, it can be enhanced in the resettlement plans based on the findings of the socio-economic assessment and detailed census survey. Standards described will not be lowered but can be enhanced in the subproject RPs as required.

Table 3: Land Acquisition and Resettlement Entitlement Matrix

Type of loss	Entitled Person	Entitlement	Implementation Issues/Guidelines	Organizational Responsibility
Agricultural & homestead land, including water bodies	Legal owner(s) of land at the time of serving Notice u/s-3 of Land Acquisition	1. Replacement cost of land/water bodies	a. Assessment of type and quantity of land/water bodies by Joint Verification Team (JVT) b. Determination of replacement cost of land and water bodies by PVAT through market survey c. Title upgrading ⁷	a.DC.LGED, INGO b. INGO, DC, LGED c. LAO Revenue Office d.APs
Developed Commercial Land (private land on which commercial structure has been constructed)	Legal owner(s) of land at the time of serving Notice u/s-3 of Land Acquisition	1. Replacement cost of land	a. assessment of land by JVT b. Determination of replacement cost of such lands PVAT through market survey c. Title upgrading ⁷	a.DC.LGED, INGO b. INGO, DC, LGED c. LAO Revenue Office, LGED, GRC d.APs
Share cropping land	Sharecroppers of the affected	1. 60 days advance notice to harvest standing seasonal crops, if	a. Work schedule to allow harvesting prior to acquisition	a.DC.LGED, INGO

⁶ The cut-off date for title holders is the date when Government publishes notification indicating its intention to acquire land for a public purpose; and for non-titleholders is the start date of the project census date of the census survey during the detailed design. Those who encroach into the subproject area after the cut-off date will not be entitled to compensation or any other assistance. The PMU will take video and photo documentation to ensure entitled persons on the cut-off date.

⁷ Title Upgrading, refers to re-issue of a DPs title (free of taxes or fees) to reflect the changes in land ownership as a result of involuntary or voluntary acquisition.

Type of loss	Entitled Person	Entitlement	Implementation Issues/Guidelines	Organizational Responsibility
	land	harvest is not possible, compensation for share of crops 2. Additional compensation for vulnerable households	and avoid harvest season b. Vulnerable households to be identified during detailed measurement surveys conducted as part of the RP	
Trees and Standing crops on private land acquired	Legal owner(s) of land at the time of serving Notice u/s-3 of Land Acquisition	1. Value of trees and perennial crops on land acquired 2 Perennial standing crops be taken away by the APs for free without disturbing the project work.	a, Assessment of type, size and quantity of trees/perennial standing crops by JVT. b. Value of trees and perennial standing crops determined by DOF and DAE	a.DC,LGED, INGO b. INGO, DC,LGED
Trees and standing crops on public land within road alignment	a. Owners of trees/standing crops on the ROW b. Users of trees crops particularly the poor & vulnerable on the ROW	1. Share/value of trees and perennial standing crops within the road alignment 2. Perennial standing crops be taken away by the APs for free without disturbing the project work 3. Trees within the project/subproject alignments/areas	a. Ownership of trees determined by JVT b. Assessment of type, size and quantity of trees/Perennial standing crops by JVT c. Value of trees and perennial standing crops determined by DOF and DAE through market surveys d. Involve in tree plantation programs of the government and will continue to use remaining trees for their livelihood	a, DC,LGED, INGO b. DC,LGED, INGO c. INGO, DC,LGED,
Structure (dwelling, commercial or community structure) on private land acquired	Owners (s) of the structure	1. Price of structure at replacement market cost 2. Salvage structure materials be taken away by the APs for free without distributing the project work. 3 Shifting and reconstruction grants @ 10% of assessed value of structure	a. Ownership of structure determined by the JVT b. Type and quality determined by the JVT. c. Value of structure determined by LGED through market survey.	a. DC,LGED, INGO b. DC,LGED, INGO c.DC,PWD,LGED, INGO
Structure dwelling, commercial or community) on public land within road alignment	Owners (s) of the structure	1 Value of the structure at replacement market cost 2. Salvage of structure materials be taken away by the APs free of cost without disturbing the	a. Ownership of structure determined by the JVT b. Type and quality determined by the JVT c. Value of structure determined by LGED through market	a DC,LGED, INGO b. DC, LGED, INGO c. INGO, DC,LGED, PWD

Type of loss	Entitled Person	Entitlement	Implementation Issues/Guidelines	Organizational Responsibility
		project work. 3. Shifting and reconstruction grant @ 10% of assessed value of structure	survey.	
Business/rental income determined due to acquisition of commercial structure	1 Proprietor of the business 2 Owner of the commercial structure (if rented)	1.One month net income of business to the business proprietor 2.One months' rental income to the owner	a Proprietor/owner of rented commercial structure identified by the J VT b. Business/ rental income assessed by market survey by PVAT.	a.DC,LGED. INGO b. INGO, DC, LGED
Wage employment diminished due to acquisition of commercial structure	Regular employees of the business	1. One month wages	a. identification of regular employees by the JVT. b. Prevailing skilled and unskilled wage rates determine by PVAT	a.DC,LGED, INGO b. INGO, DC,LGED,
Vulnerable, handicapped or losing more than 10% of their income due to acquisition	Head of the vulnerable households	Additional substance allowance	An extra amount of Tk 15,000 as additional substance allowance equals to average income of three months	LGED, INGO, GRC
Poor households to be displaced or losing more than 10% of their income due to acquisition	Head of the poor households affected due to the acquisition	Priority in income generation program or any other poverty reduction support from the project	a. An extra amount of Tk 10,000 as additional substance allowance equals to average income of two months b. Training and credit for Income Generation Program (IGA) through INGO c. Priority in the project civil works. if available	LGED, INGO
Host area people experiencing adverse impact	Host population experience adverse impact	Enhance community facility in the host area to accommodate demand of project affected people if necessary	Renovation and extension of community facilities in the Host area are provided without affecting land.	LGED
Indigenous people affected, if any	The indigenous people/community affected	In case of major impact, benefits under indigenous People's Development Plan. If the impact is not significant, Indigenous People's Actions will be recommended in the Resettlement Plans	Compensation Packages should be developed based on assessment by JVT and consultation with the affected community	LGED,JVT

C. Socioeconomic Assessment

33. This section describes the required procedure for preparation of resettlement planning document which includes the methodologies to be used for socioeconomic surveys, censuses, inventories of losses, and assessments of land losses. This also describes the methods and outlines of the preparation of resettlement plan for the subprojects having resettlement impacts.

1. Census , Inventory of Losses and Socioeconomic Analysis

34. The LGED with the help of the MSC will conduct a census and inventory of all losses due to the project works which will be based on detailed engineering design. As part of the social impact assessment (SIA), the LGED will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the LGED will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development. The SIA will identify the intensity of the land acquisition and resettlement impact in the subproject. Details on the scope and methods of carrying out the census, Socioeconomic Survey (SES) & Detail Measurement Survey (DMS) are stated below.

a. Methodology

35. **The inventory of losses and assessment of land losses.** Based on final engineering design, the impact of the “Red Line” zone will be determined and the inventory of losses including land for each affected person, the type and extent of impact on each affected household/entity will be prepared. It will include all types of losses incurred by affected persons such as area of land to be acquired, type and area of affected structures (houses, shops, fences, sheds, toilets, wells, etc) damaged infrastructure (drainage, electricity, sewer lines, cable, etc. if any) heating, number of affected trees by type, area of crop production, loss of income and/or livelihood, loss of employment, permanent or temporary impacts, etc.

36. **Detail Measurement Survey and Census.** PMU and resettlement specialists of MSC will undertake surveys for each identified subproject, based on detailed/final technical design. Detailed measurement survey (DMS) including: (i) a full inventory/measurement of all land/other assets losses including buildings, crops, trees, and income; (ii) an assessment of unit replacement values for each affected item/loss will be conducted to ascertain the value of losses and identify rehabilitation measures to mitigate impacts. The census of affected persons will be conducted to document the status of potentially affected persons⁸ within the subproject impact area and identify vulnerable affected persons. It shall cover 100% of affected households/entities, and should identify and record all affected persons. The census will include a socio-economic profile of affected households and entities, especially people’s assets and main sources of livelihood. These resettlement investigations will be the basis to prepare a detailed inventory of losses for each affected person in terms of type and extent of impact with respect to land, structure, livelihoods and access to common property resources, if any.

⁸ The affected persons will include both titleholders and the non-titleholders within the subprojects construction zone. Identity of non-titleholders will be based on legal documents, such as voter,s/national ID, etc., if available. In the absence of supporting legal documents, certification from the Up Chairman will be considered.

37. **Socio-economic sample survey.** The socio-economic sample survey to be conducted for the final RPs prior to contract award will supplement additional information for the SIA and its results will be also used as a benchmark for monitoring the socio-economic status of the affected persons. The survey will cover a representative number of the affected households⁹, with the focus on severely affected households and affected households/entities. The survey will also collect gender-disaggregated data to address gender issues in resettlement and analysis of social structures and income resources of the population.

38. **Database.** All information concerning resettlement issues related to land acquisition, socioeconomic information of the affected land, structures, inventory of losses by individual affected persons, compensation and entitlements, payments and relocation will be entered onto a computer database by the PMUMSC. This database will form the basis of information for preparation and implementation of RP, monitoring and reporting purposes and facilitate efficient management and monitoring of compensation distribution. The collected data and their analysis shall quantify degree of losses and implications for the affected households in terms of living conditions, livelihoods, income loss, intangible loss and other impoverishment risks.

b. Analysis of social impacts

39. The above mentioned data shall be analyzed to review the social impact of each subproject on the affected persons and communities, particular on poor, women and other vulnerable and disadvantaged groups. The analysis shall provide the socio-economic profile of the affected community, disaggregated by gender, income, education and other socio-economic parameters. The affects, including the direct resettlement impacts to the land, businesses and other assets of people/community shall be assessed. The concerns and needs of women and other disadvantaged groups, and their priorities shall be identified and relevant mitigation and rehabilitation measures developed.

2. Gender Impacts

40. Negative impacts of subproject on female-headed households will be taken up on case-to-case basis and assistance to these households will be prioritized under the subprojects. The RPs will formulate measures to ensure that socio-economic conditions, needs, and priorities of women are identified and the process of land acquisition and resettlement does not disadvantage women. The RPs will ensure that gender impacts are adequately addressed and mitigated. Women's focus group discussions will be conducted to address specific women's issues. During disbursement of assistance and compensation, priority will be given to female headed households. In addition to the measures provided for addressing the gender concerns of the affected households, the RPs will be implemented in accordance with the Gender Action Plan.

41. If there are any indigenous people (IPs) are found to be affected under any subproject area then special attention is to be given to IP women to address their adverse impacts. Both in the RP and the Indigenous People's Planning Framework (IPPF), the IP women issues to be addressed adequately to ensure that they are not deprived in any way. Moreover, as per the needs assessment through conducting of Focus Group Discussions (FGDs) with IP women, necessary measures are to be taken both for mitigation of negative impacts and further steps to enhance their income and livelihood. A separate gender action plan is to be prepared for the IP women to address the gender issues.

⁹ Preferably taking 20-25% sample from the total affected households/entities.

3. Assessment of Compensation Unit Values

42. **Land:** All lands proposed to be acquired under this project will be compensated as per replacement cost consistent with both Government and ADB policies. The design consultants will prepare site plan overlays on the cadastral map to define the area and parcels to be acquired. This forms part of the application to the Ministry of Land (MOL).¹⁰ The MOL will then assign the task to the concerned Deputy Commissioner (DC) in the project areas. The DC will then decide the cost of land through its property valuation advisory committee¹¹ which will serve as the valuation committee. The land valuation process will consist of two different values – 1) the sale deed record, 2) expected price. The LGED will be responsible for providing the recorded rate from the Local Land Registry Office (LLRO) (i.e., the *sale deed record for the last one year*). The LGED will attempt to consult with some willing buyer or seller of the area to collect the *expected price* of land. The LGED will submit the above two rates to the valuation committee. Based on these rates the valuation committee will derive a price which will be called as the current market rate. Additionally, the cost for tax and stamp duties etc will be added to the current market as derived by the valuation committee which will finally be considered as the replacement cost.

43. **Private Buildings and Structures.** The compensation for houses, buildings and other immovable properties will be determined on the basis of replacement cost as on date without depreciation. The LGED with assistance from the Public Works Department (PWD) will determine the replacement cost of structures. The PIU will engage experts from PWD and the experts will carry out on the field assessment of each property and will submit the report to the DC office. LGED will ensure that the assessment is done keeping in consideration the market price and consultation with the owners by assessing sources, types and cost of materials, usage of the building and the cost related to labor and transportation etc.

44. **Community and Government Buildings and Structures.** Cash compensation for properties belonging to the community if opted by the community, will be provided to enable construction of the same at new places through the community/ local self-governing bodies / appropriate authority in accordance with the modalities determined by such bodies / authority to ensure correct use of the amount of compensation.

45. **Trees and Crops.** The LGED will conduct the survey on unit prices of trees and crops if significant numbers shall be affected by temporary or permanent land acquisition, in consultation with agriculture/horticulture experts. The compensation for crops will be calculated based on the yielding and current market rate. The LGED will collect data on yielding of various crops in the project area from the department of agricultural extension. Subsequently, the market rate for each crop will be collected from department of agricultural extension and accordingly the unit cost for crop will be calculated. The unit prices for compensation of different species of fruit trees will be based on the market values of their fruits. For trees producing timber will be based according to their species, age and quality and the cost will be collected after consultation with the divisional forest office.

46. **Business or Sources of Income.** The PIU with the help of the MSC will conduct the census survey. The census survey will gather the information on actual monthly income of the

¹⁰ The application to MOL includes a detailed statement specifying whether the land mentioned in the application is needed for public or private purpose, the area of the land, sketch-map, purpose for which it could be used..

¹¹ Under the Project, a representative from the affected persons is required to be a member of the property valuation advisory committee to ensure compensation for assets is at replacement value.

APs followed by a verification of the income data based on the tax payment. In the absence of authentic income proof, the unit price will be decided mutually between the APs and the LGED during the survey through consultation.

D. Consultation, Participation, And Disclosure

47. The LGED will conduct meaningful consultation with APs, their host communities, and civil society for each and every subproject identified as having involuntary resettlement impacts. Meaningful consultation is a process that: (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation will be carried out in a manner commensurate with the impacts on affected communities. The EA /LGED will pay particular attention to the need of disadvantaged or vulnerable groups, especially those below the poverty line, the landless, the elderly, female headed households, women and children, Indigenous Peoples, and those without legal title to land. The consultations process to be continued throughout the project cycle from the very beginning of project to end of the project implementation among the DPs and different stakeholders of the project..

48. The EA will submit the following documents to ADB for disclosure on ADB's website:
- (i) A draft resettlement plan endorsed by the EA before project appraisal;
 - (ii) The final resettlement plan endorsed by the EA after the census of affected persons has been completed;
 - (iii) A new resettlement plan or an updated resettlement plan, and a corrective action plan prepared during project implementation, if required; and
 - (iv) The resettlement monitoring reports.

49. The EA will provide relevant resettlement information, including information from the above mentioned documents in a timely manner, in an accessible place and in a form and language(s) understandable to APs (Bengali language) and other stakeholders. For illiterate people, suitable other communication methods such as briefing them, holding discussions/ meetings, broadcasting in the radio/television etc. will be used. In case there is no impact and no RP, the EA will disclose this informing the main villages, habitations, market places under the subprojects that no land or structure, irrespective of their title will be affected by any activities of this subproject. The report of this disclosure giving detail of date, location will be shared with ADB. The cost required for this purpose to be included in the RP budget. The details on consultation process and disclosure at various phases of project development including the responsible agency are described in Table 4.

Table 4: Consultation and Disclosure Roles and Responsibilities at Different Stages

Project Phase	Activities	Details	Responsible Agency
Project Initiation Stage	<ul style="list-style-type: none"> -Sub-project information dissemination on various components -Disclosure of Preliminary proposed for required land acquisition to APs -Preliminary Information Sharing about the tentative alignment/ sites with the APs in case of temporary impact on business, income and livelihood 	<ul style="list-style-type: none"> -Leaflets containing information on the Project and sub-project area to be prepared -Public notice issued in public places including newspapers and direct consultation with APs 	LGED/DSMC
RP Preparation Phase	-Stakeholder consultations	<ul style="list-style-type: none"> -Further consultations with APs and households, titled and non-titled. -Summary RP made available to all APs at the convenient place which is easily accessible and should be in local language (Bengali) 	LGED/DSMC
	-Disclosure of final entitlements and rehabilitation packages and disclosure of draft RP	-RPs disclosed to all APs in local language (Bengali)	LGED/DSMC
	Finalization of RP	<ul style="list-style-type: none"> -Review and approval of RP by EA. -Review and approval of RP by ADB (prior to award of contract). -Web disclosure of the RP. -Disclosure of the Final RP to APs 	LGED/DSMC
RP Implementation Stage	Consultation with APs during RP implementation	<ul style="list-style-type: none"> -Consultations with APs; -Payment of entitlements prior to displacement or dislocation; -Written notification from LGED to ADB that all compensation paid before displacement occurs 	LGED/DSMC/I NGO

E. Compensation, Income Restoration And Relocation

50. Income restoration assistance to the affected persons includes both short and medium term strategies. Short term income restoration strategies are for immediate assistance during relocation and include the following:

- (i) Compensation for land, structures, and all other lost assets is paid in full before construction activity begins;
- (ii) APs losing entire structures are entitled to shifting and reconstruction allowance (cash) for moving to alternative premise for re-establishing house/business
- (iii) Shifting allowance for households based on actual cost of moving/unloading
- (iv) 60 days' advance notice to harvest standing seasonal crops, if harvest is not possible, compensation for share of standing crops at market rates

- (v) Business owner/tenants including farmers earning livelihood from crops and experiencing loss of income are entitled to one-time lump sum grant of one-month income based on the nature and type of losses assessed on a case-to-case basis or on minimum wage rates, whichever is more.
- (vi) For vulnerable groups, additional subsistence allowance equal to their average three months income Tk. 15,000 per vulnerable households for restoring or enhancing their livelihood. Vulnerable households will be prioritized in any project employment

51. Medium-term income restoration activities include skill development training based on need. The PMU/LGED will organize such training to the APs. Where necessary, training may include (i) capacity building, enterprise training, and facilitating economic activities to landowners; (ii) training for self employment to agricultural laborers. Training for self-employment and skill development which may include but not limited to (i) cattle fattening, (ii) Poultry and dairy, (iii) tailoring, handicrafts and (iv) Agriculture and kitchen gardening etc. Training will be imparted to any willing APs/DP losing income or livelihood. The PMU/LGED will identify suitable local training institutes/venues. It is expected that these training will help the DPs/APs to be self employed in their respective field and will be able to earn more income to ensure their minimum living standard.

52. During the construction stage the APs/DPs, especially vulnerable APs, will be given preference over others in being engaged in project activities by the contractors suitable to their skills. In order to make the APs employable, the EA/LGED will identify the required skills for the construction activities prior to the commencement of the construction and will provide with the required training to the APs. Adequate budgetary provision of fund for the above training programs of the APs is to be kept in the RP to be prepared for the project/subprojects.

F. Grievance Redress Mechanisms (GRM)

53. The EA will establish a mechanism to receive and facilitate resolution of affected peoples' concerns, complaints, and grievances about the project's safeguards performance at each subproject level with IR impacts, with assistance from a suitably qualified and experienced Implementing NGO (INGO). The grievance mechanism will be scaled to the risks and adverse impacts of the project. It will address displaced persons concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all segments of the affected people, at no cost. The mechanism developed shall not impede access to the existing judicial or administrative remedies.

54. Under the GRM, a Grievance Redress Committee (GRC) will be formed with involvement of local stakeholders. The APs will be appropriately informed about the mechanism by the INGO. This GRC will help the APs to save time and money instead of proceeding for legal process which may be a lengthy procedure. To ensure that the GRM will be able to redress grievances within a short time at nominal cost, the Grievance Redress Committee members will comprise field level SMO officers, AP's and public representatives. The GRC costs will mainly relate to communication, stationeries, etc. which would be covered by the RP's contingency budget or a specifically allocated lump sum. The EA shall ensure that the GRC is working impartially through monitoring GRC activities on a regular basis.

55. Grievance Redress Committees (GRCs) will be established for each subproject or group of subprojects with IR impacts, to ensure stakeholders' participation in the implementation

process. Through public consultations, the APs will be informed that they have a right to grievance redress from the LGED. The APs can also call upon the support of the INGO engaged to implement the RP to assist them in presenting their grievances or queries to the GRC. Other than disputes relating to ownership right and award of compensation by the Deputy Commissioner under the court of law, GRCs will review grievances involving all resettlement assistances, relocation and other supports. Grievances are to be redressed within 21 days from the date of lodging the complaints.

56. The GRCs are to be formed and activated during the RP implementation process to allow APs sufficient time to lodge complaints and safeguard their recognized interests.

57. Any AP wishing to lodge a complaint will be supported by the project. Assistance will be given to document and record the complaint, and if necessary, provide advocate services to address the GRC.

58. Any complaints of ownership or other suits, are to be resolved by the judicial system, not by GRCs. All APs can access the legal process at any time, without having to proceed through the Project GRM.

1. Grievance Redress Committees

59. GRCs will be formed for each subproject or group of subprojects to deal with grievances involving resettlement benefits, relocation, and other assistance. A gazette notification on the formation and scope of the GRCs will be required from the Ministry of LGRD. The GRC for a subproject will be comprised as follows:

- (i) Upazilla Engineer, SMO, LGED – Convener
- (ii) Team Leader, RP Implementing NGO- Member Secretary
- (iii) Concerned U P Chairman or his designated U P member – Member
- (iv) Woman UP member of the concerned UP – Member
- (v) One representative of APs – Member

60. Procedures for resolving grievances are described in Table 5 below.

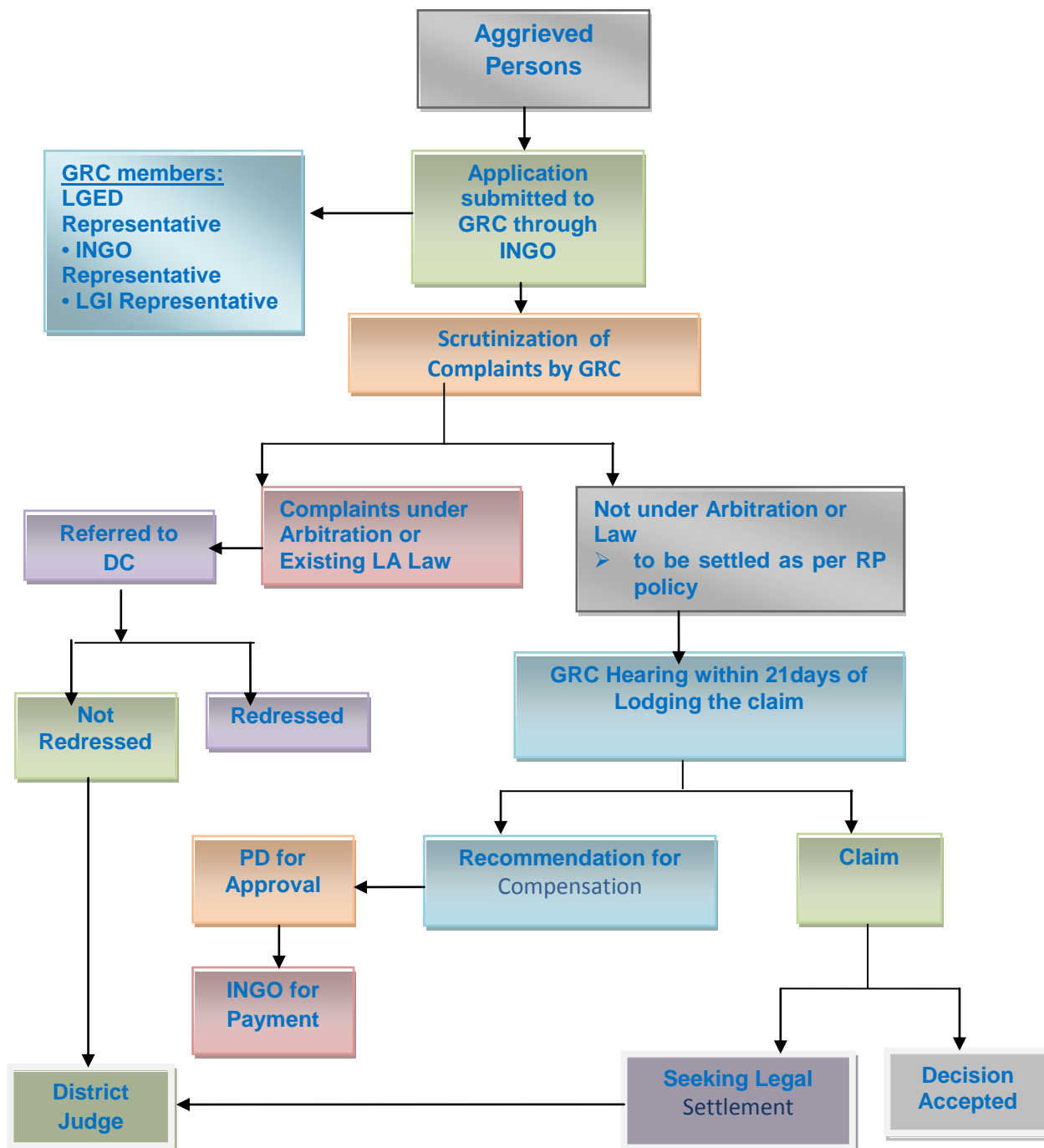
Table 5: Grievance Redress Procedures

Step-1	An AP has a grievance about any part of the LAR process, and finds that it cannot be resolved.
Step-2	The AP approaches the INGO field level officials for clarification. The INGO will provide clarification to the AP as per RP within 1 day.
Step-3	If not resolved in 2, The AP approaches to the GRC. INGO staff will assist the AP in producing the complaints and organize hearing within 21 days of receiving the complaints.
Step-4	GRC to scrutinize applications and cases are referred to DC through EA if beyond their mandate.
Step-5	If within the mandate, GRC sessions held with aggrieved AP, minutes recorded. If resolved, the Project Director approves.
Step-6	If not resolved: The AP may accept GRC decision, if not, he/she may file a case to the court of law for settlement.
Step-7	The GRC minutes, approved by the Project Director, are received at the Convener's Office. The approved verdict is communicated to the complainant AP in writing.

61. APs will be able to submit their grievance/complaint about any aspect of Resettlement Plan implementation and compensation. Grievances can be shared with the LGED verbally or in written form, but in case of the verbal form, the INGO representatives in the GRC shall write it down in the first instance during the meeting at no cost to APs. The APs will sign and formally submit the grievance to the GRC at the respective office of the INGO which is assisting LGED in implementing the RP.

62. A flow chart summarizing the procedure for redressal of grievances is shown in Figure 1.

Figure 1: Grievance Redress Flow Chart



G. Institutional Arrangements and Implementation Mechanism

63. The Local Government Engineering Development (LGED) under the Ministry of Local Government Rural Development & Cooperatives (LGRD & C), Rural Development Division will be Executing Agency (EA) responsible for implementing the RPs. LGED shall establish a Project Management Unit (PMU) for the Project, headed by a Project Director (PD) that will be responsible for the overall execution of the Project. The EA also will set up a Sub-projects Management Office (SMOs) headed by the Executive Engineer of the concerned district under the PMU. The SMOs will prepare a land acquisition (LA) plan for the land required to be acquired with the assistance from consultants, for each subproject found with land acquisition & resettlement impacts and shall submit to the concerned DC. The SMO will also take the leading role in negotiation process with the land owners through involvement of a third party professional valuer and with the voluntary donors. An experienced implementing NGO (INGO) shall be hired by LGED to assist EA in implementation of resettlement program. To expedite the process, the RP implementing NGO will assist the DC office and EA in the process of land acquisition.

64. A Management Support Consultant (MSC) will be engaged by the EA to assist to carry out a range of activities including implementing and monitoring the safeguards aspects of the project. The Resettlement Specialist (RS) of the MSC will be responsible for arranging or carrying out the activities of preparation/updating/finalizing the RPs for the subprojects with IR impacts based on information from the detailed engineering design documentation prepared by the Design & Supervision Consultant (DSC). The RS will also oversee and monitor RP Implementation in close liaison with the PMU, SMOs and INGO.

65. The SMOs, under the overall responsibility of the Project Director, will undertake day-to-day activities with the appointed INGO. The concerned Executive Engineer of the SMO will be the convener of the Joint Verification Team (JVT) and Property Valuation Advisory Team (PVAT). The Upazilla Engineer under the SMO will perform as convener of the GRC. The SMOs will coordinate and manage resettlement and rehabilitation of the APs, disburse resettlement benefits, and ensure AP's access to development programs. The SMOs, with assistance from the RS of MSC & INGO will carry out the following specific tasks relating to RP implementation;

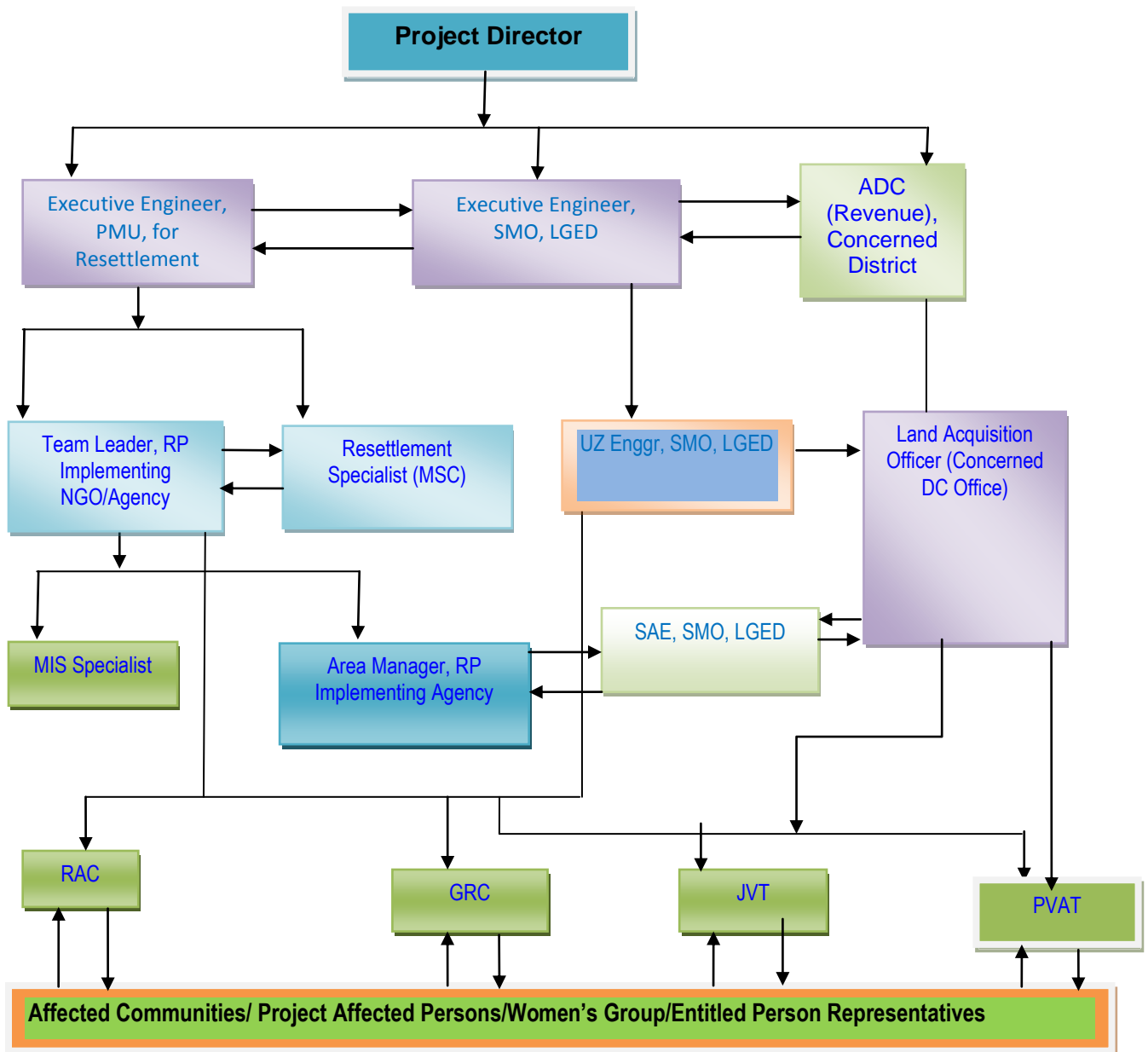
- (i) Liaise with district administration to support RP implementation activities i.e. appointment of JVT and PVAT members, etc;
- (ii) Discharge overall responsibility of planning, management, monitoring and implementation of the resettlement and rehabilitation program;
- (iii) Ensure availability of budget for all activities;
- (iv) Synchronize resettlement activities and handover the encumbrance free land to the contractor within the construction schedule;
- (v) Develop RP implementation tools and form necessary committees;
- (vi) Monitor the effectiveness of entitlement packages and the payment modality.

66. The appointed RP Implementing NGO will carry out an information campaign and involve affected persons including women in the implementation process. The INGO will collect, computerize and process data for identification of eligible persons correctly for resettlement benefits and assess their entitlements as per RP policy. However, the SMOs will make payments after necessary scrutiny. The Executive Engineer (XEN) of the SMOs in charge of the resettlement management will report to the Project Director. He will work in close coordination

with the respective field-based offices and INGO on the day-to-day activities of the resettlement implementation.

67. The SMO, LA Office and the INGO will execute joint verification of the property on the ROW by JVT, valuation of the affected property by PVAT and monitor the progress of the RP implementation work. The SMOs will ensure coordination between the relevant departments, INGO, GRC, RAC, PVAT and the Project affected people. Apart from the GRC, a Joint Verification Team (JVT) for quantification of affected properties, and a Property Valuation Advisory Team (PVAT) will be formed by the Ministry of LGRD&C for valuation of affected property, together with a GRC for resolution or redressal of disputes. The composition and formation of committees and mechanisms for quantification and valuation of properties and grievance resolution will be constituted through government gazette. People's participation will be ensured through recruiting their representatives onto these committees. A proposed RP implementation organogram is given below in Figure 2.

Figure 2: RP Implementation Organogram



68. Institutional responsibilities for RP preparation and implementation activities are summarized in Table 6.

Table 6: Institutional Roles and Responsibilities

Activity	Responsible Agency
A. Subproject Initiation Stage and Institutional Setup	
Formation of PMU	EA
Formation of SMO	EA
Recruitment of DSC, MSC & INGO	EA
Selection & finalization of sites for subprojects	PMU/SMO/MSD/DSC
Disclosure of proposed land acquisition and subproject details by issuing Public Notice	PMU/SMO
Meetings at community/household level with APs	PMU/SMO
Capacity Building training	PMU/SMO/MSD
B. RP Preparation and Updating Stage	
Census of APs and socioeconomic survey	PMU/SMO/MSD
Survey on unit prices for computing replacement costs	JVT/PAVT/INGO
Screening of vulnerable APs	PMU/MSD/INGO
Calculation of compensation and entitlements	SMO/MSD/INGO
Prepare/update of subproject RPs	PMU/MSD
Consultations on RPs and entitlements with APs	PMU/MSD/INGO
Incorporate comments and suggestions to RPs	PMU/MSD
Finalize RPs and submit to ADB. All draft RPs must be submitted to ADB for clearance prior to award of contracts.	PMU/MSD
ADB website disclosure	ADB
C. RP Implementation Stage	
Issuance of ID Cards to APs	SMO/INGO
Detailed Schedule for compensation action plan	SMO/INGO

Activity	Responsible Agency
Distribution of Relocation Notices to APs	SMO/INGO
Award of Checks for Land Compensation	SMO/INGO
Award of Checks for other Compensation & Assistance/ Rehabilitation	SMO/INGO
Confirm with ADB in writing when payment to APs has been completed. Permission to contractor to begin works once compensation to DPs is confirmed.	PMU/SMO
Income Restoration Program and Training	PMU/SMO/INGO
Demolishing/ Relocation of Affected Structures/Assets	SMO/INGO
Grievances redressal	SMO/INGO
Internal monitoring	PMU/SMO/MSD
Review of RP Implementation by external expert through a compliance report for projects with significant impacts	External Monitor
If RP Implementation found satisfactory, Notice to proceed for Civil works is issued	PMU

69. Upon approval of the project by ADB & Government and finalization of the detailed design and the RP, an experienced RP implementing NGO shall be engaged as a subconsultant by the PMU through the MSD. The INGO will prepare ID cards, EP file & EC and other documents for assisting LGED in making payment, and the LGED will disburse account payee cheques to the entitled persons. The INGO will assist the EPs and LGED as well in all aspects. During calculation of the unit rates for affected structures, the PVAT will collect information by interviewing different categories of people such as Imam, Teacher, Community Leader, trader, broker, elected representatives of the local government, etc.

1. Other Agencies Involved in the Process

a. Deputy Commissioners

70. The Ministry of LGRD will constitute three committees i.e. Joint Verification Team (JVT), Property Valuation Advisory Team (PVAT) and Grievance Redress Committee (GRC). Among these committees, JVT and PVAT will be constituted with representatives from LGED, RP implementing NGO and Deputy Commissioner (DC). The DC office will appoint representatives as member(s) of the committees for quantifying losses and determining valuation of the affected properties. LGED and INGO shall liaise with concerned DC offices to complete the tasks following the notification of the Ministry.

b. Implementing NGO

71. LGED will engage an Implementing NGO (INGO) through the Management Support Consultant (MSC) for implementation of the RP at the field level. The LGED through the MSC will contract out clearly defined tasks of the RP Implementing NGO in detailed Terms of Reference such as : consultation /public information campaign for rapport building, issuance of ID cards, payment of eligible benefits to affected households/ individuals, institutional development, skill training/management training, community awareness and empowerment, etc. The INGO will initially create ID numbers for each entitled person (EP) as identified during the Joint Verification survey by the JVT and prepare an ID card for each EP. The ID card will comprise information on name, father's/husband's name, mother's name, age, education, identifiable marks, detailed address, details of quantity of losses etc. The ID card will be issued by LGED with the joint signature of the LGED and INGO representatives and distributed among the EPs by the INGO.

72. The INGO will establish an MIS section in their central office for record keeping of the DPs, recording individual ID numbers of the entitled persons, preparing entitled person's (EP) files based on quantity of losses and entitlement cards (EC) based on loss type and budget. The INGO will submit monthly progress reports to the MSC describing progress of activities carried out during the last one month and planned activities to be carried out in the following month.

73. Upon fulfillment of criteria i.e. necessary documents to make payment/benefits to the EPs, the INGO will prepare payment debit vouchers and other documents for payment and LGED will disburse account payee cheques to the EPs in a public place or Union Parishad (UP) office in presence of the UP Chairman, after issuing prior notice to the concerned EPs.

c. Ministry of Local Government & Cooperatives (LGRD & C)

74. The Ministry of LGRD&C through a gazette notification shall form various committees/teams involving representatives from DC, LGED, LGI and APs for implementation of the RP at the field level. These committees/teams will ensure stakeholders' participation and uphold the interests of the vulnerable DPs. The powers and jurisdictions of the committees will be clearly defined in the gazette notification.

d. Joint Verification Team

75. The major responsibility of the Joint Verification Team (JVT) to be formed by Ministry of LGRD is to review the physical verification data collected by the INGO together with the DCs' assessment of loss of physical assets and their owners. The scope and responsibility of the JVT will be clearly defined in the gazette. The INGO will process the entitlements of the project-affected persons using the JVT data as one of the determinants. The JVT will be a three-member body and be comprised as follows:

- (i) Executive Engineer of, SMO, LGED – Convener
- (ii) Representative of Deputy Commissioner – Member
- (iii) Area Manager, RP Implementing NGO – Member Secretary.

e. Property Valuation Advisory Team (PVAT)

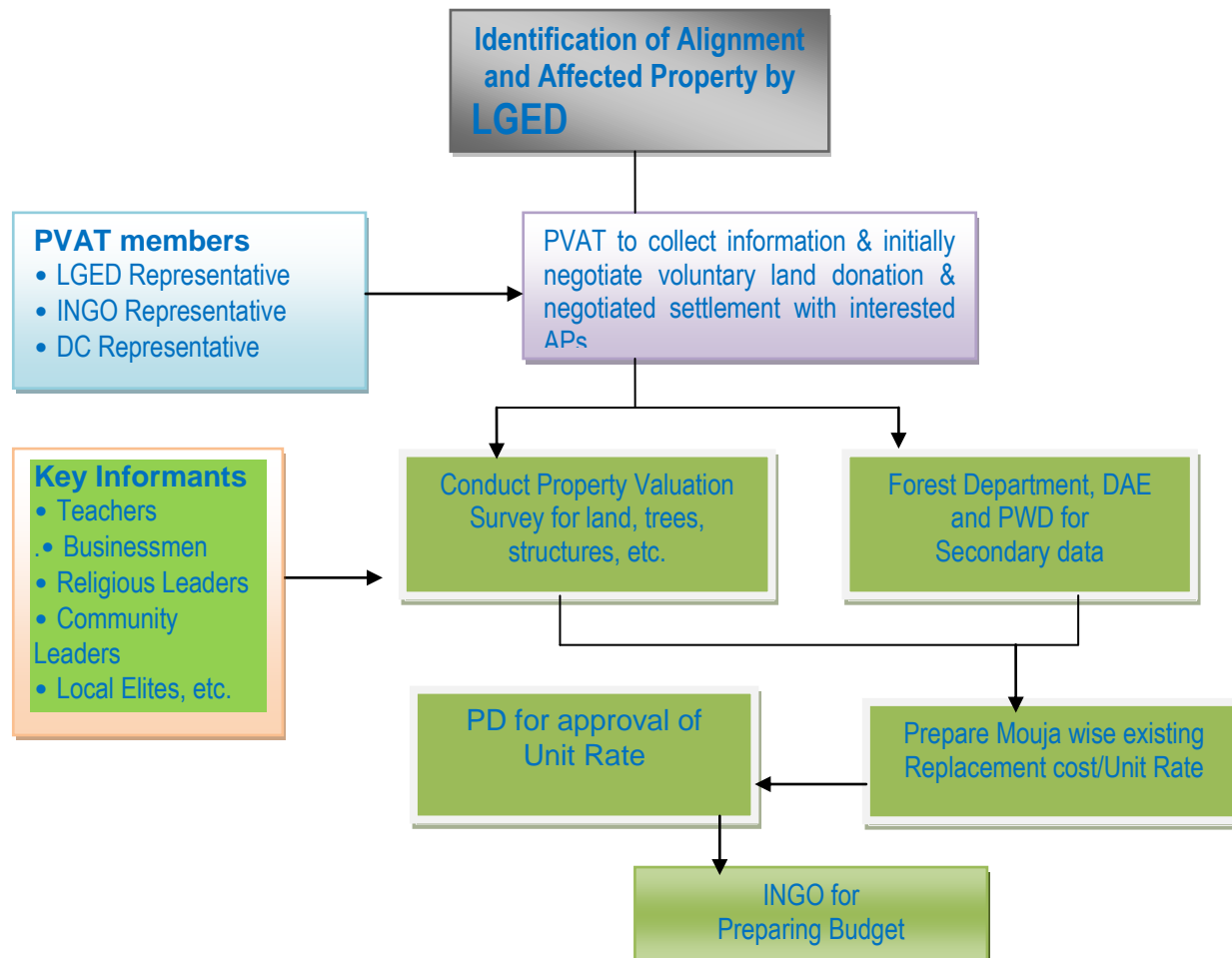
76. A Property Valuation Advisory Team (PVAT) will be formed for the project by the Ministry of LGRD through a gazette notification, and will review the assessment of the INGO on the market price of the properties affected by the project at their replacement cost. The scope and responsibility of the PVAT will clearly be defined in the gazette. The INGO will process the entitlements of the project-affected persons using the PVAT data as one of the determinants. The PVAT will be comprised as follows:

- (i) Executive Engineer of SMO, LGFD – Convener
- (ii) Representative of Deputy Commissioner
- (iii) Area Manager, RP Implementing NGO – Member Secretary.

77. The procedure for determining replacement cost is described in Figure 3 below.

78. The valuation of property will be followed by discussions with affected households as the beginning of a negotiated settlement. There is a Government and community preference for negotiated settlement, particularly through voluntary donation of small parcels of land, to speed up infrastructure funding and development. All negotiations, particularly those resulting in voluntary land donations, will be overseen by an independent third party, external to LGED. Both negotiating parties (EA and APs) will have access to all information including the LARF, Entitlement Matrix, brochures, valuations and planning documents. APs will not be allowed to donate land if it results in their physical displacement or losing more than 5% of their productive assets. Negotiated settlement can take place with such APs as long as it is overseen by the third party and that the valuations are known. Although it is preferable for APs and the EA to negotiate an applicable settlement, they are able to refuse, in which case land expropriation will result under the eminent domain powers of the Government.

Figure 3: Procedure of Determining Valuation of Property



f. Resettlement Advisory Committees (RACs)

79. The INGO will assist the LGED to form Union based Resettlement Advisory Committees (RACs) at subproject level to involve the local communities and APs in the implementation process. The RACs will be comprised of a LGED representative (Upazilla Engineer or equivalent) as the chair, the INGO as member secretary, two local key informants (Male-1 and Female-1) and representatives of various stakeholders and APs including at least one female AP in the respective area as selected by LGED in consultation with the LGI representative. The committees will seek local inputs from the affected people and communities in the implementation process and assist the EA in all matters related to resettlement. The RACs will ensure local participation in the implementation of the Resettlement Plan.

g. Women Groups in Resettlement Process

80. The RP implementation will ensure a gender sensitive approach in planning, management and operations of resettlement. Separate groups of women affected persons will be formed and operated by the INGO. Feedback from the female APs and female headed AHs will be obtained through these female focused groups for planning relocation and resettlement.

Female staff engaged by INGO will identify needs of female APs for income restoration approaches and implementation of the income restoration component of the RP. Women are to be consulted from the beginning of the project and will continue till end of the project activities.

2. Capacity Building Training

81. The LGED has over 15 years experience implementing ADB supported projects and as an institution has acquired knowledge on ADB's safeguards requirements. Senior LGED officers associated with ADB supported projects attended IR trainings conducted by the Bangladesh Resident Mission of ADB in 2011. To ensure effective execution of all IR related tasks, further capacity development at both the PMU and SMO level is needed. The training will specifically focus on the differences between the provisions of the ADB policy and the relevant country laws as the awareness of these differences and the need to follow the provisions of the ADB policy are critical for successful implementation of the RP. The designated Training Specialist and Resettlement Specialist within the MSC will arrange such training to PMU & SMO officers for capacity enhancement related to the IR planning and implementation and to ensure familiarity with ADB's SPS-2009. All concerned staff will undergo orientation and training on ADB's safeguards policy and management at the beginning of the project, and will also receive on- job-training during implementation of the project. Training will cover major issues such as (i) Principles and procedures of land acquisition; (ii) Public consultation and participation; (iii) Entitlements and compensation & assistance disbursement mechanisms including livelihood restoration and relocation; (iv) Grievance redress; (v) Implementation of Resettlement Plan and (vi) Monitoring of resettlement operations and its reporting. The RP shall keep provision for capacity building training.

3. Implementation Schedule

82. Land acquisition, compensation and relocation of APs cannot commence until the relevant RP has been reviewed and cleared by ADB. All entitlements are to be paid prior to displacement. The subprojects will be implemented over the project period of about six years. For each subproject or group of subprojects, there will be a separate time bound implementation schedule to be included in the RP for that particular subproject or group of subprojects. The implementation of each RP will include: (i) identification of cut-off date and notification, (ii) verification of losses and extent of impacts, (iii) finalization of entitlements and distribution of identity cards, (iv) consultations with APs on their needs and priorities, and (v) resettlement, provision of compensation and assistance, and income restoration for APs. An indicative RP implementation schedule is provided in Table 7 below.

**Table 7: Tentative Resettlement Plan Implementation Schedule
(Example for one Subproject)**

SI No	Land Acquisition & Resettlement Activities	Start Date	Completion Date
1	Deployment & Orientation of INGO	Sept 01 '12	Sept 31 '12
2	Information Campaign	Oct 01 '12	April 30, '13
3	Consultation and focus group discussion	Oct 1 '12	April 30, '13
4	Formation of Committees by Ministry of LGRD	Oct 15 '12	Oct 31 '12

SI No	Land Acquisition & Resettlement Activities	Start Date	Completion Date
	&C		
5	Design/Development of RP Implementation Tools	Oct 01 '12	Oct 31, '12
6	Joint Verification Survey by JVT based on detail design within subproject redline area	Nov 01 '12	Nov 15 '12
7	Identification of land owners for negotiated settlement & voluntary donations by JVT	Nov 01 '12	Nov 15 '12
8	Fixation of property value and agreement with the APs through negotiation by third party valuer	Nov 01 '12	Nov 15 '12
9	Property Valuation Survey and determination of unit rate by PVAT	Nov 01 '12	Nov 15 '12
10	Data Processing and Determination of Individual Entitlements	Nov 15 '12	Nov 30 '12
11	Preparation & Submission of Resettlement Budget and individual entitlement by INGO to LGED	Dec 15 '12	Dec 31 '12
12	Approval of Resettlement Budget by LGED	Jan 01 '13	Jan 15 '13
13	Payment of compensation/resettlement benefits to EPs by LGED	Jan 16 '13	April 30 '13
14	Redress of Grievances	Feb 01 '13	April 15 '13
15	Payment of Other Resettlement benefits based on GRC decision	Jan 16 '13	April 30 '13
16	Relocation of HHs and CBEs	Jan 16 '13	April 30 '13
17	Training and Income Generation Programs	Feb 01 '13	April 30 '13
18	Submission of project completion report by IA	may 01 '13	May 15 '13
19	Monitoring and Evaluation	Jan 16,12	April 30,13

H. Budget And Financing

83. Detailed budget estimates for each RP are to be prepared by the MSC/PMU which are to be included in the overall project estimate. The budget shall include: (i) detailed costs of land acquisition, structure, trees, relocation, and livelihood and income restoration and improvement;

(ii) administrative costs; (iii) RP implementation cost iv) All training costs for the APs including capacity building of EA personnel; and v) monitoring costs.

84. The EA will be responsible for the timely allocation of the funds needed to implement the RPs. All land acquisition, compensation, relocation and rehabilitation, administrative expenses, monitoring consultant & implementation NGO costs, income and livelihood restoration costs will be considered as an integral component of project costs and timely disbursement of funds will be required for efficient RP implementation. It is not practical to accurately estimate land acquisition and resettlement costs for the Project at this time because none of the subprojects have yet been selected. Provisional quantities of land, structures and trees are indicated in Table 1 above. However the actual quantity of land that will be made available voluntarily at zero cost is not known, and the unit rates for land will vary hugely depending on its location and existing/potential use. The values of the different types of structures that will be affected, will vary greatly. The ownership, numbers and sizes of trees to be removed are not feasible to estimate in a meaningful manner at this time. The Project duration is 6 years and detailed LAR impacts (and associated costs) will be determined on a staged basis, as each package of subprojects is selected for detailed design then implementation.

85. All costs associated with LAR will be funded by GoB, and there will be opportunity to monitor actual costs and funding requirements annually. Accordingly, a provisional estimate of RPs implementation costs for the whole project has been made, as summarized below in Table 8, and this budget has been allowed for in the overall Project costings with the presumption that it will be periodically reviewed and adjusted as necessary.

Table 8: Provisional Land Acquisition and Resettlement Budget

Sl. No.	Category of Loss/Expense	Amount in Tk millions
A	Compensation for land	180
B	Compensation for structures	170
C	Compensation for Trees	20
D	Other Resettlement Benefits	20
E	Rehabilitation Costs	20
F	EA capacity building training	1
G	Operation cost for RP Implementing Agency	40
H	Operation cost for External Monitoring Agency	30
Grand Total		481

I. Monitoring And Reporting

1. General

86. The Executing Agency (EA), through the Project Management Unit, will establish a monitoring system involving the XEN, SMO, INGO and the MSC for collection, analysis, reporting and use of information about the progress of resettlement, based on the RP policy. These stakeholders will be responsible for monitoring the progress of all aspects of resettlement and income generation. The EA will report to the ADB on resettlement and income regeneration by APs in semi-annual reports, including identification of significant issues.

At the end of the project a Project Completion Report describing all significant activities and outcomes will be prepared and submitted to the ADB by LGED.

87. The RP implementation monitoring will be done internally to provide feedback to LGED through monitoring and evaluation reports and other relevant data, to identify any action needed to improve resettlement performance or to respond to changing circumstances. Evaluation of the resettlement activities will be undertaken during and after implementation of each RP to assess whether the resettlement objectives were appropriate and whether they were met, including specifically whether livelihoods and living standards have been restored or enhanced. The evaluation will also assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement planning. Budgetary provisions shall be kept in the RPs for independent monitoring and review.

88. The extent of monitoring activities will be commensurate with the project's risks and impacts. Monthly monitoring reports will be submitted by SMOs to PMU. The PMU will consolidate monthly reports into quarterly monitoring reports for submission to ADB. These reports will form a part of the project progress reports submitted by PMU to ADB. A sample monitoring report format is given in Annex-4.

89. The major objectives of monitoring are to: (i) ensure that the standards of living of DPs are restored or improved; (ii) ascertain whether activities are progressing as per schedule and the specified timelines are being met; (iii) assess if compensation, rehabilitation measures are sufficient; (iv) identify problems or potential issues; and (v) identify methods to rapidly mitigate any problems. The above information will be collected by EA through its PMU and respective SMO, which is responsible for monitoring the day-to-day resettlement activities of the subproject through the following instruments:

- (i) Review of census information for all DPs;
- (ii) Consultation and informal interviews with DPs;
- (iii) In-depth case studies;
- (iv) Sample survey of DPs;
- (v) Key informant interviews; and
- (vi) Community public meetings.

2. Internal Monitoring

90. Monitoring shall be undertaken by the PMU through the SMO DSMC and INGO. The INGO will gather information on RP implementation covering relevant activities as per the schedule. All activities listed will be illustrated showing the target dates for completing resettlement activities. Monitoring reports on RP implementation shall be included in each quarterly Project Progress Report (PPR). The report of the SMO will contain: (i) accomplishment to-date, (ii) objectives attained and not attained during the period, (iii) challenges encountered, and (iv) targets for the next quarter. The internal monitoring report will then be integrated by the PMU with the overall PPR submitted to ADB. Table 9 below shows the monitoring indicators that will require to be reported.

Table 9: Monitoring Indicators

Monitoring Issues	Monitoring Indicators
Budget and Timeframe	<ul style="list-style-type: none"> • Have all resettlement staff been appointed and mobilized for field and office work on schedule? • Have capacity building and training activities been completed on schedule? • Are resettlement implementation activities being achieved against agreed implementation plan? • Are funds for resettlement being allocated to resettlement agencies on time? • Have resettlement offices received the scheduled funds? • Have funds been disbursed according to RP? • Has the land made encumbrance free and handed over to the contractor in time for project implementation?
Delivery of DP Entitlements	<ul style="list-style-type: none"> • Have all DPs received entitlements according to numbers and categories of loss set out in the entitlement matrix? • How many affected households relocated and built their new structure at new location? • Are income and livelihood restoration activities being implemented as planned? • Have affected businesses received entitlements? • Have the squatters, encroachers displaced due to the project, been compensated? • Have the community structures (e.g. Mosque, etc.) been compensated for and rebuilt at new site? • Have all processes been documented?
Consultations, grievances & Special issues	<ul style="list-style-type: none"> • Have resettlement information brochures/leaflets been prepared and distributed? • Have consultations taken place as scheduled including meetings, groups, community activities? • Have any DPs used the grievance redress procedures? • What are grievances were raised? • What were the outcomes? • Have conflicts been resolved? • Have grievances and resolutions been documented? • Have any cases been taken to court?
Benefit Monitoring	<ul style="list-style-type: none"> • What changes have occurred in patterns of occupation compared to the pre-project situation? • What changes have occurred in income and expenditure patterns compared to pre-project situation? • Have DPs income kept pace with these changes? • What changes have occurred for vulnerable groups?

3. Compliance Monitoring

91. Compliance monitoring of RP implementation shall cover (i) project compensation and entitlement policies, (ii) adequacy of organizational mechanism for implementing the RP, (iii) restoration of DPs incomes, (iv) settling complaints and grievances, and (v) provisions for adequate budgetary support by LGED for implementing the RP. The MSC will assess if the

DPs: (i) have been paid proper compensation and resettlement benefits; (ii) have reestablished their structures; (iii) have reestablished their business; and (iii) were extended assistance to restore their incomes from pre-project levels. It will also appraise the accounting documents used in recording the payments of compensation to DPs by the EA.

4. External Monitoring and Evaluation

92. The LGED will recruit an Independent External Monitor acceptable to ADB for monitoring the performance of RP implementation. The main task for the Independent External Monitor will be to monitor and evaluate all activities relating to resettlement on an audit or sample basis, following appropriate methodology to measure the progress and degree/level of targeted achievement. The specific tasks and methodology for external monitoring shall include: (i) review of pre-Project baseline data on APs; (ii) identification and selection of an appropriate set of indicators for gathering and analyzing information on resettlement impact; (iii) use of various formal and informal surveys for impact analysis; and (iv) an assessment of RP strategy, effectiveness, impact and sustainability, drawing lessons as a guide to future Project preparation work. The Independent External Monitor will monitor activities over the project period and submit quarterly reports and a final evaluation report to LGED after completion of the RP implementation.

5. Reporting Requirements

93. The Project Director shall prepare and send status reports to ADB on RP implementation periodically through the semi-annual Project Progress Reports and a final report upon completion of the resettlement program.

94. During subproject implementation, LGED will establish a monthly monitoring system involving LGED staff at the SMO and the INGO shall prepare monthly progress reports on all aspects of resettlement operations.

95. The Resettlement Specialist of the MSC will conduct periodic reviews and supervision missions during the implementation stage and will report to LGED on the progress of all aspects of resettlement activities. It is understood that a post-evaluation of RP activities will be carried out by ADB to assess the resettlement impact and the efficacy of the RP policy.

ANNEX 1: INVOLUNTARY RESETTLEMENT IMPACT SCREENING CHECKLIST
(To be completed for each subproject by EA)

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Is the site for land acquisition known?				
2. Will there be any land acquisition?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will subproject be implemented within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Quantification of private land require to be acquired:				
Any preliminary estimate of the likely affected land that will be required by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how much? _____ acre				
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, approximately how many? _____				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, how many? _____				

ANNEX 2: OUTLINE OF RESETTLEMENT PLAN

1. The comprehensiveness of a resettlement plan would be according to the potential involuntary resettlement impacts/ risks and size of the project. The resettlement plan must adequately addresses all involuntary resettlement issues pertaining to the project, describes specific mitigation measures that will be taken to address the issues and outlines institutional requirement and resources required to implementation of the RP. The following outline of RP is suggested for the present project.

A. Executive Summary

2. This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

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

D. Socioeconomic Information and Profile

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

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation

6. This section:
- (i) identifies project stakeholders, especially primary stakeholders;

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

F. Grievance Redress Mechanisms

7. This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

G. Legal Framework

8. This section:

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

H. Entitlements, Assistance and Benefits

9. This section:

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

I. Relocation of Housing and Settlements

10. This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);

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

J. Income Restoration and Rehabilitation

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

K. Resettlement Budget and Financing Plan

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

L. Institutional Arrangements

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

M. Implementation Schedule

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

N. Monitoring and Reporting

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

ANNEX 3: CENSUS SURVEY GUIDELINES

I. Census Requirement and Contents

1. Census of households and individuals located within the sub-project has to be undertaken to register and document the status of potentially affected population within the sub-project impact area. It will provide a demographic overview of the population to be covered by the Resettlement Plan (RP) and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected households and population within the sub-project impact area.

- (i) **Resource Base.** The resource base including land, water, and forest, etc., with an assessment of its development and ecological potential in the pre-project conditions. During the conduct of the census, legal boundaries of affected properties and the right of way (ROW) are to be verified. Structures, trees and other assets are to be recorded.
- (ii) **Economy Base.** The economy base of the affected people including the modes and magnitude of production, consumption pattern, related economic institutions.
- (iii) **Household Census.** Household census covering demography, immovable property owned by the DPs and other resources in their possession/use. These surveys would be carried out in association with local and host communities as well as with the local representatives.
- (iv) **Social Structures.** The social structure, norms, customs, cultural centers, traditions, patterns of leadership and institutions of social network.
- (v) **Displaced Persons.** The census will identify tenants, leaseholders, sharecroppers, encroachers, squatters, and agricultural workers. During such census, those DPs dependent on the existing infrastructure link for their livelihood, shall also be identified and listed along with their identified income. Besides this, the census will also identify DPs who are female headed and from vulnerable groups.

II. Census Procedures

2. The following procedure is to be adopted in carrying out the census:

- (i) Preliminary screening to provide initial information on social impacts;
- (ii) Verification of legal boundaries of the sub-project area, to document existing structures, land plots, and others physical assets. This involves:
 - a. Identification of suitable resettlement sites, in close proximity to the affected area if required;
 - b. All encroachments, private land holdings and others assets in the sub-project area is to be documented;
 - c. Assets, structures, land holdings, trees, etc. to be recorded; and
 - d. All information is to be computerized; photography to be used to document existing structures.
- (iii) The baseline socio-economic survey shall cover information on the various categories of losses and other adverse impacts likely under the sub-project;

- (iv) The census will identify potentially affected populations with special attention to vulnerable groups; and
- (v) Assessment on the value of various assets to be made.

III. Database Management

- (i) **Data Sources.** As a pre-requisite for conducting the primary household surveys, relevant information is to be collected from secondary sources. These include:
 - a. Revenue records maintained, with regard to land particulars for facilitating acquisition of properties and resettlement of displaced;
 - b. Census records for demographic information;
 - c. Development agencies to get information on various development programs for special sections of population like those living below poverty line, Scheduled Tribes, Schedule Castes, etc.; and
 - d. Local organizations including NGOs in order to involve them and integrate their activities in the economic development programs of the displaced population.
- (ii) **Data Collection.** Household level contacts and interviews with each affected family for completing the household socio-economic profile. Each of the households surveyed and the structure/land likely to be affected by the subproject has to be numbered, documented and photographed. Public consultation exercises in different sub-project areas to be conducted with the involvement of APs. In these exercises, women among the APs are to be involved to elicit their views and options on the overall planning of resettlement activities. Discussions with a cross-section of APs will help towards understanding the problems and preference of the APs.
- (iii) **Data Analysis.** The analysis would cover the following: population, population density, age, sex ratio, literacy rates/education, gender issues, tribal issues, religious groups, income, occupation and poverty line.
- (iv) **Data Update.** Since there is generally a time gap between the census and land acquisition procedure, it implies that actual physical relocation of APs may be delayed. Therefore, it is suggested that PMU responsible for implementation of RP along with SMO, should conduct a rapid appraisal to continuously update information.

ANNEX 4:TERMS OF REFERENCE FOR NATIONAL RESETTLEMENT SPECIALIST

A. Management Support, Consultant Team (MSC)

1. The Resettlement Specialist shall have minimum Masters in Planning/ Social Sciences with at least 15 years experience in design of resettlement plans in accordance with Land Acquisition & Resettlement Frameworks (LARF) together with experience in implementing resettlement plans as part of foreign donor supported projects. Preference will be given to persons with direct experience in application of ADB Safeguard Policy Statement 2009. The specialist should be conversant with GoB laws relating to land acquisition, procedures in implementation of resettlement packages, and ADB procedures.

2. Detailed Tasks include:

- (i) Liaise closely with DSC team during selection and detailed design of subprojects
- (ii) Liaise with and assist the LGED during preparation of district-wise subproject appraisal reports (SARs) of all the proposed subprojects under different districts.
- (iii) Screen all subprojects in accordance with the Land Acquisition and Resettlement Framework (LARF) to identify where Resettlement Plans (RPs) and Indigenous Peoples Plans (IPPs) are required or where due diligence is to be undertaken
- (iv) Take proactive action to anticipate the potential resettlement requirements of the project to avoid delays in implementation
- (v) Prepare due diligence reports for subprojects that do not require RPs
- (vi) Prepare RPs in accordance with the LARF for selected subprojects, including arrangement of detailed census surveys of affected persons. Use sample RPs as a guide for developing new RPs
- (vii) In consultation with the TL, MSC and PMU finalise ToR for implementing NGO (INGO) subconsultants, evaluate subconsultants proposals, and oversee work undertaken by the INGO
- (viii) Establish dialogue with the affected communities and ensure that their concerns and suggestions are incorporated and implemented in the project
- (ix) Submit all draft RPs to ADB for review and clearance before contract award.
- (x) Work closely with the PMU, INGO and SMOs resettlement officer to implement the RPs. For RP implementation, the consultant will be specifically responsible for monitoring and reporting on implementation of proposed compensation, rehabilitation, and income restoration measures, consultations with DPs during rehabilitation activities, and assisting in grievance redress.
- (xi) Coordinate valuation by the valuation committees in close consultation with INGO and APs at Local Land Registry Office level to finalize the compensation packages.
- (xii) Guide INGO, PMU/SMOs resettlement officers in providing ID cards to affected persons. Ensure smooth provision of entitlements under each RP to affected persons.
- (xiii) Assist as necessary to provide required training (in house and on-the-job) to the enumerators and surveyors to carry out census surveys and work closely with the SMOs/PMU's resettlement officer to involve them in the project planning from the initial period
- (xiv) Ensure compliance with all Government rules and regulations and ensure each RP is in compliance with ADB's SPS-2009

- (xv) Lead community consultation during design phase of subprojects and as part of the preparation of the RP
- (xvi) Assist the Training Specialist in resettlement training programs and workshops for the staff of the PMU and other relevant stakeholders
- (xvii) Prepare monthly resettlement monitoring reports in collaboration with the INGO and SMOs social officer and submit to PMU.
- (xviii) Assist in responding to any public grievances and ensure records are kept of all grievances
- (xix) The specialist will also act as 'Project Sociologist' and provide his input for BME survey and preparation of BME report by the MSC;
- (xx) Other duties as may be identified by the Team Leader of MSC, in consultation with the PD.

ANNEX 5: MONITORING INDICATORS AND SAMPLE FOR STATUS REPORT

S. N.	R&R Activities	Progress	Remarks
Pre Construction Activities and R&R Activities			
1	Assessment of Resettlement impacts due to changes in project design (If required)		
2	Preparation/ updating of Resettlement Plans for the subprojects based on changes in project design		
3	Approval of updated Resettlement Plans from ADB		
4	Disclosure of updated Resettlement Plans		
5	Establishment of Grievance Redressal Committee		
6	Capacity building of EA		
	Verification of DPs Census list; assessment on compensation and assistance, and readjustment		
7	Land Acquisition		
Resettlement Plan Implementation			
1	Payment of Compensation as per replacement value of land & assets to DPs		
2	Disbursement of assistance to title holders		
3	Disbursement of assistance to non-title holders		
4	Disbursement of special assistance to Vulnerable groups		
5	Replacement/ shifting of community property resources		
6	Reinstallation of public utilities		
7	Records of Grievance Redressal		
8	Temporary Relocation of Vendors		
9	Income Restoration Measures through training		
Social Measures during Construction as per Contract Provisions			
1	Prohibition of employment or use of children as labour		
2	Prohibition of Forced or Compulsory Labor		
3	Ensure equal pay for equal work to both men and women		
4	Implementation of all statutory provisions on labor like health, safety, welfare, sanitation, and working conditions		
5	Maintenance of employment records of workers		

ANNEX 6: TERMS OF REFERENCE FOR INDEPENDENT MONITORING AGENCY FOR IMPLEMENTATION OF RESETTLEMENT PLANS

I. Objectives of Independent Monitoring and Evaluation

1. In order to implement the RPs properly, independent monitoring of activities by third party of the executing agency, the supervision consultant and the implementing NGO, considered effective by an external monitoring consultant. Through independent monitoring, the executing agency can help to ensure RP implementation activity efficiently. It will be possible to identify bottlenecks and amend/improve the RP implementation procedure or payment modality through executive order, if found necessary. The major objectives of engaging the independent monitor are to:

- (i) Assess the overall approach of resettlement activities in the project area
- (ii) Verify results of internal monitoring
- (iii) Assess whether resettlement objectives have been met; specifically, whether livelihoods and living standards have been restored or enhanced
- (iv) Assess resettlement efficiency, effectiveness, impact and sustainability drawing lessons as a guide to future resettlement policy making and planning
- (v) Ascertain whether the resettlement entitlements were appropriate in meeting the objectives, and whether the objectives were suited to AP conditions

II. Scope of Work - Specific Tasks

2. The independent monitor will set up a set of baseline indicators reviewing available data and or collecting primary data for monitoring and evaluation, building upon the Projects' own record keeping system. It may also include maps, charts, photographs or affected property, copies of contracts and land titles, payments, and valuation documents relating to resettlement. Specific tasks of the external monitor are to:

- (i) Establish system of internal monitoring to assess progress in meeting key targets in the Resettlement Plan: budget and time frame, delivery of AP entitlements, consultation, grievance and special issues and benefits.
- (ii) Conduct regular reviews, based on internal monitoring and evaluation reports, involving key stakeholders including AP representatives. Reach consensus on actions required to improve resettlement performance and implement them.
- (iii) Establish a system for external monitoring and evaluation to assess achievement and suitability of resettlement objectives.
- (iv) Establish monitoring and evaluation reporting methods and reporting requirements.
- (v) Involve APs, hosts, NGOs and community in Project monitoring and evaluation using appropriate methods.
- (vi) Include an ex-post evaluation of resettlement to be conducted by the independent monitor after completion of the Project.
- (vii) Review lessons learned for resettlement policy making and planning.

3. In specific to the Project, the independent monitor shall perform the following activities

- (i) Monitor the authenticity of the data and the approach for generation of those.
- (ii) Review justification for changes in RP policy and budget.
- (iii) Verify progress and achievement of implementing NGO and devise formats for estimating various indicators responsible for achievement of progress.

III. Monitoring indicators and Information Needed

4. The information needed for independent monitoring are as follows:

a. Basic information on AP households

- (i) Location
- (ii) Composition and structure, ages, educational and skill levels
- (iii) Gender of household head
- (iv) Access to health, education, utilities and other social services
- (v) Housing type
- (vi) Land and other resource owning and using patterns
- (vii) Occupations and employment patterns
- (viii) Income sources and levels
- (ix) Agricultural production data
- (x) Participation in neighbourhood or community groups
- (xi) Value of all assets forming entitlements and resettlement entitlements

b. Restoration of living standards

- (i) Cost of compensation and entitlements
- (ii) Adoption of housing options developed
- (iii) Restoration of perceptions of "community"
- (iv) Replacement of key social and cultural elements

c. Restoration of livelihoods

- (i) Cost of compensation and entitlements
- (ii) Degree of sufficiency of the compensation and entitlements
- (iii) Availability of replacement land
- (iv) Degree of sufficiency of relocation grants to cover the costs incurred
- (v) Degree of sufficiency of income substitution allowances
- (vi) Degree of sufficiency of assistance for re-establishment of business enterprises
- (vii) Income earning opportunities provided to the female headed, vulnerable and poor APs and their adequacy
- (viii) Degree of sufficiency of the jobs provided to the APs to restore pre-project income level

d. Levels of AP satisfaction

- (i) Level of the knowledge about resettlement procedures and the entitlements
- (ii) Knowledge base on fulfillment of these provisions
- (iii) AP assessment on restoration of living standards and livelihoods
- (iv) Knowledge on GRC mechanism and conflict resolution procedure

e. Effectiveness of Resettlement Planning

- (i) Assistance provided to land speculators
- (ii) Sufficiency of time and budget to meet objectives of the RPs
- (iii) Degree of generosity of the entitlements
- (iv) Identification of vulnerable groups
- (v) Dealing with unforeseen problems by resettlement implementers

f. Other Impacts

- (i) Unintended environmental impacts
- (ii) Unintended impacts on employment or incomes

IV. Approach and Methodology

a. General Approach

5. Appropriate methods will be followed to collect field level information in order to review and compare the socio-economic condition of APs "before" and "after" resettlement program. Collected information on the key indicators of resettlement progress, efficiency, effectiveness, impact and sustainability will be analyzed. The monitoring and evaluation consultant will also conduct at least one ex-post evaluation surveys to assess the achievement of resettlement objectives, the changes in living standards and livelihoods and the restoration of the economic and social base of the APs.

b. Detailed Methodology

6. The independent monitor will use existing baseline census and survey data with their periodic updates. In specific the independent monitor perform its activity in the following methods:

- (i) Review pre-project baseline data on income and expenditure, occupational and livelihood patterns, leadership, community organizations and cultural parameters.
- (ii) Identify an appropriate set of indicators for gathering and analyzing information on resettlement/rehabilitation impacts; the indicators shall include but not limited to issues like relocation of affected people, delivery of entitlement, and level of satisfaction by the beneficiaries of the programs.
- (iii) Review result of internal monitoring and verify claims through random checking at the field level to assess whether resettlement/ rehabilitation objectives have been generally met. Involve the APs and community groups in assessing the impact of resettlement programs for monitoring and evaluation purposes.
- (iv) Conduct both individuals and community level impact analysis through the use of formal and informal surveys, key informant interviewers, focus group discussions, community public meetings, and in-depth case studies of APs/women from the various social classes to assess the impact of RP implementation.

c. Methodology for Participatory Rapid Appraisal

7. The affected and host people should be involved in the monitoring and evaluation process to solve day-to-day problems arising during resettlement operations. APs, local CBOs, and/or NGOs should be involved in the process. Participatory Rapid Appraisal (PRA) techniques should be undertaken to foster the involvement of APs and other key stakeholders in resettlement monitoring and implementation. The methodology of the PRA should be as follows:

- (i) Key informant interviews: select local leaders, village workers or persons with special knowledge or experience about resettlement activities and implementation.
- (ii) Focus group discussion: specific topics (e.g. land compensation payments, services at resettlement sites, income restoration, and gender issues)
- (iii) Field observations on status of resettlement implementation, plus individual or groups interviews for cross-checking purposes.
- (iv) Informal surveys/interviews: informal surveys of APs, hosts, village workers, resettlement staff, and implementing agency personnel using non-sampled methods.

ANNEX 7: FORMAT TO DOCUMENT CONTRIBUTION OF ASSETS WITH OR WITHOUT COMPENSATION

The following agreement has been made on.....day of between Mr./Ms....., aged....., resident ofzone, district.....,(the owner) and(the recipient/subproject proponent).

1. That the land with certificate no.....is a part of, is surrounded from eastern side by....., western side by....., northern side by, and southern side by.....
2. That the owner holds the transferable rights of land(area in sqm), with plot No..... at the above location (include a copy of the certified map, if available)
3. That the Owner testifies that the land/structure is free of squatters or encroachers and not subject to any other claims.

(either, in case of donation:)

- 3.1 That the Owner hereby grants to the..... (name of the recipient) this asset for the construction and development of thefor the benefit of the community.
- 3.2. That the Owner will not claim any compensation against the grant of this asset nor obstruct the construction process on the land in case of which he/she would be subject to sanctions according to law and regulations.
- 3.3 That the(name of the subproject proponent) agrees to accept this grant of asset for the purposes mentioned.

(or, in case of direct purchase:)

- 3.1 That the owner(s) agree to sell above assets for the negotiated price in accordance with the attached schedule.
- 3.2 That the subproject owners agrees to pay the agreed price for the land and other assets within two weeks from the date of getting approval for the project from the GOA/PMU.
- 3.3. In case of any delay in payment within the stipulated time, this agreement will become null and void and the recipient will no longer have any claim over the land and assets.
4. That the recipient shall construct and develop theand take all possible precautions to avoid damage to adjacent land/structure/other assets.
5. That the provisions of this agreement will come into force from the date of signing of this deed.

.....
Name and Signature of the Owner Signature of subproject proponent/representative

Witnesses:

1.....

2.....

(Signature, name and address)

Criteria for Voluntary Land Donations

Voluntary donation of land by beneficiary households is acceptable where:

- a. The impacts are marginal (based on percentage of loss and minimum size of remaining assets);
- b. Impacts do not result in displacement of households or cause loss of household's incomes and livelihood;
- c. The households making voluntary donations are direct beneficiary of the project;
- d. Land thus donated is free from any dispute on ownership or any other encumbrances;
- e. Consultations with the affected households is conducted in a free and transparent manner;
- f. Land transactions are supported by transfer of titles; and
- g. Proper documentation of consultation meetings, grievances and actions taken to address such grievances is maintained.