

Resettlement Plan

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Draft Resettlement Plan

For

**Sub-Project 2 – Solar-LED Street Lighting in the
Six Bangladesh City Corporations**

BANGLADESH

Bangladesh Power Development Board (BPDB), Government of Bangladesh March 2011

RESETTLEMENT PLAN

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ABBREVIATIONS

ADB	- Asian Development Bank
AF	- Affected Family
AH	- Affected Household
AP	- Affected People
BAN	- Bangladesh
BBS	- Bangladesh Bureau of Statistics
BERC	- Bangladesh Energy Regulatory Commission
BPDP	- Bangladesh Power Development Board
CBO	- Community Based Organisation
EA	- Executing Agency
GOB	- Government of Bangladesh
GRC	- Grievance Redress Committee
IR	- Involuntary Resettlement
MPEMR	- Ministry of Power, Energy and Mineral Resources
MW	- Megawatt
NGO	- Non-Government Organisation
PPTA	- Project Preparation Technical Assistance
RP	- Resettlement Plan
TOR	- Terms of Reference
TA	- Technical Assistance
TK	- Bangladesh Taka
TL	- Transmission Line
USD	- United States Dollars
ZOI	- Zone of Influence

Definition of Terms

Affected persons (APs) mean all the people affected by the project through land acquisition, relocation, or loss of incomes and include any person, household (sometimes referred to as project affected family), firms, or public or private institutions. APs therefore include; i) persons affected directly by the safety corridor, right-of-way, tower or pole foundations or construction work area; (ii) persons whose agricultural land or other productive assets such as trees or crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to the project impact; (iv) persons who lose work/employment as a result of project impact; and (v) people who lose access to community resources/property as a result of the project.

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

Cut-off-date means the date after which people will NOT be considered eligible for compensation i.e. they are not included in the list of APs as defined by the census. Normally, the cut-off date is the date of the detailed measurement survey.

Detailed measurement survey means the detailed inventory of losses that is completed after design and marking of project boundaries on the ground.

Encroachers mean those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.

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

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

means the process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for public purposes, in return for fair compensation.

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

Land acquisition means those falling below the official national poverty line.

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

means the same as tenant cultivator or tenant farmer, and is a person who cultivates land they do not own for an agreed proportion of the crop or harvest.

Poor

Replacement cost means 200 people or more will experience major impacts, which are defined as; (i) being physically displaced from housing, or (ii) losing ten per cent or more of

Sharecropper

Significant impact

EXECUTIVE SUMMARY

1. The Government of Bangladesh has requested the Asian Development Bank and the Islamic Development Bank for co-financing of up to \$300 Million for the implementation of the Bangladesh Power Systems Efficiency Improvement Project (the Project). The project aim is to assist the Government of Bangladesh (GOB) in combating this energy crisis through appropriate candidate subprojects under a loan program. Four Subprojects were selected to be financed under this Loan, some which will improve power supply to the general National power grid network in Bangladesh and public utilities and one sub-project providing “off-grid” or direct sources of power to specific communities. One of these is the proposed “Sub-project 2: Solar LED Street Lighting”, designed to replace 1,000 km of streetlights across the 6 Bangladesh City Corporations (the subproject) (Refer to Map – Figures 1). The subproject cost is estimated to be at approximately USD 37.03 million financing. The Executing Agency (EA) is the Bangladesh Power Development Board (BPDB), with each City Corporation being Implementing Agencies (IAs). Although land acquisition or resettlement is not expected, there may still be minimal damages to crops/gardens that may result in compensation liabilities. This Land Acquisition and Resettlement Plan for the subproject are associated with the relevant land acquisition and compensation impacts ascribing to the construction of the Solar LED street lights under the Power Efficiency Improvement Project. The Land Acquisition and Resettlement Plan (RP) has been prepared for this subproject in accordance with the provisions set out by the ADB policy on Involuntary Resettlement as embedded in the Safeguards Policy Statement (2009) and the Operations Manuals F1 (2010) and the laws of Bangladesh. The RP is based upon information gathered through field observations conducted in October 2010 and February 2011 and field surveys conducted in February 2011, in consultation with the stakeholders, especially community leaders and affected householders in the alignment zone of influence.

2. The basic compensation principles set in the RP are: (i) Land acquisition will be avoided or at least minimised; (ii) Compensation will ensure maintenance of pre-project living standards of APs; (iii) APs will be fully consulted/informed on compensation options; (iv) Socio-cultural institutions will be supported/utilised wherever possible; (v) Resettlement and land acquisition procedures will equally apply to women and men; (vi) Lack of formal title will not prevent compensation rights under the entitlement matrix; (vii) Land Acquisition and Resettlement will be conceived and executed as an integral part of the Project, with budgets for land acquisition and resettlement to be included in Project (subproject) costs; (viii) Impact to structures will be avoided at all costs; (ix) All land acquisition, resettlement and compensation plans, plan implementation and payments will be completed and each of these 3 stages will be endorsed by ADB prior to civil works commencement in the sub-project.

3. No land acquisition or resettlement impacts are expected to occur as a result of the Project, given that most of the lighting will be in existence or will be newly installed, along public roadways/footpath areas. Any impacts that may unexpectedly occur will be temporary in nature, with the contractor requiring to “making good” any damages that may occur. The RP sets the eligibility/entitlement provisions for the project impacts as detailed in Table 1 below. Entitlement provisions for will refer to APs losing land, gardens or crops include provisions for permanent and temporary losses of land, gardens and crops or other losses, as a result street light erection/replacement. This is inclusive of an additional area to cover damages for workspace.

Table 1: Entitlement Matrix

Asset	Specification	Affected People	Compensation Entitlements
Loss of crops or gardens	Crops, gardens, structures (e.g. Walls, fences etc) damage for work space and stringing	All APs including holders of land use certificate, customary rights holders, tenants and squatters.	Crop compensation in cash at full market value for 1 annual harvest by default for impacts caused by use of additional area foreseen to be damaged due to making space for construction works, replacement cost of gardens or small structures damaged. Tenants, use rights holders will share compensation based on their contract.
Households losing more than 10% of their Income due to acquisition of farm-land	Households lost more than 10% of their income.	Identification of the HH through IVC and census of agriculture land losing HH.	Identification of the HH through IVC and census of agriculture land losing HH.

4. A PIU headed by a Project Director, representative appointed through BPDB and the 6 City Corporations will implement the subproject and will be responsible for overall planning, management, coordination, supervision and progress monitoring of the Subproject. The PIU will be supported by a team of international/national Project Management consultants. The PIU will ensure compliance with assurances, including safeguards and preparing and submitting the resettlement plan update, reports, resettlement plan monitoring reports. The PIU will internally monitor and report to the BPDB on a monthly basis, depending upon the land acquisition and compensation impacts and the EA will report to the ADB on a quarterly basis.

5. Detailed design of the project is still to be carried out. As an appraisal condition at implementation, the RP will be disclosed on the ADB website, whilst a Bengali version will be made available to the affected people and in the BPDB and City Corporations Management Office. Furthermore, at the time of RP update, disclosure process will occur including community consultation and awareness in order to ensure the literate and illiterate members of the affected community are aware of the RP and the processes of implementation. Great Care will also be taken to prevent grievances. The *first level* and most accessible and immediate venue for the resolve of grievances is the PIU. Should the grievance remain unresolved, the *second level* of the GR by referring the issue (with written documentation) to the local GRC of the Upazila¹, who will, based on review of the grievances, address them in consultation with the PIU and affected persons. In the event that grievance is not satisfactorily addressed, the AP can seek legal redress of the grievance in the appropriate Courts.

¹ Local district.

I. INTRODUCTION

A. Background and Project Description

1. Energy shortages pose perhaps the biggest threat to Bangladesh's growth recovery. The present maximum demand for electricity varies between 4,500 MW and 5,600 MW and it is expected to rise to 7,000 MW within the next two years. Maximum generation available is between 3,800 MW and 4,600 MW. The estimated demand supply gap currently is 2,000 MW. With the Power deficit and current capacity to generate power, there is an obvious instability in the power supply to consumers leading to power shortages, hence necessary power cuts due to load shedding. Power cuts, gas shortages and low budgets for maintenance have led to a significant cut in public utility and services available to the people, including that of working streetlights in the country.

2. The Government of Bangladesh has requested the Asian Development Bank and the Islamic Development Bank for co-financing of up to \$300 Million for the implementation of the Bangladesh Power Systems Efficiency Improvement Project (the Project). The project aim is to assist the Government of Bangladesh (GOB) in combating this energy crisis through appropriate candidate subprojects under a loan program. Four Subprojects were selected to be financed under this Loan, some which will improve power supply to the general National power grid network in Bangladesh and public utilities and one sub-project providing "off-grid" or direct sources of power to specific communities. One of these is the proposed "Sub-project 2: Solar LED Street Lighting", designed to replace 1,000 km of streetlights across the 6 Bangladesh City Corporations (the subproject) (Refer to Map – Figures 1). The subproject cost is estimated to be at approximately USD 37.03 million financing. The Executing Agency (EA) is the Bangladesh Power Development Board (BPDB), with each City Corporation being Implementing Agencies (IAs). Although land acquisition or resettlement is not expected, there may still be some small temporary acquisition and crop/garden damages that may result in compensation liabilities. This Land Acquisition and Resettlement Plan for the subproject is associated with the relevant land acquisition and compensation impacts ascribing to the construction of the Solar LED street lights under the Power Efficiency Improvement Project.

B. Resettlement Plan Related Project Implementation Conditions

3. The Land Acquisition and Resettlement Plan (RP) has been prepared for this subproject in accordance with the provisions set out by the ADB policy on Involuntary Resettlement as embedded in the Safeguards Policy Statement (2009) and the Operations Manuals F1 (2010) and the laws of Bangladesh. The RP also contains an estimate of types of impacts, compensation procedures, implementation arrangements; monitoring, reporting and grievance redress procedures.

4. The project has been designed so that there is minimal negative, but optimal positive, social impact. During the implementation of this Sub-project, the Project Management Unit (PMU) under the BPDB and City Corporations, with support of international and national consultants, will be responsible for updating and expanding this RP, as necessary, based on the detailed design. The contractor will not be permitted to commence civil works in the impact areas until a "Notice of Compliance" has been issued and endorsed by the PMU and the ADB.

C. Measures to Minimise Resettlement and Land Acquisition

5. To fit ADB requirements, efforts have been made to avoid/minimise as much as possible negative impacts. The following measures are being adopted by this Resettlement Plan:

- Non-agricultural, government-owned land will be identified for sub-project use wherever possible.
- Built-up areas and housing compounds are being avoided

D. Objectives for Land Acquisition and Resettlement Plan

6. The key objective of the RP is to guide the development partners such as the Government of Bangladesh and BPDB, the ADB and Co-financing agencies and contractors² with an effective, practical guideline to prepare and implement land acquisition, resettlement and compensation processes in a manner conducive to sound planning principles and requirements of current prevailing legal norms of Bangladesh and in compliance with ADB policies.

7. The key tenets that will guide the compliance with involuntary resettlement provisions during the project are: (i) Land acquisition will be avoided or at least minimised; (ii) Compensation will ensure maintenance of pre-project living standards of APs; (iii) APs will be fully consulted/informed on compensation options; (iv) Socio-cultural institutions will be supported/utilised wherever possible; (v) Resettlement and land acquisition procedures will equally apply to women and men; (vi) Lack of formal title will not prevent compensation rights under the entitlement matrix; (vii) Land Acquisition and Resettlement will be conceived and executed as an integral part of the Project, with budgets for land acquisition and resettlement to be included in Project (subproject) costs; (viii) Impact to structures will be avoided at all costs; (ix) All land acquisition, resettlement and compensation plans, plan implementation and payments will be completed and each of these 3 stages will be endorsed by ADB prior to civil works commencement in the sub-project area.

²It is important for the contractors responsible for detailed design and construction in this subproject be given access to this RP in order to be informed on how best they can minimize Land Acquisition and Resettlement impacts on communities.

Figure 1: Map of Bangladesh – Location of Subproject



II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Detailed Measurement Surveys

8. Detailed design of the project is still to be carried out. Therefore, a Detailed Measurement Survey, a socio-economic study and consultations of the affected people cannot be done at present. However, after the detailed design, an updated RP will be conducted, with the final day of census and socioeconomic survey being the “cut-off” date for entitlement. Civil works will not be permitted in affected areas until compensation entitlements are handed out and ADB has issued notice to proceed through the EA and IAs.

B. General Description of Impacts

9. No land acquisition or resettlement impacts are expected to occur as a result of the Project, given most of the lighting will exist or will be newly installed, along public roadways/footpath areas. Any impacts that may unexpectedly occur will be brief and temporary in nature, with the contractor requiring to “making good” any damages that may occur.

10. All attempts have been, and will be, made to reduce impacts along the alignment. Relocation and impact on existing structures ascribing to the project is to be avoided, given the lines will mostly run through public road areas. The following potential impacts may occur as a result of this Project, primarily due to space requirement for construction:

- Gardens;
- Cropping and livestock grazing land area;
- Public and community structures; and
- Shops and industries.

0. However, all measures should be taken to design the final alignments to avoid productive land and structures as much as possible and to coordinate timing with residents to minimise impact on cropping, gardens and busy times for shops and industries, such as implementation contractors consulting with communities in order to minimise impacts.

1. No affected families will be losing more than 10% of their land area or cropping area or income as a result of the Project. Since the subproject areas will only be confirmed during the detailed design period, baseline information and impacts will need to be collected with a detailed measurement surveys (DMS and AP census at the detailed design stage by a resettlement team or specialist). Generic Terms of reference for this task is provided in Annex 1. A list of persons need to be recorded during the DMS/AP census period to be reported in format of Annex 2. The format of inventory of losses is presented in Annex 3.

III. SOCIO-ECONOMIC CHARACTERISTICS OF AFFECTED AREA

13. The following summary socio-economic profile has been prepared in relation to the reconstruction and rehabilitation of street lights in the six city corporations of Bangladesh. Each City Corporation is governed by elected representatives and supported by appointed staffs of different levels. The city mayor holds the highest position in the city level and ward commissioners hold the key position at ward level. The administrative ward level is responsible for the management of the local community services as well as revenue collection.

A. Socio-economic Profile of Dhaka City Corporation

14. The Dhaka City Corporation covers an area of 153.84 [sq. km](#) and divided into 90 wards. Total households are 1,275,940 of 731 moholla /clusters and population 6,126,400 (male 3,472,000 and female 2,654,400). Average household size is 4.80 and literacy rate of 90%. The sources of income are: business 35%, services 20%, trade and industries 5%, wage earning and remittance 30% and others 10%.

Vulnerability

Above average traffic, social insecurity, high in-migration from different parts of Bangladesh and environmental pollution are the major problems which are beyond the current control of the city authority.

B. Socio-economic Profile of Chittagong City Corporation

15. The City Corporation is the second highest city corporation in Bangladesh in respect of its importance in the field of national and international trade and commerce. This is also an industrial city due to its international sea ports. The total area of this city is 168.07 [sq.km](#) divided into 41 administrative units or wards, 96 moholla /clusters and 479,940 households. The population is 1,296,640 male and 1,030,360 female and an average house hold size 4.85. The literacy rate is 65%. The sources of income are: business 40%, services 15%, trade and industries 10%, wage earning and remittance 30% and others 5%.

Vulnerability

Above average traffic, social insecurity, and environmental pollution

C. Socio-economic Profile of Khulna City Corporation

16. Khulna City Corporation covers an area of 59.57 [sq. km](#) and is divided into 31 Wards and 181 moholla /clusters. There are 255,500 households with a population of 886,000 people (male 476,560 / female 409,440) and an average household size 4.52. The literacy rate is 75.5%. Major sources of income- a) business 25%, b) agriculture 20% c) service 15% d) trade and industries 10% wage and remittance 15%, and others 15%.

D. Socio-economic Profile of Rajshahi City Corporation

17. The Rajshahi City Corporation covers an area of 96.68 [sq. km](#) and is divided into 35 administrative Wards and 299 moholla /clusters. There are 126,580 households with a total population 621,050 (male 330,760 / female 290,290) and an average household size of 4.90. The literacy rate is 68.45%

E. Socio-economic Profile of Sylhet City Corporation

18. The Sylhet City Corporation covers an area of 26.50 sq.km, with 27 Wards and 207 mohollas / clusters. There are 54,360 households and a total population of 302,670 (male 168,185 / female 134,485) and an average household size of 5.56 people. The literacy rate is 74%. Major income sources are exporting tea and remittances because many people of Sylhet permanently living abroad for better income.

F. Socio-economic Profile of Barisal City Corporation

19. The Barisal City Corporation covers an area of 19.99 [sq.km](#) with 30 wards split into 56 mohollas / clusters. There are 40,936 households and a total population 221,700 (male 119,350 / female 102,350) and an average house hold size of 4.71. The literacy rate is 78%. Although Barisal is a city corporation, major income of city dwellers come from agriculture and fish business.

IV. LEGAL AND POLICY FRAMEWORK

A. Policy and Legal Framework for Land Acquisition and Resettlement

20. The policy framework for the Project is based on the ADB policy on Involuntary Resettlement as embedded in the Safeguards Policy Statement (2009) and the Operations Manuals F1 (2010), the Constitution of Bangladesh, and the “Acquisition and Requisition of Immovable Property Ordinance 1982 and amended in 1983, 1993 and 1994 (ARIPO) of Bangladesh. Where differences exist between the local laws and ADB Practices, the Resettlement policy will be resolved in favour of the latter.

B. Bangladesh Constitution and Laws on Land Acquisition and Resettlement

21. The basic principles behind compensation of property in Bangladesh are founded in Articles 42 and 47 of the Constitution (1972). The current legislation for governing land acquisition for Bangladesh is the “Acquisition and Requisition of Immovable Property Ordinance 1982 and amended in 1983, 1993 and 1994 (ARIPO). Features of the ordinance include:

- Must give preliminary publication of land acquisition for a minimum 15 days.
- Religious, graveyards, cremation areas are not to be acquired.
- Objections to the Deputy Commissioner, who must inquire into every objection submitted, and may prepare report (within 30 days of notice expiry).
- Over 5 Bighas³ of land in question is decision of Government, if less then decision is at Division level.
- Decision on the land acquisition is between 10-15 days and can be extended to 30 days
- Decision at national Government will take 90 days.
- The AP must provide information on all others with interest in the property.
- Deputy Commissioner inquires as to the interested parties and the value of property, determining the compensation amount, a decision of which is final.
- Notice is given within 7 days and the compensation amount provided with 60 days - compensation amount appears to be only in terms of money, not replacement assets.
- Compensation is valued by:
 - i. Average value of similar properties, within vicinity during the past 12 months of the preliminary notice.
 - ii. Damage sustained by taking crops, trees at the time of possession.
 - iii. Damage to property at time of possession.
 - iv. Effects on movable or immoveable assets.
 - v. Expenses to change residence or business.
 - vi. Any devaluation of property.
 - vii. An additional 50% on the market value.
- Those areas where interests are recorded but nobody competent, legally to receive, the compensation is kept in the Bank.
- After Acquisition it must be gazetted to be officially recognised.
- No period is given between notice and physical eviction, except for the fact that the land is officially acquired on the day of gazetting.
- Not accepting compensation, person may apply for arbitrator, within a 45 day period from the notice.

³Bighas is a local term in Bangladesh describing area of land. 1 Bigha = 0.1338 hectares =

- DC can in writing order information a person to provide info on the property to be acquired.
- Penalty for contravening the order is up to six month prison and/or up to 1000 Taka.
- Free of taxes or other charges.

22. The first step in acquiring land is an application to the Ministry of Land through the concerned Project Ministry requesting requisition and transfer of the land or the moveable property in question. A detailed statement specifying whether the land mentioned in the application is needed for public or private purpose, the area of the land, sketch-map, purpose for which it could be used etc should be submitted as well. The MoL examines the application and sends it to the concerned District Commissioner for necessary action. The DC then authorises the Additional Deputy Commissioner related to land to prepare and execute a plan of action for requisition. The DC in turn issues a public notice for land requisition and at that time aims to settle matters related to settlement of compensation to the owner(s) of the property or other person(s) entitled to compensation, as well as attempt to settle any other related issues. When a moveable property is required temporarily for public purpose or in the public interest, the DC may obtain requisition by an order in writing. In case of requisition of moveable property as well, compensation shall be paid to the owners of the property determined in accordance with legal provisions. Also, in case of requisition of moveable property, the decision taken by the Government is deemed to be final.

C. ADB's Policy on Involuntary Resettlement

23. ADB policy requires the following with respect to land acquisition and resettlement:

- Involuntary resettlement should be avoided or, if unavoidable, minimised through all viable options.
- The AF should be compensated and assisted, so that their economic and social future would be generally as favourable as it would have been in the absence of the Project.
- The AF should be fully informed/consulted in resettlement and compensation options.
- Local socio/cultural institutions should be supported/used to the greater extent possible.
- Lack of formal legal land title should not be a bar to compensation or rehabilitation.
- Compensation shall be provided to the AF at full replacement cost of the affected assets. Compensation rates for houses and other structures, and non-physical assets will be calculated at prevailing market rates for replacements without provision for deduction of depreciation.
- Particular attention should be paid to AF headed by women and other vulnerable groups, and appropriate assistance provided to help them improve their status.
- Land/other compensation/rehabilitation provisions will equally apply to women and men.
- Land acquisition and resettlement will be conceived and executed as an integral part of the project and related budgets will be included in project costs.
- Compensation will be fully provided prior to ground levelling and demolition.

D. Policy Differences and Reconciliation

24. A comparison of the above Laws of Bangladesh and ADB policies are summarised in Table 1. Any difference between the Bangladesh Law and ADB policy will be resolved in favour of the latter.

Table 1 – Comparisons with ADB Policy (2009) and Bangladesh Law

SN	ADB's Involuntary resettlement Policy (SPS – 2009)	Acquisition and Requisition of Immovable Property Ordinance (ARIPO) of 1982 and its updates	Reconciliation Provisions
1	Involuntary resettlement should be avoided wherever possible	Not defined by the ARIPO	The ordinance does not deal with the minimization of involuntary resettlement. However, the Government uses this approach as a standard practice. It will be practiced during this project
2	Minimise involuntary resettlement by exploring project and design alternatives	<p>Not so clearly defined in the ARIPO.</p> <p>Sections 3 and 18 exempt the acquisition of property used by the public for religious worship, public or educational institutions, graveyards and cremation grounds.</p>	<p>The ordinance does not deal with these issues and it 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.</p> <p>The Project will minimise land acquisition and resettlement through proper alternate engineering design and adequate consultation with stakeholders.</p>
3	Conducting census of displaced persons and resettlement planning	The ARIPO spells out that Upon approval of the request for land by the Office DC, its own staff will conduct the physical inventory of assets and properties found in the land. The inventory form consists the name of person, quantity of land, the list of assets affected, 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 on 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 APs in order to assess the vulnerability and other entitlements as under. The Project will fill in this gap by incorporating the need of census survey for the APs.

4	Carry out meaningful consultation with displaced/affected 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. Section 4 allows the occupant of the land to raise objections in writing. These should be filed with the DC within 15 days after 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 APs to file their objections.	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, or special assistance measures. The RP provides a clear consultation and disclosure policy, ensuring that all stakeholders are fully informed and consulted The Section 4 provision is consistent with ADB's grievance redress policy. This RP will ensure there is a special provision for Grievance procedures which includes formation of a Grievance Redress Committee and includes appointment of an arbitrator and publication of the notice of hearings and the scope of proceedings.
5	Establish grievance redress mechanism		
6	Improve or at least restore livelihoods of all displaced persons	The ARIPO does not address the issues related to income loss, livelihood or loss to 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-2009 as there is also 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 provision for a census survey in the RP 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 affected APs (as applicable to the situation).

7	Land-based resettlement strategy	The ARIPO does not address these issues.	<p>The ARIPO does not meet the requirement of SPS-2009 of ADB.</p> <p>If large enough land holding losses, the RP will need to propose 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 looking at the urban development project in Bangladesh.</p>
8	All compensation should be based on the principle of replacement cost	<p>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 his 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.</p>	<p>ARIPO is largely consistent with ADB policy.</p> <p>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 APs.</p> <p>This is accounted for in the Entitlement matrix of the RP.</p>
9	Provide relocation assistance to displaced persons	No mention of relocation assistance to DPs in ARIPO	<p>The ARIPO does not define the additional relocation assistance to APs other than the compensation for the direct loss of land and property. Hence, ARIPO does not comply with SPS- 2009</p> <p>Eligibility and entitlement for the relocation of the RPs 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 will be included as required in the RP.</p>

10	Ensure that displaced persons without titles to land or any recognisable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	The ARIPO does not have this provision	<p>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's. The ARIPO only takes in to consideration the legal title holders and ignores the non-titleholders.</p> <p>Compensation and assistance to all APs whether physically displaced or economically displaced irrespective of their legal status will occur. The end of the census survey will be considered to be the cut-off date and DPs listed before the cut-off-date will be eligible for assistance.</p>
11	Disclose the resettlement plan, including documentation of consultation	The Ordinance only ensures the initial notification for the acquisition of a particular property	<p>ARIPO does not comply with ADB's SPS-2009 as there is no mention of disclosure of resettlement plan.</p> <p>ARIPO does not comply with ADB's SPS-2009 as there is no mention of disclosure of resettlement plan. The resettlement Plan for a subproject along with the necessary, appropriate eligibility and entitlement will be disclosed to the APs in the local language (Bengali) in the relevant project location and concerned government offices and the same resettlement plan will also be disclosed in the EA's website and in the website of ADB.</p>
12	Conceive and execute involuntary resettlement as part of a development project or program. Include full costs of resettlement in the presentation of project costs and benefits	ARIPO has a provision to include all the cost related to land acquisition and compensation of legal property and assets. However, it does not take in to account the cost related to other assistance and involuntary resettlement	ARIPO partially meets the requirement of ADB'sSPS-2009 as it only deals with the cost pertaining to land acquisition. Eligibility to both title holders and non- title holders with compensation and various kinds of assistances as part of the resettlement packages will be accounted for and the entire cost will be the part of the project cost.
13	Pay compensation and provide the resettlement entitlements before physical or economic displacement	ARIPO has the provision that all the compensation will be paid prior to possession of the acquired land.	ARIPO meets the requirement of ADB's SPS-2009

14	Monitor and assess resettlement outcomes, their impacts on the standards of living of the displaced persons	This is not so clearly defined in ARIPO	ARIPO does not comply with ADB's safeguards policy. Internal Monitoring and external monitoring (if required) is detailed in the Resettlement Plan. The EA will be responsible for proper monitoring of the resettlement plan
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V. ENTITLEMENTS AND COMPENSATION

A. Principles and Policies for the Project

25. Given the assessment of the Bangladesh law and ADB policy differences referred to above, some provisions of the Bangladesh Law have been waived, and additions made, in order to ensure consistency with the resettlement principles of the ADB's SPS, especially safeguards on involuntary resettlement. For the reference of BPDB in preparing and subsequent implementation of Land Acquisition and Resettlement Plans, the following project principles and policies have, and will continue to, apply:

- (ii) PBDB will guarantee the implementation of the compensation and rehabilitation framework detailed in this resettlement plan.
- (iii) AFs (affected families)/AP impacts must be avoided or minimized as much as possible.
- (iv) If impacts are unavoidable, the APs/AFs losing assets, livelihood or other resources will be fully compensated and/or assisted so that they improve or at least restore their former economic and social conditions.
- (v) Compensation will be provided at full replacement cost, free of depreciation, transfer costs or eventual salvaged materials and as detailed in the RP's prepared.
- (vi) District Commissioner will facilitate changing of land-use/land title certifications of AF's without fee charges.
- (vii) Information on the preparation/implementation of a resettlement plan will be disclosed to all APs and peoples participation will be ensured in resettlement planning and implementation stages.
- (viii) RP's prepared at project preparation stage must be reviewed, and if necessary updated, and implemented after detailed design is completed but prior to construction commencement.
- (ix) Furthermore, review and updates of an RP will be conducted in the case that a subproject scope (or land areas/alignments) is varies or in the case that a Resettlement was prepared 3 or more years prior to the time of its implementation.
- (x) The eligibility cut-off date will be the last day of the census (completion of records of losses) stage of the RP preparation.
- (xi) Before taking possession of the acquired lands and structures and commencing construction, compensation will be paid in accordance with the provisions described in this Framework and appropriate Resettlement Plan.
- (xii) No land or structures will be taken until the legitimate user is compensated or rehabilitated as per the Resettlement Plan.
- (xiii) Every effort will be made to minimise the time lag between notice of acquisition and payment for entitlement of compensation.

- (xiv) An entitlement matrix for different categories of Aps has been prepared and provision will be kept in the budget for those who were not present or unavailable at the time of census survey. However, people moving into the project area after the cut-off date will not be entitled to any assistance.
- (xv) Lack of formal legal title is not a bar to compensation or rehabilitation.
- (xvi) Compensation measures will equally apply across gender lines and vulnerable groups if any identified.
- (xvii) AP consultation will continue during the implementation of the RPs.
- (xviii) The full compensation of affected assets will be a condition for initiation of civil works.
- (xix) All AFs and Aps will be entitled to compensation for loss of land, crops/trees and structures at replacement value. Community structures will be replaced. No other impacts are envisaged.

B. Compensation and Rehabilitation Eligibility

26. APs entitled to compensation or at least rehabilitation provision under the project are:

All APs losing land, garden, structures (property fences etc) or crops with or without title, formal lands use rights or traditional land use rights. Tenants whether registered or not.

27. Compensation will be limited by a cut-off date to be set at the end of the new Detailed Measurement Survey and AP Census, which will be carried out immediately after the conclusion of the detailed design. All APs who will settle in the affected area after the cut-off date and who cannot prove that they are displaced users of the affected plots, will not be eligible for compensation. Forced resumption of the land area for construction will only be considered after all other efforts are exhausted.

C. Compensation/Rehabilitation Entitlements

28. Entitlement provisions for will refer to APs losing land , gardens or crops include provisions for permanent and temporary losses of land, gardens and crops or other losses, as a result street light erection/replacement. This is inclusive of an additional area to cover damages for workspace. This is detailed below:

- **Land Temporarily Occupied and Garden or Crop Impacts for Workspace Area:** A onetime lump-sum crop compensation for the crops, at current market value, will be paid to the affected household. Value will be based on the crops grown on the area to be acquired. The contractor will be required to “make-good” the agricultural el than pre-project standard⁴. Compensation will be paid by default regardless of whether the land user is able to harvest and/ or plant the crops.
- **Structure Impacts (temporarily damaged):** These will be replaced at no cost to the AP.

D. Project Entitlement Matrix

29. The entitlement matrix (Table 2) below provides for compensation and entitlements as described in the likely impacts of the Project. In the update of this Resettlement Plan, changes in impacts may necessitate a change in this entitlement matrix.

Table 2: Entitlement Matrix LED Street Lighting

Asset	Specification	Affected People	Compensation Entitlements
Loss of crops or gardens and temporarily damaged structures	Crops, gardens, structures (e.g. Walls, fences etc) damage for work space and stringing	All APs including holders of land use certificate, customary rights holders, tenants , and squatters.	Crop compensation in cash at full market value for 1 annual harvest by default for impacts caused by use of additional area foreseen to be damaged due to making space for construction works, replacement cost of gardens or small structures damaged. Tenants, use rights holders will share compensation based on their contract.
Households losing more than 10% of their Income due to acquisition of farm-land	Households lost more than 10% of their income.	Identification of the HH through IVC and census of agriculture land losing HH.	Identification of the HH through IVC and census of agriculture land losing HH.

⁴The contractor may need to strip off the fertile top-soil and return it when construction is completed. If necessary, the contractor may need to supplement this buy purchasing additional topsoil through commercial means.

VI. INFORMATION, CONSULTATION AND DISCLOSURE REQUIREMENTS

A. Consultation and Disclosure

30. During project implementation, AP consultation and awareness will be ensured through regular meetings organised by the Project Resettlement specialist. These will be used to ensure the community is aware of the construction implementation plans, detailed design and RP implementation. They will also identify with the APs any RP implementation problems and undertake timely remedial actions. Given the small magnitude of likely impact, only internal monitoring will be necessary.

31. Disclosure of the Resettlement plan will be carried out upon the approval of this RP by ADB and BPDB and City Corporations. It will be translated and disclosed to all AFs through posting of the English and Bengali versions on the ADB website and publication of the Bengali version in the City Corporation Offices. An information leaflet in Bengali shall also be produced. For the illiterate, the BPDB and city corporations may require community consultation meetings in order to explain the activities and rights related to the RP and its implementation. Disclosure will be a condition to proceed to RP implementation.

VII. GRIEVANCE REDRESS

32. Great care will be taken to prevent grievances. The *first level* and most accessible and immediate venue for the fastest resolve of grievances is the PIU, chiefly through the Project Manager of the IA/EA, with assistance from the Resettlement Specialist (National and/or International) of the Implementation Consultant. The contact phone number will be posted in the project areas and contact details will be provided during consultation and RP update census and disclosure periods. Grievances will be resolved through continuous interactions with affected persons and the PIU will answer queries and resolve grievances regarding various issues including land acquisition, structures acquisition, livelihood impacts, entitlements, and assistance. Corrective measures will be undertaken at the field-level itself within seven days. All grievances will be documented with full information of the person and issue.

33. Should the grievance remain unresolved, the PIU's Project Manager, will activate the *second level* of the GRM by referring the issue (with written documentation) to the local GRC of the Upazila, who will, based on review of the grievances, address them in consultation with the PIU and affected persons. Affected persons also will have the right to submit grievance at this level in the case that they are not satisfied with the "first level" decision. A hearing will be called, if necessary, where the affected person can present his/her concern/ issues. The process will promote conflict resolution through mediation. The local GRC will consist of the following persons:(i) Chief Executive Officer of the Upazila (GRC Chair);(ii)representative of the head of the Upazila;(iii) representative of the affected persons; (iv) official of the land registry department;(v) official of the Department of Environment (DOE)'s divisional office;(vi)town planner of the Upazila; and (vii)Environmental Specialist of the PIU. The local GRC will suggest corrective measures at the field level and assign responsibilities for implementing its decisions.

34. The functions of the local GRC areas follows:(i) provide support to displaced persons on problems arising from land acquisition (temporary or permanent); asset acquisition; and eligibility for entitlements, compensation and assistance;(ii) record grievances of displaced persons, categorize and prioritize them and provide solutions within a month; and (iii) report to the aggrieved parties about developments regarding their grievances and decisions of the GRC. In the event that a grievance is not addressed, the AP can seek legal redress of the grievance in the appropriate Courts.

VIII. INSTITUTIONAL FRAMEWORK

A. Institutional Arrangements

35. The BPDB will be the executing agency responsible for overall guidance and project implementation. A PIU headed by a Project Director, will implement the project. As this sub project will be a part of a larger Project investment, including another Subproject run by BPDB with land acquisition impacts, to ensure effective implementation of the land acquisition and resettlement aspects, at least one resettlement safeguard specialist will be recruited to assist the PIU in this regard. The PIU will submit reports on a quarterly basis to ADB. Corrective actions to be taken when necessary based on close monitoring and results of grievance redress process.

B. Implementation Arrangements

36. The resettlement safeguards specialist will be recruited (Annex 1 provides a generic terms of reference) to:

- i) Update the resettlement plan, based on the detailed sub-project design and foreseen land acquisition and assets damage impacts.
- ii) Submit the RP, through the EA, with full EA endorsement (refer to Annex 2)
- iii) Coordinate with District Commissioner office regarding land ownerships issues
- iv) Assist the PIU management in RP implementation and preparing an internal monitoring report to be submitted to ADB confirming compliance with the RP

37. When the updated RP is finalized through identification of specific impacts and revised compensation costs, the APs will sign a document signifying their satisfaction on the compliance of BPDB/PIU on the compensation agreement. The Resettlement Specialist will prepare a proforma document to be used for the settlement of obligation in land acquisition and compensation.

38. Disbursement of cash will follow the approval of budgets for cash compensation. The PIU, with resettlement specialist, will inform the APs of the schedule of fund release. They will also advise the APs to produce acceptable legal documents pertaining to their identification for claiming the compensation. It is the main responsibility of PIU to ensure that all the compensations and entitlements have been paid to and settled with APs prior to clearing the construction sites. The BPDB will arrange for the compensation to be dispersed directly to APs on presentation of identification. APs will sign a document indicating the receipt of their compensation and entitlements.

C. Post-Resettlement Plan Implementation

39. Monitoring of compliance of the project policies the main agenda in this phase. Internal monitoring is the responsibility of the PIU, but will be conducted with the assistance of the Resettlement Safeguards Specialist. Internal monitoring reports will be submitted to ADB and with the final internal monitoring report submission; the ADB will issue to the EA a notice that will signify for the contractor to commence civil works in the affected area. The details of Monitoring and Evaluation are discussed in Section VII below.

IX. RESETTLEMENT BUDGET

40. The total compensation rate will be calculated for the value of losses that will be lost as a result of temporary losses caused by construction and loss of area for work space. The EA will bear all the costs of the compensation/rehabilitation program for the impacts caused by the Project, inclusive of relative administration costs. The EA will set aside and provide the funds for RP implementation in an efficient and timely manner during the course of the Project. An indicative budget (Table 3) was prepared for the Street lighting component, based on several assumptions of nominal impact levels (Table 4). The indicative budget estimate amounts to 24,840,000 Taka or 356,384.50 USD (approximately). However, an assessment of resettlement, land acquisition and compensation and this budget will be updated at the after detailed design is completed and before construction commences.

**Table 3: Indicative Budget
Land Acquisition and Resettlement Plan Budget**

Structures (A)	Unit	Affected Area	Unit Rate-(Nominal) Taka	Total Amount-(in Taka)
Structures				
Small structures (eg. Walls and fences)	Kilometres	200	14,000	2,800,000
Sub-Total	Kilometres	200	-	2,800,000
Gardens/Crops (B)				
Gardens and crops	Sq metres	760,000	20	15,200,000
Sub-Total	Sq metres	760,000	-	15,200,000
Total(A+B)				18,000,000
⁵ Administrative overhead (20%) (D)				3,600,000
Total(A+B+C+D)				21,600,000
Contingency (15%) (E)				3,240,000
Grant Total(A+B+C+D+E)				24,840,000

Table 4 – Indicative assumptions of impacts for budgeting purposes only

Type of Impact	Detail	Unit	Total
Structures	Small structures (walls and fences) nominally estimated (for budget purposes of 200 metres per km).	Kilometres	200
Crops and Gardens	Loss of small household gardens and/or crops estimated at 20 square metres per streetlight x 38 streetlights per km (or 38,000 Street lights for the 1000km project)	Square Metres	760,000

⁵ Includes the cost of internal administration and external consultant advisory required for the review or implementation of the resettlement plan.

X. MONITORING AND EVALUATION AND REPORTING

41. Depending upon the magnitude and type of resettlement impacts, internal, external or both types of monitoring of the Land Acquisition and Resettlement Plan implementation may be required. Internal monitoring will be necessary, and the EA should prepare a report documenting both the land acquisition and compensation process being implemented.

42. Internal monitoring will be conducted by the EA/PMU. Internal monitoring and evaluation (M&E) reporting will cover the following:

- compliance with resettlement compensation policies;
- adequacy of the organisational mechanism for implementing the Resettlement Plan;
- the handling of complaints and grievances;
- the AP have been fairly compensated, as per the RP; and
- were able to restore their incomes to pre-project levels.

0. Monitoring will be carried out on a regular basis, dependent upon the type of impact and magnitude of land acquisition and compensation, hence reporting to to ADB quarterly until the end of the compensation and rehabilitation process. The EA/PMU will be responsible for determining if any follow-up actions are necessary and ensuring these actions are undertaken.

1. Prior to distribution of compensation, to the affected households, the EA/PMU (internal monitoring office) will announce the compensation dates, including a detailed compensation schedule community by community. No construction in the affected areas will commence until the RP implementation, including all compensation, has been fully completed.

ANNEXES

ANNEX 1 GENERIC ToRs FOR CONSULTANTS

1. Introduction

This TOR has been prepared for Ashuganj Transmission Line Interconnection Project in order that a Land Acquisition and Resettlement Plan may be formulated as part of the Project implementation for the contracting proposes.

On the basis of ADB and Government of Bangladesh policies on recruitment of consultants, the RP Team will be recruited with the implementation consultants bidding and will be made up of a qualified International and Domestic Resettlement.

2. Scope of Work

In accordance with Resettlement Framework, relevant policies, handbooks, and guidelines in relation to ADB social, gender, resettlement and ethnic peoples sectors, the consultant scope of works includes, but is not limited to the following tasks:

- Review previous loan and TA documentation with the view of improving methodology for preparing social sectors of the project.
- Coordinate with engineers and other Team members on-site to identify land and household areas that will be impacted by the project activities, requiring temporary and permanent resettlement or land acquisition. Significance of impact on APs will be categorized as per ADB policy on Involuntary Resettlement
- Undertake 10% Socio-Economic Survey of Project Affected Persons, in a geographical area That includes persons who will be potentially impacted by resettlement and/or land acquisition and a 20% Socio-economic Survey of persons affected through resettlement and/or land acquisition by the Project.
- Conduct Census/Data Measurement Survey of 100% of Affected Persons recording all losses of land and structures and livelihood as a result of the project
- Prepare a Resettlement Plan and updates, as per ADB's guidelines and policies on Involuntary Resettlement; the Project Resettlement Framework; and GOB Policies and Decrees.
- Prepare budget for Resettlement and Land Acquisition, as per entitlement matrix and update entitlement matrix to suit sub-project situation. Salvageable materials should not be included in costing.

3. Staffing Inputs and Reporting

The Resettlement Planning Team should consist of International and local specialists including foreign and national specialists preferably with demonstrated experience in resettlement following ADB guidelines, social dimensions analysis and participatory rapid appraisal techniques.

The following reports will be required for submission:

- a. Contribution to Inception Report of Feasibility Study Team
- b. Resettlement Plan with budget
- c. Full details of persons consulted
- d. Awareness Materials

ANNEX 2 – LIST FORMAT FOR CONSULTATIONS

ANNEX 3 – INVENTORY OF LOSSES FORMAT RECOMMENDATION

INVENTORY OF LOSSES FORMAT RECOMMENDATION

No. persons (HH)	Category*	Land			Trees and Crops				Struct	(Fence, etc.)	Assistance		US \$	Comments			
		Area (sqm.)	Unit rate	Sub-total	Categories (indicate)	Quantity	Unit rate	Sub-total			Items	Unit			Quantity	Unit rate	Sub-total

(Source: Asian development Bank, 2004)