

Resettlement Framework

February 2012

BAN: Greater Dhaka Sustainable Urban Transport Project

Prepared by the Roads Division under the Ministry of Communications, Government of Bangladesh, for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 29 February 2012)

Currency unit	–	Taka (Tk)
Tk.1.00	=	\$0.01223
\$1.00	=	Tk. 81.750

ABBREVIATIONS

ADB	-	Asian Development Bank
ARIPO	-	Acquisition and Requisition of Immovable Property Ordinance
BRT	-	bus rapid transit
CTO	-	consent to operate
DSC	-	design and supervision consultant
EARF	-	environmental assessment and review framework
EMP	-	environmental management plan
GDSUTP	-	Greater Dhaka Sustainable Urban Transport Project
GRM	-	grievance redress mechanism
IEE	-	initial environmental examination
MFF	-	multitranchise financing facility
PIU	-	project implementation unit
SPS	-	Safeguards Policy Statement
TGPA	-	Tongi and Gazipur <i>Pourashavas</i> Area
UDD	-	Urban Development Department

WEIGHTS AND MEASURES

cm	–	centimeter
dB	–	decibels
ha	–	hectare
kg	–	kilogram
km	–	kilometer
km ²	–	square kilometer
l	–	liter
m	–	meter
m ²	–	square meter
m ³	–	cubic meter
mg/l	–	milligrams per liter
ml	–	milliliter
MLD	–	million liters per day
mm	–	millimeter
µg/m ³	–	micrograms per cubic meter

NOTE

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

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TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
A. Project Description	1
B. Purpose of the Resettlement Framework	1
C. Categorization: IR Impacts	1
D. Potential Land Acquisition and Resettlement Impacts	1
II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS	2
A. Objectives	2
B. Eligibility and Entitlement	3
III. SOCIOECONOMIC INFORMATION	10
A. Census Survey	13
B. Gender Consideration	13
C. Methods of Determining Compensation and Replacement Costs	13
IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE	14
V. INCOME RESTORATION AND RELOCATION	12
A. Income and Livelihood Restoration Measures	15
B. Capacity Building and Skill Development	16
VI. GRIEVANCE REDRESS MECHANISM	16
VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION MECHANISMS	17
A. Institutional Arrangements	17
B. Consultant Support for Resettlement	19
C. Training and Capacity Building	20
D. Implementation Schedule	20
VIII. BUDGET AND FINANCING	22
IX. MONITORING AND REPORTING	22
A. Internal Monitoring	22
B. External Monitoring	24
C. Reporting	24

I. INTRODUCTION

A. Project Description

1. The project will contribute to develop a sustainable urban transport system (UTS) within the Tongi and Gazipur *Pourashavas* Area (TGPA), which forms part of north Greater Dhaka, through the delivery of a 20-km bus rapid transit (BRT) corridor. This pilot project provides a holistic solution for integrated urban mobility, with a demonstration effect, as no modern mass transit system exists in Bangladesh yet. The project is the first in a series of planned BRT lines in Dhaka and is approximately 20 km from the southern terminal, near the international airport, to the Gazipur Terminal. The existing alignment is on the main National Highway 3 (NH3) to Joydebpur Chowrasta. The target date for project completion is the end of 2017.

B. Purpose of this Resettlement Framework

2. This is the resettlement framework prepared for the project to guide resettlement planning activities for the interventions to be finalized after ADB's Board approval of the project. The RF is prepared in accordance with the ADB Safeguard Policy Statement, 2009 (SPS).

C. Categorization: IR Impacts

3. The overall project has been classified as a resettlement category A, as per ADB's SPS, 2009, and a resettlement plan to address the potential involuntary resettlement impacts has been prepared. The project will not have any impact on indigenous people, hence no action is required to be taken and the project has been classified as category C for indigenous people. Classification is an ongoing process to be confirmed by ADB during detailed design and implementation.

D. Potential Land Acquisition and Resettlement Impacts

4. Table 1 provides an overview of the project components covered under this resettlement framework and the potential land acquisition and resettlement impacts. The application of this resettlement framework shall be specific to the small-scale improvement works on feeder roads, parking policy, and markets which will be finalized during the detailed design and implementation stage.

Table 1: Description of Components

S No	Name of the Components	Impact on Land Acquisition	Impacts on Non-titleholders	Description
1	Small-scale improvement works, including improvements to the local markets and implementation of parking policy	Expected to be minimal. To be determined (TBD)	TBD	This component will include small improvements along feeder roads including (i) paving of first 100 m and other small roads improvements including drainage , (ii) organization of rickshaw parking within the RoW, (iii) small improvements to proposed vendor markets (e.g., footpaths, tube wells, etc.), (iv) parking strategy to encourage private land owners to voluntarily use their land for paid public parking, (v) improvements to public lands used for vendor markets, and (vi) pedestrian facilities (2 pilot schemes). The improvements to the markets will be within the lands belonging to the <i>pourashavas</i> or market committees. Land acquisition will occur in the event of non-availability of land at these locations, and is expected to be minimal. Proposed locations for parking (as part of the implementation of the parking policy) along the feeder roads shall be through voluntary donation. Land acquisition and resettlement impacts not envisaged.

RoW= right of way, TBD= to be determined.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

A. Objectives

5. The basic objectives of the resettlement framework are to: (i) guide the executing agency and implementing agencies (IA)¹ in properly compensating project displaced persons²; (ii) serve as binding document to ensure displaced persons will be assisted and paid compensation; and (iii) provide direction in preparing, implementing, and monitoring the resettlement plans. The executing agency and the implementing agencies will be responsible for ensuring the preparation and implementation of resettlement plans consistent with this resettlement framework. The resettlement framework is a formally agreed document between the government and ADB. No changes shall be made to the resettlement framework without prior approval from ADB.

6. This resettlement framework is prepared based on applicable legal and policy frameworks of the government, namely the Acquisition and Requisition of Immovable Property Ordinance 1982 (ARIPO), and ADB's Safeguards Policy Statement (SPS, 2009).

7. The government's ARIPO policy does not cover project-displaced persons without titles or ownership record, such as informal settler/squatters, occupiers, and informal tenants and

¹ The executing agency (EA) for the project is the RD and the three implementing agencies (IAs) are the Roads and Highway Department (RHD), Bangladesh Bridges Authority (BBA) and the Local Government Engineering Department (LGED).

² Project displaced persons are either physically displaced (relocation, loss of residential land, or loss of shelter) or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of involuntary acquisition of land, or involuntary restrictions on land use or on access to legally designated parks and protected areas.

leaseholders (without document), and does not provide for replacement value of the property acquired. The ARIPO has no provision of resettlement assistance for restoration of livelihoods of displaced persons, except for the legal compensation for land and structures. Gaps between national law and ADB's SPS are identified and bridging measures included in the entitlement matrix for the project. ADB's SPS applies to all ADB-financed and/or ADB-administered sovereign projects, and their components regardless of the source of financing, including investment projects funded by a loan, grant, and/or other means. In the event the project is cofinanced by other donors, the draft resettlement plans represents a single, uniform document agreed upon by all parties to ensure compliance with respective rules and policies. A comparison of GOB's policy and ADB's policy is given in Annex 1.

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

B. Eligibility and Entitlement

1. Eligibility

9. All DPs who are identified in the project-impacted areas on the cutoff date will be entitled to compensation for their affected assets and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. Those who encroach into the subproject area after the cutoff date will not be entitled to compensation or any other assistance. The PIU will take video and photo documentation to ensure documentation of entitled persons on the cut-off date. The cutoff date shall be as follows:

- (i) **Titleholders** – the cut-off date for compensation under law (Ordinance II of 1982 with amendments) is the date of service of public notice under section 3 or joint verification by the deputy commissioner, Gazipur (DC), whichever is earlier (the legal cutoff date).
- (ii) **Non-titleholders** – the date of census survey and inventory of losses conducted by the implementing NGORP on completion of the detailed designs will be considered the cutoff date for eligibility for any nontitled persons and hawkers impacted.

2. Entitlements

10. The entitlement matrix (Table 2) below summarizes the main types of losses and the corresponding nature and scope of entitlements in accordance with government and ADB policies. Where the entitlement matrix does not cover a particular impact, it can be enhanced in the resettlement plans based on the findings of the socioeconomic assessment and detailed census survey. Standards described will not be lowered, but can be enhanced in the subproject resettlement plans as required.

Table-2: Entitlement Matrix

S No	Type of Loss	Application	Entitled Person	Entitlement	Implementation Issues	Responsible Agency
A. Land						
A-1	Loss of land	Homestead, commercial, or industrial land	Owners with legal title	<ul style="list-style-type: none"> • Cash compensation equivalent to replacement value • Provision of stamp duty, land registration fee, capital gains tax, and value added tax incurred for replacement land • Option to be compensated if remaining land is not viable • Additional compensation for vulnerable households 	<ul style="list-style-type: none"> • PVAC will recommend replacement value. • DC will pay cash compensation under law (CCL)³ for the land. • If replacement value is higher than CCL, the difference will be paid by RHD with assistance from NGORP. • Vulnerable households will be identified during census surveys conducted as part of the updated resettlement plan. 	ESSU/PIUs/ NGORP/DSC
A-2	Loss of land	Homestead, commercial, or industrial land	Tenants and leaseholders	<ul style="list-style-type: none"> • 60 days' advance notice • Compensation equivalent to 3 months of rental • Additional compensation for vulnerable households 	<ul style="list-style-type: none"> • Landowners will reimburse tenants and leaseholders land rental deposit or unexpired lease. • Vulnerable households will be identified during census surveys conducted as part of the updated resettlement plan. 	ESSU/PIUs/ NGORP/DSC
A-3	Loss of land	<i>Khaas</i> land, government lands (beyond RoW)	Displaced persons without legal titles (squatters)	<ul style="list-style-type: none"> • 60 days' advance notice to shift from occupied land. • Option for residential site (for residential squatters) in the resettlement sites free of cost to the landless, vulnerable households 	<ul style="list-style-type: none"> • Vulnerable households will be identified during census surveys conducted as part of the updated resettlement plan. 	ESSU/PIUs/ NGORP/DSC

³ DC will determine the market price of land averaging last 12 months' sale prices (from the date of service of notice u/s 3) as per registration deeds in affected *mouzas* for each type of land obtained from respective subregistrar's offices. For all private land, the market price will be enhanced by 50% for compensation under law (CCL).

S No	Type of Loss	Application	Entitled Person	Entitlement	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> Shifting allowance based on actual cost of moving (cost of van hire for a day) 		
A-4	Loss of land	Land within RoW used for storage for commercial purposes	Encroachers	<ul style="list-style-type: none"> 60 days' advance notice for shifting from the RoW One time shifting allowance based on actual cost of moving (cost of van hire for a day) Additional compensation in the form of 3 months' rental at Tk. 2,000⁴ per month for vulnerable households 	<ul style="list-style-type: none"> Vulnerable households will be identified during census surveys conducted as part of the updated resettlement plan. 	ESSU/PIUs/NGORP/DSC
B. Structures and assets						
B-1	Loss of structure – partially affected, still viable for use	Commercial, industrial structures, and other assets (e.g. boundary walls, gates, sheds, etc.)	Owners with legal title	<ul style="list-style-type: none"> Cash compensation for affected portion of the structure and other fixed assets at replacement cost Reconstruction/repair of the remaining structure by the preconstruction activities contractor Rights to salvage materials from affected structure Shifting allowance based on actual cost of moving (e.g., truck hire, equipment, etc.) Additional compensation for vulnerable households 	<ul style="list-style-type: none"> Replacement costs shall be as per the updated schedule of works for civil works, PWD. Vulnerable households will be identified during detailed measurement surveys conducted as part of the updated resettlement plan. Viability of partially identified structures will be determined by PWD in consultation with building owner. 	<ul style="list-style-type: none"> ESSU/PIUs/NGORP/DSC Deputy commissioner
B-2	Loss of structure – fully affected or partially affected structures, unviable for continued use	Commercial/ industrial structures and other assets (e.g. boundary walls, gates, sheds, etc.)	Owners with legal title	<ul style="list-style-type: none"> Cash compensation for affected portion of the structure and other fixed assets at replacement cost Option to be compensated for entire structure if remaining structure is no longer viable Rights to salvage materials from structure 	<ul style="list-style-type: none"> Replacement costs shall be as per the updated schedule of works for civil works, PWD. Vulnerable households will be identified during detailed measurement surveys conducted as part of the updated 	<ul style="list-style-type: none"> ESSU/PIUs/NGORP/DSC Deputy commissioner

⁴ Tk. 2,000 is the prevailing rent for hiring a space of about 15 m² in the vicinity of the corridor for storage purposes (based on surveys and consultations).

S No	Type of Loss	Application	Entitled Person	Entitlement	Implementation Issues	Responsible Agency
				<ul style="list-style-type: none"> Provision of all taxes, registration costs, and other fees incurred for replacement structure Shifting allowance based on actual cost of moving (e.g., truck hire, equipment, etc.) Additional compensation for vulnerable households 	<ul style="list-style-type: none"> resettlement plan. Viability of partially identified structures to be determined in consultation with building owner 	
B-3	Loss of structure	Commercial/ industrial structures and other assets (e.g. shops in markets, boundary walls, gates, sheds, etc.)	Tenants and leaseholders	<ul style="list-style-type: none"> Cash compensation equivalent to replacement cost of structure (or part of structure) for the portions of the structure constructed by the tenant/leaseholder Reconstruction/repair of the remaining structure by the preconstruction activities contractor Rights to salvage materials from structure for the portions of the structure constructed by the tenant/leaseholder Shifting allowance based on actual cost of moving (e.g., truck hire, equipment, etc.) Additional compensation for vulnerable households 	<ul style="list-style-type: none"> Vulnerable households will be identified during detailed measurement surveys conducted as part of the updated resettlement plan. Structure owners will reimburse tenants and leaseholders rental deposit or unexpired lease. 	ESSU/PIUs/NGORP/DSC
B-4	Loss of structure	Commercial/ residential structures and other assets	Vendors and residential squatters on government <i>Khaas</i> /private land	<ul style="list-style-type: none"> Cash compensation equivalent to replacement cost of structure erected by the displaced person Rights to salvage materials from structure Shifting allowance based on actual cost of moving (cost of van hire for a day) Additional compensation for vulnerable households 	<ul style="list-style-type: none"> Vulnerable households will be identified during census surveys conducted as part of the updated resettlement plan. 	ESSU/PIUs/NGORP/DSC
B-5	Loss of structure	Commercial structure and other	Encroachers	<ul style="list-style-type: none"> Cash compensation equivalent to replacement cost of 	<ul style="list-style-type: none"> Vulnerable households will be identified during 	ESSU/PIUs/NGORP/DSC

S No	Type of Loss	Application	Entitled Person	Entitlement	Implementation Issues	Responsible Agency
		assets (e.g. boundary walls, fences, sheds, etc.)		structure (or part of structure) constructed by the displaced person <ul style="list-style-type: none"> • Reconstruction/repair of the remaining structure by the preconstruction activities contractor • Rights to salvage materials from structure • Shifting allowance based on actual cost of moving (e.g., truck hire, equipment, etc.) • Additional compensation for vulnerable households 	census surveys conducted as part of the updated resettlement plan.	
C. Livelihood						
C-1	Loss of livelihood	Permanent loss of livelihood/ source of income	Category I: Vendors in front of organized markets/shopping complexes	Option I <ul style="list-style-type: none"> • Alternative shop/stall of equivalent size at the vendors market developed, on rental/ lease basis Option II <ul style="list-style-type: none"> • One-time assistance for lost income based on 3 months' lost income at minimum wage rates • Enrollment in vocational training courses, based on assessment of skill sets • Grant of maximum of Tk. 20,000⁵ for procurement of equipment towards alternative livelihood options on completion of training courses • Organizational/logistical support to establish displaced person in alternative income 	<ul style="list-style-type: none"> • Development of vendor market at the alternative location to be completed prior to the initiation of civil works, at the particular stretch of the BRT corridor • Based on assessment of skill sets and interests of the displaced persons, NGORP shall identify suitable opportunities for training. • Training allowance to be paid directly to the training institute • The grant for equipment and tools will be paid based on substantiation of training course completion (e.g., 	ESSU/PIUs/NGORP/DSC

⁵ Based on consultations with DYD, the costs of procurement of various assets (such as the sewing machine and equipment for workshop, and setting up of small home based units) average between Tk. 15,000 and Tk. 27,000. Accordingly, an average of Tk. 20,000 per displaced person has been considered for the project towards procurement of income-generating assets.

S No	Type of Loss	Application	Entitled Person	Entitlement	Implementation Issues	Responsible Agency
				<p>generation activity</p> <p><i>In either case:</i></p> <ul style="list-style-type: none"> • Additional compensation for vulnerable vendors • Consideration for project employment during construction 	<p>certificate of completion).</p> <ul style="list-style-type: none"> • In the event of disruption to livelihood, <i>pourashava/union Parishad</i> to provide alternative location to carry out business during the period of disruption, through identification of list of stretches/locations where the vendors are allowed to carry out businesses • To ensure affordability to the vendors, the rent for the alternate location shall be fixed at less than or equal to the current rents/ expenditures incurred at the existing location. • NGO, in consultation with the displaced persons and <i>pourashavas/union parishads</i>, shall arrive at the rent during resettlement plan implementation. 	
C-2	Loss of livelihood	Permanent loss of livelihood/ source of income	Category II: Vendors at the existing bus stop locations	<p>Option I</p> <ul style="list-style-type: none"> • Alternative shop/stall of equivalent size at the underpass location to be developed at the BRT station, on rental/ lease basis • One-time assistance for lost income based on 3 months' income at minimum wage rates 	<ul style="list-style-type: none"> • <i>Pourashava/union parishad</i> to provide alternative location to carry out business during the period of disruption, through identification of list of stretches/ locations where the vendors are allowed to carry out 	ESSU/PIUs/NGORP/DSC

S No	Type of Loss	Application	Entitled Person	Entitlement	Implementation Issues	Responsible Agency
				<p>Option II</p> <ul style="list-style-type: none"> • One-time assistance for lost income based on three 3 months' lost income at minimum wage rates • Enrollment in vocational training courses, based on assessment of skill sets • Grant of maximum of Tk. 20,000 for procurement of equipment towards alternative livelihood options • Organizational/logistical support to establish displaced person in alternative income generation activity <p><i>In either case:</i></p> <ul style="list-style-type: none"> • Identification of alternative stretch to carry out business during the period of disruption • Additional compensation for vulnerable vendors • Consideration for project employment 	<p>businesses</p> <ul style="list-style-type: none"> • Training allowance to be paid directly to the training institute • To ensure affordability to the vendors, the rent for the alternate location shall be fixed at less than or equal to the current rent /expenditures incurred at the existing location. • NGO, in consultation with the displaced persons and <i>pourashavas/union parishads</i>, shall arrive at the rent during resettlement plan implementation. 	
C-3	Loss of livelihood	Permanent loss of livelihood/ source of income	<p>Category III: Vendors at major activity nodes or land uses and</p> <p>Category IV: Vendors at isolated locations along the corridor</p>	<p>Option I</p> <ul style="list-style-type: none"> • Alternate location for vendors along the feeder roads, or at the vendors market developed, on rental/lease basis. • One-time assistance for lost income based on 3 months' lost income at minimum wage rates (in the event of disruption of livelihood) <p>Option II</p> <ul style="list-style-type: none"> • One-time assistance for lost income based on 3 months' income at minimum wage rates • Enrollment in vocational training courses, based on 	<ul style="list-style-type: none"> • To ensure affordability to the vendors, the rent for the alternate location shall be fixed at less than or equal to the current rent/ expenditures incurred at the existing location. • NGO, in consultation with the DPs and <i>pourashavas/union parishads</i>, shall arrive at the rents during resettlement plan implementation. • Vulnerable households will be identified during 	ESSU/PIUs/NGORP/DSC

S No	Type of Loss	Application	Entitled Person	Entitlement	Implementation Issues	Responsible Agency
				assessment of skill sets <ul style="list-style-type: none"> • Grant of maximum of Tk. 20,000 for procurement of equipment towards alternative livelihood options • Organizational/logistical support to establish displaced person in alternative income generation activity <i>In either case:</i> <ul style="list-style-type: none"> • Additional compensation for vulnerable vendors • Consideration for project employment 	census surveys conducted as part of the updated resettlement plan. <ul style="list-style-type: none"> • Training allowance will be paid directly to the training institute. 	
D. Impacts on public infrastructure, common property resources						
D-1	Loss of public infrastructure/ common property resources and government buildings	Infrastructure (electricity, water supply lines, telephone lines, water tanks, etc), religious, government buildings, etc.	Community/ government agencies	<ul style="list-style-type: none"> • 60 days' advance notice to community/relevant government agencies • Cash compensation at replacement cost to respective agencies/ communities • Reconstruction/repair of the affected assets/utilities by the preconstruction activities contractor 	<ul style="list-style-type: none"> • Consultation with community and government for alternate site for reconstruction 	PIU
E. Temporary impacts						
E-1	Temporary loss of land	Land temporarily acquired for the project	Owners with legal title, tenants, leaseholders	<ul style="list-style-type: none"> • 60 days' advance notice. • Rental assistance for the period for which the land is temporarily required to the owners with legal title • Restoration of affected land 	<ul style="list-style-type: none"> • Agreement with the landowner will be worked out defining the rental assistance, and will include pre-occupation photographs of site, which will form basis to assess extent of restoration to be carried out. 	ESSU/PIUs/NGORP/DSC
E-2	Temporary loss of access	Temporary loss of access to land, structure, utilities, common property	Owners with legal title, tenants, leaseholders, encroachers,	<ul style="list-style-type: none"> • 60 days' advance notice • Provision of temporary access and relocation where possible • Restoration of access to the 	<ul style="list-style-type: none"> • Extent of loss of access to be worked out based on a transect walk along the networks and project 	<ul style="list-style-type: none"> • Contractor to restore access • ESSU/PIUs/NGORP/DSC

S No	Type of Loss	Application	Entitled Person	Entitlement	Implementation Issues	Responsible Agency
		resource	squatters	land, structure, utilities	locations	
E-3	Temporary loss of livelihood	Temporary loss of livelihood/source of income along corridor, feeder roads	Business owners, tenants, leaseholders, employees, hawkers/vendors	<ul style="list-style-type: none"> • 60 days' advance notice • Provision of alternative sites for continued economic activity, if required • One-time assistance for lost income for the actual period of disruption⁶ at income/tax statement, minimum wage rates, or based on actual income (whichever is higher) verified through incomes of comparable businesses in the area 	<ul style="list-style-type: none"> • Alternative locations for continued economic activities for hawkers and vendors to be worked out in consultation with the <i>pourashavas</i> and displaced persons • Verification of the income data based on the tax payment. In the absence of authentic income statements as proof, the unit price will be decided mutually between the displaced person and the PIU during the survey, based on correlation of income, expenditure, and savings data. • Vulnerable households to be identified during census surveys conducted as part of the updated resettlement plan 	ESSU/PIUs/NGORP/DSC
F. Vulnerable Households						
F-1	Impacts on vulnerable displaced persons	All impacts	Vulnerable displaced persons	<ul style="list-style-type: none"> • Land-for-land option will be a guaranteed option for vulnerable displaced persons if available. • Additional allowance equivalent to 2 months' 	<ul style="list-style-type: none"> • Vulnerable households to be identified during census surveys conducted as part of the updated resettlement plan 	ESSU/PIUs/NGORP/DSC

⁶ Disruption of businesses and livelihood is envisaged on the partially impacted commercial structures during the demolition, reconstruction, and repair of the structures impacted. The reconstruction of the structure is to be carried out by the preconstruction activities contractor, and the disruption is expected to be for a period of 1 month.

S No	Type of Loss	Application	Entitled Person	Entitlement	Implementation Issues	Responsible Agency
				income at minimum wages		
G. Unforeseen losses						
G-1	Any other loss not identified	As identified	As identified	<ul style="list-style-type: none"> Unanticipated involuntary impacts will be documented and mitigation measures worked out in compliance with the government's policies and ADB's SPS (2009). 	<ul style="list-style-type: none"> The entitlements will be approved by the RHD, and compliance to the SPS assessed by ADB prior to finalization. 	ESSU/PIUs/NGORP/DSC

ADB= Asian Development Bank, BRT= bus rapid transit, CCL= cash compensation under law, DSC= design and supervision consultant, ESSU= environmental and social safeguard unit, NGO= non government organization, NGORP= non government organization to implement the resettlement plan, PIU= project implementation unit, PWD= Public works department, RHD= roads and highway department. RoW= right of way, SPS=safeguards policy statement.

III. SOCIOECONOMIC INFORMATION

A. Census Survey

11. The PIU, with assistance from the EPCM consultant and the NGORP, will conduct a detailed census survey and inventory of all losses based on detailed engineering design. The details on the scope and methods of carrying out the census survey are given in the resettlement plan.

B. Gender Considerations

12. During disbursement of assistance and compensation, priority will be given to female-headed households. In addition to the measures provided for addressing the gender concerns of the affected households, the resettlement plan will be implemented in consonance with the gender action plan for the project. Additional assistance has also been provided for all the female-headed households, who will be considered a vulnerable group.

C. Methods of Determining Compensation and Replacement Costs

13. **Replacement value of land.** All lands proposed to be acquired under this project will be compensated as per government and ADB policies (i.e., replacement cost). The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments. The EPCM will prepare site plan overlays on the cadastral map to define the area and parcels to be acquired. This forms part of the application to the Ministry of Land (MOL).⁷ The MOL will then assign the task to the concerned deputy commissioner in the project area. The deputy commissioner will then decide the cost of land in consultation with the displaced person. The land valuation process will consist of two different values: (i) the sale deed record, and (ii) the expected price. The deputy commissioner will generate the sale deed record based on the past 12 months' transactions, and will also attempt to consult with some willing buyers or sellers in the area to collect the expected price of land. The findings of these processes are to be fully disclosed to the displaced person. Based on these rates, the deputy commissioner will derive a price which will be the current market rate. The deputy commissioner will also add a 50% premium to this rate as per the provisions of ARIPO. Additionally, the cost for tax and stamp duties will be added as derived in consultation with the displaced person, which will finally be considered as the replacement cost. If the displaced person is not satisfied with this rate, he/she can raise a grievance through the project-specific grievance redress mechanism.

14. **Replacement value of structures.** The compensation for immovable properties will be determined on the basis of replacement cost as on date without depreciation, based on the most updated Schedule of Rates by the Public Works Department (PWD), Government of Bangladesh. The replacement costs of structures for the resettlement plan budget have been arrived at based on the schedule of rates for civil works (12th edition) by the PWD (effective from 1 June 2008). Updating to current rates has been done through an annual increase of 5%

⁷ The application to MOL includes a detailed statement specifying whether the land mentioned in the application is needed for public or private purpose, the area of the land, sketch map, and purpose for which it could be used.

on the 2008 base rates.⁸ The basis for the determination of the structure costs is provided in Table 3.

Table3: Determination of Structure Costs

S.No	Type of Structure	Unit	Rate (Taka)	Remarks
1	Permanent structure - RCC frame structure	m ²	20,767.79	Based on rates for a three-storied frame structure. Substructure cost is Tk. 5,495 per m ² , while the super structure cost is Tk. 15,271 per m ² .
2	Permanent structure – load-bearing brick masonry structure	m ²	11,128.64	Based on rates for a single storied brick masonry structure, considering shallow foundation (Tk. 1,509 per m ²) and a load-bearing brick wall system (Tk. 9,619 per m ²).
3	Temporary structure	m ²	6,009	Based on rates for a shall foundation (Tk. 1,509 per m ²) and a tin or temporary wall structure (Tk. 4,500 per m ²)
4	Boundary wall - brick	m	4,158	Based on rates for a 2 m-high brick wall with foundation complete

15. **Trees and crops.** The PIU, in coordination with the deputy commissioner, will conduct the survey on unit prices of trees and crops in consultation with agriculture, horticulture, or forest department. The compensation for crops will be calculated based on the projected yield and current market rate. The unit prices for compensation of different species of fruit trees will be based on the market values of their fruits, and for trees producing timber, this will be based on their species, age, and quality, and the cost will be collected after consultation with the divisional forest office.

16. **Livelihood and sources of income.** The detailed measurement census survey will gather information on actual monthly income of the displaced persons, followed by a verification of the income data based on the tax payment. In the absence of authentic income statements as proof, the unit price will be decided during the survey based on correlation of income, expenditure, and savings data and rates of comparable livelihoods/businesses.

IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE

17. The PIU will conduct meaningful consultation⁹ with DPs, their host communities, and civil society for every subproject identified as having involuntary resettlement impacts. With assistance from the implementing NGORP and EPCM resettlement specialists, the PIU will continue to arrange public consultations, and take the following steps:

- (i) PIUs will organize public meetings and will appraise the communities about the progress in the implementation of resettlement, social, and environmental activities;

⁸ The unit rates for replacement costs for structures will be updated during the finalization of the resettlement plan based on the recent Schedule of Rates by the PWD..

⁹ Meaningful consultation is a process that: (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision-making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation will be carried out in a manner commensurate with the impacts on affected communities.

- (ii) PIUs will organize public meetings to inform the community about the compensation and assistance to be paid;
- (iii) all monitoring and evaluation reports of the resettlement components of the project will be disclosed in the same manner as that of the resettlement plan; and
- (iv) attempts will be made to ensure that vulnerable groups understand the process, and to take their specific needs into account.

18. To provide for more transparency in planning and for further active involvement of displaced persons and other stakeholders, the project information will be disseminated through disclosure of resettlement planning documents. A summary resettlement plan will be translated and disclosed in publicly accessible locations shortly after government endorsement of the full draft resettlement plan. During implementation, a resettlement information leaflet will be made available in local language (Bangla), and the same will be distributed to displaced persons.¹⁰ The PMU and PIUs will keep the displaced persons informed about the impacts and the compensation and assistances proposed for them, and facilitate grievance redressal. The resettlement plan will also be made available at a convenient place, especially the offices of Gazipur and Tongi *Pourashavas*, offices of the union *parishads*, and at other key accessible locations (such as marketplaces) convenient to the displaced persons. A copy of the resettlement plan will be disclosed on the ADB website.

19. The Executing Agency will submit the following documents to ADB for disclosure on ADB's website:

- (i) the final resettlement plan endorsed by the executing agency after the census of affected persons has been completed;
- (ii) a new resettlement plan or an updated resettlement plan, and a corrective action plan prepared during project implementation, if any; and
- (iii) the resettlement monitoring reports.

V. INCOME RESTORATION AND RELOCATION

20. Income restoration assistance to the displaced persons includes both short and medium term strategies. The entitlement matrix contains provisions for alternative income generating/skill development and other enabling strategies through which displaced persons can either continue their previous occupation, start new ventures, or undertake an alternative occupation. The basic objective behind the income and livelihood restoration activities and schemes is to restore the economic status of the affected persons enjoyed prior to the project, in line with the requirements of SPS, 2009. As a result, in addition to providing compensation and resettlement benefits, appropriate support measures have been included for income and livelihood restoration of those affected.

A. Income and Livelihood Restoration Measures

21. All persons losing their livelihood or places of generating income as a result of the project will be supported with short-term income and livelihood restoration assistance for subsistence. These short-term income and livelihood restoration measures will be for immediate assistance, and include the following measures:

¹⁰ A resettlement leaflet is a two to three-page document containing information on the cutoff date, compensation, entitlements, and resettlement management adopted for the project.

- (i) compensation for land and other lost assets paid in full prior to relocation;
- (ii) temporary or short-term employment in construction activities at the resettlement or project construction sites; and
- (iii) Special assistance, appropriate to vulnerable groups such as women, the elderly, and the disabled.

22. In addition to the above, the resettlement plan will provide the following short-term assistance for income and livelihood restoration with assistance from the implementing NGORP.

1. Cash Allowance to Support Lost Income

23. DPs will be eligible for assistance for loss of employment/workdays (in the case of wage earners) owing to dislocation and relocation. Assistance for lost income based on 3 months' minimum wage rates to displaced vendors will be paid. For temporary disruption to income during the demolition and reconstruction of the partially affected commercial structure, the owners as well as the workers will receive one-time assistance for lost income for the actual period of disruption at income/tax statement, minimum wage rates, or based on actual income (whichever is higher), verified through incomes of comparable businesses in the area.

2. Assistance to Reestablish Businesses

24. Commercial spaces will be allotted to vendors in project-sponsored market/vendor relocation sites on rental basis to reestablish affected businesses. The rent for the relocation site shall be worked out by the NGORP, considering what the vendors can afford.

3. Additional Assistance to Vulnerable Groups

25. The following categories of displaced persons have been identified as vulnerable groups in the project: female-headed, elderly-headed, disabled-headed, and BPL households. In addition to the provisions in the entitlement matrix for compensation of loss of assets and livelihood, additional allowance equivalent to 2 months' income at minimum wages to each of these vulnerable groups households affected is included towards enabling improvement of their socioeconomic status. Vulnerable persons will be given priority in unskilled labor opportunities under the project. ID cards will verify vulnerability status, and the NGORP will present the list of vulnerable persons to contractors.

B. Capacity Building and Skill Development

26. The SPO will work out a memorandum of understanding (MoU) with the DYD towards vocational/skill development training and access to microcredit support for the displaced persons in the project. The identification of the skill sets and the selection of training programs appropriate to each of the displaced persons shall be done through a needs assessment study carried out by the implementing NGORP at the time of detailed census. The training shall be imparted at the Youth Training Centre, Department of Youth Development Dairy Farm, Savar, Dhaka.

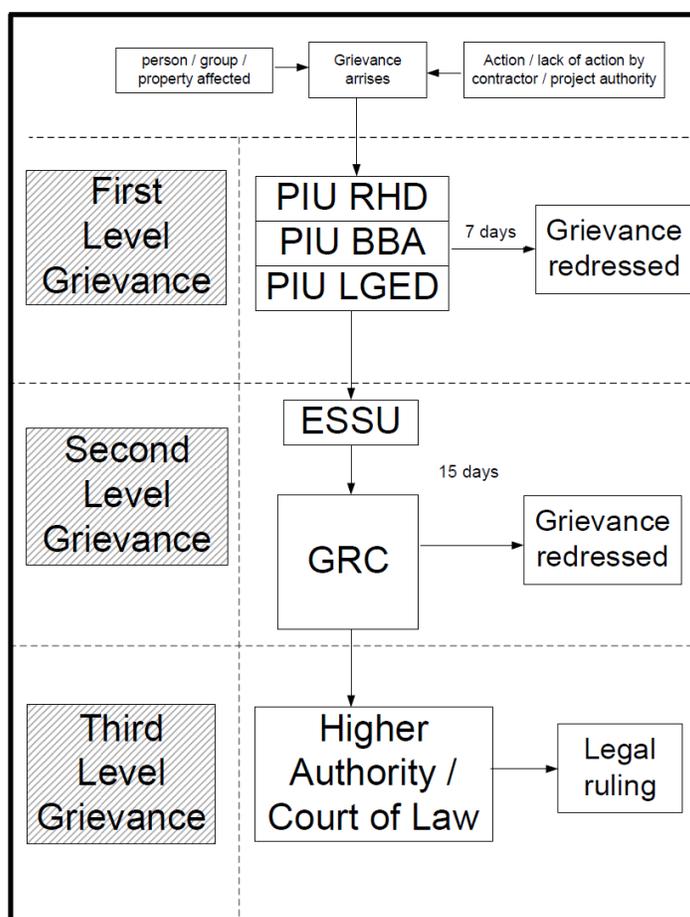
VI. GRIEVANCE REDRESS MECHANISM

27. A project grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate the resolution of affected people's concerns, complaints, and grievances about the

social and environmental performance at the level of the project. The GRM will aim to provide a timebound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. The grievance redress mechanism and procedure is depicted in Figure 1 below.

28. The PMU and PIUs shall make the public aware of the GRM through public awareness campaigns. The contact phone number of the respective PIUs and the PMU will serve as a hotline for complaints, and shall be publicized through the media and placed on notice boards outside their offices and at construction sites. The project information brochure will include information on the GRM, and shall be widely disseminated throughout the corridor by the safeguards officers in the PMU and PIUs with support from the NGORP and communications firm. Grievances can be filed in writing or by phone with any member of the PMU or PIU. The GRM is explained in detail in the resettlement plan and is illustrated in Figure 1 below.

Figure 1: Grievance Redress Mechanism



BBA= Bangladesh Bridges Authority, ESSU= environmental and social safeguard unit, GRC= Grievance Redress Committee, LGED= Local Government Engineering Department, PIU= project implementation unit.

VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION MECHANISM

A. Institutional Arrangements

29. **Interministerial Steering Committee.** Chaired by the Secretary of Roads Division (RD) under the Ministry of Communication (MOC), this was established for the project in January 2011 to provide policy guidance and interagency coordination. The committee will provide guidance on any issues related to safeguards, particularly in delays in the land acquisition and resettlement process.

30. **Project management unit.** The executing agency for the project is the RD. A project management unit (PMU) will be established at RD and will be headed by a full-time project director, and supported by RD staff who will be responsible for management and coordination among the implementing agencies of the project. The PMU will receive support from the project management, coordination, and capacity building (PMCCB) consultants. An environmental and social safeguard unit (ESSU) will be established in the PMU. The ESSU will consist of an environment and safety officer (ESO) and a social safeguards officer (SSO) to oversee safeguards implementation. The SSO will submit an updated resettlement plan and semiannual monitoring reports to ADB for review.

31. **Project implementing units.** There will be three implementing agencies, as follows:

- (i) Roads and Highway Department – will implement the main corridor restructuring, except the elevated section.
- (ii) Bangladesh Bridges Authority – will implement the 4.5-km elevated section, integrating the new Tongi Bridge and the Abdullahpur intersection flyover.
- (iii) Local Government Engineering Department – will implement BRT depot facilities in Gazipur, and municipal infrastructures improvements (local roads, drains, and local markets).

32. A project implementation unit (PIU) will be established in each of these implementing agencies which will be headed by a full-time project manager to take full responsibility for and manage all activities of the PIU. Each PIU will be responsible for the following in relation to their respective works: (i) assisting the implementing agencies in implementing the project; (ii) carrying out procurement and engaging and contractors; (iii) liaising and coordinating with the PSC, PMU, and other PIUs; and (iv) managing the contractors and liaising with other stakeholders on the day-to-day implementation of project activities. Given that the corridor, feeder roads, and terminals are the components with resettlement activities, the RHD and LGED PIUs will each contain a deputed staff to serve as the resettlement officer to oversee implementation of resettlement planning for their respective works.¹¹ PIUs will receive support from the engineering, procurement, construction management and supervision of the construction (EPCM) consultants, and will be assisted by a nongovernment organization to implement the resettlement plan (NGORP). Safeguard specialists for environment and resettlement will be part of the EPCM, including an international resettlement specialist (IRS) and a national resettlement specialist (NRS) to update the draft RP during detailed design.

¹¹ BBA PIU will not require a dedicated resettlement officer, since there are no resettlement impacts associated with the elevated section. All resettlement impacts are associated with the BRT corridor, feeder roads, and terminals, which are managed by the RHD and LGED respectively.

These specialists will also conduct safeguards capacity building activities within the PMU/ESSU and PIUs. The NGORP will conduct detailed census survey and oversee RP implementation, working closely with each PIU.

33. A special purposes organization (SPO) will be set up to manage and coordinate the implementation and operation of the project, and will be placed under and will report directly to RD.¹² Its board will be chaired by the secretary of RD, and the members will include representatives of all main stakeholders of the project. The SPO will receive safeguards capacity support from the international resettlement specialist (IRS) and a national resettlement specialist (NRS) in the EPCM consultants. After the project is completed, the PMU and PIUs will be converted into the SPO to manage, operate, and maintain the BRT.¹³

34. **Safeguards institutional capacity assessment.** A capacity assessment of the RHD and LGED on implementation of social safeguards in donor-assisted projects was carried out. Both the RHD and LGED have implemented a number of projects funded by the World Bank, ADB, and other donors. There is an in-house social and environmental cell within the RHD headed by a superintending engineer supported by two officers with the rank of executive engineer (one each for the environment and the social/resettlement safeguards). For projects with resettlement impacts, an officer with the rank of subdivisional engineer is assigned responsibility for coordination of the social safeguards implementation, with support of NGOs on the implementation of the resettlement plan and the income restoration activities. RHD has previously implemented resettlement plans for various projects in the roads sector. Despite this experience, RHD is still considered to have limited in-house capacity in social safeguards. This lack of in-house capacity is largely attributed to the fact that staffing of the resettlement positions consists of civil engineers who lack formal training on handling social safeguards issues, as well as a lack of continuity due to the transfer of the officers either upon project completion or on promotion. LGED has similarly implemented a number of donor-funded projects, yet safeguards capacity needs to be strengthened, given the turnover of staff experienced in this regard.

35. The PMU will consist of two deputed staff serving as an environment and safety officer (ESO) and a social safeguards officer (SSO), who together will form the environmental and social safeguard unit in the PMU and oversee all safeguards implementation, including monitoring, reporting, and grievance redressal. The RHD and LGED PIUs will each have a deputed staff serving as resettlement officer (RO) to ensure effective implementation of land acquisition and resettlement impacts outlined in this resettlement plan. All will receive training and capacity support from the EPCM resettlement specialists to ensure learning and development, as well as smooth and effective implementation of the resettlement plan.

B. Consultant Support for Resettlement

36. **Engineering, procurement, and construction management (EPCM).** The EPCM will be engaged to carry out the detailed design, supervision, and management of the project. Resettlement specialists (one international and one national) of the EPCM team will revise the draft resettlement plan based on detailed design, and ensure that sound methodologies and practices are followed in the implementation of resettlement plan. Apart from capacity building

¹² The government has agreed to create a special purposes organization (SPO) to (i) and ensure coordination among all implementing agencies during construction; and (ii) design and negotiate the business model of the BRT with the private sector, and monitor the future BRT operations. The SPO will be established under the 1994 Companies Act, as a 100% government-owned public company, tentatively named "TransDhaka" by PPTA consultants.

¹³ All three PIUs will be housed in the PMU offices and will be coordinated by the PMU management. All consultants recruited by the project will also be housed in the PMU office.

and training on the resettlement and social safeguards related issues of the project, the consultants will advise the PMU/ESSU and the PIUs on resettlement implementation, participate in meetings with the contractor, NGORP, and PIU, and monitor the work of the implementing NGORP in the field. The consultants will also help the PIUs prepare quarterly progress reports to be submitted to the PMU/ESSU, who will consolidate and send semiannual progress reports to ADB for review.

37. **NGORP for RP implementation.** The role of the NGORP will center around three activities: (i) baseline information collection and survey of displaced persons based on detailed design and final alignments; (ii) implementation of the resettlement plan, including determination of entitlements based on the resettlement plan entitlement matrix, distribution of ID cards to displaced persons, disbursement of entitlements including compensation, and providing other assistance and allowances to eligible persons as per the resettlement plan during the preconstruction stage; and (iii) awareness raising, including ongoing consultations with the displaced persons and dissemination of information relating to resettlement planning, such as the impact on the people and corresponding entitlements.

C. Training and Capacity Building

38. For effective execution of all IR related tasks, capacity development at both the executing agency and implementing agency level is needed. All concerned staff will undergo orientation and training in ADB's Safeguards Policy and management by the resettlement specialists (international and national) at the EPCM at the very beginning of project implementation. Training will cover major issues such as: (i) principles and procedures of land acquisition; (ii) public consultation and participation; (iii) entitlements, compensation, and assistance disbursement mechanisms, including livelihood restoration and relocation; (iv) grievance redressal; (v) implementation of resettlement plan; and (vi) monitoring of resettlement operations and its reporting.

D. Implementation Schedule

39. Land acquisition, compensation, and relocation of displaced persons cannot commence until the resettlement plan has been reviewed and cleared by ADB. All entitlements are to be paid prior to displacement. Written confirmation is required by the PMU to be submitted to ADB, stating that all compensation has been paid to displaced persons. Construction works can then begin on sections where compensation has been paid. The proposed schedule for the resettlement plan implementation is given in Table 4.

Table 4: Implementation Schedule

		2012				2013				2014				2015				2016			
		Q1	Q2	Q3	Q4																
A. PREPARATORY WORKS																					
Group A0	CONSULTANT MOBILIZATION																				
Group A1	DETAILED ENGINEERING DESIGN																				
Task A1.1	Topographic and geotechnical surveys																				
Task A1.2	At grade section																				
Task A1.3	Elev ated section																				
Task A1.4	Terminal in Gazipur																				
Task A1.5	Municipal infrastructures (markets, feeder roads, drains, etc.)																				
Group A2	RESETTLEMENT PLAN																				
Task A2.1	Finalization of sites for relocation of vendor markets / residential squatters																				
Task A2.2	Establishment of GRM in the project																				
Task A2.3	Updation of RP																				
Task A2.4	Dev elopment of resettlement sites																				
Task A2.5	Issue Section 3 notice																				
Task A2.6	Payment of Compensation for the private lands																				
Task A2.7	Possession of acquired private land																				
Task A2.8	Relocation to resettlement sites																				
Task A2.9	Payment for structures and assets																				
Task A2.10	Demolition/restoration/repair of affected structures																				
Task A2.11	Independent External monitoring																				
Task A2.12	Livelihood restoration and skills development																				
Group A3	ENVIRONMENTAL PLAN																				
Task A3.1	Preparation of Government Statutory EIA																				
Task A3.2	Update of the IEE-EMP																				
Task A3.3	Baseline environmental surveys, emergency response plans (waste, traffic, etc.)																				
Task A3.4	Obtain Location Clearance certificate																				
Task A3.5	Obtain Environmental clearance certificate																				
Task A3.6	EMP in bidding documents ad contracts																				
Task A3.7	Preparation of Site Specific EMPs (SEMPs)																				
Task A3.8	Capacity Building PMU, PIUs and Contractor Awareness.																				
Task A3.9	Check environmental compliance																				
Task A3.10	Prepare compliance, mitigation and monitoring checklists																				

VIII. BUDGET AND FINANCING

40. All land acquisition and resettlement funds will be provided by the Government of Bangladesh, and compensation to affected persons is to be made before displacement occurs. The executing agency will be responsible for the timely allocation of the funds needed to implement the resettlement plan. All land acquisition, compensation, relocation and rehabilitation, administrative expenses, monitoring and consultant costs, and income and livelihood restoration costs will be considered integral components of project costs. A summary of tentative resettlement cost for the feeder road impacts is given in Table 5.

Table 5: Summary of Land Acquisition and Resettlement Costs

S.N	Item	Unit	Rate (TK)	Quantity	Amount (TK)	Remarks
1	Disruption of livelihood to businesses during the period of construction - period of 1 month	Number of businesses	6,000	225	1,350,000	Calculated at minimum wage rate @ Tk. 6,000 per month

Note: These costs are already built into the resettlement plan costs.

IX. MONITORING AND REPORTING

A. Internal Monitoring

41. The project director (PD) will carry out internal monitoring through the PMU/ESSU with the support of the EPCM consultants. Internal monitoring will comprise monitoring the process indicators and the output indicators. The EPCM resettlement specialists (one international and one national) will assist the PMU/ESSU in monitoring the activities of the NGORP, who will submit monthly progress reports to PIUs and PMU/ESSU.

42. The PMU/ESSU will develop progress and performance monitoring software to get monitoring output on a regular basis. An information system containing the database on resettlement planning and implementation will be established and updated periodically for monitoring various activities of resettlement plan implementation by the PMU/ESSU. The resettlement plan database generated through land acquisition plan, census, baseline socioeconomic survey, land market survey and consultation, CCL payment, and resettlement benefit payment will become essential input of the management and information system (MIS). Progress monitoring and evaluation of intended outcomes of resettlement plan implementation shall be carried out.

43. The internal monitoring by PMU/ESSU will include: (i) administrative monitoring to ensure that all compensation as per the resettlement plan is paid, implementation is on schedule, and problems/grievances are dealt with on a timely basis; (ii) socioeconomic monitoring during and after the relocation process to ensure that people are settled and are better off at the new locations; and (iii) overall monitoring as to whether recovery has taken place successfully and on time.

44. The indicators for achievement of objectives during resettlement plan implementation include (i) process indicators, indicating project inputs, expenditure, staff deployment, etc.; and

(ii) output indicators, indicating displaced persons compensated, number of displaced persons provided with skills training, etc.

45. Monitoring and evaluation of the resettlement plan implementation shall be taken up at all stages of the project. Some of the key indicators at different stages of the resettlement plan implementation are as follows:

1. Preparatory Stage

- (i) baseline survey, including 100% in-depth baseline and needs assessment study of DPs;
- (ii) established inventory of losses, including private assets, government land and buildings, and common property resources impacted;
- (iii) consultations with DPs, stakeholders;
- (iv) identification of entitlements for DPs;
- (v) collection of gender disaggregated data and preferences of women;
- (vi) identification of resettlement sites and finalization in consultation with DPs;
- (vii) identification of locations for temporary relocation, especially for onstreet vendors;
- (viii) interactions with government agencies, including the DC office, union *parishads*;
- (ix) preparation/updating of resettlement plan based on changes in project design;
- (x) MoU with the DYD on the skill development of DPs;
- (xi) information dissemination and disclosure of final resettlement plan, after approval from ADB;
- (xii) institutional capacity assessment and staffing of PIUs;
- (xiii) implementation schedule and items of expenditure; and
- (xiv) operating the GRMs in the project.

2. Resettlement Plan Implementation Stage

- (i) payment of compensation;
- (ii) delivery of entitlement;
- (iii) grievance redressing;
- (iv) support in CCL collection process;
- (v) preparation of resettlement site, including civic amenities (water, sanitation, drainage, paved streets, electricity supply);
- (vi) consultations with the DPs and facilitating grievance redressal;
- (vii) relocation of businesses and residential squatters;
- (viii) payment of resettlement benefits;
- (ix) income and livelihood restoration assistance, including training and capacity building;
- (x) support towards initiation of income generation activities; and
- (xi) restoration of public utilities and common property resources impacted in the project.

3. Resettlement Plan Evaluation Stage

46. Once DPs have settled down at the new sites, the focus of monitoring shifts to issues of economic recovery programs, including whether the displaced persons have been benefitted by the income generating schemes (IGSs), whether they have established their businesses at the new location, impact of the resettlement plan entitlements and schemes on living standards, and the sustainability of the new livelihood patterns.

4. Construction Stage

47. Monitoring during the construction stage shall ensure ongoing monitoring of displaced persons and resettlement activities. Other focus will be on labor issues, including child labor, equal opportunities for men and women, and priority of displaced persons in the project construction activities, apart from implementation of all statutory provisions on labor, including workers' health, welfare, sanitation, and safe working conditions.

B. External Monitoring

48. ADB requires that the borrower retain qualified and experienced external experts to verify monitoring information for projects with significant impacts and risks.¹⁴ An external resettlement monitoring expert will be engaged by the PMU to undertake resettlement monitoring and evaluation during resettlement plan implementation. The key responsibilities of the independent monitor shall include the following: (i) verifying resettlement monitoring information for the project; (ii) monitoring the resettlement safeguard compliance issues in resettlement plan implementation; and (iii) assessing the overall implementation approach, process, and outcome of the resettlement plan, and providing inputs to the PMU for taking corrective actions to resolve any issues.

C. Reporting

49. The NGORP will submit monthly progress reports to the PIUs and PMU/ESSU during implementation. The PIUs will review and submit quarterly monitoring reports to the PMU/ESSU, who will then review and send semiannual monitoring reports to ADB during the project implementation period. The semiannual monitoring report will contain: (i) accomplishment to date; (ii) objectives attained and not attained during the period; (iii) problems encountered; and (iv) suggested options for corrective measures. The internal monitoring reports submitted by the NGORP will be monitored by the EPCM resettlement specialists. The international resettlement specialist, with the EPCM, will assist the PMU/ESSU in preparing the overall resettlement status in consultation with the national resettlement specialist, based on the information furnished in the monthly reports by NGORP.

¹⁴ External experts mean experts not involved in day-to-day project implementation or supervision (SPS, 2009).

Table 6: Comparison Between Government of Bangladesh's Policy and ADB's Policy

Sl. No.	ADB's Involuntary Resettlement Policy Principles (SPS-2009)	Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982	Remarks (Gaps Between ARIPO and ADB's SPS-2009, and Action Taken in the RF to Bridge the Gap)
1	Involuntary resettlement should be avoided wherever possible.	Not defined in the ARIPO	The ordinance 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. Sections 3 and 18 exempt the acquisition of property used by the public for religious worship, public or educational institutions, graveyards, and cremation grounds.	The ordinance does not deal with these issues and does not comply with ADB's SPS-2009, as the ARIPO has no provision for minimizing adverse impacts on private property or common resources, and does not deal with alternate design. The resettlement framework 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 for compensation.	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 resettlement framework fills this gap by incorporating the need for a census survey for the displaced persons.
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.	The ARIPO does not directly meet ADB's IR policy requirements as per the SPS-2209 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. The resettlement framework 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.
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	The section 4 provision is consistent with ADB's grievance and redress policy. The resettlement framework has a special provision for grievance procedures, which includes formation of a grievance redress committee, appointment of an arbitrator, and

Sl. No.	ADB's Involuntary Resettlement Policy Principles (SPS-2009)	Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982	Remarks (Gaps Between ARIPO and ADB's SPS-2009, and Action Taken in the RF to Bridge the Gap)
		a report and record of proceedings within 30 days following expiry of the 15-day period given to DPs to file their objections.	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.	ARIPO does not comply with SPS- 009 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. The resettlement framework 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.
8	Land-based resettlement strategy	The ARIPO does not address these issues.	The ARIPO does not meet the requirement of SPS 2009 of ADB. The resettlement framework 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 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 policy. 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. The ordinance does not ensure replacement value or restoration of pre-project incomes of the displaced persons. The resettlement framework 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 SPS 2009. The resettlement framework provides the eligibility and entitlement for the relocation of

Sl. No.	ADB's Involuntary Resettlement Policy Principles (SPS-2009)	Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982	Remarks (Gaps Between ARIPO and ADB's SPS-2009, and Action Taken in the RF to Bridge the Gap)
			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.	The ARIPO does not comply with ADB's SPS 2009. 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. The resettlement framework 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 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	The ARIPO does not comply with ADB's SPS 2009 as there is no mention of disclosure of the resettlement plan. The resettlement framework 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 (Bengali), 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's SPS 2009 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's SPS 2009.
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.	The ARIPO does not comply with ADB's safeguards policy. The resettlement framework 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.