

Resettlement Planning Document

Resettlement Framework
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BAN: Second Rural Infrastructure Improvement Project

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RESETTLEMENT FRAMEWORK

A. Introduction

1. The Resettlement Framework (RF) provides the basis for preparing Resettlement Plans (RPs) for specific subprojects as may be required under the Project. It identifies the broad scope of the project and outlines the policy, procedures and institutional requirements for formulating RPs for subprojects. As the executing agency for the Project, LGED is responsible for preparing and implementing the resettlement plans in line with the resettlement framework.

B. Resettlement Framework

2. The current legislation governing land acquisition in the country is the Acquisition and Requisition of Immovable Property Ordinance 1982 and subsequent amendments. The 1982 Ordinance recognizes only the legal owners of land and property but does not cover project-affected persons without formal title such as squatters, occupiers, and informal tenants and lease-holders (without registered deeds). The law also does not ensure replacement value of the property acquired.

3. In the absence of a national resettlement policy in Bangladesh, the GOB has adopted the ADB Involuntary Resettlement Policy (1995). This ensures that persons affected by land acquisition will be eligible for appropriate compensation and resettlement benefits. Persons having no legal title who lose land to the project will be provided with compensation and resettlement benefits. The customary rights to land and physical property will also be recognized, including leases of homestead, commercial and agricultural land, sharecroppers, and renters of land and structure.

4. The framework bridges the gaps between GOB and ADB policies and endorses an income restoration strategy for vulnerable affected persons (APs) including squatters irrespective of legal titles to the affected property.

Table A11.1: Measures for compliance with ADB Policy and GOB Laws

Assessment	1982 LA Act and subsequent amendments (GOB Policy)	ADB Policy
Loss of land/ structure/ tree/ crops/ income and the owners	Loss of land, structure, tree/crop is assessed and the title holders are identified as per legal provisions of law and through Joint Verification ¹	Loss of land, structure, tree/crop and income of the title and non title holders are identified by land acquisition survey and verified by JVT ²
Valuation of affected property	Compensation as per sale value of land recorded in the sub-registrars' office and rate fixed by PWD ³ for structure, Department of Forest (DOF) and Department of Agricultural Extension (DAE) for trees/crops with a 50% premium in all cases.	Replacement value at current market price is recommended by PVAT ⁴ . Non-asset losses (viz. income and dislocation) are also assessed and restoration supports are provided.

¹ Joint Verification of affected property by Acquiring and Requiring Bodies

² Joint Verification Team (JVT) formed by the Ministry of LGRD

³ Public Works Department maintains updated rates of different structure items

⁴ Project specific Property Valuation Advisory Team is formed by the line Ministry.

5. Land acquisition and resettlement activities of the Project will be carried out in consultation with the APs and the other stakeholders. All efforts will be made to minimize displacement during subproject planning and implementation and AP preferences will be taken into account. An Entitlement Matrix (Table A11.2) prepared on the basis of potential resettlement impacts at three core subprojects identifies the categories of impact based on surveys carried out on the tentative right of way (ROW) and shows the entitlements for each type of losses. If new impacts are identified later during the detailed design such losses will be included in the entitlement matrix and the resettlement plan (RP) will be appropriately revised.

C. Preparation and Implementation of Resettlement Plans

6. Resettlement plans for selected subprojects will be prepared and implemented as may be needed. The RPs will be reviewed by the LGED and submitted to ADB for review and concurrence. If impacts on indigenous people are identified in any of the subproject areas, the RP for the subproject will include special actions for affected indigenous peoples. The RP prepared for the sample subproject will be used as a model for the preparation of subsequent RPs. The RP must comply with ADB policy on involuntary resettlement and other social safeguard policies; including consultation with people affected which will provide local insights in establishing safety net mechanism. Preparation of a resettlement plan involves the following procedures (i) collection of socioeconomic information; (ii) valuation of affected property; (iii) assessment of gender impact; (iv) disclosure of the plan to stakeholders; (v) redress of grievance if any; (vi) payment of actual compensation. These procedures are described below.

i) Collection of Socioeconomic Data

7. The LGED with the help of the resettlement specialist will undertake, social surveys of including a full census of the households and physical establishments requiring relocation. An agricultural land survey on 20% sample plots and a detailed socio-economic survey of 20% of the households to be relocated and other establishments will be carried out. The socioeconomic survey will establish baseline information on household incomes, occupational and livelihood patterns, resettlement needs/responses, social organization, community organization and cultural parameters in the subproject area. LGED will ensure that appropriate entitlements and mitigation measure are established in the RPs in accordance with the RF. If the impact is significant, i.e. number of people physically displaced or losing 10% or more of their income is 200 or more, a full resettlement plan will be prepared for project preparation. If the impact is insignificant, less than 200 persons, a short resettlement plan will be sufficient for the purpose. If no involuntary resettlement effects are foreseen, no resettlement plan will be prepared.⁵

ii) Valuation of Property

8. Losses and impacts on the APs due to land acquisition and involuntary relocation will be assessed by LGED through a resettlement survey covering the titled and non-titled owners of the affected property, including their loss of income and employment. Quantification of the affected property will be done through joint verification carried out by the acquiring and requiring parties and the date of verification will be considered as the cut off date for the physical losses for compensation under law. The land acquisition section of the district administrations will fix the

⁵ Asian Development Bank, Involuntary Resettlement - Operations Manual, Section F2/OP, page 5: 29 October 2003.

Cash Compensation under Law (CCL) as per the land acquisition act. The LGED, to determine and ensure the replacement market price of the affected property, will organize a property valuation advisory team (PVAT) and assess the replacement market value of all the affected property.

iii) Gender Impact

9. The social surveys should identify gender issues in the production system both in the farm and other nonagricultural activities. Since legal ownership of land does not reflect gender compliance in case of spouses, sufficient measures should be included in the resettlement plans to ensure their rights and social safety. The measures should include the following: (i) identify the socioeconomic condition, needs, and priorities of women, and monitor and evaluate the impact of land acquisition and resettlement on women separately; (ii) identify the female headed households to be affected and set entitlement criteria to recognize female-headed households; (iii) provide resources in kind (land, structure, etc.) in the name of both spouses of the to be affected households; and (iv) involve women's groups in resettlement planning, management, and operations and in job creation and income generation.

iv) Disclosing and Consultation

10. The RP will be prepared and implemented in close consultation with the stakeholders. The resettlement framework will be made available in Bangla to the APs in the planning phase so that their views on the project and resettlement impact and mitigation measures are known to the planners and incorporated into the planning documents. The RPs will be translated in Bangla and disclosed to the APs at the start of the resettlement implementation. The APs, including the women and vulnerable groups, local government and civil society representatives will participate in assessing the resettlement impact and their mitigative measures.

v) Grievance Redress

11. Primary responsibility for addressing grievances rests with LGED. In the event LGED is unable to resolve a complaint, then it might be referred to the grievance redress committee. Grievance redress committees will be established for each subproject, with representatives from LGED, affected persons, women and vulnerable groups, local government and NGOs. A contractor representative should be attend to hearings of the grievance redress committee. The resettlement officer or his nominee will chair the grievance redress committee. Other than disputes relating to ownership rights, the committee will review grievances involving all resettlement benefits, relocation and relevant assistance. Grievances will be redressed within 2-4 weeks from the time of lodging the complaint.

vi) Compensation

12. For the purpose of compensating affected persons, the LGED will prepare land acquisition proposals (LAP) with the help of the consultants and submit to the respective Deputy Commissioners for processing. The market price from sub-registrar's office will be collected in a pre-designed format certified by the sub-registrars. The district LGED representatives will accompany representatives from the consultants in joint verification and price fixation process by the Deputy Commissioner. The PVAT having representatives from LGED and the DC will determine replacement market price of land, structure and trees. The PVAT will recommend the replacement price for approval from the LGED. The recommendation will ensure replacement price of land and property at current market value. The RF also includes an income restoration

strategy for vulnerable APs including squatters irrespective of legal titles to affected property. The people involuntarily displaced from their homes, assets, or income sources as well as non-titled people affected by the project will receive subsistence allowance and priority access to income generating programs.

D. Resettlement Budget and Financing

13. The land acquisition and resettlement budget includes the costs of acquisition of assets and costs associated with involuntary resettlement. The EA will determine replacement price of land and other property under acquisition for the sub-projects through the PVAT. The Government will provide the fund for land acquisition and resettlement as counterpart contribution through the Detailed Project Proforma. The fund for land acquisition will be disbursed through the DC office. The PMO will ensure that the land acquisition and resettlement budgets are delivered on time to the DCs for timely implementation of the RPs. LGED will also ensure that the RPs are submitted to ADB for concurrence, and that fund for compensation and entitlement under the RPs are fully provided to APs prior to the award of the civil works contract.

E. Implementing the Resettlement Plans

14. The Ministry of LGRDC through LGED has the overall coordination, planning, implementation and financing responsibilities for the resettlement plan. The EA with assistance from consultant will undertake land acquisition survey, prepare LA proposal, carry out resettlement surveys and prepare full/short resettlement plan for each sub-project according to the significance of impact. The resettlement specialist will provide technical support to LGED and supervise and review the field activities. Resettlement plans will be prepared starting from the first year of the Project through its fifth year.

15. The Deputy Commissioner has the power to acquire land and to assess compensation of properties thus acquired. The DC requires the land through the land acquisition office, Officer (LAO) or his staff. Along with LGED, the LAO will conduct joint physical verification of property on the land in accordance with the approved Land Acquisition Proposal to be submitted by LGED as soon as the detailed design and alignments for the subprojects will be finalized. The DC offices are responsible for the entire acquisition process from notification to APs to award of compensation to owners of properties and payments of compensation. LGED will liaise with concerned DC offices to complete the land acquisition process in a timely fashion.

F. Monitoring and Evaluation

16. As a part of its overall monitoring system, PMO will monitor the progress of land acquisition, compensation and resettlement activities. The PMO will include land acquisition and resettlement as part of the quarterly progress report to be submitted to ADB.

Table A11.2: Land Acquisition and Resettlement Entitlement Matrix

Type of Loss	Entitled Person	Entitlement	Implementation Issues/Guidelines	Organization Responsible
1. Agricultural Land, including waterbodies	Legal owner(s) of land at the time of serving Notice u/s-3 of Land Acquisition Act	<ol style="list-style-type: none"> 1. Replacement value of land/ waterbodies 2. Refund of Registration Cost (RRC)⁶ for replacement land purchase @ 10% of replacement market value of the acquired land determined by PVAT 	<ol style="list-style-type: none"> a. Assessment of type and quantity of land/waterbodies by Joint Verification Team b. Determination of replacement value of land and waterbodies by PVAT through market survey c. Title updating d. Replacement land purchase within 6 months of payment of compensation. 	<ol style="list-style-type: none"> a. DC, LGED b. DC, LGED c. LAO, Revenue Office, LGED d. APs
2. Homestead land	Legal owner(s) of land at the time of serving Notice u/s -3 of Land Acquisition Act	<ol style="list-style-type: none"> 1. Replacement value of land acquired. 2. RRC for replacement homestead purchase @ 10% of replacement market value of homestead determined by PVAT 	<ol style="list-style-type: none"> a. Assessment of land by Joint Verification Team b. Determination of replacement value of land by PVAT through market survey c. Title updating d. Replacement land purchase within 6 months of payment of compensation. 	<ol style="list-style-type: none"> a. DC, LGED b. DC, LGED c. LAO, Revenue Office, LGED, GRC⁷ d. APs
3. 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 Act	<ol style="list-style-type: none"> 1. Replacement value of land 2. RRC for replacement land purchase @ 10% of replacement market value of homestead determined by PVAT 	<ol style="list-style-type: none"> a. Assessment of land by Joint Verification Team b. Determination of replacement value of land by PVAT through market survey c. Title updating d. Replacement land purchase within 6 months of payment of compensation. 	<ol style="list-style-type: none"> a. DC, LGED b. DC, LGED c. LAO, Revenue Office, LGED d. APs
4. Trees and standing perennial crops on private land acquired	Legal owner(s) of land at the time of serving Notice u/s -3 of Land Acquisition Act	<ol style="list-style-type: none"> 1. Value of trees and perennial standing crops on land acquired 2. Perennial standing crops be 	<ol style="list-style-type: none"> a. Assessment of type, size and quantity of trees/ perennial standing crops by Joint Verification Team 	<ol style="list-style-type: none"> a. DC, LGED b. DC, LGED

⁶ Refund of registration cost which is about 10% of the sale value for the rural area

⁷ Grievance Redress Committee (having representatives from the requiring body, the local union council chairperson to be formed by the Ministry of LGRD.

Type of Loss	Entitled Person	Entitlement	Implementation Issues/Guidelines	Organization Responsible
		taken away by the APs for free without disturbing the project work. 3. Salvaged trees will be retained with the LGED	b. Value of trees and perennial standing crops determined by PVAT through market survey	
5. Trees and standing perennial crops on public land within road alignment	Owner(s) of trees/standing perennial crops 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. Salvaged trees will be retained with the LGED	a. Ownership of trees determined by joint verification Team b. Assessment of type, size and quantity of trees/perennial standing crops by Joint verification Team c. Value of trees and perennial standing crops determined by PVAT through market survey	a. DC, LGED b. DC, LGED c. DC, LGED
6. Structure (dwelling, commercial or community structure) on private land acquired	Owner(s) of the structure	1. Price of structure at replacement market value 2. Salvaged structure materials be taken away by the APs for free without disturbing 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 quantity of structure determined by the Joint Verification Team c. Value of structure determined by PVAT through market survey	a. DC, LGED b. DC, LGED c. DC, PWD, LGED d. LGED GRC
7. Structure (dwelling, commercial or community) on public land within road alignment	Owner(s) of the structure	1. Value of the structure at replacement market value 2. Salvage of structure materials be taken away by the APs free of cost without disturbing the project work 3. Shifting and reconstruction grants @ 10% of assessed value of structure	a. Ownership of structure determined by the Joint Verification Team b. Type and quantity of structure determined by the Joint Verification Team c. Value of structure determined by PVAT through market survey	a. DC, LGED b. DC, LGED c. DC, LGED, PWD
8. Business/rental income diminished due to acquisition of commercial structure	1. Proprietor of the business 2. Owner of commercial structure (if rented)	1. Three months net income of business to the business proprietor 2. Three months' rental income to the owner	a. Proprietor/owner of rented commercial structure identified by the Joint Verification Team b. Business/rental income assessed by market survey PVAT	a. DC, LGED b. DC, LGED
9. Wage employment diminished due to	Regular employees of the business	1. Three months wages	a. Identification of regular employees by the Joint	a. DC, LGED b. DC, LGED, GRC

Type of Loss	Entitled Person	Entitlement	Implementation Issues/Guidelines	Organization Responsible
acquisition of commercial structure			Verification Team b. Prevailing skilled and unskilled wage rates determined by market survey by PVAT	
10. Vulnerable, handicapped or women headed households losing structure	Head of the vulnerable households	Additional subsistence allowance	Payment of additional subsistence allowance	LGED
11. Poor households to be displaced or losing more than 10% of their income due to acquisition.	Head of poor households affected due to the acquisition	Priority in income generation program or any other poverty reduction support from the Project	Priority in project civil works, if available	LGED
12. Host area people experiencing adverse impact.	Host population experiencing adverse impact	Enhanced community facility in the host area to accommodate demand of project affected people	Renovation and extension of community facilities in the Host areas are provided	LGED
13. 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' Actions will be recommended in the Resettlement Plans	Compensation package should be developed based on assessment by JVT and consultation with the affected community	LGED, JVT