

# Resettlement Framework

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May 2017

**BAN: South Asian Subregional Economic Cooperation  
Dhaka-Northwest Corridor Road Project – Phase 2**

Prepared by Bangladesh the Roads and Highway Department for the People's Republic of Bangladesh and the Asian Development Bank.

## **CURRENCY EQUIVALENTS**

(as of 12 May 2017)

Currency unit	–	Bangladesh Taka (BDT)
BDT1.00	=	\$.0123
\$1.00	=	BDT 81.300

## **ABBREVIATIONS AND ACRONYMS**

ADB	-	Asian Development Bank
CCL	-	cash compensation under law
DC	-	Deputy Commissioner
DMS	-	Detailed Measurement Survey
EA	-	executing agency
FGD	-	focus group discussion
GRM	-	Grievance Redress Mechanism
GOB	-	Government of Bangladesh
NTH	-	non-titled holders
NGO/INGO	-	Non-Governmental Organisation
PAVC	-	Property Assessment Valuation Committee
RF	-	Resettlement Framework
RP	-	Resettlement Plan
ROW	-	Right of Way
SPS	-	Safeguards Policy Statement

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## I. OBJECTIVE AND PROJECT DESCRIPTION

1. The Government of Bangladesh is expected to receive a loan from the Asian Development Bank (ADB) for the South Asia Subregional Economic Cooperation Dhaka-Northwest Corridor Road Project –Phase 2 (SASEC Road Project II) Multi-Tranche Financing Facility (MFF) time-slice approach. The key activities financed by this loan are the following:

- The expansion of the Hatikumrul- Rangpur Highway (156.43 km)
- The expansion of the Elenga-Hatikumrul Highway (30.300 km)
- The Hamtikamrul Interchange
- The USD 150 million cost overrun and new safety and design features related to the upgrading of the Phase 1: SASEC Road Connectivity Project (i.e. the Joydebpur-Chandra-Tangail-Elenga section of 110 km approved by ADB in 2012 and currently ongoing).<sup>1</sup>

2. The project will require the acquisition of a total of 198.94 ha of private land. It is expected to affect 17,200 households (around 53,000 persons), among whom 6,780 (40%) will be physically displaced. Most affected households (70%) are non-titled-holders and 16% are vulnerable.<sup>2</sup> The project will also affect 390 community structures. Given the significant resettlement impacts described above, Tranche 1 is expected to be categorized as A for Involuntary Resettlement. The same categorization is expected for the subsequent tranches given that this is a time-sliced approach MFF and all activities have been appraised up front.

3. Three resettlement plans and a resettlement framework were prepared for the MFF. All resettlement documents are disclosed on ADB website. <sup>3</sup> The entitlement matrix shared by all resettlement plans reflects the lessons learned from the implementation of the SASEC Road Connectivity Project for which the resettlement process is ongoing. It includes measures to ensure compensations at replacement cost, shifting and reconstruction assistance, special measures for vulnerable households and assistance in identifying alternative plots of land to buy or rent. In addition, it includes a livelihood improvement program. Below are the details of the three resettlement plans related to the MFF:

- (i) The Resettlement Plan for the Hamtikamrul to Rangpur Road Improvement into Four Lanes
- (ii) The Resettlement Plan for the Elenga to Hamtikamrul Road Improvement into Four Lanes
- (iii) The Resettlement Plan for the Hamtikamrul Interchange

4. RHD will implement the land acquisition and resettlement (LAR) activities with the support of an implementation NGO (INGO). As of April 2017, the INGO selection process was completed and the organization was expected to mobilize its staff in May 2017. The cost of LAR activities is estimated at USD 256.56 million and USD 1.1 million for the INGO costs. The budget, which will be entirely financed by the Government of Bangladesh, has already been approved through a DPP in 2016.

5. The additional financing of SASEC Road Project I will not lead to additional resettlement impacts, as its purpose is to bridge the financing gap and does not involve additional civil works

<sup>1</sup> <http://www.adb.org/projects/40540-014/main#project-pds>

<sup>2</sup> Over half of the vulnerable households are male-headed households living under the poverty line.

<sup>3</sup> <https://www.adb.org/sites/default/files/project-documents/40540/40540-014-rp-en.pdf>

or scope change. The implementation of the resettlement plan of SASEC I (Joydebpur-Chandra-Tangail-Hatikamrul Road) is progressing in compliance with ADB's Safeguards Policy Statement (2009). Social Monitoring Reports highlighting the progress of the RP implementation have been disclosed on ADB website,<sup>4</sup> as well as the social due diligence report, which shows the RP's implementation compliance with ADB safeguards requirements.<sup>5</sup>

6. This resettlement framework (RF) was prepared to comply with ADB's procedural requirements for Multi-Tranche Financing Facility (MFF), which will be the financing modality of SASEC Road Project II. The RF will guide the preparation of any unforeseen activities during implementation that would lead to additional resettlement impacts (i.e. change in alignment, additional/new location of access roads, etc...), as well as any update of the resettlement plans.

## II. LEGAL FRAMEWORK, ENTITLEMENT MATRIX AND PROCEDURES

### A. Legal Framework

7. The RF was prepared based on the two legal and policy frameworks that apply for the project:

- (i) The government of Bangladesh's Acquisition and Requisition of Immovable Property Ordinance 1982 (ARIPO) and its subsequent amendments in 1993 and 1994. ARIPO regulates any public land acquisition process in the country.<sup>6</sup>
- (ii) ADB's Safeguards Policy Statement (SPS), 2009, which applies to all ADB-financed and/or administered projects, regardless of the country of where the project is located or financing modality (i.e. loan, a grant, or other means).<sup>7</sup>

8. The RP has been prepared according to the following SPS policy principles:

(i)	Determination of scope of IR through SIA
(ii)	Consultation & participation, grievance mechanism set up
(iii)	Improve or at least restore livelihoods
(iv)	Provide transitional and relocation assistance
(v)	Improve standards of living of vulnerable and poor affected persons
(vi)	Ensure Transparent Procedures for negotiated settlement
(vii)	Eligibility of non-titled affected persons for resettlement assistance and compensation for loss of non-land assets
(viii)	Careful planning of the resettlement process through the development of a resettlement plan
(ix)	Transparency: local and international disclosure of resettlement documentation
(x)	Conceive of the RP as a development program (pro-poor)
(xi)	Pay compensation and resettlement assistance prior to physical/economic displacement
(xii)	Monitoring and evaluation of the RP's impacts

<sup>4</sup> Provide link

<sup>5</sup> Provide link

<sup>6</sup> <http://www.minland.gov.bd/>

<sup>7</sup> <http://www.adb.org/sites/default/files/institutional-document/32056/safeguard-policy-statement-june2009.pdf>

9. There are discrepancies between the two applicable legal frameworks mentioned above. Unlike the requirements of ADB's SPS, the government's ARIPO regulations do not cover project-affected persons without titles or ownership record, such as informal settler/squatters, tenants and leaseholders. ARIPO only covers the legal compensation for land, structures, crops and trees, and has no provision for loss of income, livelihood restoration and transfer, reconstruction and vulnerability assistance measures. Further, in most of the cases, the compensation paid does not constitute replacement cost of the property acquired, but is based on predetermined rates defined by the government. A detailed comparative analysis between ARIPO's regulations and ADB's SPS requirements can be found in **Appendix 3**. A summary can be found in the Table 1 below.

10. The RF and resettlement plans prepared for this project represent a single, uniform set of documents agreed by the Government of Bangladesh and ADB to ensure compliance with respective rules and policies. The entitlement matrix, which is found in the RF and both resettlement plans (see Table 3), is the key instrument providing gap-bridging measures. Should additional discrepancies between the policies of ADB and the government that are currently unforeseen arise during project implementation, the ADB SPS policy will prevail.

**Table 1: Summary of Gaps and Additional Gap-filling Measures**

<b>Issue</b>	<b>GoB</b>	<b>ADB</b>	<b>Gap-filling Measures in this RP</b>
Timing of compensation	Land is handed over to requiring body once payment of awards has initiated	Prior to land acquisition and displacement	No physical or economic displacement will occur until compensation at full replacement cost or resettlement benefits have been paid.
Valuation of land	ARIPO determines the land price as average value during the twelve months preceding the date of publication of the notice under section no.3. During payment, Tax is deducted from the total land value. Then 50% premium is added.	ADB SPS policy calls for replacement cost of land	Provisions have been adopted for additional top up payments to ensure replacement costs
Valuation of structures	The 1982 Ordinance determine the Structure price by deducting construction profit, overhead charge, Value Added Tax and Depreciation. Then 50% premium is added.	ADB SPS policy calls for replacement cost of assets. Depreciation should not be taken into account during calculation.	
Eligibility criteria	Non-titled holders are not eligible for compensation	Non-title holders are eligible for compensation for loss of assets and income	All affected persons irrespective of titles have been identified for compensation and assistance

<b>Issue</b>	<b>GoB</b>	<b>ADB</b>	<b>Gap-filling Measures in this RP</b>
Relocation assistance	No provision to support relocation	Households must be assisted in the relocation process	Affected households and businesses will receive relocation assistance in the form of additional lump sum as well as support from the project in identifying and negotiating an alternative place to stay.
Economic displacement	No compensation for loss of income	Livelihood must be restored or improved for the vulnerable affected households	Households must be compensated for loss of income. Vulnerable households are eligible to participate in livelihood improvement training, which includes seed grants
Consultations/disclosure	No consultation/disclosure requirement	Affected persons must be consulted during project design and RP preparation. All documents must be disclosed locally and on ADB's website	Extensive consultations were carried out during design and RP preparation and similar efforts will continue during implementation. The RP documents and entitlement matrix will be disclosed locally and on ADB/EA's websites
Special assistance to vulnerable groups	No special assistance to vulnerable groups required	RP must have provisions for vulnerable groups	The RP has special assistance measures to vulnerable groups.

## **B. Legal and Policy Commitments**

11. This resettlement framework has the following specific principles based on the government provisions and ADB SPS 2009 :

- i. The land acquisition and resettlement impacts on persons displaced by the projects (physically or financially) would be avoided or minimized as much as possible through alternate design options;
- ii. Where the negative impacts are unavoidable, the persons displaced by the project and vulnerable groups will be identified and assisted in improving or regaining their standard of living.
- iii. Information related to the preparation and implementation of Resettlement Plan will be disclosed to all stakeholders and people's participation will be

- ensured in planning and implementation. The Resettlement Plan will be disclosed to the APs in local language;
- iv. The displaced persons who does not own land or other properties, but have economic interests or lose their livelihoods will be assisted as per the broad principles described in this document.
  - v. Before starting civil works, compensation and Resettlement and Rehabilitation (R&R) assistance will be paid in accordance with the provisions described in this document;
  - vi. An entitlement matrix for different categories of people displaced by the project has been prepared. People moving in the project area after the cut-off date will not be entitled to any assistance.
  - vii. For titled holders the date of serving notice under section 3 of the Acquisition and Requisition of the Immovable Property Ordinance 1982 will be treated as the cut-off date.
  - viii. For non-titleholders such as informal settlers / squatters and encroachers the date of commencement of census survey i.e. 13 October, 2014 or a similar designated date declared by the project Executing Agency (RHD) will be considered as cut-off date.
  - ix. Appropriate grievance redress mechanism will be established to ensure speedy resolution of disputes.
  - x. All activities related to resettlement planning, implementation, and monitoring would ensure the involvement of women and other vulnerable groups.
  - xi. Consultations with the APs will continue during the implementation of resettlement and rehabilitation works.
  - xii. There should be a clause in the contract agreement that the construction contractor will compensate any loss or damage in connection with collection and transportation of borrow-materials.

### **C. Eligibility, Special Considerations and Entitlement Matrix**

12. **Eligibility.** Any person, whose asset and income is affected by the project, whether permanently or temporarily, and regardless of whether or not s/he has legal title to the affected land or asset, is eligible to receive compensation and other entitlements. For title-holders, eligibility will be defined by the publication of the notification of section 3 by the Deputy Commissioner (DC) as per the ARIPO. This will be done once Land Acquisition Plans (LAPs) are submitted by RHD to respective DCs. For non-titled holders, eligibility is defined as the start of the “cut-of-date”, which is the date of the Detailed Measurement Survey (DMS). The DMS identifies and establishes the households owning assets or earning income in the project’s corridor of impacts and includes squatters/informal settlers on public land. The cut-of-dates must be clearly mentioned during the local consultation meetings and during one-on-one interviews for the survey. Any persons moving into the Project area after the cut-off dates will not be entitled for compensation from DCs or any assistance from RHD. Discretionary measures shall be taken to account for absentee owners/renters during DMS. The claimant will have to demonstrate that s/he was occupying the corridor of impact prior to the cut-of date. This will be assessed and validated by the Joint Verification Committee.

13. **Special considerations for certain groups of affected households:** special assistance measures for vulnerable affected households are included in this RP. These include additional allowances as well as participation to a livelihood improvement-training program, which includes a start-up seed grant. Vulnerable households are defined as: (i) headed by single woman or woman with dependents and low incomes; (ii) headed by elderly/disabled people over 65; (iii)

headed by orphans under 18 year of age; (iv) households that are below the poverty line as defined in the latest national census survey; (v) headed by an indigenous person or someone from an ethnic minority, (v) headed by children under 18 year and (vi) headed by landless.

14. **Full plot acquisition in case of unviability:** In the process of acquisition, if any plot of land acquired becomes unviable (for example, if less than 10% remains or if the plot is divided into two) and at the request of the owner(s), RHD will acquire the entire plot and pay compensation as per the set entitlements in this project.

15. **Compensation and assistance payment before any physical impact on assets:** As per ADB's SPS, all affected persons will be given their compensations and/or resettlement assistance before physical or economic displacement.

Table 2: Entitlement Matrix

Loss Item 1: Loss of Agricultural Land			
Persons Entitled	Entitlements	Application Guidelines	Additional Services
Legal owner/ titleholder as identified by the Deputy Commissioner (DC)	<ul style="list-style-type: none"> <li>Replacement cost<sup>8</sup> (RC) of agricultural land.</li> <li>Relocation Allowance of Tk. 300 per decimal</li> <li>Stamp duty and registration cost on purchasing of replacement land using an amount not exceeding the RC. Stamp duty and transaction costs will be paid if the replacement land is purchased within 12 months of receiving “top up”.</li> </ul>	<ul style="list-style-type: none"> <li>RC will be recommended by PAVC.</li> <li>DC will pay (cash compensation under law) CCL for the land.</li> <li>If RC is higher than CCL, the difference (i.e. “top up”) will be paid by RHD/INGO</li> <li>The Relocation allowance will be paid by RHD/INGO</li> </ul>	<p>Legal owners will be assisted by INGO to organize legal documents in support of their ownership and retitle their plots.</p> <p>INGO will identify loss and entitlement of female owners and co-sharers upon receipt of payment data from DC office.</p> <p>NGO will provide support to AP purchasing land on how to register with DC office.</p>
<b>Implementation Issues:</b>			
<ul style="list-style-type: none"> <li>Persons entitled will be informed of the details about the land acquisition and compensation process, resettlement package and payment procedure.</li> <li>PAVC will recommend the RC for land based on current market price (CMP) assessed by the Consultant at the time of the preparation of the RP, including the cost of titling. The RC may be updated at the time of dispossession, if required. CMP will be assessed for each affected mouza for each type of land averaging (i) the minimum approved price of land available in the respective Sub-registrars’ offices, (ii) reported price, and (iii) transacted price of land at those mouzas (CMP should not be less than minimum approved price of land). The Ministry of Road Transport and Bridges will approve the RC.</li> <li>DC will determine the rate of land averaging last 12 months sale prices (from the date of service of notice u/s 3) as per registration deeds in affected mouzas for each type of land obtained from respective sub-registrar’s offices. For all private land, the market price will be enhanced by 50% for CCL. For khas land (DC is the owner at respective districts on behalf of the government) the rate will also be determined by the DC with a 50% premium. Title updating for usufruct and other rights will be done before issuance of notice under section 6 with assistance from the INGO.</li> <li>The INGO shall encourage Affected Persons (APs) purchase replacement land or invest the money in productive/ income generating alternatives.</li> </ul>			

<sup>8</sup> The replacement cost includes (i) fair market value (ii) transaction costs (iii) interest accrued (iv) renovation costs and (v) other applicable payments if applicable. The replacement cost does not take into account depreciation value.

<b>Loss Item 2: Loss of homestead, commercial, industrial land and common property resources</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Legal owner/ titleholder as identified by the DC	<ul style="list-style-type: none"> <li>• RC of land.</li> <li>• Relocation Allowance of Tk. 300 per decimal</li> <li>• Stamp duty and registration cost on purchasing of replacement land using an amount not exceeding the RC. Stamp duty and transaction costs will be paid if the replacement land is purchased within 12 months of receiving the "top up".</li> </ul>	<ul style="list-style-type: none"> <li>• PAVC will recommend the RC.</li> <li>• DC will pay CCL for the land.</li> <li>• If RC is higher than CCL, the difference (i.e. "top up") will be paid by RHD</li> <li>• The relocation allowance will be paid by RHD</li> </ul>	<ul style="list-style-type: none"> <li>• Legal owners will be assisted by the INGO to organize legal documents in support of their ownership.</li> <li>• INGO will identify loss and entitlement of female owners and co-sharers upon receipt of payment data from the DC office.</li> </ul>
<b>Implementation Issues:</b> <ul style="list-style-type: none"> <li>• Persons entitled will be informed of the details of the compensation policy, resettlement package and payment procedure.</li> <li>• The RC will be determined and approved for the project following the procedure as stated under Loss Item 1.</li> <li>• CCL for private and khas land will be determined by DC as stated under Loss Item 1.</li> <li>• Title updating for usufruct and other rights will be done before the issuance of notice under Section 6 with the assistance from the INGO.</li> <li>• The INGO will encourage and motivate eligible APs to purchase homestead/ commercial / community or industrial land or invest the compensation money in productive or income generating activities.</li> </ul>			

<b>Loss Item 3: Loss of water bodies (ponds, both cultivated and non-cultivated)</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Legal owner/ titleholder as identified by the DC	<ul style="list-style-type: none"> <li>• RC of the water body (private land).</li> <li>• Relocation allowance of TK. 300 per decimal for perennial water-body</li> <li>• Stamp duty and registration cost on purchasing of replacement land using an amount not exceeding the RC. Stamp duty</li> </ul>	<ul style="list-style-type: none"> <li>• PAVC will recommend RC of private land.</li> <li>• DC will pay CCL for the land.</li> <li>• If the RC is higher than CCL, the difference will be paid by RHD.</li> <li>• The relocation allowance will be paid by RHD</li> </ul>	<p>Legal owners will be assisted by the INGO to organize legal documents in support of their ownership.</p> <p>INGO will identify loss and entitlement of female owners and co-sharers upon receipt of payment</p>

<b>Loss Item 3: Loss of water bodies (ponds, both cultivated and non-cultivated)</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
	and transaction costs will be paid if the replacement land is purchased within 12 months of receiving “top up”.		

<b>Loss Item 4: Loss of residential structures with title to land</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Legal owner/ titleholder as identified by the DC	<ul style="list-style-type: none"> <li>• RC of residential structure.</li> <li>• Transfer Grant @ 2% of RC.</li> <li>• Reconstruction Grant @ TK. 5% of RC.</li> <li>• 60-day notice before requested to dismantle</li> <li>• Owner will be allowed to take away all salvageable materials free of cost within RHD declared deadline.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable to all structures located on the Right of Way (ROW) at cut-off dates.</li> <li>• PAVC will recommend the RC of the structures.</li> <li>• DC will pay CCL for structure and if CCL is less than RC, RHD/INGO will pay the difference (i.e. “top up”) directly</li> <li>• RHD will provide other resettlement benefits directly.</li> </ul>	Assistance in relocation and reconstruction.

**Implementation Issues:**

- Joint Verification (DC and RHD) and/or Census will identify (records floor areas and category) structure for titled owners.
- PAVC will recommend RC of structure considering the cost of materials, labour inputs and land development cost at current market rates. Ministry of Road Transport and Bridges will approve the RC of structures recommended by PAVC.
- DC office with assistance from district Public Works Department (PWD) office will determine the market price of structures and enhance it by 50% for cash compensation under law (CCL).
- Compensation must be paid before AP dismantles and removes the structures as per civil works requirement.
- The date of service of notice u/s 3 will be the cut-off date for titled owners and the commencement date of Census or any designated date declared by RHD will be the cut-off date for structures not covered by DC.

<b>Loss Item 5: Loss of commercial/industrial structures with title to land</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Legal owner/ titleholder as identified by the DC	<ul style="list-style-type: none"> <li>• RC of commercial, industrial structure.</li> <li>• Transfer Grant @ 2% of RC of structure</li> <li>• Reconstruction Grant @ 5% of RC of structure</li> <li>• 60-day notice before requested to dismantle</li> <li>• Owner will be allowed to take all salvageable materials free of cost within RHD declared deadline.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable to all structures located on ROW at cut-off dates.</li> <li>• PAVC will recommend the RC of structures.</li> <li>• DC will pay CCL for structure and if CCL is less than RC, RHD will pay the difference (i.e. “top up”) with assistance from INGO.</li> <li>• RHD will provide other resettlement benefits with assistance from INGO.</li> </ul>	Assistance in relocation and reconstruction.
<b>Implementation Issues:</b> <ul style="list-style-type: none"> <li>• Joint Verification identifies (records floor areas and category) structure for titled owners and Census identifies structure for non-titled owners.</li> <li>• RC of structure will be determined and approved in the process as stated in Loss Item 4.</li> <li>• CCL will be determined in the process as stated in Loss Item 4.</li> <li>• Compensation must be paid before DP dismantles and removes the structures as per civil works requirement.</li> <li>• The cut-off dates for titled owners and socially recognized owners as stated in Loss Item 4.</li> </ul>			

<b>Loss Item 6: Loss of residential, commercial and other physical structures without title to land (Non-title holders, including squatters and encroachers)</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Non-title holders who are socially recognized owners of structures built on the ROW as identified during census and verified by the PAVC	<ul style="list-style-type: none"> <li>• RC of structure.</li> <li>• Transfer Grant @ 2% of RC of structure</li> <li>• Reconstruction Grant @ 5% of RC of structure</li> <li>• 60-day notice before requested to dismantle</li> <li>• Owner will be allowed to take all salvageable materials free of cost within RHD declared deadline.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable to all structures located on ROW at cut-off dates.</li> <li>• PAVC will recommend the RC of structures.</li> <li>• RHD will provide other resettlement benefits.</li> </ul>	Assistance in relocation and reconstruction.

<p><b>Implementation Issues:</b></p> <ul style="list-style-type: none"> <li>• Census identifies structure on the RHD or any Government land within project right of way.</li> <li>• RC of structure will be determined and approved as stated in Loss Item 4.</li> <li>• Compensation must be paid before AP dismantles and removes the structures as per civil works requirement.</li> <li>• The cut-off dates for titled owners and socially recognized owners as stated in Loss Item 4.</li> </ul>
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<b>Loss Item 7: Loss of community properties on private or public lands</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
<ul style="list-style-type: none"> <li>• Legal owners identified by the DC in the process of CCL payment.</li> <li>• Non-title holders who are socially recognized owners of structures built on the ROW as identified by PAVC</li> </ul>	<ul style="list-style-type: none"> <li>• RC of structure.</li> <li>• Transfer Grant @ 2% of RC of affected structure</li> <li>• Reconstruction Grant @ 10% of RC of affected structure.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Reconstruction of community property by the project</li> </ul> <p>In both options:</p> <ul style="list-style-type: none"> <li>• 60-day notice before requested to dismantle</li> <li>• Owner will be allowed to take all salvageable materials free of cost within RHD declared deadline.</li> </ul>	<p>Joint Verification Committee will identify (records floor areas and category) for titled owners and Census identifies structures for non-titled owners</p>	<p>Assistance in relocation and reconstruction.</p>

<b>Loss Item 8: Loss of graves</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
<ul style="list-style-type: none"> <li>• Legal owner/ titleholders as identified by the DC</li> <li>• Non-title holders who are socially recognized owners of trees grown on public or other land, as</li> </ul>	<ul style="list-style-type: none"> <li>• BDT 30,000 per grave to cover the cost of relocation</li> </ul>	<ul style="list-style-type: none"> <li>• Grave owners must be consulted and given 3 months' notice to relocate</li> <li>• If graveyard is affected, community and grave owners must be consulted and assisted in</li> </ul>	<p>INGO to explain RP policies regarding compensation for the trees of different categories and size and make the EPs aware that they could take the timber and fruits free</p>

identified by PAVC		identifying an alternative relocation site	of cost.
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<b>Loss Item 9: Loss of trees with title to land and owner of trees on public land or lessees</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
<ul style="list-style-type: none"> <li>• Legal owner/ titleholders as identified by DC</li> <li>• Non-title holders who are socially recognized as owners of trees grown on public or other land, as identified by PAVC.</li> <li>• Owners of trees such as Forest Department, Zilla Parishad, Society, Union Parishad, Lessee on public land</li> </ul>	<ul style="list-style-type: none"> <li>• RC of timber/ bamboo trees determined by PAVC.</li> <li>• Replacement cost of fruit tree sapling and annual fruit production for 3 years<sup>9</sup></li> <li>• Owner of the tree will be allowed to fell and take the trees free of cost within the RHD declared deadline.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable to all trees and plants located on ROW at cut-off dates.</li> <li>• DC will pay CCL as applicable for trees/plants.</li> <li>• If CCL is less than RC or there is no CCL (for socially recognized owners), the RC of different species of trees will directly be paid by RHD.</li> <li>• PAVC will recommend RC of trees and fruits.</li> </ul>	INGO to explain RP policies regarding compensation for the trees of different categories and size and make the EPs aware that they could take the timber and fruits free of cost.
<b>Implementation Issues:</b>			
<ul style="list-style-type: none"> <li>• Standard rates for trees of different species available with the Department of Forestry will be considered by PAVC in calculating the RC.</li> <li>• DCs will determine the market price of trees with assistance from district Department of Forest and enhance it by 50% to fix compensation under law (CCL).</li> <li>• The INGO will provide guidance in plantation and post-plantation care.</li> </ul>			

<b>Loss Item 10: Loss of standing crops/fish stock with title to land</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Owner cultivators as identified in joint verification by the DC, RHD and PAVC.	<ul style="list-style-type: none"> <li>• RC of standing crops/fish stock.</li> <li>• Owners will be allowed to take crops and fish stock within RHD declared deadline.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable for all crops/fish stock standing on land/pond within ROW at the time of dispossession.</li> <li>• DC will pay CCL for crops/fish stock.</li> </ul>	INGO will assist APs in the process of claiming compensation from DC offices for organizing necessary documents.

<sup>9</sup> Time it takes for new fruit tree to grow

<b>Loss Item 10: Loss of standing crops/fish stock with title to land</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
		<ul style="list-style-type: none"> <li>• RHD will pay the difference directly if CCL is less than RC.</li> <li>• PAVC will recommend RC of crops/fish stock at take away.</li> </ul>	
<b>Implementation Issues:</b> <ul style="list-style-type: none"> <li>• RC of crops/fish stock will be recommended by PAVC (based on data obtained from district agriculture extension office and district marketing officer) for those identified through joint (DC/RHD) on-site verification before taking over land.</li> <li>• DCs will determine the market price of crops with assistance from district Department of Agriculture Extension and District Agriculture Marketing Officer and market price of fish with assistance from district fisheries officer.</li> </ul>			

<b>Loss Item 11: Loss of leased or mortgaged land or ponds</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Leaseholder with legal papers	<ul style="list-style-type: none"> <li>• RC of crops/fish stock.</li> <li>• Relocation Allowance will be paid to the actual cultivator of the acquired land by RHD with assistance from INGO @ Tk. 300/Dec.</li> <li>• The cultivator will be allowed to take the crops/fish within the RHD declared deadline</li> </ul>	<ul style="list-style-type: none"> <li>• Legal owner and mortgagee/leaseholder will be paid CCL by DC in accordance with the law.</li> <li>• With customary tenancy agreements, including socially-recognized verbal agreements: Legal owner will receive CCL from DC. The legal owner will pay the outstanding liabilities to the lessee/mortgagee. Under the following conditions: (i) all contractual liabilities are already paid up; (ii) if not, the legal owner will get the residual payment after all liabilities are paid up.</li> <li>• RHD will ensure RC of crops to the cultivator with direct payment of the difference, if CCL is less than RC, with assistance from INGO.</li> </ul>	<p>INGO will assist in ensuring that the lessee receives all eligible payments.</p> <p>INGO will mediate refund of outstanding lease money by the owner to the lessees.</p>
<b>Implementation Issues:</b> <ul style="list-style-type: none"> <li>• PAVC will identify each land owner and any persons who presently have interest in the acquired land due to mortgage, lease or khai - khalashi right.</li> </ul>			

- Any disputes over status of present interest in the land will be resolved through grievance redress procedure. Once resolved, INGO will assist in processing payments of all outstanding liabilities on the land to the appropriate persons.
- Dislocation Allowance to cover loss of income will be paid to the tenant as per project-specific policy provisions

**Loss Item 12: Loss of income from dismantled commercial and industrial premises**

<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Any proprietor or businessman or artisan operating in premises, at the time of issuance of Notice u/s 3 for title-holders and/or as per the census identified by PAVC for non-title holders who are physically displaced.	<ul style="list-style-type: none"> <li>• Lump sum of BDT 240,000<sup>10</sup> or three months income,<sup>11</sup> whichever is higher for large-scale businesses</li> <li>• Lump sum of 120,000<sup>12</sup> or three months income as per census and other supportive documents, whichever is higher for other businesses</li> </ul>	RHD will directly pay the entitlement to the eligible displaced persons	Vulnerable APs will be brought under income generating program.

**Implementation Issues:**

- Primary eligibility to be based on businessmen identified by the Census and/or DC/RHD joint verification.
- Large scale businesses are defined as wholesale dealer, CNG/Petrol Station and industries.
- Other businesses are defined as any businesses located on the Corridor of Impact and identified by the census, PAVC or has been issued a Notice u/s 3.
- Three months net income will be based on three years average income as per TIN certificate. The businessmen will produce TIN certificate before the RHD/INGO during RP implementation as proof of income.

<sup>10</sup> Equivalent of BDT 80,000/month for 3 months

<sup>11</sup> Based on three years average income as per TIN certificate

<sup>12</sup> Equivalent to BDT 40,000/month for 3 months

<b>Loss Item 13: Loss of income (wage earners in agricultural, small business and industry (excluding owners or employers))</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Regular wage earners affected by the census or by the PAVC.	<ul style="list-style-type: none"> <li>Grant to cover temporary loss of regular wage income @ TK. 300 x 90 days</li> </ul>	<ul style="list-style-type: none"> <li>AP must be an employee of landowner or business located on the corridor of impact of the project, as identified by Joint Verification and/or Census.</li> <li>The wage grant will be paid by RHD with assistance from INGO.</li> </ul>	<ul style="list-style-type: none"> <li>Vulnerable APs will be brought under income and livelihood regenerating program.</li> <li>Involvement of qualified APs in construction work.</li> <li>Involvement of qualified APs in tree plantation and social afforestation.</li> </ul>

<b>Loss Item 14: Loss of income from rented-out and access to rented-in residential and commercial premises</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
<ul style="list-style-type: none"> <li>Legal owner/titleholders of the rented-out premises (i.e. "landlords") as identified by the PAVC.</li> <li>Household/person rented-in (i.e. "tenant") any such structure as identified by PAVC.</li> </ul>	<ul style="list-style-type: none"> <li>Rental assistance for both residential and commercial rented-out owner of the structure (i.e. "landlord) for the amount equivalent to 2 months' rent</li> <li>Rental assistance for both residential and commercial rented-in APs (i.e. "tenants") for the amount equivalent to 1 month rent</li> <li>Moving assistance for residential and commercial tenant's equivalent to 20% of monthly rent.</li> <li>Additional structures erected by tenant will be identified by the PAVC and compensated as Item No. 4</li> <li>Right to salvage materials from demolished structure erected by tenant.</li> </ul>	<ul style="list-style-type: none"> <li>The Census and/or joint verification will identify the owner and renter of the residential and commercial premises</li> <li>The owners of rented out premises will be entitled for dislocation allowance for each unit of premises rented out to separate households or persons.</li> <li>Allowance will be paid by RHD.</li> <li>In case of any advance deposited by the tenant, an agreement on non-claim or outstanding balance should be certified by the local government representative between owner and tenant. The agreement will have to be submitted by both parties at the time of payment of resettlement assistance. It will be considered an essential part of the payment procedure.</li> </ul>	

<b>Loss Item 15: Loss of Tube-well</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
<ul style="list-style-type: none"> <li>• Legal owner/ titleholders as identified by DC</li> <li>• Non-title holders who are owners of structures built on the ROW as identified during the census and by the PAVC.</li> </ul>	<ul style="list-style-type: none"> <li>• RC compensation or grant for tube-well</li> <li>• Owner will be allowed to take away all salvageable materials free of cost within RHD declared deadline.</li> </ul>	<ul style="list-style-type: none"> <li>• RHD will pay the difference between RC and CCL directly</li> </ul>	INGO will guide the installation of arsenic free tube-well
Grant in full will be determined by PAVC and RHD will pay full grant for Title and Non-title holders.			

<b>Loss Item 16: Loss of Toilet</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
<ul style="list-style-type: none"> <li>• Legal owner/ titleholders as identified by DC</li> <li>• Non-title holders who are owners of structures built on the ROW as identified by census and the PAVC.</li> </ul>	<ul style="list-style-type: none"> <li>• RC compensation/grant for toilet.</li> <li>• Owner will be allowed to take away all salvageable materials free of cost within RHD declared deadline.</li> </ul>	<ul style="list-style-type: none"> <li>• Additional grant over and above the CCL will be paid by RHD</li> </ul>	INGO will ensure Water Sealed toilet.
Grant will be determined by PAVC and RHD will pay full grant for loss of Toilet. There is no indication for loss of Toilet of squatters.			

<b>Loss Item 17: Disconnection of utilities (gas, electricity, telephone, water, sewage, etc.)</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
<ul style="list-style-type: none"> <li>• Legal owner/ titleholders as identified by the DC</li> <li>• Non-title holders as identified by PAVC as per evidence of utilities connection documents.</li> </ul>	Lump sum equivalent to the cost of a new connection as determined by PAVC	This additional entitlement will be paid to the head of the household by RHD as new connection assistance.	INGO will help reinstallation of the line

<b>Loss Item 18: Impact on vulnerable households</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
<ul style="list-style-type: none"> <li>• Male-headed households whose annual income is under Tk. 108,000/- and other households</li> </ul>	<ul style="list-style-type: none"> <li>• Tk. 10,000/- as one time grant in addition to other compensations for male headed vulnerable households</li> </ul>	The APs will be identified as per the census and income and	INGO will motivate the APs for appropriate skill training

<p>with disabled/ handicapped /widow/elderly-headed orphan (under 18) or female headed identified by census and PAVC.</p> <ul style="list-style-type: none"> <li>• APs losing 10% or more of their income and who have no alternative source of income as identified by PAVC.</li> <li>• Squatters who do not own any land and who are not already included in the above category</li> </ul>	<p>earning less than Tk. 108,000/year.</p> <ul style="list-style-type: none"> <li>• Tk. 12,000/- as one time grant in addition to other compensation for female headed including disabled/ handicapped/ widow member family/ where male headed/elderly-headed and orphan-headed (under 18) family will be entitled to BDT 10000.</li> <li>• Participation to Skill Training for vulnerable households (one member per household). Cost of training not exceeding Tk. 8,000 for one member and seed grant of Tk. 16,000.</li> </ul>	<p>livelihood support will be provided by RHD with assistance from INGO. Cost of trainer will be borne by RHD.</p>	
<p><b>Implementation Issues:</b></p> <ul style="list-style-type: none"> <li>• Vulnerable households losing income from business, employment, livelihood resources and for the transitional time up to permanent settlement will be assessed by INGO-RHD joint verification.</li> <li>• These persons will be covered under the skill training program and the allowances will be paid upon performance following the entitlement package.</li> </ul>			

<b>Loss Item 19: Impacts on Landless Affected Households</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
<ul style="list-style-type: none"> <li>• Affected households who are landless prior to the project or who become landless as a result of the project</li> </ul>	<ul style="list-style-type: none"> <li>• Assistance in finding alternative places to stay or rent.</li> </ul>	<p>The INGO will compile a database of places to rent or buy in the project area and support eligible affected households in lease or purchase negotiation, compiling appropriate documents, etc...</p>	<p>INGO will motivate the landless households to relocate outside of public land</p>
<p><b>Implementation Issues:</b></p> <p>Landless households will have to demonstrate their landless status through appropriate documentation or confirmation by affected persons' representatives.</p>			

<b>Loss Item 20: Loss of government agency provided residence</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Households/ persons residing in government agency assigned housing as identified by the Accommodation Board and Administration Unit	<ul style="list-style-type: none"> <li>• Shifting to housing of equal or better condition provided by the government agency</li> <li>• Shifting cost covered by the government agency</li> <li>• Right to salvage materials from demolished structure erected/ extended by the government employee.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable to all government employees residing in government assigned housing on ROW on cut off dates</li> <li>• Shifting cost will be covered by the government agency under the regulation of government.</li> <li>• PAVC will identify and recommend the additional infrastructure erected/ extended by the government employee</li> </ul>	RO, RHD will identify the government employee and corresponding assigned structure from respective office

<b>Loss Item 21: Temporary Impact during Construction</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Households/persons and/or community affected by construction impacts	<ul style="list-style-type: none"> <li>• All temporary use of lands outside proposed RoW to be through written approval of the landowner and contractor and fees paid to owner as per written agreement.</li> <li>• Land will be returned to owner rehabilitated to original preferably better standard. If land condition is degraded, contractor will pay compensation for land rehabilitation.</li> </ul>		
<b>Implementation Issues:</b>			
Entitled Persons will be identified by the Contractor, CSC or RP INGO			

<b>Loss Item 22: Mobile Vendors</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Mobile vendors affected	<ul style="list-style-type: none"> <li>• 60-day advance notice to relocate</li> </ul>	Mobile vendors will be notified through posters and consultations by INGO/RHD	As appropriate

<b>Loss Item 23: Unforeseen adverse impacts</b>			
<b>Persons Entitled</b>	<b>Entitlements</b>	<b>Application Guidelines</b>	<b>Additional Services</b>
Households/ persons affected by any unforeseen impact identified during RP implementation (titled or non-titled)	<ul style="list-style-type: none"> <li>• Compensations/ allowance and assistance depending on type of loss will follow entitlement matrix and SPS</li> </ul>	The unforeseen impacts will be identified through special survey by RHD as per request from impacted population. The entitlements will be approved by MORTB and ADB	As appropriate
<b>Implementation Issues:</b>			
<ul style="list-style-type: none"> <li>• The unforeseen impacts and displaced persons will be identified with due care as per policy framework and proposed to the MORTB and ADB for approval including quantity of losses, their owners and the entitlements.</li> </ul>			

#### D. Procedures to be undertaken under the RF

16. The project will follow the national land acquisition regulations as well as comply with ADB's SPS in the following manner: titled households (TH) will be compensated as per ARIPO 1982, but the project will bridge the difference between compensations given by the government and replacement cost of the asset by giving additional "top up" payments directly to the TH. Moreover, the project will give them additional resettlement allowances (e.g. transfer grant, reconstruction grant, vulnerability grant). The procedures for compensation and allowances disbursements for TH are described in Box 1 below. As for the affected non-titled holders (NTH), the project will give them their compensations and entitlement allowances directly. Procedures related to NTH are described in Box 2. Finally, all entitlements related to loss of income and the livelihood improvement training program for both TH and NTH will be provided directly by the project. More information about this is provided in Box 3.

#### Box 1: Compensation and Resettlement Procedures for Titled Households (TH)

##### Deputy Commissioner's (DC) Compensation to Titled Holders (TH)

- RHD produces land acquisition proposal (LAP) to the deputy commissioner (DC).
- The DC will carry out a feasibility study of the acquisition and submit the report to the Ministry of Land (if the land is more than 16.67 acres) or to the divisional commissioner (if the land is less than 16.67 acres) for approval.
- Upon approval of the LAP from Ministry of Land (MOL) or from Divisional Commissioner, the DC will issue **notice under section 3** of ARIPO to the recorded owner of the affected property
- Representative from the acquiring body (DC) and requiring body (here RHD) will conduct a Joint Verification Survey (JVS) of the affected people and properties within 3 days of serving **notice u/s-3** and wait 15 days to receive any complain from landowners.
- The DC will issue **notice u/s-6** to entertaining claims from affected persons.
- On the basis of the joint verification survey data, the DC will request valuation of structures, trees and crops from the Public Works Department (PWD), the Forest Department and Agriculture Department, respectively.
- The DC will collect recorded land price from the concerned Sub-register's office from the last 12 months previous to the date of notice under section 3.
- After receiving the rates from PWD, Forest and Agriculture Departments, the DC will prepare an estimate, adding 50% premium where applicable and send it to the requiring body for placement of fund within 60 days.
- The DC will prepare the award for compensation in the name of recorded owner.
- Upon placement of fund, the deputy commissioner will issue **notice u/s-7** to the titled owners for receiving cash compensation under law (CCL) within 15 days from the date of issuing notice us.
- The affected persons will need to produce record of rights to the property with updated tax receipt of land, declaration on non-judicial stamp, photograph etc. to the DC office with the claim.
- Upon fulfillment of documentation requirements, the DC office disburses CCL in the office or at field level issuing prior notice to the landowners.

##### Additional Measures from the Project

RHD will:

- Set up Property Assessment Valuation Committees (PAVCs) in all upazila concerned by the project to verify the estimates of land, structures and trees presented in the RP/RP addendum and propose the final replacement cost to RHD. For more information on the PAVCs see section 4.4.

RHD/NGO will :

- Assist the TH in opening bank account in their names (if necessary);
- Prepare ID card with photograph of the affected titled holders based on the CCL award list. These will be attested by concerned local administration representatives.
- Prepare entitlement files for each affected TH
- Prepare the list of tenants with official lease attested by the concerned local administration representatives
- Prepare the list of affected TH losing income (i.e. shop owners, wage laborers) attested by the concerned local administration representatives
- Prepare necessary documents and papers (payment debit voucher, etc.) to disburse “top ups” (i.e. difference between replacement cost and CCL) as well as other resettlement benefits (income loss allowances, transfer, reconstruction and vulnerability grants) to TH
- Distribute checks to the titled owners in a public place in the presence of concerned local administration representatives

### **Box 2: Compensation and Resettlement Procedures for Non-Titled Households (NTH)**

RHD will:

- Use the PAVCs estimates to calculate compensation for losses of structures and trees.
- Conduct a joint verification survey with local administration and the NGO to confirm the final list of non-titled affected persons and assets affected

RHD/NGO will:

- The final list of non-titled affected households (NTH) and their affected assets will be prepared by a tripartite joint verification survey (RHD-PIU, NGO, local administration).
- The NGO will create individual identity cards with photographs against the name of each NTH.
- The NGO will prepare entitlement file for each NTH;
- The NGO will assist the NTH in opening a bank account in their names (if necessary);
- The NGO/RHD will prepare list of eligible affected tenants without lease documentation. These will be attested by landlord/community representative.
- The INGO will assist the RHD/PIU in preparing payment debit voucher as per the NTH file and disburse cheques to NTH in public place or office of the local administration chairman

### **Box3: Procedures for disbursing income restoration, vulnerability and training allowances**

- Preparation of list of TH and NTH eligible for income compensation (shop owners, wage laborers). Verification of value of income lost with concerned affected individual, employers (if wage laborer) and local representative
- Preparation of list of TH and NTH eligible for vulnerability allowance
- Preparation of list of TH and NTH eligible for livelihood improvement training
- Preparation of list of TH and NTH eligible for livelihood improvement training.
- Conduct of the training program
- Payment of seed grant after successful completion of the training.

### III. PREPARATION OF ADDENDUMS TO THE RESETTLEMENT PLAN

#### A. Scope of Application

17. Addendums to the RP will be prepared by RHD and submitted to ADB when:
- a) There are sections of the project where detailed designs are not final and need to be modified;
  - b) Unforeseen activities during project implementation lead to additional resettlement impacts (i.e. minor change in alignment, additional/new location of access roads, etc...)
18. Consistent with ADB's Safeguards Policy Statement, the project will avoid involuntary resettlement and minimize involuntary resettlement by exploring project and design alternatives wherever possible

#### B. Detailed Measurement Survey and Socioeconomic Census

19. The RP update/addendum should describe the methodologies to be used for:
- a. socioeconomic surveys, censuses, inventories of losses, and assessments of land losses;
  - b. explains the methods for valuing affected assets; and
  - c. for determining replacement costs of acquired assets.
20. Following the finalization of any new or updated design of specific sections of the project, a detailed measurement survey (DMS) and socioeconomic census will be conducted to identify all affected persons and quantify all potential resettlement assets/income impacted. RHD with the support of the NGO will carry out a Detailed Measurement Survey (DMS) of all assets, income/livelihood to be affected and socioeconomic census of the affected persons. The DMS and socioeconomic survey should include the following information:
- (i) Affected household identification: name, legal status, age, gender, religion, profession, monthly income, number of persons in household
  - (ii) Affected land: Type of land/No. affected acre/decimal and affected share vs. total plot size
  - (iii) Affected structures: Type of structure: affected sqm and affected share vs. total structure size
  - (iv) Affected trees: type and age of tree/Affected crops
  - (v) Affected business owners: monthly income
  - (vi) Affected wage employees: monthly income
  - (vii) Affected renter/rentee: monthly income/lease
  - (viii) Any other social and economic impacts (both permanent and temporary) including its nature and size of the impact.
  - (ix) Affected common property resources (CPR): religious structure, graves, pond, school, hospital, health center, etc... and whether these CPRs are located on private or public land
21. The cut-off date for non-titled holders must be communicated to the affected persons by the NGO/RHD before the start of the DMS. The dissemination of this information must be documented.

### C. Valuation of Assets

22. For the preparation of the RP and RP addendum, the following to estimate the replacement cost of the land, structures and trees will be followed:

23. **For Land:** Compensation for land will be determined based on existing market rates to the extent possible, adding the applicable transaction cost like applicable stamp duty and other cost for title registration. This will be based on interviews of landowners at different cross sections of the alignment as well as mouza rates collected from the concerned sub-register's office.

24. **For Structures:** The compensation for structures will be paid to the affected persons at full replacement cost before the time of dispossession. This will be calculated based on a market survey on construction materials and labor costs in the concerned area combined with the latest CCL rates in the district/mouza given by the DC for other projects in order to identify the gaps between replacement cost and CCL rates.

25. **Trees:** The compensation for trees will be paid at replacement cost according to the type of tree lost. This will be calculated based on market survey. The equivalent of 3 year fruit production will be given in addition for fruit trees to take into account the average time for the tree to produce fruits.

26. **Crops:** The land owners and sharecroppers will be allowed to harvest their crop and vegetable, the construction works will be schedule in such way to accommodate harvesting the existing product. In addition, land owner/sharecropper will be provided with one time cash allowance equal to the income for one cropping session. These will be estimated through field surveys.

27. The Table 3 below is a guideline for valuation methodology (for land).

**Table 3: Land Valuation Format**

	Location of acquired land (mouza)	Size (Decimal)	Latest Mouza rates + 50% as per DC	Market Price based on survey/ consultation (BDT)	Estimate cost for compensation (BDT)
1					
2					
	Total land compensation without transaction				
	Transaction Costs(registration and stamp duty)				
	Estimate Total Compensation for land acquired for the project				

28. **Confirmation of replacement cost during project implementation:** The final replacement cost of the land and structures will be determined by Property Assessment Valuation Committees (PAVCs), which will be set up in all upazila concerned by the project at the start of the implementation of the RP or RP addendum. The PAVCs are usually composed of (i) RHD/PIU representative (ii) Upazila Parishad representative; (iii) Representative from Revenue department of the concern district; (iv) representative from Public Works Department; and (v) Area Manager INGO (Member-Secretary). The PAVCs will review and verify through additional field level investigations the replacement values proposed in the RP or RP addendum and recommend the final RV for land, structure, trees and crops by type for RHD approval. The PAVCs also consider inflation adjustments/indexing for any delay in the additional payments. The PAVCs maintain proceedings of all their deliberations.

#### D. Measures for Lost Income

29. **Business owners:** Business owners will be provided with the equivalent of 3 months income to compensate the loss of income related to moving from the premises. An average business owner grant of BDT 120,000 has been provided for this purpose. The grants for business will be determined as per documentation provided by the affected business concern.

30. **Wage earners:** wage earners will receive BDT 27,000 equivalent to a daily wage (BDT300X90 days).

#### E. Resettlement and Income Restoration Allowances

31. In accordance with SPS, resettlement and rehabilitation measures will be integrated in the RP addendum to support affected persons, especially those who have to physically relocate or who are in deemed vulnerable. Affected persons will be eligible to the following rehabilitation measures.

**Table 4: Description of Allowances for Physically Displaced**

Type of Allowance	Description
Transfer Grant for CPRs, and private residential and commercial structures	Equivalent to 2% of RC of affected structure
Reconstruction Grant for private residential and commercial structures	Equivalent to 5% of RC of affected structure
Subsistence Grant for AHH losing their residence	Equivalent to 3 months' rent for AHH losing their residence
Reconstruction Grant for CPRs	Equivalent to 10% of RC of affected structure
Rental assistance for Renters	A lump-sum equivalent to 1 month rent for tenants Moving assistance lump sum equivalent to 20% of monthly rent
New Connection/ Reconnection Assistance	Lump sum equivalent to the cost of a new connection
Assistance in finding alternative places to stay or rent.	The INGO will compile a database of places to rent or buy in the project area and support eligible affected households in lease or purchase negotiation, compiling appropriate documents, etc...

32. As for income restoration, the following measures are proposed:

**Table 5: Proposed Measures for Income Restoration**

Type of Allowance	Description	Rationale
Loss of agricultural land	Tk. 300 per decimal of lost agricultural land	This is to take into account for loss of space to grow crops/trees
Loss of crops	replacement cost for loss of crops at market rate	This is to take into account for loss of income from selling the crops
Loss of trees	For timber: RC for timber and bamboo trees For fruit trees: RC of fruit tree sapling RC of annual fruit production for 3 years	For timber: this is to take into account the loss of eventual selling of timber. For fruit trees: This is to take into account the loss of income coming from selling the fruit until the sapling

Type of Allowance	Description	Rationale
		tree grows to produce fruits.
Loss of water bodies	Tk. 300 per decimal of lost water bodies	This is to take into account for loss of space to fish farm
Loss of fish stock	RC of fish stock	This is to take into account for loss of income from selling the fish
Owner of large scale business fully affected (whole sale dealer, CNG/Petrol station, industries)	Tk. 240,000.00 or three months income based on TIN, whichever is higher.	This was based on the findings of the socioeconomic survey where average income of large-scale business owners was Tk. 80,000/month.
Structure owner whose commercial premise is fully affected	Tk. 120,000.00 or three months income based on TIN, whichever is higher.	This was based on the findings of the socioeconomic survey where average income of average business owners was Tk. 40,000/month.
Regular employees/ wage earners affected by the project	BDT 27,000.00 cash grant to cover temporary loss of regular wage income (at Tk 300.00 x 90 days)	Equivalent to 3 months of regular wage income and estimated timeframe to find alternative job.
Owners of the rented-out premises.	Rented-out residential and commercial structure owners equivalent to 2 months rent	

#### F. Livelihood improvement program

33. The Livelihood Improvement Training will be provided for one member of each vulnerable household and those losing 10% and more of their productive asset without an alternative type of livelihood. Training courses will be identified during the implementation of the RP through a needs assessment of the participants. Each participant will also receive a seed grant upon completion of the course designed to help them set up their own small business. It will be up to the eligible household to designate the family member who will participate to the training.

#### G. RP addendum Format

34. The addendums should follow the following outline:

- (i) Rationale for addendum preparation and description of civil works
- (ii) Identified impacts: number of affected households and their legal status, socioeconomic information, assets and/or livelihood affected
- (iii) Summary of consultation activities
- (iv) Mitigation measures
- (v) Budgetary requirements
- (vi) Timeline for implementing compensation and entitlements
- (vii) Annexes: (a) inventory of lost assets; (b) consultation minutes

### IV. CONSULTATIONS, PARTICIPATION AND DISCLOSURE

#### A. Consultations

35. RHD will ensure that the views of the affected persons, particularly those vulnerable, related to the resettlement process are looked into and addressed through meaningful

consultations. They will ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. A range of formal and informal consultative methods will be carried out to inform the preparation and implementation of the RP addendums. Consultations methodology will include but will not be limited to: focus group discussions (FGDs), public meetings, community discussions, and one-on-one interviews with key informants. Consultations should include proactive measures to ensure women are informed about the impacts and their views incorporated into the mitigation measures to the extent possible. Consultations must be well-documented. **Appendix 4** shows a template to summarize the consultation process.

36. Particular attention will be paid to sensitive community structures (religious structures, schools, health centers), as well as the need of the disadvantaged or vulnerable groups, including those below the poverty line, severely affected households, the elderly, female headed households and Indigenous People.

## B. Disclosure

37. The RF and the RPs will be disclosed on ADB's and RHD's websites, included the dedicated website that will be prepared to update on the project's progress. The Entitlement Matrix and a one page leaflet summary of the RP with the INGO and RHD's information will be distributed in the villages along the alignment and be made available in relevant upazilas, government agencies (including the DC's office) and the project's office in Dhaka. A sample of the leaflet is presented in **Appendix 2**.

## V. GRIEVANCE REDRESS MECHANISM

38. RHD will establish a grievance redress mechanism (GRM) to voice and resolve social and environmental concerns linked to the project and ensure greater accountability of the project authorities towards all affected persons. This mechanism is not intended to bypass the government's own legal process, but is intended to provide a time-bound and transparent mechanism that is readily accessible to all segments of the affected people. The aggrieved party should be free to approach the national legal system at any time. All costs involved in resolving the complaints (meetings, consultations, communication and reporting / information dissemination) will be borne by the Project. The GRM structure is described in Table 6 below:

**Table 6: GRM Committee Structure**

Level	Members of the GRC at Different Levels
Project Level (PIU)	Representative of Chief Engineer, RHD (convener) Additional Project Director, SASEC II – (Member) CSC Resettlement Specialist
Community Level at Union Parishad/ Municipality	Project Manager, SASEC II (Convener) Deputy Project Manager, SASEC II (member) Representative of the RP Implementing NGO (Member Secretary) Representative of concerned area (e.g. mayor, authorized councillor, union parishad chairman or authorized UP Member) (Member) Representative of the affected people – Member Woman representative of affected people in case of women aggrieved persons(Member)

39. The NGO and RHD will try as much as possible to address grievances locally before these are submitted to the GRM. If grievances are not resolved, the following procedures and timeline are described Table 7 below.

40. As soon as the RP implementing NGO is mobilized and prior to the start of the construction, RHD or its representative will make public the establishment of the grievance redress and advertise its contact information via consultations, the upazila offices involved, and posters in strategic locations along the corridors. The poster(s) will be in Bangla and will have the contact information of the INGO manager and the field-level RHD officer. An RHD representative will check at least monthly to ensure that the posters are prominently displayed and provide clear contact instructions and numbers. A complaint register of all grievances received will be kept, which will include the contact details of complainant, date of the complaint submission, its nature, agreed corrective actions and the date these were implemented, and final outcome. The CSC expert will support the RP implementation team (i.e. RHD and INGO) with the GRM record-keeping and processes. The expert will set a simple reference protocol for this purpose after assessing the GRM set up and consulting with the RP implementing team.

**Table 7: Grievance Redress Procedures**

Step1	The aggrieved party can also approach the court of law at any time. The complainant can also approach the NGO field level officials for clarification, or submits any formal complaints. The NGO will provide clarification to the affected person and try to resolve the problem at local level with the involvement of the PIU resettlement representative. If this is not resolved (maximum 7 days):
Step2	The NGO will recommend that the affected person submit their complaints to the GRC. NGO staff assists the affected person in filing the complaints (maximum 3days):
Step3	GRC will evaluate applications, to determine whether the submitted cases are within their mandate. Cases related to compensation under the ARIPO will be referred to the DC through RHD for further review and action. Decision has to be made by the DC and complainant informed within 14 days.
Step4	If the complaint is within the GRC mandate and does not related to compensation under ARIPO, the Local-level Committee will hold a session with the aggrieved person, minutes recorded. A proposed action/decision will have to be made and complainant informed orally and in writing within 30 days.
Step5	The complainant may accept the Local-level Committee decision; if not, he/she may want to submit the complaint to the Project-level. The NGO will assist the complainant in filing the claim (maximum 3 days)
Step6	The Project-level Committee will hold a session with the aggrieved person, minutes recorded. The approved verdict will be communicated to the complainant DP in writing.
Step 7 - A	If the complainant does not accept the Project-level Committee decision, he/she may want to submit to the court of law. The NGO will assist the complainant in filing the claim (maximum 7 days)
Step 7 - B	If the complainant does not accept the project-level Committee decision, he/she may want to submit directly (in writing) to the ADB's Resident Mission or South Asian Transport and Communication Division (maximum 7 days)

Step 7- C	Should efforts to resolve the issue fail, the affected person may submit their complaint in writing directly to the ADB Accountability Mechanism: <a href="http://www.adb.org/Accountability-Mechanism/default.asp">http://www.adb.org/Accountability-Mechanism/default.asp</a> <sup>13</sup>
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<sup>13</sup> **Accountability Mechanism.** Project-affected people can also submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-financed projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. The Accountability Mechanism comprises two separate, but related, phases, namely: (i) a consultation phase, led by ADB's special project facilitator who reports directly to the ADB President, to assist project-affected people in finding solutions to their problems; and (ii) a compliance review phase, led by a three-member panel that reports to the Board of Directors. The Compliance Review Panel investigates alleged violations of ADB's operational policies and procedures, as defined by the Board of Directors, including safeguard policies, that have resulted or are likely to result in direct adverse and material harm to project- affected people and recommends how to ensure project compliance with those policies and procedures.

## VI. INSTITUTIONAL ARRANGEMENTS

41. The Roads and Highway Department (RHD) will be responsible for the land acquisition and resettlement activities. RHD is familiar and experienced with ADB's resettlement activity requirements: it is currently conducting land acquisition and resettlement activities for the SASEC Road Connectivity Project and the Greater Dhaka Sustainable Transport Project both approved in 2012. Both of these investments are financed by loans from ADB.

42. RHD will establish a project implementation unit (PIU), headed by a Project Director in Dhaka and 3 Additional Project Directors (APDs) who will be overseeing the work of 8 Project Managers, based in the field and supervising the 9 packages related to the MFF. The 3 APDs will act as Resettlement Chief Officers and supervise the land acquisition and resettlement (LAR) activities related to the packages under their supervision. The APDs will be assisted by the implementation NGO (INGO) specifically recruited to implement the day-to-day LAR activities and by the CSC resettlement experts. Details of the implementation arrangements are provided in Table 8 below:

**Table 8: Implementation Arrangements**

Agency	HR resources	Key activities
<p><b>PIU</b></p> <p>Office in Dhaka</p>	<p>3 Additional Project Directors</p>	<p>Overall responsibility for implementation of RF. Key activities include:</p> <ul style="list-style-type: none"> <li>▪ Supervise the INGO activities</li> <li>▪ support the survey verification and update of affected persons and prepare identification and entitlement cards</li> <li>▪ provide assistance and logistical support to the District Commissioner's office for land acquisition activities</li> <li>▪ provide support to the affected persons in gathering their documentation to collect their award payment at the district's office</li> <li>▪ Distribute resettlement benefits</li> <li>▪ support the field data gathering for the preparation of RP addendums and updates</li> <li>▪ conduct and document regular and meaningful consultations with affected persons – including the dissemination of entitlement benefits</li> <li>▪ conduct internal monitoring of RP activities and prepare monthly progress reports</li> <li>▪ convene grievance redress committee</li> <li>▪ Place budget to DC's offices.</li> </ul>
<p><b>RP NGO</b></p> <p>Offices in Dhaka and project site</p>	<p>Team of 8-10 professional staff (team leader, area managers, gender specialist, data manager) and 20 field and support staff</p>	<p>Day-to-day implementation of the land acquisition process and resettlement activities.</p> <ul style="list-style-type: none"> <li>▪ support the survey verification and update of affected persons and prepare identification and entitlement cards</li> <li>▪ provide assistance and logistical support to the District Commissioner's office for land acquisition activities</li> <li>▪ provide support to the affected persons in gathering their documentation to collect their award payment at the district's office</li> <li>▪ support the PIU in the distribution of resettlement benefits</li> </ul>

Agency	HR resources	Key activities
		<ul style="list-style-type: none"> <li>▪ support the field data gathering for the preparation of RP addendums and updates</li> <li>▪ conduct and document regular and meaningful consultations with affected persons – including the dissemination of entitlement benefits</li> <li>▪ conduct internal monitoring of RP activities and prepare monthly progress reports</li> <li>▪ address grievances at local level</li> <li>▪ act as secretary in grievance redress mechanism</li> <li>▪ support affected persons in filing grievances</li> <li>▪ conduct livelihood and skills enhancement training program</li> </ul>
<b>Deputy Commissioner</b> in Bogra, Tangail, Rangpur, Siranjanj and Gaibandha	Unknown	<ul style="list-style-type: none"> <li>▪ participate in the joint verification survey</li> <li>▪ Issues all notices related to the land acquisition process</li> <li>▪ conduct payment of CCL to the affected persons</li> <li>▪ allocate khas land and assist in identifying alternative land for relocation of sensitive groups and community structures</li> <li>▪ maintain all official records and legal and administrative authority for land titles.</li> </ul>
<b>Supervision Consultant</b>  Office in Dhaka	1 Intern. resettlement expert (12 months) 2 National resettlement expert (48 months)	Guide the land acquisition process and resettlement activities: <ul style="list-style-type: none"> <li>▪ help the PIU an RP implementing NGO in setting up a baseline and monitoring system</li> <li>▪ review and finalize RP addendums when necessary</li> <li>▪ monitor activities of the NGO</li> <li>▪ conduct internal monitoring of the resettlement process to ensure smooth implementation</li> <li>▪ ensure that timely payments of compensation and other entitlements as per the RP are made before physical relocation or the commencement or civil works occurs</li> <li>▪ consolidate monthly resettlement monitoring reports prepared by resettlement NGO into semi-annual monitoring reports to be submitted to ADB</li> <li>▪ participate, record and address grievances at project level</li> <li>▪ identify areas of non-conformity with the RP and propose corrective actions</li> <li>▪ ensure proper documentation of the ongoing consultation process.</li> </ul>
<b>External Monitor</b>	4 professional staff 1 Team Leader 2 analysts/field staff	More information in following chapter

43. As per ADB's SPS, affected people in a given section must be compensated and resettled before civil works starts. The implementation of the RP must therefore be carefully synchronized with the calendar of civil works. RHD has already initiated the following RP implementation activities:

- (i) The LAR budget has been approved in last quarter of 2016

- (ii) The INGO selection process has been completed, the INGO contract signature and initial mobilization is expected to start in May 2017. The Terms of Reference of the INGO are presented in **Appendix 7**.
- (iii) As of April 2017, the LAPs have been submitted to the DCs

## VII. BUDGET AND FINANCING

44. The budget allocated for the RPs will be entirely financed by the Government of Bangladesh.

45. Any addendums or updates to the RP will have to include their budgetary requirements. The minimal information to be provided is presented in Table 9 below:

**Table 9: Sample Table of Resettlement Cost**

Resettlement Costs	Quantity	Unit Cost (Tk)	Total (Tk)	Total (USD)
Compensation for private lands				
Compensation for private structures				
Compensation for trees and crops				
Compensation for loss income				
Relocation allowance				
Reconstruction allowance				
Vulnerability allowance				
Livelihood improvement training				

## VIII. MONITORING AND REPORTING

46. An internal monitoring system will be established by the PIU and NGO with the support of the CSC resettlement experts. A set of process, outcome and baseline indicators will be developed and the baseline gathered at the onset of RP implementation. Indicative indicators for the project can be found in **Appendix 5**. Moreover, the NGO will develop a system to manage land acquisition and resettlement data (records of compensation and disbursements) as well as maintaining records of consultations and grievances.

47. An independent external monitor will be engaged by ADB through the CDTA attached to the MFF to monitoring the implementation of the RP. The overall scope of the external monitoring is the following (the detailed Terms of Reference are provided in **Appendix 8**):

- Conduct a field-based assessment of the implementation of the resettlement plan on a bi-annual basis;
- Reconciliation data provided by NGO, RHD with field and records verification;
- Assess progress of land acquisition and resettlement activities;
- Assess progress vis-à-vis indicators;
- Assess compliance of RP implementation with SPS and RF;
- Interview affected persons to assess their views on the resettlement process; and
- Propose corrective/remedial actions.

48. Monitoring tools for the external monitoring will include both quantitative and qualitative methods as follows:

- a. Sample household survey: a baseline household survey of a representative

- sample (20% of affected households requiring relocation), disaggregated by gender and vulnerability to obtain information on the key indicators of entitlement delivery, efficiency, effectiveness, impact and sustainability.
- b. Focused Group Discussions (FGD): Consult with a range of stakeholder groups (local government, resettlement field staff, NGOs, community leaders and APs including women and vulnerable groups).
  - c. Key informant interviews: Consult individuals like local leaders, persons with special knowledge or experience about resettlement activities and implementation.
  - d. Community public meetings: Open public meetings at resettlement sites to elicit information about the performance of various resettlement activities.
  - e. Structured direct observations: Field observations on the status of resettlement implementation, plus individual or group interviews for cross checking purposes.
  - f. Informal surveys/interviews: Informal surveys of APs, host village, workers, resettlement staff, and implementing NGO personnel using non-sampled methods.
  - g. In the case of special issues, in-depth case studies of APs and host populations from various social classes will be undertaken to assess the impact of resettlement

49. Table 10 below provides more details on the required reports to be produced.

**Table 10: Reporting Requirements**

<b>Type of Report</b>	<b>Content</b>	<b>Frequency</b>	<b>Responsibility</b>
RP update	Provide the updated list of affected persons after the joint verification survey	Once	NGO/RHD/CSC
Addendum(s)	Detail the land acquisition and resettlement impacts, socioeconomic survey of affected persons, mitigation and rehabilitation measures, budgetary requirements and timeline for implementation	To be prepared when either conditions below is met: (i) for sections of project where design is not final (ii) for unforeseen activities with resettlement impacts	NGO/RHD/CSC
Monthly progress report	Progress on land acquisition and resettlement activities, progress on indicators, results, issues affecting performance, constraints, variation from RP (if any) and reason for the same and corrections recommended	Monthly	NGO
Semi-annual resettlement monitoring report	Progress on land acquisition and resettlement activities,	Semi-annually	RHD/CSC

Type of Report	Content	Frequency	Responsibility
	indicators, variations if any with explanation and outcome, recommended corrective actions. The RP Monitoring Report outline can be found in Appendix 4.		
Independent monitoring report	Progress on land acquisition and resettlement activities, indicators, variations if any with explanation and outcome, affected person's satisfaction with process, compliance with ADB's SPS, corrective actions recommended	Semi-annually	Independent Monitor
Resettlement completion report	Overall narrative of the land acquisition and resettlement process, outputs and outcomes of indicators from baseline, key variations/changes, lessons learned	Once	RHD/CSC
Resettlement evaluation report	Overall assessment of the land acquisition and resettlement process, compliance with ADB's SPS, indicators achievement when compared to baseline, lessons learned	Once	Independent Monitor

**APPENDIX 1: DETAILED BREAKDOWN OF NEW FEATURES AND COST OVERRUN OF SASEC I**

1. Difference in Estimated Value and Award Value of the Contracts
2. Provision of separate SMVT bridges for Kodda- 1 and Bymail under WP-01.
3. Inclusion of Flyover near ICT Park at Kaliakoir (L=400 m including ramp) at Ch 18+800 in WP-02
4. Inclusion of a 400 m Fly Over (including ramp) at Naojuri at Ch. 3+000 km under WP -01
5. Construction of footpath on both sides in Contract WP-01
6. Integration of the existing road with proposed new 2 Lane roads along with SMVT Lanes
7. Inclusion of Underpass along JCTE road
8. Maintenance during Construction
9. Removal of Garbage/ Unsuitable soil in WP-01 and WP- 02
10. Adjustment of Quantities of lane changing underpasses and culverts
11. Inclusion of Additional Features for Roads and Highways Department Headquarters Building at Tejgaon, Dhaka.
12. Contract wise cost of various components
13. Revised Bill of Quantities
14. Price Adjustment

## APPENDIX 2: DRAFT LEAFLET FOR PROJECT INFORMATION DISCLOSURE

### A. Project Description

1. The Government of Bangladesh has received a loan from the Asian Development Bank to expand the Hatikamrul- Rangpur Highway (156.43 km) into a four-lane highway. The project road starts from Hatikamrul (intersection with N 405) in Ullapara Upazila, Sirajganj District and ends at Rangpur Modern *Morh* (intersection With N 517) in Rangpur District. The four- laning of the Hatikamrul-Rangpur Highway Project is very important as it will increase the connectivity between the capital Dhaka and northern region of Bangladesh through the Jamuna Bridge. The project is expected to impact around 16,000 households, among which 6,300 will have to physically relocate.

### B. Social impacts of the project

2. Below is the summary of impacts. More information can be found in the project office or on the following website: [www.rhd.gov.bd](http://www.rhd.gov.bd).

**Table 11: Summary of Key Impacts**

Sl.No.	Categories of Impact	Sub-categories	No. HH	Total
A	Private land to be acquired (in Ha.)	Homestead		
		Agriculture		
		Other		
	Government land (in Ha.)	Cantonment		
		Municipal Corporation		
		Other		
RHD Existing land	Road			
<b>Total (ha)</b>				
<b>Impacts on households</b>				
B	Title-holders losing Land and Structure	Land		
		Land & Structure		
	Non-Titled Holders	Squatters		
		Encroachers		
		Only Trees		
		Renters		
	Employees			
<b>Total Affected</b>				
<b>Extent of Impacts</b>				
C	Physically displaced	Titled		
		Non-Titled		
	Vulnerable affected	Titled		
		Non-Titled		
	Losing 10% or more of productive assets	Losing 10% or more of land		
		Losing 10% or more of other assets		
<b>Community Structures</b>				
D	CPRs affected (private)			
	CPRs affected (public)			
	Religious Structures affected			
	Government Structures affected			

**C. Entitlements, Assistance and Benefits**

	<b>Title Holders</b>	<b>Non-title holders (i.e. squatters)</b>
<b>Eligibility criteria</b>	Identified as per ARIPO section 3 issued by Deputy Commissioner	Identified by census survey conducted March 2015
<b>Compensation for assets (Land, structures, trees, crops)</b>	Cash Compensation under Law (CCL) provided by Deputy Commissioner  Additional cash compensation to ensure total compensation is equivalent to replacement cost of asset	Replacement cost for all assets but land
<b>Assistance for loss of income</b>	Equivalent to three months' income	
<b>Other assistance measures</b>	<b>Vulnerable households</b> defined as headed by women, disabled, elderly or below poverty level will get additional BDT 10,000 <b>Physically displaced households</b> will get <ul style="list-style-type: none"> <li>(i) moving grant equivalent to 2% of the replacement cost of the structure;</li> <li>(ii) reconstruction grant equivalent to 5% of replacement cost of the structure;</li> <li>(iii) Assistance from NGO in finding an alternative place to buy or rent through sharing list of available plots and structures to rent or buy and support with legal documentation for lease or purchase.</li> </ul>	
<b>Participation in Livelihood improvement program</b>	Trade and skills training program offered to all vulnerable households with seed grant of BDT 16,000 for participants upon completion of course	

**D. Grievance Redresses Mechanism**

3. RHD will establish a grievance redress mechanism (GRM) to voice and resolve all concerns linked to the project and ensure accountability towards affected persons. This mechanism will be readily accessible to all segments of affected or other concerned people. The GRM will be composed of a series of local-level committees (at municipality or local administration level) and one project-level committee (based in Dhaka). The contact information of the local level committee focal persons is provided below.

**E. Contact Details for Inquiry/Grievances**

Name: Designation: PIU Resettlement Officer RHD Project Implementation Unit Fix Line No: Cell phone No: Email: Address:	Name: Designation: INGO Area Manager RP Implementation NGO Fix Line No: Cell phone No: Email: Address:
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**APPENDIX 3: COMPARISON BETWEEN ARIPO (1982) AND ADB'SPS (2009)**

<b>Aspect</b>	<b>GOB 1982 Ordinance II and other Applicable Laws/Guidelines</b>	<b>ADB SPS 2009</b>	<b>Gaps between ADB SPS 2009 and GoB Policy</b>	<b>Safeguard Measures to Bridge the Gaps between ADB SPS and GoB Law in this Project</b>
<b>Objectives</b>				
1. Avoidance of involuntary resettlement	Avoidance of resettlement is not specifically mentioned in the 1982 Ordinance – focuses on mitigation than avoidance	Avoid involuntary resettlement wherever possible	Gaps with regard to this principle to avoid resettlement impact through alternative options.	Resettlement Plan (RP) adheres to this principle- i.e., avoid resettlement impacts where feasible.
2. Minimization of involuntary resettlement	The law implicitly discourages unnecessary and excess land acquisition, as excess land remains idle and unused and lands acquired for one purpose cannot be used for a different purpose	Minimise involuntary resettlement by exploring project and design alternatives.	Section 3/under 1982 Ordinance requires notification only; no consultation is required.	<ul style="list-style-type: none"> <li>- Minimize displacement of people as much as possible by exploring all viable design alternatives.</li> <li>- If unavoidable, provide for prompt payment of adequate compensation,</li> <li>- Provide replacement cost (for lost assets and income) and rehabilitation and livelihood assistance, towards better condition than before relocation for all displaced households regardless of title to land.</li> <li>- Land that remains unused should be returned to the original owner(s).</li> </ul>
3. Mitigation of adverse social impacts	The mitigation measures are cash compensation only for lost assets. The complexities of resettlement is not addressed by the Ordinance	To enhance, or at least restore, the livelihoods of all affected persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.	Only cash-based compensation for acquired assets. The impacts on loss of houses and the need for resettlement are not considered.	Provision for replacement value for assets lost (i.e. structures, trees, etc.). Other resettlement benefits are to be provided. RP is to be disclosed to the community in Bengali version.
<b>Core Principles</b>				
1. Identification, assessment	The 1982 Ordinance requires preparation of a Land	Screen the project early on to identify past, present and future	Impact assessments are typically done in the case	RP requires identification of impacts caused by

Aspect	GOB 1982 Ordinance II and other Applicable Laws/Guidelines	ADB SPS 2009	Gaps between ADB SPS 2009 and GoB Policy	Safeguard Measures to Bridge the Gaps between ADB SPS and GoB Law in this Project
and addressing the potential social and economic impacts	Acquisition Plan (LAP) for land acquisition (if any) and compensation purposes. However GoB environmental rules/guidelines (1997) synchronize various applicable laws and policy frameworks of the country for early identification of impacts on biophysical, socioeconomic and cultural environment of a project intervention and their mitigation. Requires the assessment of technical alternatives, including the no action alternative to minimize adverse environmental impacts, include impact on human health and safety	involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including gender analysis, specifically related to resettlement impacts and risks.	of externally funded projects; otherwise, project impacts on properties, livelihoods and employment, are discussed in RP and provide enough information to determine losses and basis for compensation. Existing national laws do not have provision for identification of indigenous people to recognize their particular problem and inconveniences due to a project.	displacement whether or not through land acquisition (maintaining the principle that lack of formal title to land should not be a bar to compensation and resettlement assistance), including number of affected persons. The RP also addresses indirect impacts.
2. Preparation of mitigation plans for affected persons	The Deputy Commissioners (DCs) have the mandate in their respective jurisdiction as per law to acquire land for any requiring person (public agency or private person). The requiring body requests the Deputy Commissioners for acquisition of land for their project/ scheme. DCs investigate physically the requirement of land and carry out joint verifications of assets and type of land for assessing quantity of losses (u/s 8(1) of the law). Affected titled holders receive the assessed value and 50% on that for compulsory acquisition	Develop resettlement plan on the basis of assessment during project processing, with the intent that plan will guide refinements of impact estimates and mitigating measures as project para Duals are finalized.	Existing law and methods of assessment do not ensure full replacement cost of property at current market price. The law does not consider resettlement or rehabilitation of affected persons or their loss of income or livelihood resources. "Market value" of property is often found low in respect of current market price, it can be raised, if appealed, by a maximum of 10 percent each time which in most	Resettlement Framework of the project requires full census and/or updating, where possible, for up-to-date database. RPs will be developed on the updated survey data.  Provide guidelines to ensure displaced persons and communities' compensation for lost assets at full replacement costs and other assistance to help them improve or at least restore their standard of living at pre-project level. Includes special attention to gender and

Aspect	GOB 1982 Ordinance II and other Applicable Laws/Guidelines	ADB SPS 2009	Gaps between ADB SPS 2009 and GoB Policy	Safeguard Measures to Bridge the Gaps between ADB SPS and GoB Law in this Project
	Fair compensation is required for acquisition of land which is dependent on recorded data with relevant government agencies (sub-registrar's office for land, PWD for structure, DAE for crops, DoF for trees, etc.). Affected owners have the right to appeal on acquisition or on the compensation amounts determined as per law.		case is not sufficient to match with real market price.	preparation of gender action plan
3. Consideration of alternative project design	Feasibility studies including social, political, cultural and environmental impact assessments, detailed engineering surveys as basis for acquisition of private property or rights.	Explore viable alternative project designs to avoid and/or minimize involuntary resettlement.	No specific laws for considering project design to avoid or minimize involuntary resettlement. Feasibility study considers cost-benefit more from technical than socio-cultural considerations.	RP considers feasible alternative project design to avoid or at least minimize physical or economic displacement, while balancing environmental, social, technical and financial costs and benefits.
4. Involvement and consultation with stakeholders	<p>The 1982 Ordinance have provisions (Section 3 and 3/2) to notify the owners of property to be acquired.</p> <p>Any party having any objections can appear to DC for a hearing with 15 days of notification.</p>	Carry out meaningful consultations with affected persons, host communities, and concerned agencies/ government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation and M&E of resettlement programs. Pay particular attention to the needs of the vulnerable groups, especially those below poverty line, the landless, the elderly, women and children and	There is no provision in the law for consulting the stakeholders but the land allocation committees at district, division and central government level. People have limited scope to negotiate with the government on the price of land, but have no right to refuse acquisition.	RP has provisions for community consultation and public disclosure of impacts as well as mitigation measures, including disclosure of Resettlement Plan. Further, grievances redress procedures involving cross-section of people, including representative of affected persons, are to be established for accountability and democratization of the development process.

Aspect	GOB 1982 Ordinance II and other Applicable Laws/Guidelines	ADB SPS 2009	Gaps between ADB SPS 2009 and GoB Policy	Safeguard Measures to Bridge the Gaps between ADB SPS and GoB Law in this Project
		indigenous people, and those without title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the APs' concerns. Support the social and cultural institutions of displaced persons and their host population.		
5. Informing APs by disclosing RP (emphasizing on mitigation measures)	The 1982 Ordinance requires a "notice" to be published at convenient places on or near the property in a prescribed form and manner stating that the property is proposed to be acquired (under section 3).	Disclose the resettlement plan and other relevant information in a form and language(s) accessible to key stakeholders, civil society, particularly affected groups and the general public.	Disclosure takes place in the case of donor-funded projects.	RP requires disclosure of Draft RPs to the affected communities in a form or language(s) that are understandable to key stakeholders, civil society, particularly affected groups and the general public in a national workshop. Further, updated RPs will be disclosed based on material changes as a result of the concerns of affected families.
6. Supporting existing social and cultural institutions of the affected persons	No provision in the 1982 Ordinance.	Ensure that the existing social and cultural institutions are supported and used to the extent possible, including legal, policy and institutional framework of the country to the extent that the intent and spirit of the IR policy is maintained.	No provision in any existing laws.	Following good practices in other resettlement project i.e., Padma and Jamuna Bridge Projects, the RP has provisions to enhance carrying capacity of the host villages in post-relocation period.
7. Building capacity of the borrower (RHD) on RP implementation	No provision in the 1982 Ordinance.	Assist in building capacity of EA on best practice on involuntary resettlement planning and implementation.	There is no law or directives on the supervision of the land acquisition process by Deputy Commissioner.	Resettlement supervision in the Akhaura-Laksam Rail project will follow best practices of other similar type of resettlement projects in the country. Mid-term review of resettlement

Aspect	GOB 1982 Ordinance II and other Applicable Laws/Guidelines	ADB SPS 2009	Gaps between ADB SPS 2009 and GoB Policy	Safeguard Measures to Bridge the Gaps between ADB SPS and GoB Law in this Project
				performance and regular supervision of resettlement operations by RHD
8. Social Assessment		The borrower/client will conduct socio-economic surveys and a census, with appropriate socioeconomic baseline data to identify all persons who will be displaced by the project and to assess the project's socioeconomic impacts on them. As part of the social impact assessment, the borrower will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status.	There is no provision in the law for conducting census or socio-economic surveys except video filming and joint verification of the property within the proposed right of way.	Census and Socioeconomic survey, consultation meetings with video filming of the alignment are mandatory.
9. Resettlement Plan		The borrower will prepare a resettlement plan, if the proposed project, will have involuntary resettlement impacts. The objective of the Resettlement Plans will elaborate displaced persons entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring & reporting framework, budget and a time-bound implementation schedule.	No provision in the national law for preparation of the Resettlement Plan	Resettlement Plan is prepared for the project where there are land acquisition and involuntary resettlement impacts.
10. Monitoring	The 1982 Ordinance II has	The borrower will monitor and	No provision in the	RP has provision for internal

Aspect	GOB 1982 Ordinance II and other Applicable Laws/Guidelines	ADB SPS 2009	Gaps between ADB SPS 2009 and GoB Policy	Safeguard Measures to Bridge the Gaps between ADB SPS and GoB Law in this Project
	provision that the DC will monitor and submit a statement to the Government annually about the properties acquired for different requiring bodies and mode of utilization of the land.	measure the progress of implementation of the RP. For projects with significant involuntary resettlement impacts, the borrower will retain qualified and experienced external experts or qualified agencies to verify the borrowers monitoring information. The borrower will prepare semi-annual monitoring reports that describe the progress of the implementation of the resettlement activities and any compliance issues and corrective actions.	national law for monitoring implementation of the RP	monitoring by EHDand Supervision Consultants and external monitoring by an independent monitor during implementation period.
11. Evaluation	No provision for evaluations of the post-displaced lives of the affected households and communities		No provision in the national law for conducting evaluation of the RP implementation.	An independent reviewer (a senior level Resettlement Specialist) will conduct evaluation of the performance of resettlement operations as well as impacts of resettlement during and after implementation of resettlement plan to assess resettlement efficiency, effectiveness, impacts, and sustainability. The evaluations will reflect broadly on the success or weaknesses in RP implementation and “lessons learned.”

**APPENDIX 4: SUMMARY OF CONSULTATIONS TEMPLATE**

<b>Consultation date/Location</b>	<b>No. of participants (gender segregated)</b>	<b>Comments</b>	<b>Taken into consideration: if yes, how? If not, why not?</b>

**APPENDIX 5: INDICATIVE MONITORING AND EVALUATION INDICATORS**

<b>Monitoring</b>	<b>Monitoring Indicators</b>
Budget and timeframe	<ul style="list-style-type: none"> <li>• Have all resettlement staff been appointed and mobilized for field and office work on schedule?</li> <li>• Have capacity building and training activities been completed on schedule?</li> <li>• Are resettlement implementation activities being achieved according to agreed implementation plan?</li> <li>• Are funds for resettlement being allocated to resettlement agencies on time?</li> <li>• Have resettlement offices received the scheduled funds?</li> <li>• Have funds been disbursed according to RF?</li> <li>• Has the land been made encumbrance-free and handed over to the contractor in time for project implementation?</li> </ul>
Delivery of entitlements	<ul style="list-style-type: none"> <li>• Have all affected persons received entitlements according to numbers and categories of losses in the entitlement matrix?</li> <li>• How many affected households have relocated and built their new structures at new locations?</li> <li>• Are income and livelihood restoration activities being implemented as planned?</li> <li>• Have affected businesses received entitlements?</li> <li>• Have the community structures (e.g. mosque, club, etc.) been compensated and are built at new sites?</li> <li>• Have all processes been documented?</li> <li>• Are there discrepancies between the estimated number of affected persons as per the RP/RP addendum and actual numbers</li> <li>• Share of CCL disbursement vs total TH affected</li> <li>• Share of TH who have received “top ups”</li> <li>• Share of TH who have received entitlement benefits</li> <li>• Share of NTH who have been compensated market value for loss of structure, tree or crops</li> <li>• Share of NTH who have received entitlement benefits</li> </ul>
Relocation assistance	<ul style="list-style-type: none"> <li>• Has NGO prepared a list of alternative places to rent/buy?</li> <li>• Have affected households benefitted from support of NGO to find alternative place to rent/buy? If so, how many and what services were provided?</li> </ul>
Consultation, grievances, and special issues	<ul style="list-style-type: none"> <li>• Have resettlement information brochures/leaflets been prepared and distributed?</li> <li>• Have consultations taken place as scheduled, including meetings, groups, community activities?</li> <li>• Have any affected persons used the grievance redress procedures?</li> <li>• What grievances were raised?</li> <li>• What were the outcomes?</li> <li>• Have conflicts been resolved?</li> <li>• Have grievances and resolutions been documented?</li> <li>• Have any cases been taken to court?</li> </ul>

<b>Monitoring</b>	<b>Monitoring Indicators</b>
Resettlement Benefit/Impacts	<ul style="list-style-type: none"> <li>• What changes have occurred in patterns of occupation compared to the pre-project situation?</li> <li>• What changes have occurred in income, expenditure and livelihood patterns compared to pre-project situation?</li> <li>• How many physically displaced households have relocated? Where are they relocated (i.e. remaining plot of land, newly purchased plot, rented plot/structure)</li> <li>• How many household have purchased plot?</li> <li>• What were compensations/resettlement benefits spent on?</li> <li>• Have the participants of the livelihood training program use their new skills?</li> <li>• What was the seed grant spent on?</li> </ul>

## APPENDIX 6: SAMPLE OUTLINE OF RP MONITORING REPORT

1. Following requirements of the ADB Safeguard Policy Statement (2009) and the *Operations Manual* section on safeguard policy (OMF<sup>1</sup>), borrowers/clients are required to establish and maintain procedures to monitor the status of implementation of safeguard plans and ensure progress is made toward the desired outcomes. For projects categorized as A or B in Involuntary Resettlement and/or Indigenous People, the Borrowers/clients are required to submit semiannual monitoring reports for ADB review. The level of detail and comprehensiveness of a monitoring report is commensurate with the complexity and significance of social safeguards impacts (IR and IP) and with the current status of project implementation phase.
2. This outline can be used for
  - (i) Periodic monitoring report (semiannual) and/or
  - (ii) RP/IPP completion report to start the civil works on the impacted areas.
3. A safeguard monitoring report may include the following elements:
  - A. Executive Summary**
  4. This section provides a concise statement of project scope and impacts, key findings and recommended actions (as applicable).
  - B. Background of the Monitoring Report**
  5. This section provides:
    - (i) Background/context of the monitoring report which includes information on the project, project components, safeguards categorizations and general scope of the social safeguards impacts;
    - (ii) Information on the implementation progress of the project activities, scope of monitoring report and requirements, methodology used, reporting period;
    - (iii) Changes in project scope, if any.
  - C. Scope of Impacts**
  6. This section outlines the detail of
    - (i) Scale and scopes of the project impacts on involuntary resettlements or indigenous people as identified in the approved RP/IPP,
    - (ii) Adjusted safeguard measures due to changes in project scope, if applicable,
    - (iii) Vulnerability status of the affected people,
    - (iv) Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final RP(s)/IPP(s).

<sup>1</sup> If the final detail design at the submission date of the report is not yet ready this activity might not yet started. In this situation provide the information on the project's readiness for the RP/IPP implementation and management (i.e. LAR fund availability, RP finalization, assets inventory and mapping, ID cards distribution, etc.) and the updated schedule of the compensation and rehabilitation activities, as applicable.

## **D. Status of RP/IPP Implementation**

7. This section provides detail and progress for the implementation of the RP/IPP. This includes various activities and institutional arrangements required prior the finalization and implementation of the RP/IPP. This section should have descriptions on:

### **1. Institutional Arrangement and Capacity**

8. This section describes the actual implementation or any adjustment made to the institutional arrangement for implementing and managing the social safeguards issues. This includes the establishment of safeguards unit/team and appointment of staff in the EA/IA; implementation of the GRM and its committee; supervision and coordination between institutions involved in the management and monitoring of safeguards issues, the roles of NGO and women's groups in the monitoring and implementation of the plan, if any; budget/fund availability for implementing the GRM, RP/IPP; adequacy of EA/IA capacity to manage safeguards issues; updated RP/IPP implementation schedule, etc .

### **2. Compensation and Rehabilitation<sup>1</sup>**

9. This section describes the process and progress of the implementation of the land acquisition and resettlement (LAR) and/or indigenous people (IP) impacts mitigation activities as determined in the RP. This includes payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons; provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan. Quantitative as well as qualitative results of the monitoring parameters, should be provided. (e.g., adequacy of compensation rates and timeliness of payments, adequacy and timeliness of IR rehabilitation measures including preparation of the replacement housing sites, house reconstruction, livelihood support measures, and training, etc.). Any discrepancies that may occur from the approved RP/IPP during the implementation should be explained.

### **3. Disclosure and public consultation**

10. This section describes public disclosure and consultation activities during the project's implementation as agreed in the plan. This includes final consultations with APs during RP finalization after the completion of detail design and final DMS survey; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing NGOs, project supervision consultants, contractors; project reports posted on website, etc.

### **4. Grievance Redress Mechanism (GRM)**

11. This section described the implementation of project GRM as design in the approved RP/IPP. The monitoring and evaluation include its readiness, effectiveness, procedures, complaints receive, timelines store solve issues/complaints and adequacy of resources provided to solve the complaints. Special attentions should be given if there are complaints received from the affected people or communities.

## **E. Summary Monitoring Results and Key Findings**

12. This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status or

resolutions/follow up of previously identified issues. It also compare against the objectives of safeguards or desired outcomes (e.g. IR impacts avoided or minimized; livelihood restored or enhanced).

#### **F. Compliance Status**

13. This section summarizes the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR2.

#### **G. Follow up Actions, Recommendation and Disclosure**

14. This section describes recommendations and further actions or items to focus on for the remaining monitoring period. If noncompliance or any major gaps identified, include the recommendation of corrective action plan. It also includes lesson learned for improvement for future safeguards monitoring activities. Disclosure dates of the monitoring report to the affected communities should also be included and, as needed, a time-bound summary table for required actions.

#### Appendices:

- (i) List of Affected Persons and Entitlements
- (ii) Summary of the survey results (from the external monitor)
- (iii) Copies of AP's certification of payment (signed by the APs)
- (iv) Summary of minutes of meetings during public consultations
- (v) Summary of complaints received and solution status
- (vi) Photographs of the affected areas, consultation meetings, housing reconstruction activities, etc.

## APPENDIX 7: TERMS OF REFERENCE FOR NGO FOR RP IMPLEMENTATION

### ROADS AND HIGHWAYS DEPARTMENT ROADS DIVISION MINISTRY OF COMMUNICATION

#### I. Introduction to the Project

1. The Hatikamrul-Rangpur highway under the Subregional Transport Project Preparatory Facility is 156.43 km long, which is priority, package 7 out of 10 work packages of the sub-project. The alignment starts from Hatikamrul (intersection with N 405) in Ullapara Upazila, Sirajganj District and ends at Rangpur Modern Morh (int. With N 517) in Rangpur District. A total of 184.43 ha of land will be affected by the project alignment along Sirajgonj, Bogra, Gaibandha, and Rangpur districts.

2. Main Components of the Project are

- upgrading existing 156.43 km Hatikamrul-Rangpur 2 lane road to a 4 lane highway,
- construction of separate lane(s) for Slow Moving Vehicular Traffic (SMVT) along the Road,
- identification of accident prone locations along the road and improvement of road safety,

3. This RFP is for submission of proposal to assist RHD in implementation of LA and RAP for the whole segment of Hatikamrul-Rangpur.

#### II. Project Impacts

4. The length of the project road section is 156.43km covering the districts of Sirajgonj, Bogra, Gaibandha and Rangpur districts. Residential, Commercial and Community establishments will require relocation due to undertaking of the project. Besides, Agricultural land losers and indirectly affected individuals or households will experience loss of income due to acquisition and requisition of about 184.43 ha of land. RHD will be responsible for preparation and implementation of Resettlement Plans (RPs) following the policy requirement of the co-financiers and the Government of Bangladesh. Compensation and other assistances will be paid to the Project Affected Persons (PAPs).

#### III. Land Acquisition and Resettlement Policies

##### A. Government of Bangladesh Legal Framework and Co-financiers Policies

5. Current legislation governing land acquisition in Bangladesh is the Acquisition and Requisition of Immovable Property Ordinance (Ordinance II) of 1982 (hereafter 1982 Ordinance). The 1982 Ordinance requires that compensation be paid for

- (i) land and assets permanently acquired (including standing crops, trees, houses);
- (ii) Any other damage caused by such acquisition.

6. The Deputy Commissioner (DC) determines the market price of assets based on the legislative procedures and in addition to that pays an additional 50 percent on the assessed

market value established by DCs. The 1994 amendment made provisions for payment of crop-compensation to tenant cultivators. The Ordinance does not cover project-affected persons without title to land or ownership record, such as informal settlers/squatters, occupiers, and informal tenants and lease-holders (without registration document) and does not ensure replacement market value of the property acquired.

7. The 1982 Ordinance has no provision for providing resettlement assistance and transitional allowances for restoration of livelihoods of the non-titled affected persons. The Ordinance has been applied for this project for land acquisition; however, displaced persons, irrespective of their title will be assisted under resettlement framework, of co-financiers safeguard policies on involuntary resettlement.

## **B. Resettlement Principles Adopted by the Project**

8. In view of the above legal framework as well as ADB SPS 2009 on Involuntary Resettlement, the resettlement principles and guidelines followed in this project are:

- i. the land acquisition and resettlement impacts on persons affected by the project would be avoided or minimized as much as possible through alternative design options;
- ii. where the negative impacts are unavoidable, the persons affected by the project will be identified and assisted in improving or regaining their standard of living;
- iii. information related to the preparation and implementation of resettlement plan will be disclosed to all stakeholders and people's participation will be ensured in planning and implementation;
- iv. Additional support over and above the cash compensation under law (CCL) will be extended for ensuring the replacement market value of the affected property. The affected persons (APs) who do not own land or other property, but have economic interests or lose their livelihoods will be assisted
- v. before taking possession of the acquired lands and property or dispossession of structure/assets on right of way (ROW), compensation and resettlement assistance will be paid in accordance with the provisions of the 1982 Ordinance
- vi. An entitlement matrix for different types of losses and dislocation experienced by different categories of people due to the project has been prepared. The entitlement matrix covers all affected persons irrespective of titles and as identified prior to "cut-off-date" by the survey/census used in this project.
- vii. In the case of land acquisition, the date of notification for acquisition has been treated as the cut-off date. For non-titleholders such as informal settlers/squatters the date of census mentioned above. Any encroacher or squatter moving in to the project areas after the cut-off date will not be entitled to any assistance;
- viii. an appropriate grievance redress mechanism has been established to ensure speedy resolution of disputes;
- ix. All activities related to resettlement planning, implementation, and monitoring would ensure peoples participation including women and other vulnerable groups. Consultations with the APs will continue during the implementation of resettlement and rehabilitation works.
- x. All affected households and persons, as per the above principles, will be entitled to a combined compensation and resettlement assistance depending on the nature of ownership rights to the assets likely to be dispossessed from and socio-economic vulnerability of the affected persons.

#### **IV. Mitigation of Adverse Impact**

9. A total of 184.43 ha of land will be required for widening of the existing road into four lanes which will affect households and/or businesses directly or indirectly. An attempt has been made to minimize land acquisition and involuntary resettlement through adopting the most feasible technical design. A census of 100% households and establishment within the project has been carried out to establish the Inventory of Losses (IOL) following the engineering design of the road which has been verified with joint verification data during the detailed design.

10. As per the census survey, the project will have substantial resettlement impacts. About 6,923 units will require relocation from the acquired land. The compensation entitled for the loss of land and structures at replacement value, shifting and reconstruction assistance, and income restoration assistances are detailed in the entitlement matrix of the RP. Special support for affected people belonging to vulnerable groups, e.g., poor and women-headed households, households having handicapped people are included in the resettlement plan.

11. The APs will be entitled to

- (i) compensation for the loss of land, crops/ trees at their market value;
- (ii) compensation for structures (residential/ commercial/community) and other immovable assets at their replacement market value;
- (iii) assistance for loss of business/ wage income;
- (iv) assistance for shifting and reconstruction, and
- (v) Rebuilding and/ or restoration of community resources/facilities.

12. This will ensure that persons affected by land acquisition or dispossession of their physical assets – whether titled or non-titled – will be eligible for appropriate compensation and or resettlement assistance. Persons having no legal title but using the land under acquisition, if vacated for the project purposes, would be provided with compensation and resettlement assistance for structures and shifting/reconstruction allowances.

13. Households having customary rights to land and physical assets acquired – for instance, renters, sharecroppers, any kind of formal or informal tenancy contracts are also covered under the RP resettlement framework. The people involuntarily displaced from homes, assets, or income sources as well as non-titled people affected by the project will receive priority access to these livelihood regeneration measures. The resettlement activities of the project will be carried out in consultation with the APs and all efforts will be made to minimize disruption during implementation. AP preferences will be taken into account in relocating and resettling the affected persons.

14. A summary entitlement matrix has been prepared on the basis of currently known impacts of the project. Census surveys conducted earlier identified the level of impact. The matrix shows the entitlements for each type of losses and dislocation. In case additional impacts are identified during implementation, the entitlement matrix will be revised through inclusion of compensation and assistance for the additional impacts as per the resettlement policy framework of the project.

#### **V. Objectives**

15. RHD will engage an experienced NGO for the consultation with affected persons and the implementation of resettlement plans. In view of the experience gained from implementing

resettlement in previous projects, involvement of NGOs was particularly helpful and effective in the following areas:

- (i) gathering and sharing information during implementation to establish transparency
- (ii) information campaign and community participation;
- (iii) Strengthening the capacity of the executing agency (EA) to deliver services and to implement resettlement plans. NGO inputs are particularly important in involving local people, women/vulnerable groups in addressing resettlement-related concerns and benefit monitoring.

## **VI. Scope of Work – General**

16. The general scope of work for the selected INGO will include:
- (i) recruitment, deployment and training of the HQ and field staff;
  - (ii) setting of office, equipment and implementation tools;
  - (iii) information and communications campaign;
  - (iv) assist in collecting CCL;
  - (v) assist in Land acquisition
  - (vi) carrying out additional census and IOL, if required for verification;
  - (vii) Prepare supplementary LAP during implementation for any “left out” land/plots or disputed area required for project implementation
  - (viii) computerization of DC data (calculation sheet, DC Award, share determination);
  - (ix) identification of entitled persons (EPs); participation in grievance redress committee (GRC), preparation of EP file, preparation of entitlement card, preparation of payment statement;
  - (x) disbursement of resettlement benefit;
  - (xi) any resettlement-related technical services required by the EA;
  - (xii) Preparation of monitoring and supervision reports to EA as agreed in the contract. The activities mentioned above will be performed for estimated 6,923 units likely to be affected due to acquisition by the project
  - (xiii) Submission of Project Completion Report (PCR) and detail statement of expenditure against payment to the APs and EPs.

## **VII. Detailed Tasks to be performed by INGO**

17. The selected INGO will assist RHD in implementing all stipulation agreed in the resettlement plans entirely, fairly and timely with full transparency. The main purpose of engaging an INGO is to assist the entitled persons to claim the compensation under the law to be paid by the DCs and resettlement benefit to be paid by RHD and their relocation, and assist RHD in processing and paying resettlement benefits to the EPs.

18. Assist in Land Acquisition: Assist RHD from preparation of land acquisition proposal and liaison with Deputy Commissioner’s office to expedite and arrangements for land acquisition activities till handing over of Land to RHD from DC office and Gazette publication.

19. Assistance to APs in collection of CCL: CCL payment records are considered as the legal document to identify the owner or owners. RHD through the NGO will collect these documents from DC offices, distribute shares of the co-owners and issue ID cards based on the DC data.

20. Carry out census or and verify IOL: The INGO will carry out, where needed, additional census and/or verify existing IOL for compensation purposes. In case new areas are to be acquired, the NGO will have to carry out census for additional areas.
21. **Collection of Award and Creation of Inventory of Losses (IOL):**
- (i) Collection and computerization of Land Acquisition (LA), joint verification data, payment of cash compensation under law data and resettlement benefit payment data, and reconciliation of all these;
  - (ii) Creation of an electronic database of inventory of losses and dislocations.
22. **Information Dissemination and Feedback:**
- (i) Ensure dissemination of information on the project and resettlement policy to the project-affected persons and others (community groups, local administration, etc.) who are instrumental in effective and transparent implementation of the RPs;
  - (ii) Assist RHD and the local representatives in organizing consultation and recording the outcome of the meetings.
23. **Technical services:** Prepare software for reconciliation of data bases, create database, and prepare software for EP file and EC or their updating, calculating and processing payment, progress and performance and participatory monitoring and a computerized MIS for use by RHD, the INGO and the review missions.
24. **Identification of Entitled Persons and Issuance of ID Card:** INGO will assist RHD field personnel in identifying and issuing ID cards to the entitled persons identified as per Resettlement Framework (RF) duly certified by the U/P members or ward commissioners.
25. **Preparation/Updating of EP file:** Prepare the entitled person files bringing together all her/his losses or update on a regular basis.
26. **Preparation/Updating of entitlement Card:** Prepare or update 'entitlement card' for the individual EPs as per their types of losses and the amount of compensation due for each types of losses from legal title and the amount of Resettlement Benefit to be paid by RHD.
27. **Preparation/Updating of Payment Statement:** Prepare and or update payment statements for individual EPs as per their types of losses and the amount of compensation due for each type of losses from legal title and the amount of Resettlement Benefit paid by RHD.
28. **Disbursement of Resettlement Benefit:** Process payment of additional benefits based on the price approved by MORTB following recommendation of Property Valuation Advisory Committee and ensures that all resettlement benefits are paid accordingly.
29. **Participation in Grievance Redress:**
- (i) Ensure that the APs are fully aware of the grievance redress procedure and the process of bringing their complaints to the GRCs,
  - (ii) Investigate the veracity of the complaints and try to settle them amicably, fairly and transparently before they go to the redress committee or the courts of law,
  - (iii) Assist GRC in settling the dispute; and
  - (iv) INGO will prepare minutes of the GRC meetings and communicate the decisions to the parties involved.

30. **Assistance to APs in the process of Resettlement:** The EPs and their losses will be identified and recorded in EP file. The EPs will be informed of the resettlement benefits adequately. Payment of entitlement will be processed and assisted in collection of those. They should be guided in relocating and investing the compensation and resettlement benefit in an appropriate manner.

31. **Monitoring and Supervision:** User-friendly menu driven software should be used to generate progress reports for real-time monitoring of progress. The software will be simultaneously operated by the PIU, NGO, the project implementation consultant as well as by RHD so that all the organizations are aware of the progress and problems instantly. Monitoring and supervision will include the following:

- (i) Utilization of manpower input;
- (ii) Internal coordination meetings; and
- (iii) Meeting with client and INGO.

32. **Progress Reporting:** The RP requires that all EPs are paid the stipulated compensations/entitlements before they are evicted from the properties and/or construction work begins. The selected NGO will provide RHD monthly report on the progress in RP implementation, including any issue that might be hindering progress, separately for each civil works contract. The NGO will design tabular and other formats appropriate for reporting on the above information. To the extent possible, the tables will have to be pre-programmed in the menu-driven MIS and the quantitative reports will have to be generated directly. The report will contain the following together with the progress reporting;

- (i) A clear and complete account of work performed in each project component;
- (ii) Work planned for the next reporting period;
- (iii) Status of funding and expenditure;
- (iv) Identification of any problems encountered or anticipated that would affect the completion of the project within the time and money constraints set forth in the agreement, together with recommended solution to such problems.

#### VIII. RP Implementation Schedule

33. The Project Director will allocate manpower and provide time schedule as per the requirement of the civil construction. The INGO will assist RHD in the tasks set out in Table 64.

**Tentative Activity Schedule of INGO for Implementation of RP**

Activities	Total Time
Recruitment, training and deployment	1
Assist in collecting CCL	260
Census/Additional LAP, if needed	8
Information campaign	51
Assist APs in Relocation	51
Identification of EPs	260
Technical services	260
Preparation of EP file	260
Preparation of EC	260
Preparation of Payment statement	260
Payment of Resettlement Benefit	240
Participate in GRCs	240
Assist EPs in the Process of Resettlement	240
Monitoring and Supervision	260

#### IX. Support to be provided by the EA

34. The implementing NGO will be provided with a map showing locations of project and mouza maps.

#### **X. Accounts and Records**

35. The INGO shall keep accurate and systematic accounts and records in respect of the services in such form and detail as are customary in its profession and sufficient to establish accurately that the remuneration and reimbursable out-of-pocket expenses have been duly incurred. The INGO shall permit duly authorized representatives of the Client, to inspect and make an audit of all such documents, accounts and records in connection with payments made in accordance with this contract.

#### **XI. Ownership of Documents and Equipment**

36. All reports, documents, correspondence, draft publications, maps, drawings, notes, specifications, statistics, work product in any form and, technical data compiled or prepared by the INGO and communicated to the Client in performing the services (in electronic form or otherwise and including computer-disks comprising data) shall be the sole and exclusive property of the client, and may be made available to the general public at its sole discretion. The INGO may take copies of such documents and data for purpose of use related to the services under terms and conditions acceptable to the client but shall not use the same for any purpose unrelated to the services without the prior written approval of the client. All computer programs developed by the INGO under this contract shall be the sole and exclusive property of the client; provided, however, that the INGO may use such programs for their own use with prior written approval of the client.

37. Equipment, and materials furnished to the INGO by the client, or purchased by the INGO wholly or partly with funds supplied or reimbursed by the Client hereunder, shall be the property of the client. Equipment or materials brought into by the INGO and the personnel and used either for the project or personal use shall remain the property of the NGO or the personnel concerned, as applicable.

#### **XII. Monitoring and Evaluation**

38. Measuring RP Implementation Progress: For monitoring progress of INGO work in RP implementation, an appropriate monitoring format should be prepared with score/weight against each activities and sub-activities. User-friendly menu driven software should be used to generate progress reports for monitoring the progress regularly. The software will be simultaneously operated by the RU and INGO and the construction supervision consultant so that all the organizations are aware of the progress without delay.

39. Proper orientation to the RHD staff members is to be given so that they can supervise the INGO activity appropriately from the very beginning and operate the menu-driven MIS to remain updated about the progress and problem. CCL payment records should be collected from DC office regularly and be compared with the payment data of the INGO so that the progress achieved, mistakes made, if any by the stakeholders in the process of RP implementation are checked and verified instantly. Before making payment of entitlement, land schedule and census data will be compared with the payable amount, to avoid mistakes or fraud

40. **Criteria for measuring performance of INGO staff:** There are number of actions needed

in collecting CCL and grants. The NGO operatives will investigate the steps completed so far in collecting compensation for a particular plot. Data collected through Focus Group meetings in this connection will be processed in a computerized system to monitor the progress in CCL and grant collection by the EPs. Performance evaluation of the NGO operatives, especially the field staff will be judged by that progress. Production and application of RP implementation tools, payment of grants and resettlement of APs should also be the basis for calculating INGO performance.

41. The INGO will develop monthly progress reporting format as per the requirement of the co-financiers and RHD. Based on the quantitative reports generated through the above- mentioned computerized system monthly progress report by INGO will be prepared and submitted to the RU and RHD. The NGO will ensure the following issues in implementation of the RPs in addition to the above.

### **XIII. Coordination**

42. The NGO will meet regularly with the RHD to discuss progress and constraints on activities during the previous month. Actions to be taken and the key actors for the tasks concerned will be identified as tasks assigned from respective agencies. In case any items are not covered by the RP, the coordination meeting should come up with recommendations, which should be approved and implemented through executive order of the RHD.

43. **Payment of service charges:** Bills for the NGO services will be paid as per the progress achieved during the preceding month

### **XIV. Criteria for INGO Selection**

44. The INGO to be selected for the tasks must have proven experience in resettlement planning and implementation.

- (i) The INGO shall have the demonstrated capacity to mobilize the required trained and experienced field staff.
- (ii) The INGO shall have the experience in implementation of large resettlement plan like the present project
- (iii) INGO must have at least ten years of working experience in the implementation of resettlement and land acquisition under externally funded development program
- (iv) The INGO must be registered under the Social Welfare Department or under NGO Affairs Bureau
- (v) The INGO must present certificate/s from the concerned government department/agency to verify its satisfactory performance in resettlement social/census survey, planning and implementation of resettlement plan, monitoring and evaluation through effective management information systems and preparation of analytical reports that meet the standards of co-financiers.

45. The INGO shall have to present audit report for the past three years. Further details are available in the Data Sheet.

### **XV. Staffing**

46. The NGO must be able to present evidence of sufficient experienced and trained qualified manpower to be mobilized to this end. The INGO shall have to provide staff input to carry out the works under this Terms of Reference. The man-months and designation of the staff shall

have to be as stated in the following table.

**Table 12: Man-month and designation of the staff**

Item No.	Position	Number of staff.	Indicative man-month
<b>A. Professional Staff</b>			
1	Team Leader (resettlement specialist)	1	60
2	Deputy Team Leader	1	60
3	Resettlement specialist	1	60
4	Area Manager (one for each district)	3	180
5	MIS specialist/Database Manager	1	12
<i>Sub-total</i>		7	372
<b>B. Office Support Staff</b>			
1	Office Manager/Accountant	1	60
2	Computer Operator/Office Assistant	2	120
3	Messenger/MLSS	2	120
<i>Sub-total</i>		5	300
<b>C. Field Support Staff</b>			
1	Computer Operator/Office Assistant	3	180
2	Land surveyor	3	30
3	Resettlement worker	32	1920
4	Messenger/MLSS	3	288
<i>Sub Total</i>		41	1028
<b>TOTAL</b>		56	1700

#### **XVI. Qualifications and Experience of Key Staff**

47. Following Tables presents a general description of key staff.

**Table 13: Qualification of the Key Staff and minimum required Experience**

Position	Minimum Academic Qualification	Specific experience
Team Leader (Resettlement Specialist)	MSc / MSS / MA	At least 5 years of experience (with at least 20 years of general experience) as Team Leader in resettlement survey, planning and implementation of land acquisition and resettlement Projects.
Area Manager (Resettlement Expert)	MSc / MSS / MA	At least 5 years of experience. (With at least 15 years of general experience) in resettlement implementation works, preferably as an area manager or field coordinator or surveyor.
MIS Specialist/ Database Manager	MA/MSc/ MSS/BSc in any Engineering Discipline	At least 5 years of experience. (With at least 10 years of general experience) as Data Manager/System Analyst/MIS Specialist. Experience in social survey/resettlement Data base management is essential.

**Table 14: Qualification of the Supporting Staff and minimum required Experience**

Position	Minimum Academic Qualification	Specific experience
Office Manager/	MSc / MSS / MA /M.Com	At least 05 years of experience in similar

<b>Position</b>	<b>Minimum Academic Qualification</b>	<b>Specific experience</b>
Accountant		position.
Computer Operator/ Office Assistant	BA/BSc	At least 02 years of experience as Office Assistant. Adequate speed in data computerization is a must. Good typing speed in Bangla & English with good operational knowledge in MS Word, MS Excel, MS power Point.
Land Surveyor	Diploma in Civil Engineering /Survey	At least 05 years of experience in Similar position.
Resettlement Worker	BA/BSc	02 years of experience in similar position in resettlement implementation project.
Messenger /MLSS	SSC	03 years of experience in similar position.

## APPENDIX 8: TERMS OF REFERENCE OF THE EXTERNAL MONITORING TEAM

### I. Objective

1. RHD is upgrading the Elenga to Hamtikamrul to Rangpur corridor into a four-lane highway. This will lead to significant resettlement impacts. The investment will be financed through a loan from the Asian Development Bank (ADB). RHD will recruit an implementing non-governmental organization (INGO) to support the day-to-day implementation of resettlement activities.

2. The ADB is hiring an independent monitoring team (IMT) to provide a third-party, independent assessment of the implementation progress and outcome of the resettlement plan and its compliance with ADB's Safeguards Policy Statement (SPS).

### II. Social impacts of the project

3. Below is the summary of impacts. More information can be found in the project office or on the following website: [provide link to RHD website for the project]

Sl. No.	Project Impacts	Total
A	Amount of land to be acquired (ha)	
B	Total Number of households/Units to be affected	
C	Total Number of Affected Persons	
D	Common Property Resources affected	
	<b>Total Number of private household affected</b>	
E	No. of affected households requiring physical relocation	
	No. of households economically affected (i.e., loss of land, fish ponds, trees, wages – no relocation required)	
F	No. of affected titled-holders households (TH)	
	No. of affected non-titled-holders households (NTH)	
	No. of affected encroachers	
G	Total Number of vulnerable Households	

### III. Key Tasks to be undertaken under the TOR

4. The external monitoring team will conduct a bi-annual assessment of the resettlement plan process, performance, outputs and outcomes and its compliance with ADB's SPS. The key tasks to be conducted for this purpose are the following:

#### a. Data verification:

- Verification of the internal monitoring data from the implementation NGO and RHD project implementation unit (PIU)
- Verification of the baseline monitoring data
- Verification of the data/official documentation from the Deputy Commissioners' offices and land revenue offices.
- Verification of Property Valuation Committees' (PVCAs) pricing methods
- Verification against the data from the Deputy Commissioner/land revenue record
- Direct verification with affected persons – of compensations and/or resettlement assistance received

#### b. Assessment of RP process:

- Assessment of performance of internal monitoring system
  - Assessment of the performance of the RP implementation NGO
  - Assessment of performance of Grievance Redress Mechanism (GRM) or other complaint resolution system set up by the project
  - Assessment of information disclose and consultation process
  - Assessment of implementation of Income and Livelihood Restoration Program (ILRP) – to be implemented by separate NGO.
  - Assessment of RP implementation compliance with ADB’s Safeguards Policy Statement
  - Provide recommendations and corrective actions if necessary
- c. Assessment of RP performance**
- Setting up parallel, sample baseline and monitoring system for post-project RP impact verification
  - Conduct satisfaction survey of the resettlement process
  - Assess whether RP and ILRP objectives have been met; especially whether livelihoods and living standards have been restored or enhanced;
  - Evaluation of change in living standards pre/after resettlement process: assess whether the resettlement entitlements were appropriate in meeting the objectives, and whether the objectives were suited to AP conditions.
  - Provide recommendations and corrective actions if necessary
  - Compiling of lessons-learned and best practices of RP design and implementation for future resettlement plans

#### IV. Methodology

5. The independent monitoring team will identify and select a set of appropriate process, output and outcome indicators and gather information on them to substantiate its assessment. This exercise will require formal and informal surveys, field level verification and consultation with affected persons. A combination of the following quantitative and qualitative methods should be used:

- **Sample Affected Household Survey:** a sample baseline of affected household survey (at least 20%) and representative (of different categories such as titled and non-titled, vulnerable, etc...) will be gathered to obtain information on the key indicators of entitlement delivery, efficiency, effectiveness, impact and sustainability;
- **Focus Group Discussion (FGD):** Consultation with a range of stakeholder groups (local Government, resettlement field staff, INGOs, community leaders and APs including women and vulnerable groups);
- **Key Informant Interviews:** Consultation with individuals like local leaders, village workers or persons with special knowledge or experience about resettlement activities and implementation;
- **Public Consultation Meetings:** Public consultation meetings at resettlement sites to elicit information about performance of various resettlement activities;
- **Structured Direct Observations:** Field observations on status of resettlement implementation, plus individual or group interviews for crosschecking purposes;
- **Informal Surveys/Interviews:** Informal surveys of APs, host village, workers, resettlement staff, and implementing agency personnel using non-sampled methods; and

- In the case of special issues, in-depth case studies of APs and host populations from various social classes will be undertaken to assess impact of resettlement.

## V. Outputs

- **2 independent review reports per year:** to be developed for each year of the RP implementation. The reports should include (i) assessment of the RP implementation process (process and output/outcome indicators); (ii) compliance status with ADB's SPS; (iii) Corrective action plans and recommendations. These reports will be submitted to the project director (RHD project implementation unit) and ADB simultaneously.
- **Post-Completion RP Evaluation Report:** to be conducted within 6 months of the completion of the RP implementation process. This should include: (i) overall assessment of RP implementation process; (ii) assessment of RP outcomes; (iii) implementation of corrective action plans; (iv) lessons-learned and best practices. This report will be submitted to the project director (RHD project implementation unit) and ADB simultaneously.

## VI. Institutional Arrangements

6. The Independent Monitoring Team will be recruited by ADB and report to ADB and RHD. RHD's project implementation unit and in particular, its project director, will facilitate access to the internal monitoring system, the NGO team and affected persons.