

# Resettlement Plan

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June 2012

## Bangladesh: SASEC Road Connectivity Project

Multistory RHD Headquarters Building

Prepared by the Roads and Highways Department, Ministry of Communications for the Asian Development Bank.



**CURRENCY EQUIVALENTS**

(as of 27 June 2012)

|               |   |                 |
|---------------|---|-----------------|
| Currency unit | – | Bangladesh taka |
| BDT1.00       | = | \$0.0122159785  |
| \$1.00        | = | BDT 81.860000   |

**ABBREVIATIONS**

|      |   |
|------|---|
| ADB  | Asian Development Bank                    |
| APD  | Additional Project Director               |
| CE   | Chief Engineer                            |
| CMP  | Current Market Price                      |
| CRO  | Chief Resettlement Office                 |
| CSOs | Civil Society Organizations               |
| DCP  | Disclosure Consultation and Participation |
| DCRO | Deputy Chief Resettlement Officer         |
| DDC  | Detailed Design Consultant                |
| DHs  | Displaced Households                      |
| DPM  | Deputy Project Managers                   |
| DPs  | Displaced Persons                         |
| EA   | Executing Agency                          |
| EC   | Entitlement Card                          |
| EM   | External Monitor                          |
| EP   | Entitled Person                           |
| FGD  | Focused Group Discussion                  |
| GOB  | Government of Bangladesh                  |
| GRC  | Grievance Redress Committee               |
| HSC  | Higher Secondary Certificate              |
| IGS  | Income Generating Schemes                 |
| INGO | Implementing Non-Government Organization  |
| IOL  | Inventory of losses                       |
| IR   | Involuntary Resettlement                  |
| IVC  | Inventory Verification Committee          |
| JSC  | Junior School Certificate                 |
| JVS  | Joint Verification Survey                 |
| JVT  | Joint Verification Team                   |
| LA   | Land Acquisition                          |
| LAR  | Land Acquisition and Resettlement         |
| M&E  | Monitoring and Evaluation                 |
| MOC  | Ministry of Communications                |
| NASP | National AIDS and STD program             |
| NGO  | Non-government Organization               |
| NRS  | National Resettlement Specialist          |
| DHs  | Project Displaced households              |
| PD   | Project Director                          |
| PMO  | Project Management Office                 |
| PMs  | Project Managers                          |
| PMU  | Project Management Unit                   |
| PPR  | Project Progress Report                   |

|       |   |
|-------|---|
| PRA   | Participatory Rapid Appraisal                       |
| PSA   | Poverty and Social Assessment                       |
| PVAC  | Property Valuation Advisory Committee               |
| R&R   | Resettlement and Rehabilitation                     |
| RC    | Replacement Cost                                    |
| RHD   | Roads and Highways Department                       |
| RHDHB | Roads and Highways Department Headquarters Building |
| RO    | Resettlement Officers                               |
| RP    | Resettlement Plan                                   |
| RC    | Replacement Cost                                    |
| SEC   | Social and Environment Circle                       |
| SPS   | Safeguard Policy Statement                          |
| SRCP  | SASEC Road Connectivity Project                     |
| SSC   | Secondary School Certificate                        |
| STIs  | Sexually Transmitted Infections                     |
| TA    | Technical Assistance                                |
| TOR   | Terms of References                                 |

#### **WEIGHTS AND MEASURES**

|         |             |
|---------|-------------|
| Km      | kilometer   |
| M       | meter       |
| Sq. ft. | Square foot |

#### **NOTE**

In this report, "\$" refers to US dollars.

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## **Executive Summary**

### **Project Description**

1. Construction of multi-storied Headquarters building for Roads and Highways Department (RHD) in Tejgaon, Dhaka is one of the three sub-components of the SASEC Road Connectivity Project (SRCP). The Government of Bangladesh (GOB) is preparing SRCP with technical assistance from the Asian Development Bank (ADB). The existing head office of the Roads and Highways Department (RHD) located in Ramna, beside the Supreme Court building has to be vacated within few months time and RHD is going to build a new headquarters building in Dhaka city, the capital of Bangladesh. RHD is planning to build a multistoried headquarters building in Tejgaon on its own land but has been used for different purpose since long. With this newly built multistoried modern building RHD would be able to provide appropriate service to the country in the road transport and communication sector.

### **The RHD Headquarters Building (RHDHB) Subproject**

2. In total 2.555 ha land will be used to build a multistoried building for RHD headquarters and approach road. As this area is already in use there are numbers of built infrastructures being used by RHD official purpose, numbers of trees of different size and quality and some structures are built by the RHD to provide accommodation to their staffs working in the premise. These has to be removed from this area by RHD on its own arrangement and the employees will be provided alternate accommodation arrangement of at least of this quality or better within the proximity. They are not covered under this RP. No indigenous people have been identified in the area during the survey. So no Indigenous People' Plan is being prepared for this project. This Resettlement Plan has been prepared in accordance with ADB's Safeguard Policy Statement (2009) to mitigate the impact.

### **Preparation of the Resettlement Plan**

3. This draft Resettlement Plan (RP) has been prepared based on inventory of losses (IOL) established through census of affected households carried out during May-June 2012 following the area shown by the RHD authority. A detailed socioeconomic survey covering all the affected households was carried out on the entire beneficiary and affected households. The cut-off date as 7 June 2012 has been declared for this RP on the location for enlisting affected properties. Preparation of RP also benefited from public consultation at designated locations covering the beneficiaries and displaced persons including RHD high officials. The RP will be revised during detail engineering design of the Subproject and updated prior to implementation. The Resettlement Plan (RP) is guided by legal instrument governing land acquisition in Bangladesh - the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982) and subsequent amendments in 1989, 1993, and 1994 and ADB Safeguard Policy Statement, 2009 and Operational Procedures (Operations Manual OM F1/BP and OP (issued on January 2010).

## Scope of Land Acquisition and Resettlement

4. Eleven squatters (DHs) have been identified within RHD area. Eight of these squatters are living with family and two households are running business by using part of the RHD made structures. These squatter households are not going to lose any structure but will have to move out from the RHD built structure with salvageable materials if anything was built or extended. One squatter household is running business in own built tin shed structure within the area of RHD. None of these business enterprises have wage earners but the business is operated by the business owner himself. All the businesses are owned and operated by male person. Among the business losers two will not lose any structure but the business. One household is going to be displaced from its owned built structure and will receive benefit as per the provisions of entitlement matrix. In particular Replacement Cost (RC), Transfer Grant @ TK 7 (seven) per sft and Reconstruction Grant @ TK 10 (ten) per sft of affected structure. DH will receive assistance for loss of income from business as mentioned in the Entitlement Matrix prepared by covering ADB Safeguard policy and considering GOB ordinance. Through all these measures it is expected that the loss of income of the affected people will be restored.

### Area Coverage and Impact of the Project on the People

| Type of Impact   | Number of displaced Households | Number of Displaced Persons |
|--|--------------------------------|-----------------------------|
| Non-titleholder residing in RHD-built structure            | 8                              | 28                          |
| Non-titleholder operating business in RHD-built structure  | 2                              | 7                           |
| Non-titleholder operating business in self-built structure | 1                              | 3                           |
| <b>Total</b>   | <b>11</b>                      | <b>38</b>                   |

## Information Disclosure, Consultation and Participation

5. The RHD employees, people living and participate in different activities in the vicinity of the proposed area for building the headquarters and the likely displaced persons along have primary stakes to the interventions for building RHD headquarters building. Secondary stakeholders of the subproject include local community leaders, business community, NGOs, and CSOs and RHD and other related government agencies. All the stakeholders have been consulted in different time covering various issues related displacement of the people, gender issues, opportunities and benefits would be expected and achieved through this project. Modality of their participation in the total process also been covered in the consultation.

## Grievance Redressal Mechanism

6. To deal with resettlement related disputes and to make the project accountable to the affected people and their community, a complaint and grievance mechanism will be in place under the project. Based on consensus, the procedure will help resolve issues/conflicts amicably and quickly, saving the aggrieved persons resorting to expensive, time-consuming legal actions. DPs/AHs will be fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, and time of compensation. GRC will be established at the community level through a gazette notification from the Ministry of Communications.



## Legal and Policy Framework

7. The Government of Bangladesh (GOB) does not have a national policy on involuntary resettlement. However, in projects with external finance, GOB adopts project specific policy on land acquisition and resettlement. The legal and policy framework of the Project on land acquisition and resettlement, therefore, is based on the GOB laws on Land Acquisition and ADB's Safeguard Policy Statement 2009. Based on the analysis of applicable laws and ADB's Policy requirement, land acquisition and resettlement (LAR) principles for construction of modern multistoried RHD headquarters subproject have been adopted.

8. The resettlement policy for the project has been designed to (a) cover all displaced persons irrespective of their title to land, (b) compensation for lost assets, and (c) restoration or enhancing the livelihoods of all categories of displaced persons. The households/persons displaced by the project interventions will receive cash compensation for lost assets at full replacement cost as per market price at the time of dispossession. Additional measures will be taken to ensure minimum disruption during the project construction period. Thus, households to be displaced physically and affected economically will receive due compensation, relocation assistance, and allowances in accordance with the guidelines and policies adopted for this sub project. Eligibility to receive compensation and assistance will be limited by the cut-off date. The cut-off date for compensation and assistance is considered for those identified on the project right of way at the time of census. The declared cut-off date for this project is the 7<sup>th</sup> June 2012.

## Entitlements, Assistance and Benefits

9. The RP will be implemented according to a compensation eligibility and entitlements framework in line with both GOB laws and ADB SPS 2009. The entitlement are based on provisions for compensation for loss of accommodation and other assets following the Ordinance II of 1982 and replacement cost and other assistance and allowances following the ADB SPS. The losses or impacts identified by the census and IOL and relevant to this project have been covered in the entitlement matrix.

## Budget and Financial Plan

10. Based on the background of this subproject the entire amount for resettlement and rehabilitation and training for this subproject is estimated to be approximately Tk 108,455 with 10% contingencies, or roughly US\$ 1,356 (1 USD = 80 BDT). At the time of implementation, the implementing agency would be privileged to transfer fund from one head to others at 10 percent of budget provision. This transfer should be justified with proper reasons and appropriate documents. Resettlement and rehabilitation budget will be revised as per findings in the detail design through inventory verification and determining replacement cost of property at the time of dispossession. The Ministry of Communications along **with the revised RP will** approve the revised budget.

## Institutional Arrangement

11. RHD will implement the RP directly through a team dedicated for Resettlement and Rehabilitation of Affected Household with the help of Resettlement Specialist of PIC. As this is a very short Resettlement Plan affecting only 11 household it is expected that the resettlement team would be formed in RHD headed by APD/CRO will be able to implement this RP successfully by following the implementation procedure/guideline after its approval from the

Chief Engineer (CE), RHD. All payment to the affected persons will be paid in crossed bank cheques. Payment will be made and records maintained as per approved RP implementation guideline. Project Management Office (PMO), headed by a Project Director (PD), has already been set up within RHD for execution of the RP who is responsible for implementation of the RP – compensation disbursement and resettlement of the DPs/AHs including income restoration. For efficient and smooth implementation of the project Grievance Redress Committee(GRC) will be formed and approved through gazette notification by the MOC.

12. The Project Implementation Consultants (PIC) will include Resettlement Consultants/Specialist, a national expert. The expert will monitor and help the day-to-day progress in RP implementation and also prepare the monthly progress. The Resettlement Consultant acting on behalf of the Project and RHD will ensure that the sound methodologies and practices are used in the implementation of RP. The consultant will advise on any changes in the modalities of the implementation work, participate in meeting with RHD, and monitor the work of RHD in the field. The consultant will also review, on behalf of PD, RHD, and implementation progress report submitted by the RO (RHD) on a regular basis. The internal monitoring will be done by the Resettlement Consultants (RC) of the Project Implementation Consultants Team.

### **Implementation Schedule**

13. A time-bound implementation schedule is being prepared for smooth implementation of RP with its objective and approach. It is likely that this short RP can be implemented within six months time from the date of commencement.

### **Monitoring and Evaluation**

14. Monitoring and evaluation of resettlement plan implementation are critical in order to measure the project performance and fulfillment of project objectives. The responsibility and obligations of carrying out M&E will lie with Project Director (PD), Project Management Office, RHD as the Chief Resettlement Officer for the project. Monitoring will continue till the end of the RP implementation. Monitoring will be done to provide feedback to PMO and to assess the effectiveness of the RP policy and implementation. PMO in the monitoring and evaluation process will focus on indicators specific to process and outcomes at three consecutive stages of RP implementation.

## I. PROJECT DESCRIPTION

1. The multi-story headquarters building for Roads and Highways Department (RHD) to be built in Tejgaon, Dhaka is one of the components of the SASEC Road Connectivity Project (The Project). The Project will cover three components including (i) upgrade about 70 kilometers (km) of Dhaka-Northwest corridor by 4-laning of the Joydebpur-Chandra-Tangail-Elenga Road; (ii) improve two land ports at Benapole and Burimari, and (iii) strengthen the capacity of the road sector and land port operations including modernizing the RHD headquarters office.

### A. The RHD Headquarters Building Subproject

2. The existing head office of the RHD located in Raman has to be vacated as RHD no longer owns this land. RHD plans to build a new headquarters in Tejgaon where it owns about 17 acres (16.98 acre) or 6.88 hectare of land. This area has two approaches from two main roads in the north and west. The subproject will be located on a parcel totaling 2.555 ha in the western side of the plot with one approach road of about 110 meters in length and 15 meters wide. This road will run along the Ahsanullah University. A map of the proposed area can be found in Annex 1.

### B. Subproject Benefits and Impacts

3. The Subproject aims to build a well planned, modern multistoried RHD headquarters building with latest facilities to provide all administrative and other logistic services to support the management of major transportation network system of Bangladesh. Construction of this building will facilitate RHD to administer all sorts of activities from its headquarters by accommodating optimum numbers of components and relevant offices in one place. With this added facilities it is expected that efficiency level of RHD will also increase.

4. As total amount of land is owned by RHD no land need to be acquired for the purpose. However, construction of this building in this area will involve demolition of RHD structures, and cutting of trees. There are RHD employees who are residing within RHD-built accommodation on the premise and they will need to be relocated by RHD to another accommodation of similar type or better. There are also 11 non-titleholder households (squatters) living on the premise, residing on the periphery of the property. They are living mostly within parts of RHD-built structures and one residing in self-built structure and running a business. Table 1 provides an overview of project impact.

**Table 1: Area Coverage and Impact of the Project on the People**

| Type of Impact   | Number of displaced Households | Number of Displaced Persons |
|--|--------------------------------|-----------------------------|
| Non-titleholder residing in RHD-built structure            | 8                              | 28                          |
| Non-titleholder operating business in RHD-built structure  | 2                              | 7                           |
| Non-titleholder operating business in self-built structure | 1                              | 3                           |
| <b>Total</b>   | <b>11</b>                      | <b>38</b>                   |

### **C. Measures to Minimize Impact**

5. The RHD property is surrounded by private land to the south. Initial plans included acquiring private land outside out the RHD property boundary in order to construct an approach road to the new building. In order to minimize land acquisition impact, one of two existing approach road will be widened to avoid land acquisition and minimize unintended impacts including loss of land and assets, loss of livelihood, and physical displacement.

### **D. Preparation of the Resettlement Plan**

6. This Resettlement Plan has been prepared in accordance with ADB's Safeguard Policy Statement (2009) and guided by legal instrument governing land acquisition in Bangladesh - the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance II of 1982) and subsequent amendments in 1989, 1993, and 1994 and ADB Safeguard Policy Statement, 2009. This RP has been prepared based on inventory of losses (IOL) established through census of affected households carried out during May–June, 2012. A detailed socioeconomic survey was carried out on the entire affected households. Video filming and sketch mapping of the proposed project area have been carried out on 7 June 2012 to prevent fraudulent claims in future. The cut-off date as 7 June 2012 has been declared for this RP on the location for enlisting affected people and properties. Preparation of RP also benefited from public consultation at designated locations covering the beneficiaries and displaced persons.

### **E. Objectives of the Resettlement Plan**

7. The primary objective of this RP is to identify impacts and to plan measures to mitigate various losses and dislocations of the affected persons due to undertaking the improvement of the subproject for the location identified for the proposed multi-story RHD Headquarters. The RP is based on the general findings of the census survey, field visits, meetings and consultations with the potential affected persons and their community. The RP presents:

- Type and extent of loss of assets;
- Socioeconomic profile of affected persons;
- Principles and legal framework applicable for mitigation of these losses;
- The entitlement matrix;
- Outcome of the community consultation and focus group discussion;
- Institutional arrangement;
- R&R budget; and
- Monitoring and evaluation.

## II. SCOPE OF DISPLACEMENT

### A. Scope of Land Acquisition

8. The total proposed area of 2.555 ha to construct the modern multistoried building is owned by RHD therefore this subproject does not involve land acquisition.

### B. Displacement and Other Impacts

9. Eleven non-titleholder households (squatters) have been identified within the premise and living on the periphery of the property along a busy and congested road. Eight of these households are living with family and three households are running businesses. For the eight households living with family in part of RHD-built structure, they will not lose any structure but will have to relocate from the RHD-built structure with salvageable materials, if anything was built or extended. Two households are running businesses in part of RHD-built structure and one household is running business in own-built tin shed within the area of RHD. None of these business enterprises have wage earners as the business is operated by the business owner. All businesses are owned and operated by male person. Thus the total displaced households (DHs) come to 11. List of all the affected households is attached in Annex 2. The survey could not identify any renters or tenant households in the project area.

**Table 2 . Displaced Households**

| Category of Displaced Households | Displaced households            |                                 |
|----------------------------------|---------------------------------|---------------------------------|
|                                  | Residing in RHD-built structure | Residing in own built structure |
| Squatters living with family     | 8                               | 0                               |
| Squatters running business       | 2                               | 1                               |
| <b>Total</b>                     | <b>10</b>                       | <b>1</b>                        |

Source: Questionnaire Survey May – June 2012

#### 1. Physical Relocation of Households

10. Eight squatter households and three businesses will be physically displaced. These squatters will self-relocate from the project area. Entitlements for these households are outlined in the entitlement matrix.

#### 2. Loss of Income

11. Three households running business will be economically displaced as they will lose their principal income. Income losers will receive benefit as per the provisions of entitlement matrix. In particular, an amount equivalent to three months net income against the owner's (structure and business) name as per census but not exceeding a total of TK 24,000. In addition to that, one-time cash allowance of TK. 5,000 for squatters running business in part of RHD-built structure. Through all these measures, it is expected that the loss of income of the affected people will be restored.

### **3. Displacement of Community Property**

12. The subproject will affect only one prayer room built by RHD and used by the existing employees and workers living in the project area. This prayer room will be replaced by RHD. It is expected that in the design and implementation of the new multistoried building this issue will be given importance.

#### **C. Vulnerability**

13. The survey did not identify any vulnerable household to be affected. The questionnaires used for this survey are attached in Annex 3. No indigenous peoples were identified in the project affected area. None of the affected household is headed by female, elderly or hardcore poor.

#### **D. List of Non-Land Assets**

14. There are 36 residential structures constructed by RHD to provide residential accommodation to the RHD staff who works within the premise. There are 12 RHD employees living with family in the residential accommodation built and maintained, 14 staffs are living as without family in mess house and 10 guards are living without family in Guard Camp. All these structures are built and maintained by RHD with all relevant utility facilities like electricity, water supply, toilet facilities and gas line connection for cooking purpose. These 36 households are assigned to these houses as part of their service to be provided to RHD with certain terms and conditions. As all these structures are owned and maintained by RHD, shifting of these structures will be done by RHD with its own resource. Impact on these structures is not covered under the RP.

15. The project will fell down a total of 287 trees owned by RHD of various species and sizes. As these are public properties these trees are not subject of the RP and will be address in the environmental impact assessment.

### III. SOCIO-ECONOMIC INFORMATION AND PROFILE

#### A. Project Affected Area

16. The subproject area is located in the central part of Dhaka with a population density of more than 30,000 people per square km. However, the subproject intervention will affect only 11 household from the area of 2.55 ha. This area has been utilized by RHD for long time as storage, equipment and garage area also with some low cost one storied housing area for the employees mostly working in this premise. Naturally general population density of Dhaka city is not applicable for this subproject area. There are 11 squatter households living in the RHD built structures and will be affected by the subproject. All the affected households are squatting on the area proposed approach road.

#### B. Profile of Affected Population

##### 1. Ethnicity, religion and gender

17. The census survey covering all the affected households conducted on the structure losing households identified that all are Muslim. All the households are male headed. No indigenous or special ethnic minority people are found in the subproject area. In total 38 people are going to be affected from 11 affected households. It is observed from the Table 3 that about 58% people are male in contrast to 42% as female population. This is natural sex ratio for any urban area. Average household size appears to be 3.5 which lower than the national average of 4.9.

**Table 3. Gender and Age Distribution of Population by sex**

| Age Group    | Male      |             | Female    |             | Total     |              |
|--------------|-----------|-------------|-----------|-------------|-----------|--------------|
|              | Number    | %           | Number    | %           | Number    | %            |
| 1 to 10      | 5         | 13.2        | 4         | 10.5        | 9         | 23.7         |
| 11 to 20     | 3         | 7.9         | 0         | 0           | 3         | 7.9          |
| 21 to 30     | 4         | 10.5        | 8         | 21.1        | 12        | 31.6         |
| 31 to 40     | 6         | 15.8        | 1         | 2.7         | 7         | 18.4         |
| 41 to 50     | 1         | 2.6         | 1         | 2.7         | 2         | 5.3          |
| 51 to 60     | 1         | 2.6         | 2         | 5.3         | 3         | 7.9          |
| Above 60     | 2         | 5.3         | 0         | 0           | 2         | 5.3          |
| <b>Total</b> | <b>22</b> | <b>57.9</b> | <b>16</b> | <b>42.1</b> | <b>38</b> | <b>100.0</b> |

##### 2. Age, Education level and Occupation

18. The population distributed over age show that about 24% are in the age group up to 10 years and about 8% are between 11 to 20 years. Male population are distributed more number in all the age groups, especially in the age group 11-40 except 41-60 but it is higher in the age group of 21-30 for female population. None of the affected people are illiterate. More than 80% affected people have education level above grade 6. Level of education seems to be higher among the male population than that of female population (Table 4).

**Table 4. Education level of the affected Population**

| Age Group    | Male      |             | Female    |             | Total     |              |
|--------------|-----------|-------------|-----------|-------------|-----------|--------------|
|              | Number    | %           | Number    | %           | Number    | %            |
| 1 TO 5       | 5         | 13.2        | 5         | 13.2        | 10        | 26.3         |
| 6 TO 10      | 6         | 15.8        | 6         | 15.8        | 12        | 31.6         |
| SSC          | 4         | 10.5        | 4         | 10.5        | 8         | 21.1         |
| HSC          | 1         | 02.6        | 0         | 0           | 1         | 2.7          |
| BA           | 3         | 7.9         | 0         | 0           | 3         | 7.9          |
| Child        | 3         | 7.9         | 1         | 2.6         | 4         | 10.5         |
| <b>Total</b> | <b>22</b> | <b>57.9</b> | <b>16</b> | <b>42.1</b> | <b>38</b> | <b>100.0</b> |

19. About 74% of the head of the households have principal earning from service. None of them are serving in RHD gla in other organizations, mostly in private sector. In other words they are employed in different institutions or enterprises. Rest are earning their livelihood by doing business. However the total affected population has a diverse occupation and sources of income. Among the employed male population, about 53% are engaged in service followed by 11% engaged in business service and 05% in teaching. Among the active women, 92% are reportedly housewives without cash earning and rest 08% have earning from service (Table 5).

**Table 5. Occupation of the Affected Population**

| Age Group    | Male      |             | Female    |              | Total     |            |
|--------------|-----------|-------------|-----------|--------------|-----------|------------|
|              | No.       | %           | No.       | %            | No.       | %          |
| Housewife    | 0         | 0           | 11        | 29.0         | 11        | 29.0       |
| Service      | 9         | 23.7        | 1         | 2.6          | 10        | 26.3       |
| Student      | 5         | 13.2        | 3         | 7.9          | 8         | 21.1       |
| Child        | 3         | 7.9         | 1         | 2.6          | 4         | 10.5       |
| Business     | 3         | 5.3         | 0         | 0            | 3         | 7.9        |
| Unemployed   | 1         | 2.6         | 0         | 0            | 1         | 2.6        |
| Teacher      | 1         | 2.6         | 0         | 0            | 1         | 2.6        |
| <b>Total</b> | <b>22</b> | <b>57.9</b> | <b>16</b> | <b>42.11</b> | <b>38</b> | <b>100</b> |

### 3. Household income

20. All the affected households have yearly income of more than TK 90,000. Six of them have income within the range of Tk 90,000 to 120,000 and rest has income more than 120,000 per year. It indicates that none of them are neither very poor nor vulnerable household in terms of income range.

### 4. Duration of Stay

21. Out of 11 households 9 (82%) households have come here and staying in this RHD built structures within last 10 years. On the other hand other two households are staying here for more than 20 and 30 years respectively. However, the business has been going on here since last 4 years.



## **5. Project Impact on Gender**

22. Based on the information provided in the census, women account for 42% of affected population none of the affected households are headed by women. About 92% of the active women are engaged in household chores as housewives without any cash income. Rest 8% is in service occupations.

23. Legal ownership (in terms of title) does not reflect gender equity (i.e. women's names are not generally recorded on the title). It is therefore, anticipated that poor and vulnerable women, will be disproportionately affected by resettlement due to traditional roles and responsibilities combined with lack of empowerment. Female headed households if there any found at the time of implementation will require additional support and assistance to find and organize alternative housing.

24. Sufficient measures should be taken to ensure women's rights during detailed design and implementation of the project including relocation process and particular attention should be paid to improve their security of entitlements.

#### IV. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

##### A. Objectives

25. Disclosure, consultation and participation (DCP) in the project processing are required to ensure that adequate and timely information is made available to the beneficiaries and affected people. The DCP also enables opportunities for them to voice their opinions and concerns and participate in influencing decisions making and project processes. The ADB SPS stresses upon the significance of stakeholders DCP for ensuring formulation and execution of development projects compliance to environmental and social safeguards. The SPS requires that the executing agency will conduct meaningful consultation with displaced persons, their host communities, and civil society organizations. Consultation to be carried out throughout the project cycle and timely disclosure of relevant and adequate information has to be undertaken. Both men and women have to be consulted and involved equitably in project design and implementation. All relevant views of affected people and other stakeholders need to be considered in decision making, such as project design, impact assessment, mitigation measures, the sharing of development benefits and opportunities, and implementation.

26. The Project needs to ensure and should be undertaken in an atmosphere free of intimidation or coercion and is particularly inclusive of and responsive to the needs of the disadvantaged and vulnerable groups especially those below the poverty line, the landless, the elderly, female headed households, women and children, and indigenous peoples.

27. Stakeholders' participation in Project planning promotes transparency, sustainability, and prevents possible delays through amicable conflicts management. Involvement of communities having interest with the Project or concerns on negative impacts and loss of property, income and social kinships, is vital in Project planning and design.

##### B. Identification of Stakeholders

28. Primary and secondary stakeholders are identified in Table 6.

**Table 6. Classification of the Stakeholders**

| Type of Stakeholder    | Stakeholder Profile  |
|------------------------|--|
| Primary stakeholders   | Project beneficiaries, RHD officials and employees and persons affected due to involuntary displacement in the project area.             |
| Secondary stakeholders | Project owner and EA, Local governments, Project consultants, Non-Government Organization (NGOs) and Civil Society Organizations (CSOs). |

##### C. Participation of Stakeholders

29. Participation of stakeholders in construction of modern multistoried building for RHD headquarters was facilitated through consulting them in course of the census and 100% household survey. Consultation was carried out using the tools of participatory rapid appraisal (PRA) approach. Consultation meetings were held to inform the communities and population

about the positive and negative impacts of the Project, and the provisions for mitigation of negative impacts as per ADB policy on social safeguards. These meetings were used to get wider public input from both the primary and secondary stakeholders and from the women and vulnerable groups. The consultation methods followed to elicit required information were as mentioned in Table 7.

**Table 7. Methods of Consultation and Participation**

| <b>Stakeholders</b>                                | <b>Tools of PRA</b>  |
|--|--|
| Local communities and likely displaced persons     | Individual interviews, field level observation, consultation meetings, spot consultation |
| Persons interested have same occupational category | Focus Group Discussion   |
| RHD  | Individual interview, meetings or data requests  |

#### **D. Feedback from Consultation**

30. Improved transport infrastructure is one of the pre-conditions for the rapid economic growth in a country and balanced development across its regions. RHD headquarters located in Ramna need to be relocated immediately as that land is no more owned by RHD. For immediate transfer the land owned by RHD in Tejgaon is being selected to construct a modern multistoried building to transfer the RHD headquarters and run its activities efficiently.

31. Consultations with the communities revealed that they are fairly in favor of construction of the proposed building. However, they were expecting fair compensation and proper resettlement and rehabilitation of the affected households and persons irrespective of their title. RHD employees living in RHD built structures expect to be rehabilitated by their employer, RHD with existing level of structure with all the facilities, if possible better. They want to remain in the locality for maintaining network with the nodal points from where their family members are receiving services.

#### **E. Outcome of Consultation Process**

32. In general, affected persons and their community exchanged their opinions and views on various issues like (i) payment of resettlement benefit; (ii) gender compliant policy; (iii) support for compensation award collection; (iv) special support for affected households with income restoration assistance; (v) design built facilities to benefit the DPs and their communities were pointed out in the consultation process.

| Issues  | Observations/expectations   |
|---|---|
| Gender compliant policy                             | Women co-sharers often non-resident in the area should be identified to ensure payment of compensation and resettlement benefit of their lost property.   |
| Special support for affected vulnerable shop owners | Poor household dependent on shops significantly affected by the project should get special financial and institutional assistance to rebuild their income and livelihood status.                          |
| Use of unused RHD land for relocation of shops      | The likely affected community beside the RHD area believes that there is sufficient land remaining vacant for decades. Those lands can be used for relocation of displaced shops on a yearly lease basis. |

**F. Information Disclosure Measures**

33. **Disclosure of legal and policy guidelines.** To keep transparency in planning and for active involvement of Displaced Persons (DPs)/Affected Households (AHs) and other stakeholders, the project information was disseminated through meetings and personal contacts. The public communications policy of ADB aims at enhancing stakeholders’ trust in ADB operations. The Policy among others promotes, (i) awareness and understanding of ADB activities, policies, strategies, objectives, and results among general public; (ii) participatory development, ensuring a greater two-way flow of information between ADB and its stakeholders, including affected people; and (iii) transparency and accountability in ADB operations. The Policy also calls for other means of disclosure or dissemination, depending on the intended recipient or audience as well as the intended purpose for disclosing the information (for example, information to support a consultation process, information sought by affected people or other local stakeholders, or information for the public at large). The RP will be disclosed on the ADB and RHD websites.

34. The Project design, approach road options, benefits and adverse social impacts were discussed with the displaced persons and their community. Stakeholders were asked for their views on the Project’s overall compensation process. Women and other vulnerable groups were also consulted concerning the specific project impacts and their livelihood aspects. The provisions of the ADB policy and Government laws on land acquisition were also disclosed to.

35. The consultation process, participants, location and dates have been shown in Table 8.

**Table 8. Location and Methods of Consultation**

| <b>Location</b>                            | <b>Participants and methods of consultation</b>  | <b>Issues discussed</b>  | <b>Outcome</b>   |
|--|--|--|--|
| RHD Tejgaon Office on June 7 2012          | RHD officials and staffs, representatives of affected households were consulted through open meeting, FGD and personal contact.                              | Major impacts in the area and approach road towards west direction from the proposed building.<br><br>Attitude of the community towards the project and the design and benefits, social development outcomes, adverse effects of the project, ADB SPS and mitigation measures. | Approach road width finalized<br><br>Future consultations and discussions with communities will take place as building plans are finalized.            |
| RHD Tejgaon Office premise on June 11 2012 | Affected households' representatives, owners of business were consulted through spot consultation, open meeting, FGDs and individual contact.                | Major discussion went around compensation for loss of residential facilities as well as running business.<br><br>Project concept, design, development trend, project benefits, adverse resettlement impact, mitigation measures as per ADB policy                              | Future consultations and discussions with communities will take place as building plans are finalized.<br>Entitlements discussed with affected persons |
| RHD Tejgaon Office on June 11 2012         | PRA/FGDs were carried out in the project area covering persons like businessmen, service holders, , students, daily labors and retired government officials. | Major concern expressed by the participants are construction of the building affecting 3 shops, project design, ADB policy, project benefits, adverse resettlement impact, common problems, identification of suggested mitigation measures, stakeholders participation etc.   | Entitlements discussed.  |

### **G. RP Disclosure Plan**

36. The consultation will be continued throughout the project cycle. This RP along with any updates will be disclosed on the ADB and RHD websites. The other round of consultations will occur when compensation and assistance are provided and actual resettlement begins. For continued consultations, the following steps are envisaged in project design and implementation:

- RHD will organize public meetings to inform the community about the compensation and assistance to be paid. Regular update of the progress of the resettlement component of the project will be placed for public display.
- Key features of the RP particularly the entitlements and institutional arrangements for grievance redress will be summarized in a brochure in local language and distributed among the DPs/AHs and their communities.
- Attempts will be made to ensure that vulnerable groups understand the process and to take their specific needs into account.

## **V. GRIEVANCE REDRESSAL MECHANISM**

### **A. Background and Objectives**

37. To deal with resettlement related disputes and to make the project accountable to the affected people and their community, a complaint and grievance mechanism will be in place under the project. The mechanism will be an officially recognized community based system to resolve disputes arising out of various matters related to land acquisition, resettlement, environmental, safety and other social concerns. The fundamental objectives of this mechanism are to resolve any resettlement-related grievances locally in consultation with the aggrieved party to facilitate smooth implementation of the social and environmental action plans. Another important objective is to democratize the development process at the local level and to establish accountability to the affected people.

38. Based on consensus, the procedure will help resolve issues/conflicts amicably and quickly, saving the aggrieved persons resorting to expensive, time-consuming legal actions. However, complainants may access the formal judicial system at any stage.

### **B. Complaints and Grievance Mechanism**

39. The complaint and grievance mechanism will be available to allow a DP/AH appealing any disagreeable decision DPs will be fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, and time of compensation. The project planning and implementation will be cautious enough to prevent grievances through advance counseling and technical assistance to the DPs in the compensation collection process. This will be ensured through careful design and implementation, by ensuring full participation and consultation with the DPs, and by establishing extensive communication and coordination between the affected communities and RHD.

40. The Grievance Redress Committee (GRC) will be formed with representatives from RHD (Deputy Chief Resettlement Officer (convener), Resettlement Officer (RO) of RHD (member secretary), Resettlement Specialist of PIC, Deputy Project Manager (RHD), Representative of Affected Household/displaced person (DP), women DPs (if any), Member secretary, RHD Gender Development Forum to allow voices of the affected communities to be heard and ensure a participatory decision-making process. GRC decisions will be on a majority basis and will be publicized among the local communities. Where the complaining parties are not satisfied with the GRC decisions, they can always file their cases in court.

41. The member secretary of GRC, Deputy Project Manager (RHD) will be regularly available and accessible for DPs to address concerns and grievances. Female DP will participate in the grievance redress sessions when the complainant will be a female.

### **C. Scope and Jurisdiction of GRC**

42. The scope of work and jurisdiction of GRC are:

- The GRC shall review, consider and resolve grievances, related to social/resettlement and environmental mitigations during implementation, received by the committee.

- Any grievances presented to the GRC should ideally be resolved on the first day of hearing or within a period of one month, in cases of complicated cases requiring additional investigations. Grievances of indirectly affected persons and/or persons affected during project implementation will also be reviewed by GRC.
- The GRC will not engage in any review of the legal standing of an “awardee” other than in direct losses or distribution of shares of acquired property among the legal owners and associated compensation or entitlement issues.
- GRC decisions should ideally be arrived at through consensus, failing which resolution will be based on majority vote. Any decision made by the GRC must be within the purview of social, resettlement and environmental policy framework.
- The GRC will not deal with any matters pending in the court of law. But if the parties agree on through a written appeal, GRC can mediate. The parties will withdraw the litigation.
- A minimum three (3) members shall form the quorum for the meeting of the GRC.

#### **D. Filing Grievance Cases and Documentation**

43. DPs will be able to file their grievances without any fear and intimidation. Where required, the Resettlement Officer (RO) of RHD will assist the DPs in drafting the grievances. All grievances must be submitted in writing to the Chair, GRC. The complainant may be represented by the DP him/herself or appointed agent such as locally elected officials/legal advisors. The judgment made by GRC will be communicated to the concerned DP in writing. If dissatisfied, and with the agreement of the GRC, the DP may request a further review of the judgment of GRC by the Project Director. In such cases, the case will be forwarded to the PD with all documentations. If the disputant still remain unsatisfied, he/she can go to the formal court of law.

44. All GRC documents will be maintained by the RO of RHD for review and verification by ADB. RHD Field Office will act as the Secretariat to the GRCs. As a result, the records will be up-to-date and easily accessible on-site.

45. With the dissatisfactory reaction from the aggrieved DPs, the GRC will forward the cases to the Project Director (PD), PMU for further review. Member secretary of GRC and the chairs will present the case records to the PD and facilitate impartial review of the complaints. Proceedings of such review meetings will be available for review by ADB. Member secretary will plead for the aggrieved DPs in the upper review and settlement focal points.

46. GRC meetings will be held in the Field Office of RHD or other location(s) as agreed by the Committee. If needed, GRC members may undertake field visits to verify and review the issues at dispute, including titles/shares, reason for any delay in payments or other relevant matters. An aggrieved person is free to approach the country’s legal system at any stage of the Grievance Resolution Mechanism (GRM). The complaints and grievances from the DPs will be addressed through the process described below in Table 9.



**Table 9. Grievance Resolution Process**

| <b>Steps</b> | <b>Action level</b>               | <b>Process</b>  |
|--------------|-----------------------------------|---|
| Step 1       | Counseling                        | <p>Complaints and grievances from displaced persons will first be heard during personal contact and focus group meetings at the project site. The RP implementation operatives will counsel DPs for gaps in information about the policy and eligibility for compensation and resettlement assistance.</p> <p>If the complain is found outside the mandate of GRC, the RP implementing operatives will advise the aggrieved DPs to lodge their complain in the court of law at the district level.</p> <p>If the complain is within the jurisdiction of GRC, the RP implementing operatives will advise the aggrieved DPs to formally lodge their complaint with the GRCs.</p>  |
| Step 2       | GRC Resolution                    | <p>Member secretary of the GRC will scrutinize the complains and prepare Case File for the GRC hearing and resolution. A formal hearing will be held before the GRC at a date fixed by the member secretary of GRC in consultation with the Chair and the aggrieved DPs.</p> <p>On the date of hearing, the aggrieved DP will appear before the GRC at a place set in consultation with the DPs and RHD and produce proof in support of his/her claim. The member secretary will note down the statements of the complainant and documents with all proof.</p> <p>The decisions from majority of the members will be considered final from the GRC and will be issued by the Convener and signed by other members of the GRC. The case record will be updated and the decision will be communicated to the complainant DP by the member secretary of GRC at the project location.</p> |
| Step 3       | Decision from PMU, RHD            | <p>If any aggrieved DP is not satisfied with the GRC decision, the next option will be to lodge grievances to the Project Director within 2 weeks after receiving the decision from GRC. The DP, in the complaint, must produce documents supporting his/her claim. The PD will, with the assistance from the RS of PIC, will review the proceedings of the GRC hearing and convey its decisions to the aggrieved DPs within 2 weeks after receiving the complaint.</p>   |
| Step 4       | Decision from Chief Engineer, RHD | <p>Should the resolution from the PMU fail to satisfy the aggrieved DPs, they will be facilitated to forward their case records for further review and settlement with the office of the Chief Engineer, RHD at Dhaka. The aggrieved DP will submit the petition with all documentary evidences of complaints and the resolution proceedings at Step 2 and 3 within 2 weeks after the decision from the PMU, PRP is received.</p>   |

47. The PMU at RHD headquarters will keep record of complaints received for its use as well as for use by ADB during regular supervisions.

#### **E. Approval of GRCs and Entitlements of GRC Members**

48. All GRC members will attend a training and orientation meeting prior to commencement of their work. The training will be conducted by Project staff and consultant/resettlement expert.

49. GRC members (except for RHD representatives and RS of PIC) will be entitled to Tk. 500/- (five hundred) per day as honorarium from RHD budget (i.e., reimbursable head). Light snacks/refreshments will be provided during the meetings under the resettlement budget. In case of day-long meeting, GRC members may also be served lunch. Necessary stationery and other logistics will be made available by RHD.

50. Any decisions and proceedings of GRC meetings will be finally approved by the Project Director, PMU, RHD. The approved GRC decisions will be implemented on site within the framework of the resettlement plan.

51. The DPs will be exempted from all administrative and legal fees. Complainants to the court will also have the right of free legal representation. The detailed procedures for redress of grievances and the appeals process will be widely publicized among the parties involved.

52. The GRC will hear the grievances once in 15 days. Since the entire resettlement process has to be completed before construction work starts, the GRC may meet more than once in every 15 days depending upon the number of such cases. The GRC will inform the concerned Entitled Persons of their decision within 15 days of the hearing of the grievances.

#### **F. Grievance Redress Monitoring**

53. The Project Manager of RHD will keep records of all the grievances and their redress in monthly cumulative formats, which are to be signed by the chairman of the Grievance Redress Committee. The format will contain information on the number of grievances received, resolved, and the number of unresolved grievances.

## VI. LEGAL AND POLICY FRAMEWORK

54. The Government of Bangladesh (GOB) does not have a national policy on involuntary resettlement. Eminent domain law is applied for acquisition of land for infrastructure projects where it is evident as required for public interest. However, in projects with external finance, GOB adopts project specific policy on land acquisition and resettlement. The legal and policy framework of the Project on land acquisition and resettlement, therefore, is based on the GOB laws on Land Acquisition and ADB's Safeguard Policy Statement 2009. Based on the analysis of applicable laws and ADB's Policy requirement, land acquisition and resettlement (LAR) principles for construction of modern multistoried RHD Headquarters Subproject have been adopted.

### A. Legal Framework

#### 1. Legislations Governing Land Acquisition in Bangladesh

55. The principal legal instrument governing land acquisition in Bangladesh is the *Acquisition and Requisition of Immovable Property Ordinance II* (1982) and subsequent amendments of the Ordinance II (1989, 1993, and 1994). The 1982 Ordinance requires that compensation be paid for (i) land and assets permanently acquired (including houses, trees, and standing crops,); and (ii) any other impacts caused by such acquisition. The Ordinance provides certain safeguards for the owners and has provision for payment of "fair value" for the property acquired. In addition to the Ordinance, another relevant law that applies to the Project due to acquisition of bank-line for river training works, is the *State Acquisition and Tenancy Act 1951* (Section 7) that defines the ownership and use right of alluvion (*payosti*) and diluvion land (*sikosti*) in the country. Legally, GOB owns the bank-line and eroded land in the river. However, the "original" owner(s) can claim the land if it reappears in a natural process within 30 years from the date of erosion. Due to river training and other protection measures, landowners might lose access to new land *in situ* or original site. Therefore, land acquired for the bridge, including bankline, would be considered for compensation after a joint review of the alluvion and diluvion (AD) line established by the Deputy Commissioner(s) of the three districts.

56. In all cases, the Deputy Commissioner (DC) determines (i) market value of acquired assets on the date of notice of acquisition (based on the registered value of similar property bought and/or sold in the area over the preceding 12 months); and (ii) 50% premium on the assessed value (other than crops) due to compulsory acquisition. The DC payments or "awarded" to owners is called cash compensation under law (CCL). The value thus paid is invariably less than the "market value" as owners customarily report undervalued land transaction prices in order to pay lower stamp duty and registration fees. As a result, compensation for land paid by DC, including premium, remains less than the real market price or replacement cost. If land acquired has standing crops cultivated by tenant (*bargadar*), the law requires that part of the compensation money be paid in cash to the tenants with registered deeds only. Places of worship, graveyard and cremation grounds are not to be acquired for any purpose. The Ordinance does not permit the displaced persons to take the salvageable materials for which compensation have been paid by the DC.

57. Under the 1982 Ordinance, the Government is obliged to pay compensation only for the assets acquired. Further, the Ordinance does not deal with social and economic impacts as a consequence of land acquisition. For instance, the Ordinance does not cover project-displaced

persons without titles such as informal settler (squatters), occupiers, and informal tenants and lease-holders (without registration document). Further, the Ordinance has no provision for resettlement of affected households and businesses or any assistance for restoration of livelihoods of the displaced persons.

## **2. ADB's Safeguard Policy Statement**

58. The ADB has adopted Safeguard Policy Statement (SPS) in 2009 including safeguard requirements for environment, involuntary resettlement and indigenous people. The objectives of the Involuntary Resettlement Safeguard policy is to avoid involuntary resettlement wherever possible; 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 relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

59. The involuntary resettlement safeguards 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 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.

60. The main policy principles of the Involuntary Resettlement Safeguard are:

- 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.
- Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and reporting 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 displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- 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 cost for land when the loss of land does not undermine livelihoods, (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.
- 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.

- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- 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.
- 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.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- 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 displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.
- 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.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- 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.

## **B. Comparison of National Policies with ADB Policy**

61. There is no national policy on involuntary resettlement in Bangladesh for implementation of infrastructure projects. The Acquisition and Requisition of Immovable Property Ordinance 1982 is the only instrument here for acquisition of land. The law covers the titled owners only and compensation is paid at market price determined through legal procedures. A 50% on the assessed market price is provided with the compensation and non-titled sharecroppers having legal agreements with the owners are also compensated. But in most cases, the market price even with the 50% enhancement is much lower than the actual market price of assets. Non-titled owners and users of land are not entitled for compensation under law. However, ADB policy (SPS 2009) covers all affected persons irrespective of their title and compensation for affected assets is recommended at full replacement cost including cost of titling.

62. However, in internationally financed Projects, the ensuing involuntary resettlements were planned and implemented successfully in the country following donor policies. Resettlement in the Jamuna Multipurpose Bridge Project (JMBP), indeed, is considered a leading example with many “good practices” – for example, (i) identification of all displaced persons and issuance of ID cards; (ii) cut-off date established by census; (iii) preparation of automated Loss Files and Entitlement Card (iv) Preparation of payment statement (v) compensation for losses irrespective of title to land; (vi) paying replacement cost of land and other assets; (vii) resettlement of the affected households; (viii) special provisions for assistance to poor women and vulnerable groups; (ix) training/livelihood programs for income and livelihood restoration; (x) project benefits for “host” villages; (xi) management information system for processing resettlement benefits, monitoring and evaluation; and (xii) involvement of NGOs in RP implementation – which has influenced many other projects since its completion in 2003. Involuntary resettlement was also successfully addressed in ADB financed projects including Jamuna Bridge Railway Link Project, Southwest Road Network Development Project and Southwest Area Integrated Water Resources Planning and Management Project. Comparison between the policies of Government of Bangladesh and ADB (SPS) with gaps between them with actions to bridge the gaps is shown in the Table 10.

**Table 10: Comparison Between Government of Bangladesh’s Policy and ADB’s Policy**

| SI. No. | ADB SPS   | Bangladesh Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982  | Gaps Between ARIPO and ADB’s SPS-2009, and Actions to Bridge the Gap   |
|---------|---|---|--|
| 1       | Involuntary resettlement should be avoided wherever possible.                   | Not defined in the ARIPO  | ARIPO does not deal with the minimization of involuntary resettlement. However, the government uses this approach as a standard practice.  |
| 2       | Minimize involuntary resettlement by exploring project and design alternatives. | Not so clearly defined in the ARIPO.<br><br>Sections 3 and 18 exempt the acquisition of property used by the public for religious worship, public or educational institutions, graveyards, and cremation grounds.   | ARIPO does not deal with these issues, as the ARIPO has no provision for minimizing adverse impacts on private property or common resources, and does not deal with alternate design.<br><br>The RP clearly mentions how to minimize the involuntary resettlement through proper alternate engineering design and adequate consultation with stakeholders.   |
| 3       | Conducting census of displaced persons and resettlement planning                | The ARIPO spells out that upon approval of the request for land by the office of the deputy commissioner., its own staff will conduct the physical inventory of assets and properties found in the land. The inventory form consists of the name of person, quantity of land, the list of assets affected, and the materials used in the construction of house. The cutoff date is the date of publication of notice that land is subject to acquisition, and that any alteration or improvement thereon will not be considered | The ARIPO does not define the census survey. It only reflects the inventory of losses (IOL), which is more in physical terms and only includes the names of the owners, etc. The ADB policy spells out a detailed census through household surveys of displaced persons in order to assess the vulnerability and other entitlements as under. The RP fills this gap by incorporating the need for a census survey for the displaced persons. |

| SI. No. | ADB SPS  | Bangladesh Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982   | Gaps Between ARIPO and ADB's SPS-2009, and Actions to Bridge the Gap   |
|---------|--|--|--|
|         |  | for compensation.  |  |
| 4       | Carry out meaningful consultation with displaced persons and ensure their participation in planning, implementation, and monitoring of resettlement program. | Section 3 of the ordinance provides that whenever it appears to the DC that any property 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>A gap exists between the ARIPO and ADB SPS.</p> <p>This section of the ordinance establishes an indirect form of public consultation. However, it does not provide for public meetings and project disclosure, so stakeholders are not informed about the purpose of land acquisition, its proposed use, or compensation, entitlements, and special assistance measures.</p> <p>The RP deals with the proper consultation process, which involves all stakeholders (DPs, government department/line agencies, local community, NGO, etc.), and the consultation will be a continuous process at all stages of the project development, such as project formulation, feasibility study, design, implementation, and post-implementation, including the monitoring phase.</p> |
| 5       | Establish grievance redress mechanism.   | Section 4 allows the occupant of the land to raise objections in writing. These should be filed to the DC within 15 days of the publication. The DC will then hear the complaints and prepare a report and record of proceedings within 30 days following expiry of the 15-day period given to DPs to file their objections.                   | The section 4 provision is consistent with ADB's grievance and redress policy. The RP has a special provision for grievance procedures, which includes formation of a grievance redress committee, appointment of an arbitrator, and publication of the notice of hearings and the scope of proceedings.   |
| 7       | Improve or at least restore the livelihoods of all displaced persons.  | The ARIPO does not address the issues related to income loss, livelihood, or loss of the non-titleholders. This only deals with the compensation for loss of land, structures, buildings, crops and trees, etc. for the legal titleholders.  | <p>A gap exists between ARIPO and ADB SPS as there is no provision to assess the impacts on incomes and livelihood from the loss of employment and business, or to restore lost incomes and livelihoods in ARIPO.</p> <p>The RP keeps the provision for a census survey that will have the data on the loss of income and livelihood, and the same will be compensated as per the entitlement matrix for both physically and economically displaced persons.</p>   |
| 8       | Land-based resettlement strategy   | The ARIPO does not address these issues.   | <p>A gap exists between ARIPO and ADB SPS.</p> <p>The RP proposes the land-for-land compensation as its priority if feasible. Attempt will be made to find alternate land for the loss of land in case it is available and if it is feasible, looking at the</p>   |

| SI. No. | ADB SPS   | Bangladesh Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982  | Gaps Between ARIPO and ADB's SPS-2009, and Actions to Bridge the Gap   |
|---------|---|---|--|
|         |   |   | concurrence of host community and land value. However, this option may be a difficult proposition, considering the urban development projects in Bangladesh.   |
| 9       | All compensation should be based on the principle of replacement cost.  | The ARIPO states that the deputy commissioner (DC) determines the amount of compensation by considering: (i) the market value of the property based on the average value during the 12 months preceding the publication of notice of acquisition; (ii) the damage to standing crops and trees; (iii) damage by severing such property from the other properties of the person occupying the land; (iv) adverse effects on other properties, immovable or movable, and/or earnings; and (v) the cost of change of place of residence or place of business. The DC also awards a sum of 50% on the market value of the property to be acquired. | ARIPO is largely consistent with ADB SPS. However, there are differences in the valuation of land and prices of affected assets, where ADB prescribes the use of current market rates in the project area. ARIPO does not ensure replacement cost or restoration of pre-project incomes of the displaced persons.<br><br>The RP addresses all these issues and spells out a mechanism to fix the replacement cost by putting in an independent evaluator who will be responsible for deciding the replacement cost, taking into consideration the current market rate and the latest buying and selling deeds. |
| 10      | Provide relocation assistance to displaced persons.   | No mention of relocation assistance to displaced persons in ARIPO   | The ARIPO does not define the additional relocation assistance to displaced persons, other than the compensation for the direct loss of land and property. Hence, ARIPO does not comply with ADB SPS.<br><br>The RF provides the eligibility and entitlement for the relocation of the displaced persons in the form of relocation assistance, which includes shifting allowances, right to salvage materials, and additional transitional assistance for the loss of business and employment.   |
| 11      | 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 nonland assets. | The ARIPO does not have this provision.   | A gap exists between ARIPO and ADB SPS.<br><br>This is a major drawback of the national law/policy compared to that of ADB. The ARIPO only takes into consideration the legal titleholders and ignores the non-titleholders.<br><br>The RP ensures the compensation and assistance to all displaced persons, whether physically displaced or economically displaced, irrespective of their legal status. The end of the census survey will be considered to be the cutoff  |



| SI. No. | ADB SPS  | Bangladesh Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982   | Gaps Between ARIPO and ADB's SPS-2009, and Actions to Bridge the Gap  |
|---------|--|--|---|
|         |  |  | date, and displaced persons listed before the cutoff-date will be eligible for assistance.  |
| 12      | Disclose the resettlement plan, including documentation of the consultation in an accessible place and a form and languages understandable to affected persons and other stakeholders. | The ordinance only ensures the initial notification for the acquisition of a particular property   | A gap exists between ARIPO and ADB SPS as there is no mention of disclosure of the RP.<br><br>This RP ensures that the resettlement plan for each subproject, along with the necessary eligibility and entitlement, will be disclosed to the DPs in the local language (Bangla), in the relevant project locations and concerned government offices, and the same resettlement plan will also be disclosed on the executing agency's website and on the website of ADB. |
| 13      | Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. | The ARIPO has a provision to include all the costs related to land acquisition and compensation of legal property and assets. However, it does not take into account the costs related to other assistance and involuntary resettlement. | The ARIPO partially meets the requirement of ADB SPS as it only deals with the cost pertaining to land acquisition. The resettlement framework provides the eligibility to both titleholders and non-titleholders with compensation and various kinds of assistance as part of the resettlement packages, and the entire cost will be the part of the project cost.   |
| 14      | Pay compensation and provide other resettlement entitlements before physical or economic displacement.   | The ARIPO has the provision that all the compensation will be paid prior to possession of the acquired land.   | The ARIPO meets the requirement of ADB SPS.   |
| 15      | Monitor and assess resettlement outcomes, and their impacts on the standards of living of displaced persons.   | This is not so clearly defined in the ARIPO.   | A gap exists between ARIPO and ADB SPS.<br><br>The RP has a detailed provision for a monitoring system within the executing agency. The executing agency will be responsible for proper monitoring of the resettlement plan implementation, and the internal monitoring will also be verified by an external expert.  |

ADB= Asian Development Bank, ARIPO= Acquisition and Requisition of Immovable Property Ordinance, SPS= safeguards policy statement.

### C. Resettlement Policy Commitments for the Project

63. The resettlement policy for the project has been designed to (a) cover all displaced persons irrespective of their title to land, (b) compensation for lost assets, and (c) restoration or enhancing the livelihoods of all categories of displaced persons. The households/persons displaced by the project interventions will receive cash compensation for land and other assets

at full replacement cost as per market price at the time of dispossession. Additional measures will be taken to ensure minimum disruption during the project construction period. Thus, households to be displaced physically and affected economically will receive due compensation, relocation assistance, and allowances in accordance with the following guidelines and policy:

- Involuntary resettlement impacts will be avoided or minimized exploring all viable alternative project designs.
- Where unavoidable, a time-bound RP will be prepared and DPs will be assisted in improving or at least regaining their pre-project standard of living.
- Replacement cost of assets will be paid at current market price and titling cost will be included in the replacement cost without any condition.
- Consultation with DPs on compensation, disclosure of resettlement information to DPs, and participation of DPs in planning and implementing of the project will be ensured.
- Vulnerable and severely affected DPs will be provided special assistance.
- Non-titled DPs (e.g., informal dwellers or squatters, DPs without registration details) will receive a livelihood allowance in lieu of land compensation and will be fully compensated for losses other than land.
- Provision of income restoration and rehabilitation will be made.
- The RP will be disclosed to the DPs in the local language which is Bangla.
- Payment of compensation, resettlement assistance and rehabilitation measures will be fully provided prior to the contractor taking physical possession of the land and prior to the commencement of any construction activities on a particular package.
- Establishment of appropriate grievance redresses mechanisms to solve DPs' grievance if occurs.

#### **D. Property Valuation and Compensation**

64. **Principles and methodology.** The principles of valuation of acquired land and assets are devised as per ADB policy on involuntary resettlement (SPS 2009). The policy states that all losses of the displaced persons have to be paid at full replacement cost at the time of dispossession of the property acquired for the purpose of infrastructure projects. The calculation of replacement costs will be based on (i) fair market value at the time of dispossession, (ii) transaction/legalization costs, (iii) transitional and restoration (land preparation and reconstruction) costs, and (v) other applicable payments. In order to ensure compensation at replacement cost, good practice examples in compliance with ADB policy were followed for determining the replacement cost of acquired assets.

65. The calculation of unit value is done keeping in consideration the current market rate so as to meet the replacement cost of the land and lost assets etc. An NGO with relevant experience in valuation of land and assets (structure, trees, crops, fish stock, ponds, and the like) and preparation of budgets for land acquisition and resettlement in Bangladesh was subcontracted for valuation.

## VII. ENTITLEMENTS, ASSISTANCE AND BENEFITS

66. Displaced persons (DPs) entitled for compensation or at least rehabilitation provisions under the Project are those losing their accommodation and those losing business.

67. Eligibility to receive compensation and assistance will be limited by the cut-off date. The cut-off date for compensation and assistance is considered for those identified at the time of census in June 2012. Any households or persons identified on the project right of way on the 7<sup>th</sup> June 2012 will be eligible for compensation and assistance from the project. DPs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however, will be given sufficient advance notice, requesting to vacate premises and dismantle affected structures erected by them prior to project implementation.

68. **Compensation entitlement matrix.** RP will be implemented according to a compensation eligibility and entitlements framework in line with both GOB laws and ADB SPS. The entitlement matrix for the project included in Table 11 complies with the policy framework for the project harmonizing the national law with ADB SPS 2009. The losses or impacts identified by the census and IOL and relevant to this project have been covered in the entitlement matrix.

**Table 11. Eligibility and Entitlement Matrix**

| Loss Item 1: LOSS OF RESIDENTIAL AND OTHER PHYSICAL STRUCTURES (WITHOUT TITLE TO LAND, the squatters)  |  |   |  |
|--|--|---|--|
| Persons Entitled   | Entitlements   | Application Guidelines  | Additional Services                          |
| Socially recognized owners of structures built on the ROW as identified by JVT.  | RV of structure.<br><br>Transfer Grant @ TK. 7 (seven) per sft of affected structure.<br><br>Reconstruction Grant @ TK. 10 (ten) per sft of affected structure.<br><br>Special Assistance of one-time payment of TK. 10,000/- (ten thousand) for each female-headed, disabled, elderly (over 60) headed and very poor household whose annual income is less than or equal to Tk 48,000.<br><br>Owner will be allowed to take away all salvageable materials free of cost within RHD declared deadline. | Applicable to all structures located on the Right of Way (ROW) at cut-off dates.<br><br>PVAC will recommend the RV of the structures.<br><br>RHD will provide other resettlement benefits directly. | Assistance in relocation and reconstruction. |
| Implementation Issues:<br>Joint Verification Team (JVT) identifies (records floor areas and category) structure for non titled owners as identified by census.<br>Replacement Cost (RC) of structure will be determined and approved by PVAC by considering the cost of materials, labor inputs and land development cost at current market rates. Ministry of |  |   |  |

| <p>Communications will approve the RV of structures recommended by PVAC.<br/>         Compensation must be paid before EP dismantles and removes the structures as per civil works requirement.<br/>         The cut-off date for the socially recognized owners will be as the cut off declared during conducting the census.</p>  |   |  |  |
|---|---|--|--|
| <p><b>Loss Item 2: LOSS OF INCOME FROM DISPLACED COMMERCIAL ENTERPRISES</b></p>   |   |  |  |
| Persons Entitled  | Entitlements  | Application Guidelines   | Additional Services  |
| <p>Any proprietor or businessman or artisan operating in premises, at the time conducting Census.</p>   | <p>An amount equivalent to three months net income against the owner's name as per census but not exceeding a total of Tk 24,000</p> <p>One time Moving Assistance of TK. 5,000 for squatters.</p>  | <p>RHD will directly pay the entitlement to the eligible displaced persons</p>   | <p>Vulnerable EPs will be brought under income generating program.</p> |
| <p><b>Implementation Issues:</b><br/>         Primary eligibility to be based on businessmen identified by Census and RHD joint verification. All the business operators will be entitled for grant against loss of business. However, one time moving assistance will be provided to only the squatters. The income-generating program will be implemented by engaging an NGO experienced in rehabilitation and livelihood generation activities for the poor. This program will act as safety net for the potential vulnerable EPs if generated by implementation of this project or identified during implementation of the project.<br/>         Payment of Resettlement Benefit will be made following the Administrative Manual approved by RHD</p> |   |  |  |
| <p><b>Loss Item 3: LOSS OF INCOME AND LIVELIHOOD</b></p>  |   |  |  |
| Persons Entitled  | Entitlements  | Application Guidelines   | Additional Services  |
| <p>Vulnerable households whose annual income is <math>\leq</math> Tk. 48,000/- including the households with disabled/handicapped/widow or female headed identified by census and JVT.</p> <p>EPs losing main source of income who have no alternative source of income as identified by JVT.</p>   | <p>Tk.10,000/- as one time grant in addition to other compensations for male headed households.</p> <p>Tk. 12,000/- as one time grant in addition to other compensation for female headed including disabled/handicapped/widow member family.</p> <p>Skill Training for vulnerable households not exceeding Tk. 8,000/- for one member and Tk. 3000/- for trainer NGO irrespective of the training period..</p> | <p>The EPs will be identified as per the census and income and livelihood support will be provided by RHD. Cost of trainer will be borne by RHD.</p> | <p>RO, RHD will motivate the EPs for appropriate skill training.</p>   |
| <p><b>Implementation Issues:</b><br/>         Vulnerable households losing income from business, employment, livelihood resources and for the transitional time up to permanent settlement will be assessed by RHD with the help of RS PIC. These persons will be covered under the skill training program and the allowances will be paid upon performance following the entitlement package.<br/>         This provision is being considered as safety net for the potential vulnerable EPs if generated by</p>   |   |  |  |

| implementation of this project or identified during implementation of the project.   |  |  |                     |
|--|--|--|---------------------|
| Loss Item 4: UNFORESEEN ADVERSE IMPACTS  |  |  |                     |
| Persons Entitled   | Entitlements   | Application Guidelines   | Additional Services |
| Households/persons affected by any unforeseen impact identified during RP implementation   | Entitlements will be determined as per the resettlement policy framework | The unforeseen impacts will be identified through special survey by RHD as per request from impacted population. The entitlements will be concurred by the DHI and approved by the MOC | As appropriate      |
| <p>Implementation Issues:</p> <p>The unforeseen impacts and displaced persons will be identified with due care as per policy framework and proposed to the MOC and the DHI for approval including quantity of losses, their owners and the entitlements.</p> <p>Payment of Resettlement Benefit will be made following the Administrative Manual approved by RHD</p> |  |  |                     |

## **VIII. RELOCATION OF HOUSING AND SETTLEMENTS**

### **A. Relocation Requirements and Strategy**

69. The Project will displace 11 non-titled households from their residence and business-structures. 10 of them are living in part of RHD built structures. The DHs will be provided with compensation and assistance for relocation of their housing, productive assets and employment affected due to the project. All Displaced Persons (DPs) losing houses/commercial premise have the right to relocate their house/business in a new location they can afford with the compensation received. The relocated DPs will receive a relocation allowance.

### **B. Transfer and Establishment at an Alternative Site**

70. In addition to payment of compensation for affected structures at full replacement cost, the households to relocate their main housing and business structures will be provided with relocation and reconstruction assistance in cash.

## **IX. INCOME RESTORATION AND REHABILITATION**

### **A. General**

71. The project will not involve land acquisition, so project interventions will cause diminishing of income and loss of livelihood resources temporarily or permanently for the business losers. Restoration of income of those affected to pre-project level is thus one of the most important tasks in resettlement management.

72. RP has provisions for interim support to mainstream alternative income generating schemes or enhancement of existing livelihood resources so that DPs can either continue their previous occupation or can start new venture or undertake an alternative occupation. The basic objective behind the income restoration and rehabilitation measures is to restore the economic status of the displaced persons at least at the level they were enjoying prior to the project.

### **B. Livelihood Impact and Risks**

73. Displaced persons will experience loss of livelihood sources mainly due to loss of business. The displaced households compelling physical relocation due to the project will experience temporary dislocation in their income and work days. . A total of 3 such households and persons will experience direct impact on their income. However, none of them are vulnerable as they have net yearly income more than TK 48,000.

### **C. Rehabilitation Measures**

74. RP provisions for income restoration and rehabilitation focus on improvement or at least restoration of income and livelihood of all displaced persons. The measures consider diminishing income and dislocation of livelihoods during and after relocation. As a result, in addition to providing compensation at full replacement cost, appropriate allowances have been included for income and livelihood restoration of those affected.

75. Special assistance like skill training program and other appropriate to vulnerable groups such as women and very poor households will be provided as indicated in the entitlement matrix.

## **X. BUDGET AND FINANCIAL PLAN**

### **A. Introduction**

76. The costs for resettlement for the subproject have been estimated at current market price for the year 2012 with necessary supplements for replacement cost and businesses with assessed replacement cost for the same year, and additional assistance for loss of income and vulnerabilities as per the resettlement policy framework. This budget outlays for different expenditure categories assessed by the survey team for displacement of people from RHD land. 93. All resettlement funds will be provided by RHD based on the financing plan agreed by the Government of Bangladesh and ADB. Relocation of displaced persons, squatters, their R&R will be considered as an integral component of the project costs. The rehabilitation and training to the potential affected persons will be provided under the income and livelihood restoration program based on vulnerability . A lump sum amount is kept in the budget for the purpose to cover any EP is identified as vulnerable and would need any training at the time of implementation.

77. RHD will ensure that the Resettlement and Rehabilitation budget is delivered on time. RHD will also ensure that the RP is submitted to ADB for concurrence, and that funds for entitlements under the RP is fully provided to DPs prior to the award of the civil work contract. Compensation and resettlement funds will be provided to the DPs as assistance for resettlement of project-affected persons and will be disbursed directly by RHD.

78. The RP budgets including replacement cost of structures and other assets, and special assistances have been calculated using the market rates reflecting replacement cost.. The costs for relocation and special assistance will be consistent with the entitlement matrix. Other costs involving training and income and livelihood restoration. The cost estimate in this RP is based on inventory of losses documented as of May- June 2012 and replacement cost of assets for the year. This estimate will be revised based on changes on any additional impacts to be considered during detail design and prior to implementation. Therefore, the budget will remain as a dynamic process for cost estimate even during implementation.

79. Based on the background of this subproject the entire amount for resettlement and rehabilitation and training for this subproject is estimated to be approximately Tk 108,455 with 10% contingencies, or roughly US\$ 1,356 (1 USD = 80 BDT) (Table 12). There are some residential structures built by RHD to facilitate the RHD employees to live in the premise and provide optimistic service within the sub project area. RHD will demolish the structures and make the land clear for construction on time on its own cost. RHD will provide alternate residential accommodation to its employees of equal facilities or better within the proximity of the existing location. RHD will bear all the shifting cost. However other people who are going to be affected by this project will be entitled to receive their compensation. At the time of implementation, the implementing agency would be privileged to transfer fund from one head to others at 10 percent of budget provision. This transfer should be justified with proper reasons and appropriate documents.

80. Resettlement and rehabilitation budget included in this RP will be revised as needed. The Ministry of Communications along with the revised RP will approve the revised budget.



**Table 12. Estimated Budget for Compensation and Resettlement Benefits**

| Sl. No.   | Category of loss   | Quantity in dec./sft/No. | Rate in Tk. | Amount in Tk. As per survey |
|-----------|--|--------------------------|-------------|-----------------------------|
| <b>A.</b> | <b>Compensation for structure</b>  |                          |             |                             |
| 1.        | Tin Made (sft) (1 Nos)   | 35                       | 400         | 14,000                      |
|           | <i>Sub-total of A</i>  |                          |             | <i>14,000</i>               |
| <b>B.</b> | <b>Other Resettlement Benefits</b>   |                          |             |                             |
| 1.        | Transfer grant of structure @ TK 7 per sft                                 | 35                       | 07          | 245                         |
| 2.        | Reconstruction Grant @ TK 10 per sft                                       | 35                       | 10          | 350                         |
| 3.        | Subsistence allowance for loss of income from displaced commercial Premise | 1                        | 24,000      | 24,000                      |
| 4.        | One time moving Assistance for displacement of business by a squatter      | 2                        | 5,000       | 10,000                      |
| 5.        | Unforeseen Impact  |                          | Lump sum    | 25,000                      |
|           | <b>Sub-total of B</b>  |                          |             | <b>59,595</b>               |
| <b>C.</b> | <b>RP Implementation</b>   |                          |             |                             |
| 6.        | Consultation and GRC operations  |                          | Lump sum    | 25,000                      |
|           | <i>Sub Total of C</i>  |                          |             | <i>25,000</i>               |
|           | <i>Sub-Total (A+B+C)</i>   |                          |             | <i>98,595</i>               |
| <b>C</b>  | <b>Contingency @ 10% of the Sub-totals</b>                                 |                          |             | <b>9,860</b>                |
|           | <b>Grand Total =</b>   |                          |             | <b>108,455</b>              |
|           | USD 1356 at Tk 80/USD  |                          |             |                             |

**B. Management of Resettlement Fund**

81. RHD does not have any set codified rules for payment of cash to DPs eligible for resettlement assistance from the project. A detail implementation procedural guideline will be required to implement the RP at the field level. As this is a compact Resettlement Plan affecting only 11 household it is expected that the resettlement team would be formed in RHD headed by APD/CRO will be able to implement this RP successfully by following the implementation procedure after its approval from the Chief Engineer (CE), RHD. The implementation procedure will include definition of various resettlement terms, the entitlements, detail procedure for identification of eligible persons for resettlement entitlements of the RP, and prepare loss and entitlement files of individual DPs, process payments, effecting their disbursement and documentation.

82. The Deputy Chief Resettlement Officer (DCRO) and Resettlement Officer (RO) will prepare a Resettlement Budget with the help of Chief Resettlement Officer (CRO) during the initial months of RP implementation and its approval from RHD will place funds to the resettlement account in the field for disbursement periodically. The implementation guideline will contain details of the management aspects and monitoring mechanism. All payment to the affected persons will be paid in crossed bank cheques. Vouchers on payment will be prepared as per RHD's standard system. The Deputy Chief Resettlement Officer (DCRO), Resettlement Officer (RO) and Assistant Engineer (Resettlement) will sign the vouchers. Payment will be made and records maintained as per approved RP implementation guideline.

## **XI. INSTITUTIONAL ARRANGEMENT**

### **A. Introduction**

83. RHD is responsible for undertaking all studies, design, and construction of this Project. A detail design consultant (DDC) will assist RHD in detailed design, preparation of procurement documents to employ Project Implementation Consultant (PIC), civil works contractor and other agencies. RHD is experienced in implementing resettlement and rehabilitation in its projects and have previously implemented large scale multilateral funded projects. Its staff has a collective experience of 18 years since its implementation of the Second Road Rehabilitation and Maintenance Project funded by the World Bank.

### **B. Institutional Arrangement**

#### **1. Project Management Office - RHD**

84. Project Management Office (PMO), headed by a Project Director (PD), has already been set up within RHD for execution of the PRP who is responsible for implementation of the RP – compensation disbursement and resettlement of the DPs including income restoration.

85. For efficient and smooth implementation of the project, suitable institutional arrangements are necessary to manage and implement Resettlement Plan (RP). Institutional arrangements required for implementation of Resettlement Plan includes capacity augmentation of RHD head office, RHD field offices, formation of GRC. The Project Director at Head Office will function as the Chief Resettlement Officer (CRO). The CRO will have overall responsibility relating to resettlement and rehabilitation policy guidance, coordination, planning, monitoring and reporting. Additional Project Director and Secretarial Staffs at Head Office will assist the CRO. At the field level, the CRO will be assisted by-DCRO and Deputy Project Managers (DPM) or Resettlement Officers (RO) and other field staffs.. These agencies will work in close coordination with the Office of CRO, PMs, DPMs and ROs. Since, the civil work in all the project area is likely to start immediately; the project authority may be required to depute more staff to carry out the various activities related to resettlement and rehabilitation smoothly.

86. Project Manager will be of the rank of Executive Engineer and look after the resettlement and rehabilitation component of the project as DCRO. Project Managers will be stationed at the PDs office. One Deputy Project Manager will assist the Project Manager. The PD/CRO will monitor through APD, the progress of land acquisition and resettlement management and will also ensure co-ordination between various relevant offices.

87. RHD will establish operational links with the relevant offices/agencies. It will provide means and mechanism for coordinating the delivery of the compensation and assistance to entitled persons. It will also be responsible for disseminating the information to the public and provide opportunities for consultations.

88. Chief Resettlement Officer (CRO) will be responsible for

- Overall resettlement and rehabilitation works;
- Coordinate with office of Deputy Commissioners to facilitate land acquisition, payment of compensation and possession of land;

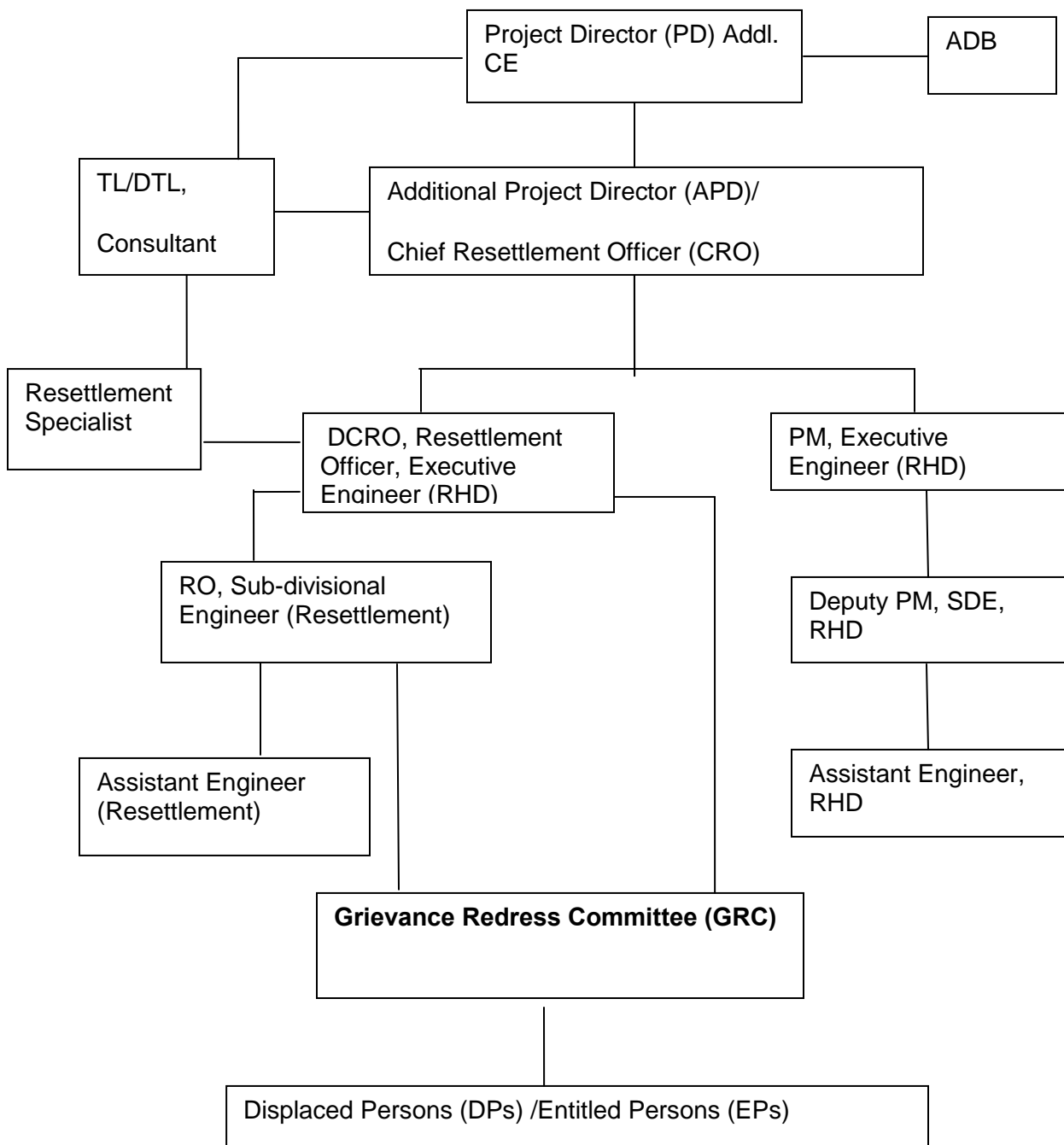
- Coordinate the implementation of R&R activities with Head Office and field office;
- Ensure conducting resettlement training programs for EA staff for capacity building as well as field level activities;
- Monitor the progress on R&R and land acquisition;
- Monitor monthly progress;
- Guide staff of RHD, and M&E consultant on policy related issues during implementation; and
- Ensure timely release of fund for R&R activities.

## **2. RHD-Field Offices**

89. The field offices will be headed by an officer of the rank of Executive Engineer called Project Manager will coordinate with relevant offices/agencies for payment, possession of land, clearance of proposed ROW, etc. The Project Manager will monitor all resettlement and rehabilitation activities and will be fully responsible for progress of civil works and project management. The DPM/ resettlement officer will assist him in discharging his/her duties. The RO will deal in all matters related to resettlement and rehabilitation. Roles and responsibility of the Resettlement Officer would broadly include the following:

- Maintain liaison and provide requisite materials, DPs, etc, to the Office of Deputy Commissioner for timely acquisition of land and payment of compensation;
- Synchronize various activities related to resettlement and rehabilitation with construction schedule;
- Ensure that entitled persons have received their due compensation and resettlement benefits;
- Assist and advice CRO and RO in matters related to R&R;
- Ensure distribution of pamphlets on R&R policy in local language.
- Supervise the implementation of RP carried out by the team;
- Interact with Project Implementation Consultant (PIC) on a regular basis;
- Compile data related to R&R activities and update reporting officer and suggest suitable measures to be taken;
- Review micro plan & monthly reports submitted by the resettlement team;
- Participate in regular meetings;
- Ensure distribution of Identity card;
- Attend meetings and participate in Grievance Redress Committee meetings for redressal of grievances;
- Ensure budgetary provision for relocation, rehabilitation and reconstruction of CRP;
- Verify inclusion of affected persons who were missed out due to some reason during the census survey/joint verification;
- Facilitate the opening of bank accounts of affected persons in local banks;
- Organize disbursement of cheques to affected persons in public place to maintain transparency
- Liaison with concerned department for inclusion of affected persons in income generating schemes of programs;
- Maintain record of physical and financial progress on land acquisition and R&R activities;
- Any other works that may be assigned from time to time by the CRO/DCRO/PM, etc.

**Figure 1. Resettlement Organizational Chart**



|                                 |                                       |
|---------------------------------|---------------------------------------|
| CRO- Chief Resettlement Officer | DCRO-Deputy Chief Resettlement Office |
| RO- Resettlement Officer        | GRC-Grievance Redress Committee       |
| SDE- Sub-divisional Engineer    |                                       |

### **C. Resettlement Management Committees**

90. A mechanism to redress to dispose of the complaints out of court as per RP, setting up a Grievance Redress Committee (GRC) is considered very important. GRC needs to be formed with representatives of the RHD, EPs including and women members of AHs and RS of under administrative order of the Ministry of Communications with appropriate legal authorities.

91. A mechanism to dispose of the complaints out of court a Grievance Redress Committee (GRC) has been very useful in Bangladesh. The GRC in this RP will be composed of;

|  |   |                  |
|--|---|------------------|
| Representative of RHD (minimum SDE), preferably<br>DCRO                                      | : | Convener         |
| Representative from RHD Gender Development<br>Forum  |   | Member           |
| Deputy Project Manager (RHD)<br>Resettlement Specialist, PIC                                 |   | Member           |
| Resettlement Officer (RHD)   | : | Member Secretary |
| Representative of DPs (Male or Female) preferably<br>female if there any female aggrieved EP | : | Member           |

### **D. Resettlement Consultants**

92. The Project Implementation Consultant (PIC) will include Resettlement Consultant from the national experts. The national expert will monitor and help the day- to-day progress in RP implementation and also prepare the monthly progress report to be included in overall monthly progress report of the project.

93. The Resettlement Consultants acting on behalf of the Project and RHD will ensure that the sound methodologies and practices are used in the implementation of RP. The consultants will advise on any changes in the modalities of the implementation work, participate in meeting with RHD, and monitor the work of RHD in the field. The consultants will also review, on behalf of PD, RHD, and implementation progress report submitted by the RO (RHD) on a regular basis. Internal monitoring will be done by the Resettlement Consultants (RC) of the Project Implementation Consultant Team.

## XII. IMPLEMENTATION SCHEDULE

94. The overall schedule of implementation will be based on the principle that (i) all displaced persons and families are paid their due compensation and other benefits/allowances prior to relocation; and (ii) relocation of the families/businesses will be synchronized with the schedule.

95. All entitlements are to be paid prior to displacement. Construction works can then begin on cleared spaces where compensation has been paid. The proposed schedule for the implementation is given in Table 13.

**Table 13. Implementation Schedule**

| Land Acquisition and Resettlement Activities     |  | Start Date                | End Date                  | days |
|--|--|---------------------------|---------------------------|------|
| <b>I. Upon approval of sub-project by ADB</b>    |  |                           |                           |      |
| 1  | Mobilize GRC and PIU to appoint Resettlement and mobilization officer  | Month 1: 1 <sup>st</sup>  | Month 1: 7 <sup>th</sup>  | 7    |
| 2  | Disclose the compensation package to EPs   | Month 1: 15 <sup>th</sup> | Month 2: 14 <sup>th</sup> | 30   |
| 3  | Provide adequate budget and approve release  | Month 2: 15 <sup>th</sup> | Month 3: 15 <sup>th</sup> | 30   |
| 4  | Release funds for compensation   | Month 3: 16 <sup>th</sup> | Month 4: 15 <sup>th</sup> | 30   |
| 5  | File and resolve complaints and grievances   | Month 4: 16 <sup>th</sup> | Month 6: 15 <sup>th</sup> | 60   |
| 6  | Consult AHS on schedule for clearing lands   | Month 4: 16 <sup>th</sup> | Month 5: 15 <sup>th</sup> | 30   |
| 7  | Clear lands and relocate households if necessary   | Month 4: 21 <sup>st</sup> | Month 5: 30 <sup>th</sup> | 40   |
| 8  | RS, CSC assess compliance with SRCP policies and report to ADB   | Month 4: 1 <sup>st</sup>  | Month 6: 30 <sup>th</sup> | 90   |
| 9  | ADB review and approve RP implementation and confirm "No Objection" for award of civil works contract to chosen contractor | Month 6: 1 <sup>st</sup>  | Month 6: 15 <sup>th</sup> | 15   |
| <b>II. Pre-construction stage of sub-project</b> |  |                           |                           |      |
| 10   | Award civil works contract to RHD contractor   | Month 6: 16 <sup>th</sup> | Month 6: 25 <sup>th</sup> | 10   |
| 11   | Mobilize sub-project contractor  | Month 6: 26 <sup>th</sup> | Month 7: 26 <sup>th</sup> | 30   |

### **XIII. MONITORING AND EVALUATION**

#### **A. Introduction**

96. Monitoring and evaluation (M&E) are key components of RP implementation and as such are integral part of the project. Monitoring is a periodical checking of planned activities and provides midway inputs, facilitates changes, if necessary and provides feedback for project management to keep the program on schedule. Evaluation on the other hand assesses the resettlement effectiveness, impact and sustainability of R&R program. In other words, evaluation is an activity aimed at assessing whether the activities have actually achieved their intended goals and purposes. Thus monitoring and evaluation of resettlement plan implementation are critical in order to measure the project performance and fulfillment of project objectives..

#### **B. Objectives of M&E**

97. The M&E system will serve as a tool for monitoring and evaluation of resettlement program ensuring timely and fair delivery of entitlements. The M&E will enable PMO to get feedback from target population and the field operatives to devise corrective measures to ensure achievement of targets within schedule. The objectives of M&E will enhance the delivery capacity of the PMO and maximize benefits of RP packages to the affected persons.

98. The M&E will be carried out through collecting, analyzing, reporting and using information about resettlement progress as per scope of the RP and the process adopted for achieving the progress. It will ensure that inputs are provided, procedures are followed, and outputs are monitored and verified as per approved plan and schedule of actions. Identifying lapses and failures at implementation process, PMO will undertake timely management actions. A benchmark database will be developed for the purpose of ongoing monitoring and periodic and ex-post evaluations of the RP targets.

99. RHD field offices will conduct field level monitoring and assess the daily operation of land acquisition, payment of compensation, identification of entitled persons physically, and processing their entitlements, relocation and resettlement.

#### **C. Stages of M&E**

100. Monitoring will be done to provide feedback to PMO and to assess the effectiveness of the RP policy and implementation. PMO in the monitoring and evaluation process will focus on indicators specific to process and outcomes at three consecutive stages of RP implementation: RP apprehension or preparatory stage, relocation stage and rehabilitation stage. Scope of M&E at these stages will be as follows:

## 1. M&E at Preparatory Stage

101. During the pre-relocation phase of resettlement operation, monitoring is concerned with administrative issues such as, establishment of resettlement unit, budget management, consultation with DPs in their participation in the implementation process, information dissemination on payments of entitlement due, grievance redress, and so on. The key issue for monitoring will be to:

- Consultations;
- Identification of different categories of DPs and entitlements of individuals;
- Establish Inventory of losses;
- Budget delivery;
- Information dissemination;
- Implementation schedule and items of expenditure.

## 2. M&E at Relocation Stage

102. Monitoring during the relocation phase covers will cover the following issues:

- Delivery of entitlement;
- Grievance redressing;
- Consultations;
- Relocation;
- Payment of resettlement benefit;
- Income and livelihood restoration assistance.

## D. M&E Indicators

103. Compliance of the RP policy and targets in the implementation process will be monitored through setting up indicators. The most crucial components/indicators to be monitored are specific contents of the activities and entitlement matrix. The RP contains indicators and benchmarks for achievement of the objectives under the resettlement program. These indicators and benchmarks are judged for implementation process, outcomes and impacts (see boxes 1 and 2 ).

| Box 1: Process Indicators                          |   |
|--|---|
| Project input, public participation and monitoring | Setting up RP implementation organization<br>Training of resettlement staff<br>Census, inventory of loses, baseline socioeconomic survey<br>Placement of funds for land acquisition and resettlement<br>Procedure of identification of eligible affected persons<br>Procedure of determining loss and entitlements<br>Development of livelihood and income restoration program<br>Preparation of disclosure instruments<br>Disclosure and consultation events<br>Formation of GRC<br>Grievance redress procedures in-place and functioning<br>Level of public awareness on RP policy and provisions |



|   |   |
|---|---|
|   | Cost of compensation collection by DPs<br>Monitoring reports submitted  |
| <b>Box 2: Output Indicators</b>                         |   |
| Delivery of entitlements, relocation and rehabilitation | Number of households relocated by areas<br>Number of households compensated and assisted<br>Number of businesses relocated by areas<br>Amount of compensation disbursed<br>Amount of resettlement benefits disbursed<br>Number of eligible persons identified for training<br>Number of vulnerable households resettled<br>Number of vulnerable households brought under livelihood program |

## **E. Methodology and Approach**

104. The PMO will monitor and measure the progress of implementation of the resettlement plan. The extent of monitoring activities will be commensurate with the project's risks and impacts. In addition to recording the progress in compensation payment and other resettlement activities, the borrower/client will prepare monitoring reports to ensure that the implementation of the resettlement plan has produced the desired outcomes.. The M&E approach will be to identify and select a set of appropriate indicators and gathering information on them to assess the changes and variations. Participation of stakeholders especially the affected persons, women and vulnerable groups will be ensured in the M&E process. Assessment of resettlement efficiency, effectiveness, impact and sustainability will be carried through the M&E process for identification of lessons from the Project for building upon future policies on involuntary resettlement in the country.

## **F. Institutional Arrangements for M&E**

105. RHD will carry out internal M&E of the RP implementation involving the RHD and the PIC. Project implementation consultant will oversee and monitor safeguard compliance of the project while ADB will conduct periodic missions for the compliance monitoring. The displaced persons, will also participate in the M&E process.

### **3. Office of the Project Director**

106. The Project Director (PD) will be responsible to oversee proper and timely implementation of all activities in RP. The PD will operate and manage implementation of RP. The monitoring will be carried out with support from the Field Office. The RO will collect appropriate data from the field and provide feedback to PMO on progress of RP implementation and the day to day problems arising out of the process.

### **4. Resettlement Officer**

107. The RO will prepare monthly/quarterly reports on the progress of RP Implementation. PMO will collect information from the project site and assimilate in the form of monthly progress of RP implementation and adjust work program where necessary, in case of delays or problems. An automated MIS will be designed and developed by RO to monitor the output indicators at the RHD field and headquarters level.

**G. Reporting Requirements**

108. The PD, PMO will prepare semiannual monitoring reports that describe the progress of the implementation of resettlement activities and any compliance issues and corrective actions. These reports will closely follow the involuntary resettlement monitoring indicators agreed at the time of resettlement plan approval.