

Resettlement Plan

March 2011

BAN: Power System Efficiency Improvement Project

Prepared by Bangladesh Power Development Board.

POWER SYSTEMS EFFICIENCY IMPROVEMENT PROJECT
ADB PPTA 7242 - BAN

Draft Resettlement Plan

For

**Sub-Project 1 – Ashuganj 450 MW Combined
Cycle Power Plant and Associated Transmission
Line Interconnection**

BANGLADESH

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

The resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature

LAND ACQUISITION AND RESETTLEMENT PLAN

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ABBREVIATIONS

ADB	-	Asian Development Bank
AF	-	Affected Family
AH	-	Affected Household
AP	-	Affected People
APSCL	-	Ashuganj Power Station Company Limited
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	-	BangladeshTaka
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 includes 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.
Land acquisition	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.
Non-titled	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.
Poor	means those falling below the official national poverty line.
Replacement cost	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.

Sharecropper

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.

Significant impact

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 their productive assets (income generating).

Vulnerable

means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and includes; (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households (within the meaning given previously); (iv) landless; (v) elderly households with no means of support; (vi) households without security of tenure; (vii) ethnic minorities; and (viii) marginal farmers (with landholdings of five acres or less).

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 Executing Agency (EA) is the Ashuganj Power Station Company Limited (APSCL), which is a subsidiary of the Bangladesh Power Development Board (BPDB). The project aim is to assist the Government of Bangladesh (GOB) in combatting the 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 one sub-project providing “off-grid” or direct sources of power to specific communities. One of these is “Sub-project 1: Ashuganj 450 MW Combined Cycle Power Plant” construction including a short 1.2 km transmission interconnection to the existing national grid transmission line (the subproject). (Refer to Maps – Figures 1 and 2). 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 on 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 households in the alignment zone of influence.

2. The total length of the line, passing through Government owned land is approximately 1.2 km, which is mostly farmland. Although a line survey has not been conducted to determine angle points and alignment, it is estimated that up to 2 angle points (10x10 m area) and 2 standard (8x8 m area) towers will be required (allowing an average of 3 towers and one angle point per km and including a replacement angle point where the proposed line will join the existing transmission line point). One of the angle points will be inside the APSCL compound, therefore posing no land acquisition and compensation impacts. There is no permanent land acquisition, as this is Government land. Temporary land acquisition including work space is approximately 378 sq metres, including work spaces for construction. Overall, based on the site observations, consultations and preliminary detailed measurement survey assessments of the alignment, a total of three landowners will be affected by the 3 towers of this proposed transmission line. These households are engaged in agricultural activities on Government owned land and will only be impacted by crop damage. As detailed in this RP the cost of compensation and rehabilitation for the sub-project is budgeted at 242, 810.70 Taka (USD 3392.60). The actual cost will be determined at the time of the RP updating and RP implementation, once detailed design is completed and will be dependent upon the time of year of the construction affecting the crops grown in the affected area.

3. 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 affected peoples (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. The RP also sets the eligibility/entitlement provisions for the project' impacts as detailed in Table 1 below.

Table 1: Entitlement Matrix

Asset	Specification	Affected People	Compensation Entitlements
Crops	Crops Affected where towers will be constructed	All APs including holders of land use certificate, customary rights holders, tenants, and squatters. (AF = 3; APs=26 ¹)	Crop compensation in cash at full market value for 1 annual Harvest (or 2 seasons) by default for impacts caused by use of area for constructing towers placements plus crop compensation for crop damages occurring during construction. Tenants, use rights holders will share compensation based on their individual contract.
Crops	Crops damage for work space and stringing	All APs including holders of land use certificate, customary rights holders, tenants, and squatters. (AF = 3; APs=26)	Crop compensation in cash at full market value for 1 annual Harvest (or 2 seasons) by default for impacts caused by use of additional area foreseen to be damaged due to making space for construction works and stringing cables . Tenants, use rights holders will share compensation based on their contract.

4. The APSCCL will be the executing agency responsible for overall guidance and project implementation. A PIU headed by a Project Director, representative appointed through APSCCL will implement the project 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 and 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 APSCCL on a monthly basis and the EA (APSCCL) will report to the ADB on a quarterly basis.

5. This RP has been based on several site visits and consultations with the affected households. As an appraisal condition, the RP will be disclosed on the ADB website, whilst a Bengali version will be made available to the affected community and in the APSCCL Management Office. Furthermore, at the time of RP update, disclosure process will similarly occur, but also with the addition of detailed community awareness in order to ensure that 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 Upazila², who will, based on review of the grievances, address them in consultation with the PIU and affected persons. In the event that a grievance

¹ 26 peoples equates to an average of 8.6 peoples per household as these are generally composed of extended families.

² Local district.

is not satisfactorily addressed, the AP can seek legal redress of the grievance in the appropriate Courts.

Table 2: Summary of impacts

Impact Category	Magnitude of Impacts
Affected Families	3
Affected People	26
Permanent Losses	Nil
Temporary Crop Losses	378 square metres (one rice crop and one oilseed crop per year)
Vulnerable Families Affected	Nil
Budget costs	242, 810.70 Taka

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 affected by fuel (e.g. Gas) supplies being diverted to other economic production, breakdowns in power generation equipment and maximized power consumption at one time, lead to power shortages, hence necessary power cuts due to load shedding. Gas shortages account for at least half of this gap. Power and gas shortages have undermined external competitiveness. According to garment industry leaders, garment orders cannot be fulfilled because of energy constraints. Frequent power cuts and low gas pressure add to shipment time, forcing exporters to airfreight the merchandise at their own cost. Power cuts and gas shortages have reportedly rendered a significant part of the country's garment capacity idle.

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 combatting 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 one sub-project providing "off-grid" or direct sources of power to specific communities. One of these is the proposed "Sub-project 1: Ashuganj 450 MW Combined Cycle Power Plant", replacing two 56MW Gas Turbine and one 34 MW steam turbine generation plants (the subproject) (Refer to Maps – Figures 1 and 2). A separate Feasibility Study has been conducted for this, considering "Combined Cycle", "gas only" and "steam only" generation systems. The Combined Cycle System proposed requires approximately 82,670 sq, which has been selected within the grounds of the existing Power Plant. The subproject cost is estimated to be at approximately \$225 million, of which \$200 million will be Islamic Development Bank financing. The Executing Agency (EA) is the Ashuganj Power Station Company Limited (APSCL), which is a subsidiary of the Bangladesh Power Development Board (BPDB). Within the sub-project area, on existing APSCL land, is located accommodation of the power plant staff and their families, which will need to be demolished to make way for the proposed power plant complex. APSCL management is to relocate affected workers and their families into suitable existing alternative accommodation located within the plant compound. A Due Diligence Report covers the potential impacts caused by demolishing the staff accommodation to make way for the proposed sub-project, on the existing APSCL site (Annex 1).

3. External to the Power Plant grounds, associated facilities to connect to the grid will include 1.2 km quadruple circuit 230kV Transmission Line that is expected to connect to the existing Ghorshal-Tangail Transmission Line is to be constructed. Although a line survey has not been conducted to determine angle points and alignment, it is estimated that up to 2 angle points (10x10 m area) and 2 standard (8x8 m area) towers will be required (allowing an average of 3 towers and one angle point per km and including a replacement angle point where the proposed line will join the existing transmission line point). Though this will not require land acquisition, affected households will be compensated for temporary damages to crops. The entitlement and compensation details are detailed in a separate Resettlement Plan. This Land

Acquisition and Resettlement Plan for the subproject is associated with the relevant land acquisition and compensation impacts associated with the construction of the 1.2 km transmission line.

B. Resettlement Plan Related Project Implementation Conditions

4. 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 households in the alignment zone of influence. The RP contains an estimate of affected households and affected persons, types of impacts, compensation procedures, implementation arrangements, monitoring, reporting and grievance redress procedures.

5. The RP also refers to the relocation of households from within the grounds of the Power plant (Annex 1). These households are workers of the Plant, for which APSCL has taken the responsibility to ensure relocation and supply of adequate alternative accommodation and conditions of the same or better standard than pre-project situation. As previously mentioned, details of relocation programme by the APSCL and how the EA will monitor and evaluate this has been documented in the “Due Diligence Study” in Annex 1. The project has been designed so that there is minimal negative, but optimal positive, social impact.

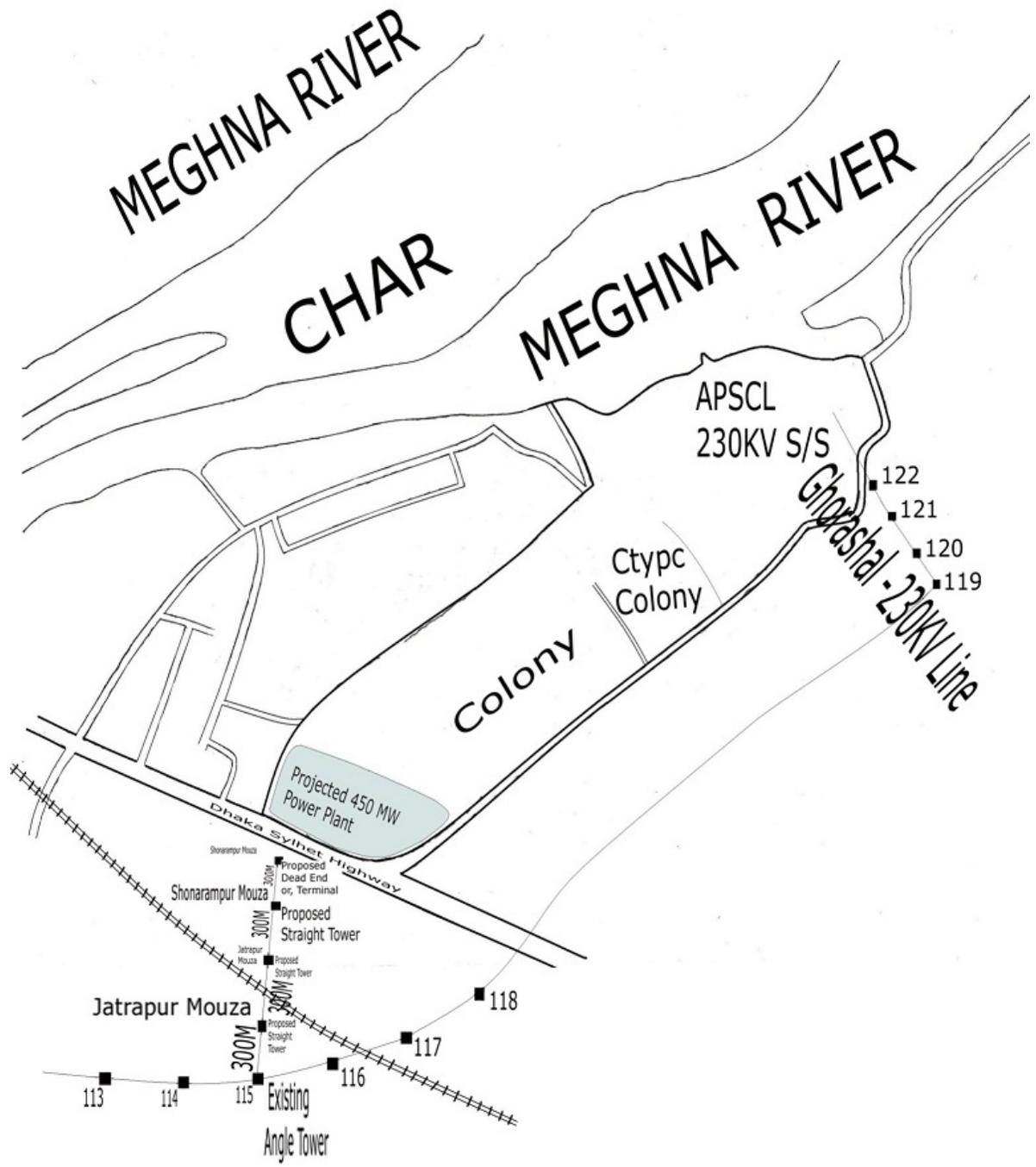
6. During the implementation of this Sub-project, the Project Management Unit (PMU) under the APSCL and BPDB, with support of international and national consultants, will be responsible for supervising and conducting all internal monitoring of all land acquisition and resettlement issues associated with the Project. They will also be responsible for updating this RP 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

7. 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 and/or power plant land was identified for sub-project use wherever possible.
- Where the Transmission Line crosses agricultural land, the shortest, feasible crossing distance was sought.
- Built-up areas and housing compounds are being avoided
- Where tower location allows, suitable tower location is to be sought from land users with larger plots of land, in order to minimise numbers of affected people and impact magnitude on any single affected family.

Figure 2 - Map of Ashuganj Power Plant with Proposed Project Intervention



D. Objectives for Land Acquisition and Resettlement Plan

8. 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 contractors³ 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.

9. 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.

³ It is important for the contractors responsible for detailed design and construction of this Transmission Line be given access to this RP in order to be informed on how best they can minimize Land Acquisition and Resettlement impacts on communities.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Detailed Measurement Surveys

10. A Detailed Measurement Survey⁴, a socio-economic study and consultations of the affected people were carried out. Data collection for this RP was collected on 20th February 2011. However, in October 2010 and on 10th and 20th of February 2011, site visits and consultations were also held with APSCCL and surrounding communities, including APs. This RP will require updating once the Transmission Line detailed design is completed during implementation period. During that update, the final day of census and socioeconomic survey will be the “cut-off” date for entitlement.

B. General Description of Impacts

11. Lattice towers will generally be used, given that this is a rural and that technical engineering requirements will need tower placements in support of the required quadruple circuit lines to evacuate power from the power plant. The Subproject will require approximately 4 Towers (allowing for 3 to 4 towers per km, inclusive of angle points) - two angle points and two standard towers including one angle point tower to replace the tower of existing Transmission Line to which the 1.2 km length of the interconnection line will connect.

12. The footprint of a tower is estimated to be 100 square metres for angle points and 64 square metres for standard towers. In addition to the footprint area, an area of 50 square metres each has been estimated for workspace access and stringing activity. In the area, which is agricultural, the total area for crop compensation is 114 sq metres for an ordinary tower and 150 sq metres for an angle tower. Since the area under the tower is cultivable after construction, and that the land ownership is owned by the Railway of Bangladesh, only compensation for crop will be provided. The areas of impacts of towers are provided in Table 1.

Table 1: Land Areas Impacted by Towers

Towers and area of land per tower (square meter)		Area of land for construction space (sq metre)	Total (sq metre)
Tower-1 (angle)	No impact		
Tower-2 (standard)	64	50	114
Tower-3 (standard)	64	50	114
Tower-4 (angle)	100	50	150

C. Permanent and Temporary Land Impacts

13. The total length of the line, passing through Government owned land is approximately 1.2 km, which is mostly farmland. There is no permanent land acquisition, as this is Government Land. Temporary land acquisition including work space is approximately 378 sq metres, including work spaces for construction.

14. All attempts have been made to reduce impacts along the alignment. Relocation and impact on existing structures ascribing to the project is avoided, given the lines will mostly run through rural areas. The proposed Transmission Line interconnection will impact 3 land plots

⁴ The DMS conducted is based on current knowledge of the Transmission Line design. Exact tower placements will be prepared in a detailed design by contractors, based on which a further DMS will be necessary.

measuring of approximately 378 sq metres in 2 “Mouza”⁵ areas including temporary use for construction/installation of towers. Although three families are identified as crop losers, there will be no other impact of this proposed transmission line (Table 2). Resettlement and impacts on existing structures are not envisaged in this Sub-project.

Table 2: Breakdown of Transmission Line Alignment

SN	Mouza	Plot No.	Towers No		Area affected (square meter)
			Standard	Angle	
A	Inside APSCCL plant	APSCCL		1	No impact
B	Sonaram pur mouza	2	2		Crop impact of 228
C	Jatra pur mouza	1		1	Crop impact (100+50=150)

D. Impacts on Crop

15. Crop impacts are assumed for 3 towers, or those towers which will be located outside of the APSCCL property. The areas subject to crop compensation will be 378 square metres. This includes (i) a tower footprint of 64 square metres (100 for angle point); (ii) workspace and access of 25 square metres; and (iii) space for stringing cables of 25 square metres.

16. The land, through which the transmission line traverses passes, produces two crops per annum. The major crops seasons are summer and winter (i.e. March-June and November-February, respectively). During summer season paddy is main crop and wheat, oilseeds, and vegetables are winter crops (Table 3, and 4 – Crop Impacts). According to the Sub-project Feasibility Study implementation schedule, the transmission line construction period most likely will occur within the period of January to June, although the construction time is unlikely to take the full 6-months period. Based on this timing, it is likely that both annual crops will be lost. Nevertheless, all measures should be taken to design the final alignment and construct tower placements to avoid productive land as much as possible and to coordinate timing to minimise impact on cropping and harvest periods, such as implementation contractors consulting with communities in order to minimise impacts to a maximum of zero to one season cropping only.

Table 3: Estimated crops loss for summer season

Tower No	Affected area (square meter)	Summer crop	Production per square meter	Total Production	Price per kg (Tk)	Total price(Taka)
Tower-2 Standard	64+50=114	Paddy	.83kg	114x.83=95kg	25	2375
Tower-3 Standard	64+50=114	Paddy	.83kg	114x.83=95kg	25	2375
Tower-4 Angle point	100+50=150	Paddy	.83kg	150x.83=125kg	25	3125
Total	378 m2			315kg		7875

Note: Major and common crop has been considered for protecting adequate compensation

⁵ A Mouza is defined as a village.

Table 4: Estimated crops loss for winter season

Tower No	Affected area (square meter)	Winter crop	Production per square meter	Total Production	Price per kg (Tk)	Total price(Taka)
Tower-2 Standard	64+50=114	Oil seeds	0.14kg	114x0.14=16kg	54	864
Tower-3 Standard	64+50=114	Oil seeds		114x0.14=16kg	54	864
Tower-4 Angle point	100+50=150	Oilseeds		150x0.14 =21kg	54	1134
Total	378 m2			53kg		2862

Among the winter crops, oilseeds are major and profitable crops so that oilseeds have considered.

E. Other impacts

17. Other impacts, such as permanent land acquisition, given this is Government Railway land, impacts on other properties or removal of trees and structures are not expected. However, detailed design may necessitate reviewing this during the final Resettlement Plan updating and implementation to be conducted during Project Implementation.

F. Project Affected Persons

18. Overall, based on the site observations, consultations and preliminary detailed measurement survey assessments of the alignment, a total of three (3) families, or 22 people, will be affected by the 3 towers of this proposed transmission line. These households are engaged in agricultural activities on Government owned land and will only be impacted by crop damage.

19. A socio-demographic profile of the APs is provided in table 5.

Table 5: Socio-demographic information of the affected families

Socio-demographic information	Families			Average
	Family-1	Family-2	Family-3	
Total member	8	11	7	8.66
Male	5	6	3	4.66
Female	3	5	4	4
House head	Male	Male	Male	Male
Literacy of male	50%	60%	40%	50%
Agriculture land sq m	6070.2	7284.24	8093.6	7149
% land affected	1.88%	1.57%	1.85%	1.77%
Home stead	0.32 acre	0.40 acre	0.50 acre	0.41
Occupation	Farmer	Farmer	Farmer	Farmer
Quality of house	Medium	Medium	Medium	Medium

20. No affected families will be losing more than 10% of their land area or cropping area, with the largest landuse /cropping area to be affected will be with the AP farming the largest land holding of the three (Table 5). Except for the abovementioned crops, there is no other impact for this transmission and its 3 towers expected. Since the transmission line alignment will only be confirmed during the detailed design period, baseline information and impacts will need to be updated with 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 2. A list of persons needs to be recorded during the DMS/AP census period to be reported in format of Annex 3. The format of inventory of losses is presented in Annex 4.

21. The power plant is expected to utilise the same amount of fuel as the existing equipment to be replaced, at the same time generating more than 300 MW of power. This will lead to more power evacuated to the grid, and reducing chronic load shedding. The APSCL actively provides social services to surrounding communities, which will continue, with net benefits being increased as a result of the proposed project. This includes direct power connection from the Power Plant to neighbouring communities, providing available placement in its school (up to school certificate level) for neighbouring children and access to the hospital/medical clinic available on-site near the school. The key benefits of the new 450MW plant on the local community, including the areas affected under this RP, will include: increased access to electricity through a direct exclusive power line, benefitting the rice husking and marketing capacity of primarily women and poor labour units working in that business; and water output of irrigation quality from the proposed 450 MW Power Plant cooling towers, which will be evacuated through an irrigation channel network, (through neighbouring communities) enabling over 14,000 ha of land to be irrigated. This result is a socio-economic benefit to the local villagers working the land and earning income of the yields.

III. SOCIO-ECONOMIC CHARACTERISTICS OF AFFECTED AREA

A. Socioeconomic Profile of Households in Project Affected Area

22. A rapid household survey and AP consultations were conducted in the vicinity of the proposed locations for installation of towers for establishing the 1.2km transmission line for APSCCL. The affected households along the transmission line alignment are located in 2 Mouzas or villages. However, at the same time the whole transmission line, outside of the APSCCL property traverses 2 “Unions”⁶.

B. Household demographic information

23. Details of household structure in the affected areas are given in Table 6 below. The average size of a household is 7-8 persons, which is higher than the national average of 4.9 persons, with an average of 25% being married. The Gender ratio of the affected area population averages at 1.05 males per female. Demographic information of the 3 affected households has been provided in the Section II (F) above.

Table 6: Union-wise socio- demographic information

Socio-demographic indicators	Ashuganj	Aria Shida	Average
Average house hold size	7	8	7.5
Percentage of male	53	50	51.15
Percentage of female	47	50	48.5
Average age	59	58	58.5
% of married	30	24	25
% of widow	2	3	2
% male house hold head	85	90	87.5
% female house hold head	15	10	12.5

C. Literacy and Education

24. Details of education and literacy levels of the affected areas are given below (Table 7 and 8). It should be noted that still and average of 28.5% of females and 22.5 males cannot read or write. This is something that must be taken into account during consultation and disclosure of the subproject information such as this RP and environmental documents, ensuring that the literate and less literate can understand the impacts of the subproject developments

25. There are still 20-30% of children not attending school. According to the 2005 Household Income and Expenditure survey information, often in Bangladesh this is due to affordability or children requiring assisting with household chores around the home. It was noted, however, that mothers who are income earners in the area, particularly husking and polishing rice, are able to look after their children in the compounds while they work.

⁶ Union is the term given to a Government administrative unit closest level to a community. A collection of “Unions” make up the Upazila, or district level.

Table 7: Union-wise literacy levels

Union	Ashuganj	Aria Shida	Average
Male	80	75	77.5
Female	75	68	71.5
Average	77.5	71.5	74.5

Table 8: Union-wise % of children attending school

Union	Ashuganj	Aria Shida	Average
Male	80	75	77.5
Female	75	68	71.5
Average	77.5	71.5	74.5

D. Sources of household income

26. Table 9 shows that the major income for households in the affected areas is sourced through skilled and unskilled labour (40%) and agriculture (22%). The major occupations of households are wage earning, business and others, although agriculture is major source of revenue of this province. However, the rate of remittances is also noticeable in the area at 10%.

Table 9: Union-wise sources of house hold income

Source of income	Ashuganj	Aria Shida	Average
Agriculture	20	25	22.5
Labor (skilled & unskilled)	40	40	40
Business	15	12	13.5
Services	10	8	9
Remittances	10	8	9
Other	5	7	6

27. Annual income and expenditure data was collected to assess the poverty level of the households located in the vicinity of the selected alignment for transmission line. The data indicates an average consumption expenditure of 95.46%, but ranging 92.9% to 98.4% (Table 10). This is very close to the Dhaka division and national averages, as recorded by the 2005 Household Income and Expenditure Survey, of 96.8% and 97.23% respectively.

Table 10: average households income & expenditure (Taka)

Income	Ashuganj	Aria Shida	Average
Average income	350000	310000	330000
Average expenditure	325000	305000	315000
Average savings	25000	5000	15000

E. Land holding and quality of living

28. Most of the land holdings of the households in the 2 project influenced unions are Agricultural followed by residential and commercial (Table 11). There is no forest land in the project area.

29. The survey covered housing structures identified into three major categories to assess socioeconomic condition and estimation of possible resettlement impact if affected by the project. Table 12 shows that the maximum of houses are of medium quality in both unions

Table 11: Type of land holding of the house holds

Type of land	Ashuganj	Aria Shida	Average
% of Agriculture land	60	65	62.5
% of forest land	00	00	00
% of residential/commercial land	20	20	20
Pond/or lake	15	12	13.5
Other	5	3	4
Total	100	100	100

Table 12: Quality of living houses

House types	Ashuganj	Aria Shida	Average
Good quality	20	15	17.5
Medium quality	60	60	60
Poor quality	20	25	22.5
Total	100	100	100

F. Awareness of HIV/AIDS and Human Trafficking in the Project area

30. Although for this subproject, the use of locally sourced unskilled and semi-skilled labour is to be encouraged, in the case that labourers are brought into the area for construction of the 450MW Power Plant and the associated substation and transmission interconnection, the potential of HIV/AIDS is to be considered. The survey collected information on awareness level of the local population on HIV/AIDS in the vicinity of the selected alignment for transmission line. Although there is no incidence of HIV/AIDS recorded in project influenced area, 100% people is aware about HIV/AIDS, but only 60% are aware of how infection occurs (Table 13). In the case that workers are brought into the area to implement the Subproject, the contractor and APSCL, should offer an HIV awareness programme to workers and community alike, as appropriate.

Table 13: Awareness level of the people about HIV/AIDS

Awareness	Ashuganj	Aria Shida	Average
% aware of HIV/AIDS	100	100	100
% knowledge about infection	60	60	60

G. Constraints on development

31. The survey collected people's opinion on factors and their influence in hampering local development (Table 14). Although there is experience of natural calamity, unemployment and gender disparity are the major factors which affect the local development.

Table14: influence of following constraints in local development

Constraints	Ashuganj	Affected area
Natural Calamity	20	20
Unemployment	35	35
Social Problem	20	20
Gender Issues	25	25
Total	100	100

H. Project Awareness and Benefits

32. The survey examined the level awareness about the proposed project implementation amongst the population surrounding the project area (Table 15). Approximately 60% of those consulted had some level of knowledge about the proposed 450 MW Power Plant and transmission interconnection. As a part of updating this RP the APSCCL will continue to consult with the community on project developments.

Table 15: awareness level of local level on the implementation project

Awareness	Ashuganj	Aria Shida	Average
% of quite aware	20	15	17.5
% of somewhat aware	45	40	42.5
% of not aware	35	45	40
Total	100	100	100

33. The socioeconomic survey covered gathering people's opinions on the possible contribution of this project in local and national development by creating opportunity of access to market, agricultural development, industrial development, higher education and income & employment (Table 16).

Table 16: Contribution of the project

Type of contribution	Ashuganj	Aria Shida	Average
Access to market	100	60	90
Agriculture development	60	70	80
Industrial development	80	70	60
Access to higher education	20	50	10
Income & employment	100	80	90

IV. LEGAL AND POLICY FRAMEWORK AND COMPENSATION POLICY

A. Policy and Legal Framework for Land Acquisition and Resettlement

34. 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

35. 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 prelim 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 Bighas⁷ 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 within 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 immovable 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.

⁷ Bighas 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.

36. The first step is 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 settle matters relating to payment 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

37. 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 AFs (affected family)/APs 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 AFs/APs 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 AFs/APs 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

38. A comparison of the above Laws of Bangladesh and ADB policies are summarised in Table 17. Any difference between the Bangladesh Law and ADB policy will be resolved in favour of the latter.

Table 17: 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 cut-off date is the date of publication of notice that land is subject to acquisition, and that any alteration or improvement thereon will not be considered for compensation.	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.	<p>The ARIPO does not directly meet ADB's IR Policy requirements as per the SPS-2209.</p> <p>This section of the Ordinance establishes an indirect form of public consultation. However it does not provide for public meetings and project disclosure, so stakeholders are not informed about the purpose of land acquisition, its proposed use, or compensation, entitlements, or special assistance measures.</p> <p>The RP provides a clear consultation and disclosure policy, ensuring that all stakeholders are fully informed and consulted</p>
5	Establish grievance redress mechanism	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 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.
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.	<p>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.</p> <p>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).</p>

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's SPS-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

E. Principles and Policies for the Project

39. 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 un preparing and subsequent implementation of Land Acquisition and Resettlement Plans, the following project principles and policies have, and will continue to, apply:

- (i) PBDB with guarantee the implementation of the compensation and rehabilitation framework detailed in this Framework and individual resettlement plans.
- (ii) APs impacts must be avoided or minimized as much as possible.
- (iii) 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.
- (iv) 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.
- (v) District Commissioner will facilitate changing of land-use/land title certifications of AF's without fee charges.

- (vi) 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.
- (vii) 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.
- (viii) Furthermore, review and updates of an RP will be conducted in the case that a sub-project 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.
- (ix) The eligibility cut-off date will be the last day of the census (completion of records of losses) stage of the RP preparation.
- (x) Before taking possession of the acquired lands and structures and commencing construction, compensation will be paid in accordance with the provisions described in this Plan
- (xi) No land or structures will be taken unless the legitimate user is compensated or rehabilitated as per the Resettlement Plan.
- (xii) Every effort will be made to minimise the time lag between notice of acquisition and payment for entitlement of compensation
- (xiii) 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 sate will not be entitles to any assistance.
- (xiv) Lack of formal legal title is not a bar to compensation or rehabilitation.
- (xv) Particular attention shall be made in all activities related to resettlement planning, implementation, and monitoring to ensure the involvement of women and other vulnerable groups.
- (xvi) Two representatives of project families, one of whom should be representative of village women or vulnerable groups will be invited to join the committee to be set up to provide local support for AFs.
- (xvii) Local consultative groups will be established at District level to support AFs/APs and resolve any conflicts which may arise during the compensation process. These groups will have access to an disseminate information about a set of procedures for lodging complaints and grievance resolution
- (xviii) If possible, one member from each AF will be given priority where local labour is required for construction works. Where training is a necessary prerequisite to this work, suitable training shall be provided prior to construction works.
- (xix) Compensation measures will equally apply across gender lines and vulnerable groups if any identified

- (xx) AP consultation will continue during the implementation of the RPs
- (xxi) The full compensation of affected assets will be a condition for initiation of civil works
- (xxii) All AFs/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

F. Compensation and Rehabilitation Eligibility

- 40. APs entitled to compensation or at least rehabilitation provision under the project are:
 - All APs losing land with or without title, formal land use rights or traditional land use rights.
 - Tenants whether registered or not.

41. 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. Anyone who will settle in the affected area after the cut-off date and who cannot prove that they are displaced users of the affected ploys, will not be eligible for compensation. Forced resumption of the land area for construction will only be considered after all other efforts are exhausted.

G. Compensation/Rehabilitation Entitlements

42. Entitlement provisions for APs will refer only to temporary losses, as a result of construction of the new transmission towers, including the areas under the towers and an additional area to cover damages for workspace and stringing. This is detailed below:

- **Land temporarily occupied and crop impacts on the tower location:** An area of 64 square metres for standard towers and 100 square metres for an Angle point tower. For each tower it has been calculated that land underneath the incumbent tower structure will be useable after its construction. A one-time lump-sum crop compensation for the annual crop (2 seasons), at current market value, will be paid to the affected household. The contractor will be required to “make-good” the agricultural productive land area after completing construction to the same or better level than pre-project standard⁸. Crop compensation will be paid by default regardless of whether the land user is able to harvest and/ or plant either of the 2 seasons of crops.
- **Land temporarily occupied and crop impacts for workspace area:** An area of 50 square metres of crop area for each tower will additionally compensated to cover damages caused for workspace and stringing of cables. A one-time lump-sum crop compensation for the annual crop (2 seasons), at current market value, will be paid to the affected household. The contractor will be required to “make-good” the agricultural productive land area after completing construction to the same or better level than pre-project standard⁹. Crop compensation will be paid by default regardless of whether the land user is able to harvest and/ or plant either of the 2 seasons of crops.

H. Project Entitlement Matrix

43. The entitlement matrix below provides provisions 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.

⁸ The 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 thorough commercial means.

⁹ The 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 thorough commercial means.

Table 18: Entitlement Matrix

Asset	Specification	Affected People	Compensation Entitlements
Crops	Crops Affected where towers will be constructed	All APs including holders of land use certificate, customary rights holders, tenants, and squatters. (AF = 3; APs=26)	<p>Crop compensation in cash at full market value for 1 annual Harvest (or 2 seasons) by default for impacts caused by use of area for constructing towers placements plus crop compensation for crop damages occurring during construction.</p> <p>Tenants, use rights holders will share compensation based on their individual contract.</p>
Crops	Crops damage for work space and stringing	All APs including holders of land use certificate, customary rights holders, tenants, and squatters. (AF = 3; APs=26)	<p>Crop compensation in cash at full market value for 1 annual Harvest (or 2 seasons) by default for impacts caused by use of additional area foreseen to be damaged due to making space for construction works and stringing cables .</p> <p>Tenants, use rights holders will share compensation based on their contract.</p>

V. INFORMATION, CONSULTATION AND DISCLOSURE REQUIREMENTS

A. Consultation

44. This LARP has been prepared in close consultation with the affected communities and where possible, the affected households who have been informed about the Project and the likely impacts. Discussions occurred at individual level, informal and informal meetings with the representatives of local government, government concerned department and agencies at various levels. The consultations occurring included the following.

- Meeting held Ashuganj Power Station Company Ltd on 22 September 2010;
- Meeting held Ashuganj Power Station Company Ltd on 10 February 2011;
- Meeting held with affected staff on 20 February 2011 at APSCL plant office;
- Meeting held representatives of employees association on 2011 February 2011;
- Meeting held with ward commissioner and community people on 20 February 2011; and
- Consultations with affected land owners at individual levels.

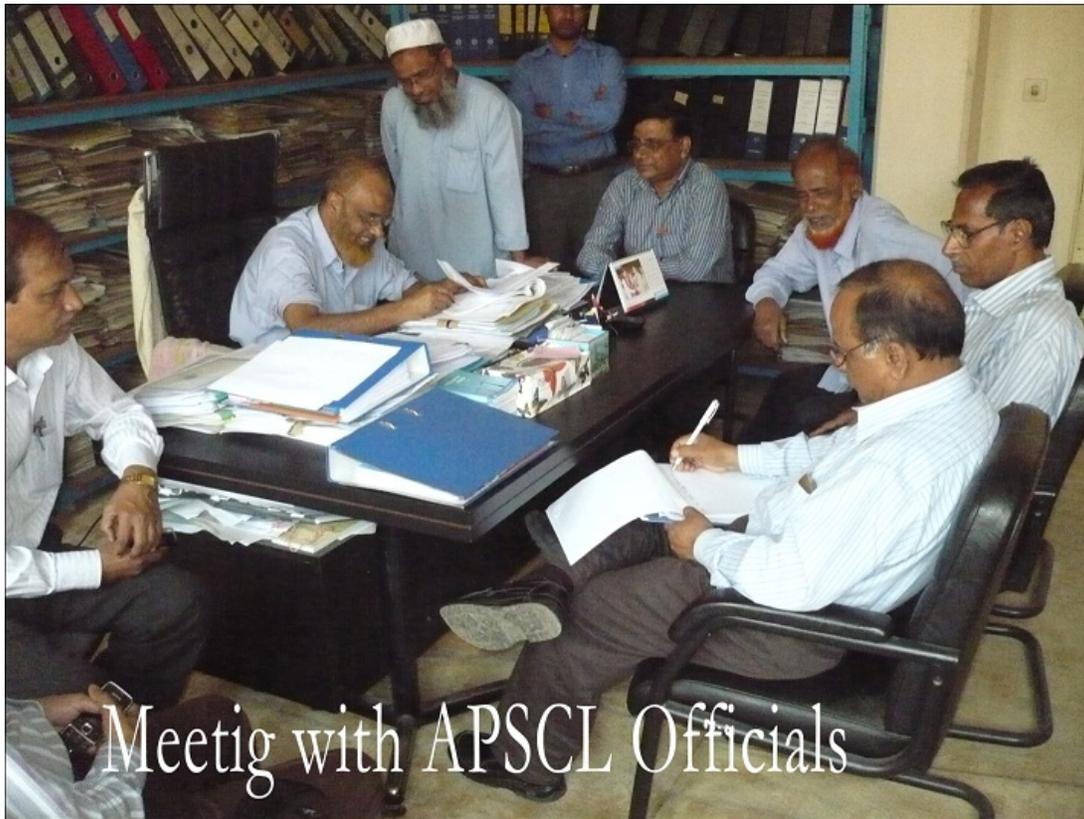
45. Community consultation included stakeholders from private and public entities as well as community people of different professions whom expressed their interest for implementation of the proposed project. The local communities had a clear idea about how this project contributes in the socio-economic development of the country through creating income and employment generation scope. Although the local people were not so much aware about the proposed project, discussions at different levels during field visit and surveys provided maximum awareness to the affected people, especially the 3 affected households members and other stakeholders about the Project and its impacts

46. A part of the site visit included the consultation and due diligence assessment related to APSCL relocation of its staff from the buildings which will be demolished on the site of the 450 MW Power Plant site. A discussion session held with the affected staff on 20 February 2011 at APSCL plant office to discuss their views and aspirations about their relocation and other related social and infrastructure facility (Refer to Appendix 1 – Due Diligence Report). The affected staff and their family members expressed their interested to be relocated to the proposed residential buildings as they thought that all of them are better quality with similar utility services and social link which would be helpful for improving their status as well. A joint meeting with affected staffs, representatives of employees association and concerned officials on 20 February 2011 at APSCL plant office also occurred. The issues discussed are relocation of affected staff families, current facilities and possible facilities in proposed residential buildings, other infrastructure facility and utility services. The officials expressed their view that the proposed buildings will be renovated and provided with all utility services at the cost of APSCL, and they also expressed their view that the company will support relocation cost whatever may be.

47. The review of this RP during the detailed design and the update of impacts and AP surveys will be carried out along with a new round of AP information/consultation to ensure full stakeholder participation in project preparation. This task will be carried out by a specialist engaged for updating the Resettlement Safeguards on the wider “Power Systems Efficiency

Improvement Project”¹⁰, with the APSCCL management and the District authorities, who are in charge of the land acquisition and compensation process under the law of Bangladesh.

¹⁰ Currently there is another Subproject in Hatiya that has IR impacts, for which the RP would need updating. It is suggested the same Specialist be engaged for all IR safeguards / RP updating works.



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 for relocation of staff to alternative accommodation within the compound of the Power Plant and that of the transmission Line impacts, only internal monitoring has been recommended. However, a terms of reference has been supplied in Annex 2, in the case that this is deemed necessary.

B. Disclosure

48. Disclosure of the Resettlement plan will be carried out upon the approval of this RP by ADB and APSCL. It will be translated and disclosed to all AFs through posting of the English and Benglai versions on the ADB website and publication of the Dari version in the APSCL offices. An information leaflet in Bangali shall also be produced. For the illiterate, the APSCL may require community consultation meetings in order to explain the activities and rights related to RP and its implementation. For the final updated RP at detailed design phase the RP information booklet will include information such as measurement of losses, detailed asset valuations, entitlements and special provisions, grievance procedures, timing of payments and displacement schedule will be made available in the local language (Bengali) and distributed to APs. This disclosure will be a condition to proceed to LARP implementation.

VI. INSTITUTIONAL FRAMEWORK

A. Institutional Arrangements

49. The APSCCL will be the executing agency responsible for overall guidance and project implementation. A PIU headed by a Project Director, representative appointed through APSCCL will implement the project 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 and/or 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.

50. As this subproject 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

51. The resettlement safeguards specialist will be recruited (Annex 2 provides a generic terms of reference) to:

- i) Prepare an evaluation and compliance report to APSCCL and ADB confirming that the relocation of staffs to alternative accommodation inside the Power plant grounds has been adequately carried out, and in compliance with the Due Diligence Report” submitted (Appendix 1).
- ii) Update the resettlement plan, based on the detailed design of the transmission line external to the power plant, and prior to transmission line construction commencement.
- iii) Coordinate with District Commissioner office regarding land ownerships and titles
- iv) Assist the PIU management in RP implementation and preparing an internal monitoring report to be submitted to ADB confirming compliance with the RP

52. 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 APSCCL/PIU on the compensation agreement. The Resettlement Specialist will prepare a pro-forma document to be used for the settlement of obligation in land acquisition and compensation.

53. 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 APSCCL 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. Resettlement Database

54. All information concerning resettlement issues related to land acquisition, socioeconomic information of the acquired land and affected structures, inventory of losses by individual APs, compensation and entitlements, payments and relocation will be computerized by the PIU. This database will form the basis of information for implementation, monitoring and reporting purposes and facilitate efficient management and monitoring of compensation distribution. The head of household of each affected household will be required to mark with finger print (at minimum) the inventory of losses form prepared and a Payments ID form at time of compensation distribution. The payments ID form will contain particulars of the census of losses and the agreed compensation amount to be provided to the particular household.

D. Post-Resettlement Plan Implementation

55. 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. Given the small number of APs to be compensated on this subproject, only Internal Monitoring is recommended. Internal monitoring reports will be submitted to ADB and with the final internal monitoring report submission; the ADB will issue to the APSCCL a NOC, which will then signify for the contractor to commence civil works in the affected area. The details of Monitoring and Evaluation are discussed in Section VII of this report. ADB will also conduct a mid-term evaluation to ensure that there are no adverse involuntary resettlement effects.

VII. GRIEVANCE REDRESS

56. Great care will be taken to prevent grievances. This can be done through careful land acquisition and resettlement plan design and implementation, by ensuring full AP participation and consultation, and by establishing extensive communication and coordination between the community, the PMU and APSCL and local governments in general. APs will be fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, and time of compensation.

57. A grievance redress mechanism (GRM) will be established soon after project commencement. 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 APSCL, 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.

58. 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.

59. The functions of the local GRC are as 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. RESETTLEMENT BUDGET

60. The total compensation rate has been calculated for the value of summer and of winter crops that will be lost as a result of construction of tower and loss of area for work space. Table 19 shows estimated summer crop losses and price, Table 20 shows the same for winter crop with a summary Annual loss calculated in Table 21. Budget has been calculated, based on the losses caused on the highest value crop for each season, namely paddy for summer and oil seed for winter.

Table 21: Annual loss of impacted crops

Tower No	Value of Summer crop (in Tk)	Value of winter crop(in Tk)	Total Value (in Tk)
Tower-2 Standard	2375	864	3239
Tower-3 Standard	2375	864	3239
Tower-4 Angle point	3125	1134	4259
Total (Taka)			10737

Among the winter crops, oilseeds are major and profitable crops so that oilseeds have been considered.

61. The EA will bear all the costs of the compensation/rehabilitation program for the impacts caused by the Project. This includes crop and 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.

62. The following Resettlement Cost Estimate based on March 2011 crop compensation costs plus estimates of costs for other resettlement activities:

Table 22: Summary Costs Budget

SN	Item	Unit	Rate	Quantity	Amount (TK)
A	Compensation				
	Crop	One-off rate – winter/summer crop loss			10,737
	<i>Subtotal A</i>				<i>10,737</i>
B	Administration				
	Resettlement support	Person Month	100,000	2	200,000
	Administration	Lump sum		1	10,000
	<i>Subtotal B</i>				<i>210,000</i>
	Total A+B				220,737
	Contingency (10%)				22073.70
	Grand Total (Taka)				242,810.70
	Grand Total (USD)				3392.60

IX. IMPLEMENTATION SCHEDULE

63. The orderly undertaking of the resettlement activities, as laid out in this Resettlement plan, is essential in order to prevent undue delays to construction schedule.

TASKS	Months								
	1	2	3	4	5	6	8	9	
A. Finalization of detailed design	—								
B. Final LARP Preparation									
Detailed surveys		—							
Resettlement Plan Updating			—						
ADB Review/approval			●						
Government approves RP			●						
Disclosure of approved RP			—						
C. RP implementation									
Allocation of funds	—	—	—						
Internal Monitoring				→					
Compensation delivery				—	—				
Preparation of compliance report				—	—	●			
Notice of Approval					●				
Commence Civil Works						→			

X. MONITORING AND EVALUATION AND REPORTING

64. 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 will prepare a report documenting both the land acquisition and compensation with the external transmission line and the relocation progress (and completion) related to the Power Plant staff accommodation on the subproject site within the grounds of the power plant (Annex 1).

A. Internal Monitoring

65. 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.

66. Monitoring will be carried out on a monthly basis and will be reported 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.

67. 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 – DUE DILIGENCE REPORT – ASHUGANJ 450 MW POWER PLANT SITE

ANNEX 2 – 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 Works

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 3 – LIST FORMAT FOR CONSULTATIONS

LIST FORMAT FOR CONSULTATIONS

Although Government of Bangladesh and ADB must approve the Resettlement Plans for Social Development and budgetary reasons, Resettlement Plans must be endorsed by relevant authorities. This is in addition to, and after the, consultation process. The Agencies who endorse a copy of the RP will do so by also signing and dating with official stamp. They must keep a copy for their own records. The original signed endorsements will be kept at the APSCL Management office and a copy on file at the PMU.

Name of Subproject :						
Type of Activity:						
Date	Name	Designation / Occupation	Organization/Community	Location	Approved (Tick)	Authorized Signature

ANNEX 4 – INVENTORY OF LOSSES FORMAT RECOMMENDATION

INVENTORY OF LOSSES FORMAT RECOMMENDATION

No. persons (HH)	Land				Trees and Crops				Structures (Fence, buildings etc.)					Assistances		US \$	Comments
	Category*	Area (sqm)	Unit rate	Sub-total	Categories (indicate unit)	Quantity	Unit rate	Sub-total	Items	Unit	Quantity	Unit rate	Sub-total	Type of Assistance	Amount USD		

(Source: Asian development Bank, 2004)

