

FINAL
FULL RESETTLEMENT PLAN
For the
Old Embankment and Cross Dam
Pabna Irrigation and Rural Development Project
(PIRDP)
2004 Bank Protection Work

JAMUNA MEGHNA RIVER EROSION MITIGATION PROJECT

in

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF WATER RESOURCES
BANGLADESH WATER DEVELOPMENT BOARD

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Executive Summary

The Jamuna-Meghna River Erosion Mitigation Project (JMREMP) under ADB TA 1941- BAN (SF) aims at mitigating riverbank erosion at Pabna Irrigation and Rural Development Project (PIRDP) developed in 1992. Protection of 7.0km bankline in PIRDP is being implemented in several phases over a period of 7 years starting from 2003. The Project involves both construction of revetment and strengthening of the existing protection work. In the 1st phase, the Government of Bangladesh has approved construction of revetment/spur along 3.0km bankline in PIRDP for the year 2004/5 from Koitola to Harirampur where construction of Cross Dam, wave protection over 500 m section and bank protection along 600 m section of the Old Embankment (OE) are parts.

This Resettlement Plan (RP) has been prepared to assist the households (HHs) and establishment to be displaced from the Project Right Of Way (ROW) due to protection of 600 m section of the OE, construction of Cross Dam and wave protection over 500 m section and those affected due to acquisition of their land, productive assets and sources of livelihood. Bangladesh Water Development Board (BWDB) as the executing agency (EA) of the Project will implement the RP for resettlement of the APs in compliance with the ADB guidelines¹.

The 2004/5 Bank Protection work for OE Section and the Cross-Dam in the PIRDP will require a tentative 5.16 ha land including underwater land where about 1.29 ha is under acquisition. The land to be acquired for the ROW includes both privately owned land and GOB land. The GOB policy clearly states that any land (private or government) for development work should be acquired² and compensated.

About 1,126 persons in 223 HHs and 6 shops (table 1.2) will be physically relocated because of bank protection work in this section. More than 97 % of the HHs/shops to be relocated are squatters. Women head about 7% of the HHs. No indigenous population or ethnic groups will be affected by the Project. The RP has been updated through a revised survey in January 2005.

About 67,000 square feet of the structures will need to be removed from these sections. In terms of construction materials mainly 8 different categories of structures are identified and 94% of them are constructed from CI sheets on the roof. Straw made structures constitutes only 2% and the rest 2% are *pucca* structures and others.

Wage earning is the usual means of income by the embankment settlers. A section of the people are involved in various sorts of small businesses. Very few people living on the

¹ Asian Development Bank, *Involuntary Resettlement, Operation Manual, Section F2/OP*, 29 October, 2003.

² Under-water land in a LA case (if entirely khas) will not require acquisition but transfer between govt. departments should take place through inter-ministerial meeting. In such a case, according to ADB guideline, the previous private owners must be identified and resettlement benefit paid for losing the chance of regaining it, if re-emerges within 30 years of erosion. If there are both private and khas land in a LA case, then the DC should be paid 100% compensation for the khas land but not the additional 50% as solatium as required by the LA Act.

bankline depend directly on farming as a source of income. Many have secondary occupations to supplement their incomes. Fifty seven percent (57%) of the population are dependent in some way or other. Women have limited opportunities to work and earn a living and 84 women are reported to have some income earning activities other than HH chores.

An estimated 1.29 ha of agricultural land on floodplain above the LWL will be acquired for 2004/5 work in this sections of the PIRDP along the bankline. About 4.41 ha of underwater land below the LWL and 1.62 ha above the LWL is owned by the BWDB required in these sections.. According to the list provided by Bera O&M Division, BWDB, about 87 people will be affected in 19 agri-land losing HHs and 1 tenant contract farmer HHs on floodplain. A total of 0.21 acres (0.08 ha) of land might be under tenant contract farming on the floodplain (Table 3.7).

The *Acquisition and Requisition of Immovable Property Ordinance* (1982) governs all cases of acquisition and requisition by the government of immovable property for any public purpose or in the public interest. But the *East Bengal State Acquisition and Tenancy Act* (1951, revised 1994) will also be applicable for this Project for ownership definition of bankline and eroded land as it is undertaking civil works on the eroded land as well.

As per the Resettlement Framework the entitlement matrix recognizes major types of losses attached to land acquisition and resettlement. In addition to the CCL, resettlement benefits will be provided to the affected persons (AP) as shown in Table 1. The informal settlers will be relocated in Project sponsored resettlement village(s).

Table 1 Loss and Entitlement of Affected Persons

Type of Loss	Entitlement
1. Loss of agricultural/fallow land, water bodies, etc.	✓ Replacement value of land ³ ✓ Refund of registration cost incurred for replacement land purchase determined by the BWDB through NGO. ⁴
2. Loss of homestead and commercial land	✓ Replacement value of land at market price ✓ Refund of registration cost incurred for replacement land purchase determined by the BWDB through NGO.
3. Loss of under water land ⁵	✓ In case of <i>khas</i> land, replacement value of land assessed by DC without additional 50% as premium to

³ Replacement Value will be 'Market Value,' which will be determined by PVAT and is generally more than the CCL + 50% as premium given by the DC. The difference will be through a Resettlement Grant, when the PVAT determined 'Market Value' is more than the CCL + 50% as premium paid as per GOB LA Law. See MARV above, item (k). This clarification requested by ADB *Safeguard Review Mission Report*, September 2004, para. 23 (ii), attached to fax from ADB, Director, AENR Division, November 17, 2004.

⁴ Refund for 'Types of Loss' 1 & 2 not to exceed PVAT determined value. The refund of registration cost incurred for replacement land purchase at the replacement value determined by a legally constituted body (PVAT). The INGO as a member of the PVAT and JVT confirms the Joint Verification Data of physical property for implementation adequacies. The role of PVAT is set out in *Resettlement Framework*, Para. 12, and that of the INGO in Table 1, Item 1.

Type of Loss	Entitlement
	<ul style="list-style-type: none"> ✓ respective DCs ✓ Resettlement Benefit for land assessed by PVAT, to the previous owner(s) of eroded land ✓ Refund of registration cost incurred for purchase of replacement land not exceeding PVAT determined value
4. Loss of residential and/or commercial structure by owners/informal settlers from the Project rights of way land.	<ul style="list-style-type: none"> ✓ Replacement value⁶ of structure as determined by the BWDB through NGO; ✓ Taka 2,000 as transfer grant for relocation of residential and commercial structure ✓ Taka 5,000 for homestead/land development grant ✓ Tk. 3,000 house reconstruction grant⁷ ✓ Salvaged materials free of cost
5. Loss of trees, crops, perennials	<ul style="list-style-type: none"> ✓ Compensation at the rate estimated by the Forest Department and the Agriculture Extension Department ✓ Salvaged materials free of cost
6. Loss of access by tenants/sharecroppers to agricultural land for crop production	<ul style="list-style-type: none"> ✓ Taka 200 per decimal of agricultural land under tenancy/sharecropping contract farming⁸
7. Loss of income and work days due to displacement	<ul style="list-style-type: none"> ✓ Taka 2000 per household ✓ Taka 3000 for households headed by women ✓ Employment in the Project construction work, if possible
8. Displacement of community structure	<ul style="list-style-type: none"> ✓ Taka 2,000 as transfer grant for relocation of CPR ✓ Plot inside embankment on BWDB or <i>khas</i> land ✓ Taka 10,000 structure reconstruction grant
9. Loss of diminished business or employment	<ul style="list-style-type: none"> ✓ Taka 2,000 to the owner and operators for business restoration; ✓ Taka 1,500 to employees for income supplement
10. Vulnerability to resettlement and relocation	<ul style="list-style-type: none"> ✓ Priority assistance in the social development programme
11. Project induced erosion of char land	<ul style="list-style-type: none"> ✓ Market value of concerned land assessed by PVAT to the owner-occupier by 100 per cent or share it 50-50 among owners and occupier for non-owner occupied land
12. Access to community/ civic facilities ⁹	<ul style="list-style-type: none"> ✓ Community infrastructure facilities like access roads, plantation, tube-wells and sanitary latrines and drainage.

The stakeholders were consulted during the preparation of this RP and the inputs from the stakeholders meetings have been used to develop appropriate mitigation measures. It is considered that “self-relocation” by affected HHs in groups for maintaining kinship or other social ties minimize social disruption. .

⁵ This provision included as per request by ADB: Letter from ADB, Director, AENR Division, General Comments Item (iv), July 31, 2004.

⁶ That is, the ‘Market Price.’

⁷ Per household/shop

⁸ The DC pays 50 percent of crop value if Tenancy Contract (TC) is registered.

⁹ This provision included as per request by ADB: Letter from ADB, Director, AENR Division, Resettlement Plan for Removal of Old Embankment, Item (ii), July 31, 2004. Also found in GOB, MWR, BWDB, JMREMP, *Modified Resettlement and Social Development Plan: Phase I*. July 2002, Annex II, *Land Acquisition and Resettlement Framework*, Table 1, Item 11

The Project Director (PD), PMO, BWDB, Dhaka will monitor the RP implementation through the Chief Resettlement Officer (CRO). The Executive Engineer/SDE, Bera O&M Division, BWDB, Bera, Pabna will act as the Resettlement Coordinator (RC) at the field level. An experienced NGO will be appointed to assist the RC in the implementation process. The Deputy Commissioner, Pabna is responsible for acquisition of land for the Project and payment of cash compensation under law. One international and one national resettlement specialists within the Project Management Consultancy will assist the PD.

Three resettlement committees will be formed by the Ministry of Water Resources (MOWR), through a gazette notification for implementation of RP at the field level. A Joint Verification Team (JVT) will be formed to carry out the physical verification. The Implementing NGO (INGO) will computerize losses of physical assets and their owners identified by the JVT. A Property Valuation Advisory Team (PVAT) will be formed to review the assessment of the INGO on the market price of land and other property affected by the Project at their replacement cost. A Grievances Redress Committee (GRC) will be formed for resolving any grievances involving resettlement benefits, relocation, and other grants to be paid.

It is expected that the RP implementation will be completed within 18 months from the date of clearing of Project ROW land and payment of resettlement benefit to the APs. A time-bound implementation schedule for the RP implementation has been prepared in accordance with the Project construction schedule. The INGO will assist the APs in the process of relocation and resettlement. To assist the BWDB in the process of payment the INGO will process Individual and HH based entitlements. .

The total estimated cost for land acquisition and resettlement is Taka 20.39 million (USD 0.349 million) for the PIRDP and Old Embankment (PIRDP) RPs combined. The entire budget for land acquisition and resettlement will be provided from GOB fund. The budget includes all costs for acquisition of land and assets and cost associated with involuntary resettlement.

The RP implementation monitoring will be done both internally and externally to provide feedback to BWDB and to assess the effectiveness. An independent monitor will monitor the activities of the land acquisition and resettlement periodically twice a year. A post implementation evaluation of resettlement activities will be carried out by the ADB to assess the impact and sustainability of resettlement program.

Abbreviations

AC	Assistant Commissioner
AD	Alluvial and Diluvial
ADB	Asian Development Bank
ADC	Additional Deputy Commissioner
AP	Affected Person
BWDB	Bangladesh Water Development Board
CADP	Command Area Development Project
CC	Cement Concrete (Blocks)
CCL	Cash Compensation under Law
CI	Corrugated Iron
CRO	Chief Resettlement Officer
CRP	Common Resource Property
DC	Deputy Commissioner
DORP	Development Organisation of the Rural Poor
EA	Executing Agency
EP	Entitled Person
FCDI	Flood Control Drainage and Irrigation
GOB	Government of Bangladesh
GRC	Grievance Redress Committee
HH	Household
ID	Identity
IM	Independent Monitor
INGO	Implementing NGO
JFPR	Japan Fund for Poverty Reduction
JMREMP	Jamuna Meghna River Erosion Mitigation Project
JVT	Joint Verification Team
KCal	Kilo-Calorie
LA	Land Acquisition
LA&R	Land Acquisition and Resettlement
LAO	Land Acquisition Officer/Office
LAP	Land Acquisition Plan
LGI	Local Government Institution
LWL	Lowest Water Level

MARV	Maximum Allowable Replacement Value
MC	Management Consultant
MDIP	Meghna Dhonagoda Irrigation Project
M&E	Monitoring and Evaluation
MOWR	Ministry of Water Resources
NGO	Non-Government Organisation
O&M	Operation & Maintenance
PD	Project Director
PIRDP	Pabna Irrigation and Rural Development Project
PMO	Project Management Office
PPTA	Project Planning Technical Assistance
PVAT	Property Valuation Advisory Team
PWD	Public Works Datum
RAC	Resettlement Advisory Committee or Regional Accounting Center
RC	Resettlement Coordinator
RDM	Rural Development Movement (An NGO)
RF	Resettlement Framework
ROW	Right of Way
RP	Resettlement Plan
RS	Resettlement Survey (Census, Survey, Property Valuation Survey and Public Consultation)
SBE	Small Business Enterprise
SDE	Sub-Divisional Engineer
SES	Socioeconomic Survey
SMO	Subproject Management Office
TA	Technical Assistance
TC	Tenant Contract
TCF	Tenant Contract Farming/Farmer
TK	Taka (Bangladesh currency, approximately 60 TK to 1 USD in 2005)
TOR	Terms of Reference
UP	Union Parishad
USD	United States Dollar

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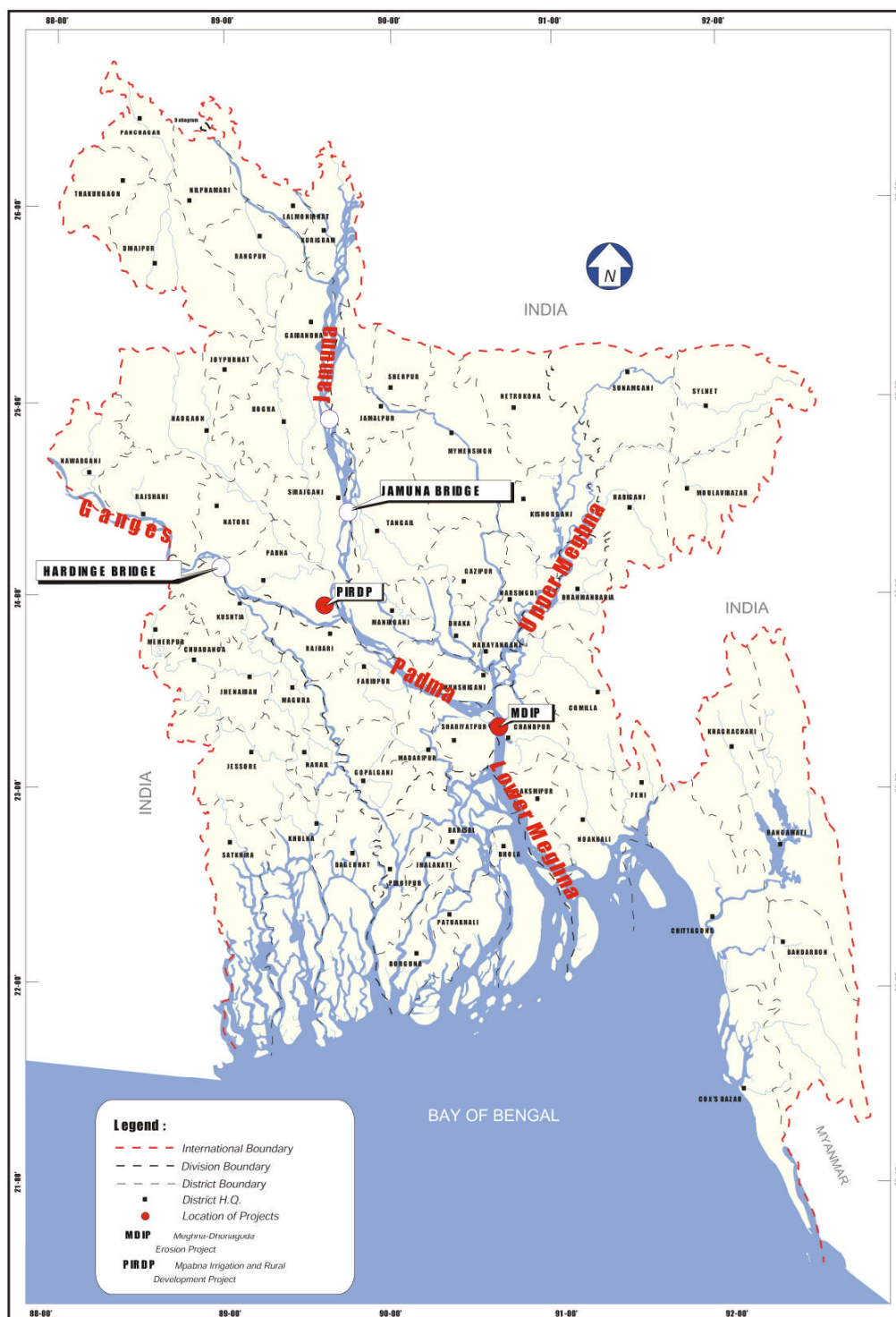
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Figure 1 Location Map of Pabna Irrigation & Rural Development Project (PIRDP) & Meghna-Dhonaoda Irrigation Project (MDIP)



CHAPTER 1 DESCRIPTION OF THE PROJECT

1.1 Project Background

1. The Jamuna-Meghna River Erosion Mitigation Project (JMREMP- the Project) aims to mitigate riverbank erosion threatening two important subprojects, namely Pabna Irrigation and Rural Development Project (PIRDP) and Meghna Dhonagoda Irrigation Project (MDIP). The PIRDP and MDIP (the Subprojects) were developed in 1992 and 1988 respectively with Asian Development Bank (ADB) financing and were further developed under the ADB financed Command Area Development Project (CADP) completed in the year 2003. For the JMREMP a number of erosion mitigation measures were evaluated for the Project during the feasibility stage under ADB TA-3659¹⁰. The successive ADB TA 1941-BAN (SF) under Part A during 2002-2003 found it viable to construct revetment and underwater spur for bank stabilization. The immediate and long-term objectives of the Project are to (i) sustain agricultural and fisheries development within MDIP and PIRDP by mitigating the risk of riverbank erosion and flooding from embankment breaches; (ii) contribute to poverty reduction by ensuring that the future economic benefits of the flood control, drainage, irrigation (FCDI) and CADP investments are achieved; and (iii) substantially improve the social and economic conditions of the flood and erosion victims living on /along the embankment in this sections through social development programs.

2. As a part of the bank protection work, a 600 m section of the Old Embankment (OE) in PIRDP between 90.150 km and 90.750 km (chainage measurement) OE was required with special emergence for 2004/2005 works. During the PPTA stage, the old embankment was far away from the proposed Project Right of Way (ROW) and was included for social development assistance under a separate program to be funded by Japan Fund for Poverty Reduction (JFPR). In all, there are 133 settlers (HHs, shops and community structure) on this section of the OE who would require relocation and resettlement as per ADB policy.

3. The bank protection work further identified in the last quarter of 2004 work that about 500 m section from chainage 89.650km to 90.150km of the old embankment requires emergency work for protecting the eastern slope from wave erosion. There are about 97 HHs squatting on this section and they will be relocated elsewhere to develop the entire 1-km area an attractive site of environmental and recreational interest. These 97 HHs are therefore included with the OE for relocation, resettlement and rehabilitation.

4. For further strengthening the protection measures, a 200 m Cross Dam before the wave protection area have been planned to construct which will require about 3.0 ha land largely owned by the BWDB. Only 0.55 ha of private land on the floodplain will be acquired affecting about 9 HHs.

5. A Special Resettlement Plan (RP) was prepared to assist the Affected Persons (APs) in their relocation as per ADB guidelines. The implementation of the Special RP was delayed due to various reasons. The situation was further assessed in June in the light of the emergency work and the fast approaching flood season and was found that it would be

¹⁰ ADB TA No. 3659-BAN: Jamuna Meghna River Erosion Mitigation Project (Phase II), approved in May 2001.

difficult to relocate them permanently during the monsoon. At the same time it was revealed that only 58 HHs required temporary relocation for an emergency work. Indeed they can “push back” to the inner side of the BWDB embankment, without any major physical disruption and loss of access to present livelihood sources. Accordingly, these 58 HHs were given part of the entitlement under an approved action plan for temporary relocation (see Annex 1).

6. This RP is designed to assist the HHs to be displaced including the 58 HHs temporarily relocated in October 2004 and those affected due to acquisition of their land, structure, productive assets and sources of livelihood in OE, Cross dam and wave protection area. Bangladesh Water Development Board (BWDB) as the executing agency (EA) of the Project will implement the RP in compliance with the Asian Development Bank.

1.2 Construction Schedule and General Resettlement Effects

7. PIRDP’s construction schedule for 2004/05 includes some leftover work from the 2003/05 year placing sand filled geo-textile bags (geobags) underwater mainly for reinforcing underwater work already accomplished. The first testing of cement concrete (cc) block protection above water is being done on about 300 m Permanent Works area just north of the OE that had earlier come to be considered redundant and highly vulnerable to erosion.

8. The OE was backed up by a ‘Retired’ Embankment and, in the 2003/04 construction year, by a Secondary Defence Line (SDL), another, shorter embankment that was constructed on an emergency basis, along with a Cross Dam on the northern side of the Koitala Canal to prevent Monsoon flood waters from bypassing the OE from behind. Figure 1.3 below shows these main elements of the PIRDP 2004/05 work area as well as that for the 2005/06 season, for which a separate Resettlement Plan (RP) will be prepared as per the Resettlement Framework (RF) agreed to between the Government of Bangladesh (GOB) and the Asian Development Bank (ADB) at the time of Loan negotiations and approval.

9. Aside from the ‘pilot’ 300 m Permanent Works to test the cc block construction, the PIRDP 2004/05 Civil Works will focus on removing, or lowering, the OE to strengthen the above water bank protection. This will involve both a 600 m section where the Jamuna River has eroded the floodplain that previously separated it from the River and placed in jeopardy the community of ‘erosion refugees’ presently living on the OE, with nowhere else to go. It will also include a 900 m section just to the south of this critical erosion danger area, where the flood control embankment is eroded due to wave action and where a similar community is resident. The emergency relocation of these two OE communities is addressed in this RP, whereas Bankline Protection Works are presented in two other Resettlement Plans, the *PIRDP RP*¹¹ and the *MDIP RP* submitted to the ADB at the same time. The two communities, whose

¹¹ The *PIRDP RP* concerns the Affected Persons (APs) along the bankline ROW) itself. Because of a one year delay in construction works due to a procurement litigation in 2003/04, the only bankline ROW above water work now actually scheduled for 2004/05 is the 300 m pilot Permanent Works on a floodplain area just to the north of the OE where there are no structures and where contractors have leased the agricultural land over the last year for stockpiling and other activities incidental to the

relocation is dealt with in this *OE RP*, are 107 households (HHs) in the more critically threatened 600 m stretch and 113 HHs in the 900 m 'Wave Eroded' area just adjacent to the south (See Figure 1.2), for a total of 220 HHs.

10. Figures 1.2 and 1.3 provide a general view of the OE 600 m section, where the erosion impacts are considered critical, and the construction works will include lowering the embankment and strengthening the above water bankline protection to complete the stabilization already accomplished through dumping of underwater geobags.

underwater work carried out. See Figure 1.1 below. The land acquisition process has been underway since 2003, and payments are expected by end of June, 2005. See BWDB. 2005. *Resettlement Plan for Pabna Irrigation and Rural Development Project (PIRDP) 2004 Bank Protection Work*. February 22.

Figure 1.1 PIRDP Old Embankment (600 m Section) View Southward & Northward

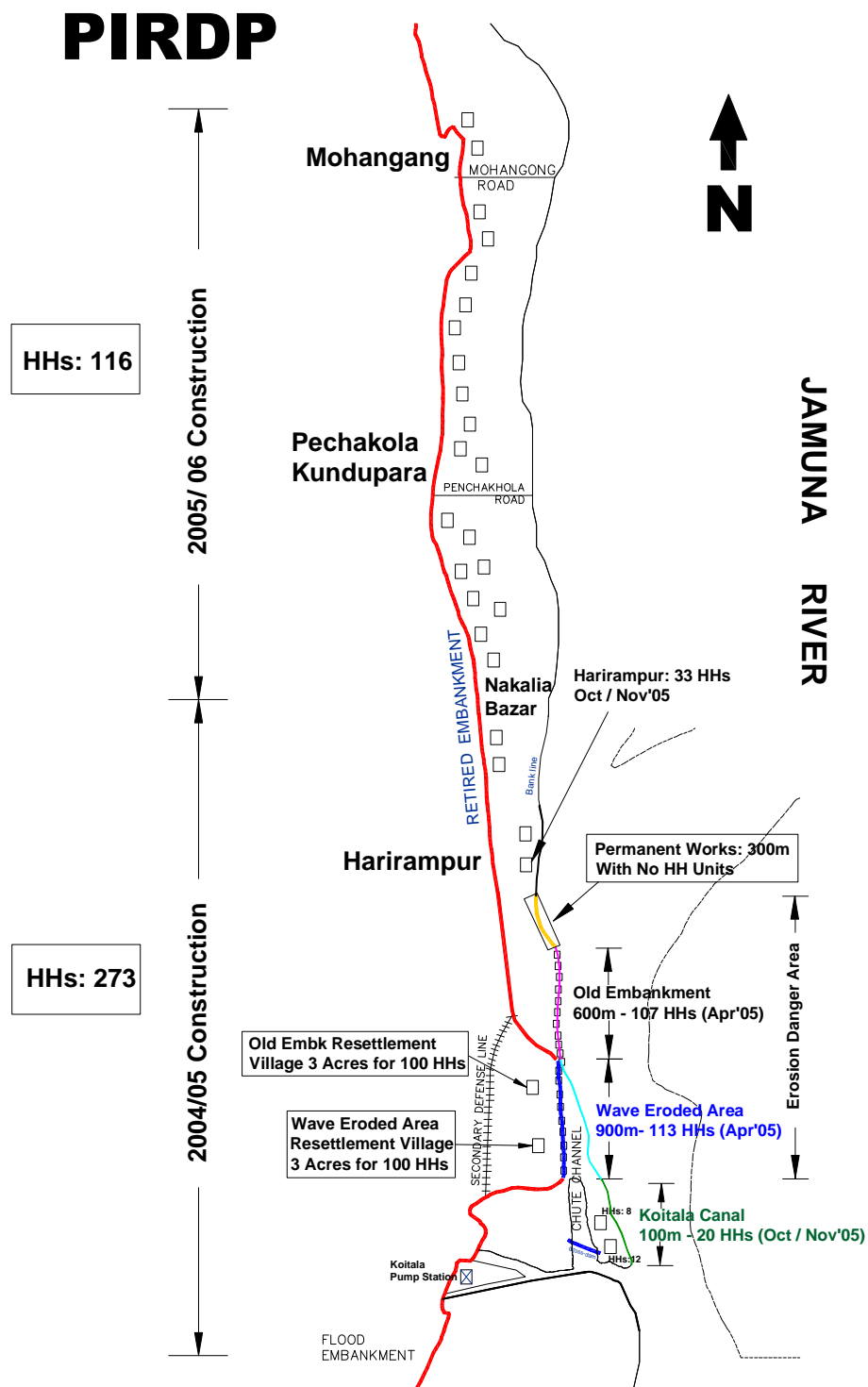


View Southward



View Northward

Figure 1.2 PIRDP Resettlement Effects



11. The total of 220 HHs to be relocated (107 HHs from the 600 m OE and 113 HHs from the 550 m Wave Eroded Area) differ slightly from Table 1.2 who were identified and surveyed in the preparation of this RP. The Figure 1.2 map and data presented here is in accordance with the findings of the Inventory Verification Committee (IVC), which presented its findings to BWDB on February 19, 2005. The IVC has compared 2003 Inventory data for the entire floodplain where the ROW might potentially be located, depending on the previous year's Monsoon erosion, and Socioeconomic Survey (SES) data from Jan/Feb 2004 to come up with a 'final' list of APs within the current ROW.

12. The newly deployed INGO will now, in accordance with its TOR, use the IVC findings for updating the AP information, including identifying all vulnerable HHs (including those losing more than 10 percent of their income through loss of agricultural land) that will be eligible for special consideration in the Social Development Program (SDP) to be funded by the Japanese Fund for Poverty Reduction (JFPR).

13. This procedure is necessary for special conditions of riverbank erosion mitigation in Bangladesh, where resettlement and construction have to in a certain sense be carried out parallel. In the case of the OE communities, this is especially important, as to do nothing runs the risk of their being 'forcibly' relocated by the Jamuna River erosion in any case. The Land Acquisition (LA) process carried out by the Deputy Commissioner (DC) to provide Cash Compensation under Law (CCL) to all Eligible Persons (EPs), initially estimated at some 279 APs losing agricultural land, based on mauza maps within the ROW. In fact, LA case figures overlap considerably between the OE and PIRDP RPs, with the most recent estimate for the OE RP being 97 eligible APs¹² and for the PIRDP RP being 95 APs eligible for CCL¹³, or a total of 192 Eligible Persons (EPs).

14. The Total OE & PIRDP RP 2004/05 LA Budget includes both 'Above and Below Water Land.' All of the budget for the Above Water Land for 2004/5, some 995,900 Taka, was disbursed by BWDB to the DC's account in May 2005. The remaining budget of 1,083,100 Taka for the OE and PIRDP RP 'Underwater Land' will be spent in 2005/06 when the LA Plan is approved.

15. The cadastral mapping was initially carried out in the 19th Century. These mauza maps¹⁴ have not changed substantially since the early 20th Century although they now also show ownership subdivided among heirs; but in many cases ownership status requires updating from the 1960s. Therefore, there may be numerous ownership disputes to be resolved, and the actual number of CCL awards will not be known until the process is carried out.¹⁵ To entirely complete even the 'Above Water' CCL payments may take up to a year, depending on the number of land disputes needing to be resolved.

¹² LA Case No. 1 (2004-05)

¹³ Including 9 under LA Case 2 and 84 under LA Case 3 (2004-05)

¹⁴ Also in South Asia referred to as Village or Revenue Maps.

¹⁵ Additionally, share croppers, as vulnerable APs, may be eligible for benefits from the Project, but these too cannot be determined until the legally recognized owner receiving CCL is officially recognized by the DC.

16. The INGO, taking up its work from mid-February onwards, will be under some pressure to complete the resettlement of the OE community prior to the 2005 Jun-Sep Monsoon and in time for construction works to begin on the OE and Wave Eroded Area. The present schedule is to relocate the HHs to 3 acres already purchased for the OE 107 HHs, which is expected to accommodate about 100 HHs, with the other better off HHs using their Resettlement Benefits to self-relocate. Another 3 acres, also to accommodate about 100 HHs, is being identified nearby the first OE Resettlement Village site (see Figure 1.3). The location of these two Resettlement Villages, which will be provided full facilities, is behind the OE and in front of the SDL. The HHs will move in April 2005, and the raising of the land will be carried out in a phased manner may be using a dredger. Figure 1.4 shows the location of the OE Resettlement Village and approximately where the Wave Erosion Resettlement Village is planned to be located.

Figure 1.3 OE Resettlement Village Area



Resettlement Village Site from Old Embankment, Looking Southwestwards

1.3 Project Data and Impacts

17. The 600 m OE, currently lying on the proposed ROW under protection work and 200 m Cross-Dam under construction, will require 5.16 ha land (2.91 ha above the LWL and 2.25 ha below) of which 3.87 ha belongs to BWDB. That means about 1.29 ha land on floodplain has to be acquired for protection work in the OE (0.74 ha) and Cross Dam (0.55 ha) sections. Total land required for under-water work in this 600 m OE section is estimated to be 2.16 ha and is presumably owned by BWDB. No acquisition will be required for wave protection area as the entire land there belongs to BWDB.

18. From legal and revenue point of view, the line that mark the lowest water level with the flood plain during the dry season is considered as the bankline - also called the AD line, if declared formally by AC-Land. Land above the LWL to the floodplain (i.e. the slope to be used for bank protection work) is private land (unless already acquired by BWDB). Local people cultivate the land above the LWL during dry season. In Bangladesh, the AD line is not regularly established (by the AC-Land) due to complexity in the process. After having reviewed this complexity and meetings with the stakeholders, this RP has adopted the

following as guidelines to clarify definitional issues for assistance and payments of compensation.

19. For the design purpose the LWL will be considered as the demarcated bankline or AD line for the 2004 bank protection work. The scope of work under water after the LWL will not require relocation but there are issues of acquisition and payment of compensation/grant. As per the design, the construction of revetment above LWL will need relocation of structure.

20. LA Plans for the 2004/5 works have been in two phases: (i) Phase I LA Plan includes land above the LWL to the floodplain, including the slope, for permanent protection work to be carried out in 2004/2005 (already submitted to DC) and (ii) Phase II LA Plan will cover only underwater/eroded land below the LWL (AD line). The land will be transferred through inter-ministerial meeting or by acquisition (Table 1.1).

Table 1.1 Estimate of Land Requirement and Acquisition by Phases

Phases	Above LWL (Ha)	Below LWL (Ha)	Total (Ha)	Acquisition (Ha) ¹⁶
Phase-1	2.91	2.25	5.16	1.29
Phase-2	-	2.16	2.16	-
Total	2.91	4.41	7.32	1.29

21. The adverse impacts due to vacating these sections will displace 1,098 persons in 223 HHs and 6 shops. One passenger shed might require relocation. In addition, the Project construction will affect 87 persons in 19 agri-land losing and 1 tenant contract farmer HHs. Few of the surveyed HHs¹⁷ have their own land elsewhere. But most of the HHs to be relocated are landless and mainly depend on wage earning. They would need assistance for relocation and re-establishment of their houses to new locations. Estimates based on the socio-economic survey data suggest that as many as 72 per cent of the population live on less than “dollar-a-day” per HH.

Table 1.2 Project Impacts and Displacements

Impact Category	No. of Units	Affected Persons		
		Male	Female	Total
Households	223	592	506	1,098
Small Business Enterprises	6	14	14	28
Common Resource Property	1	-	-	0
Employee of SBEs	1	3	2	5
Agri-land loser (tentative)	20	45	42	87
Total	254	661	570	1,218
Percentage (%)		54	46	100

Source: Socioeconomic survey, January 2004 and November 2004

1.4 Preparation of the Resettlement Plan

22. Around 229 HHs/shops to be relocated for vacating the right of way along the OE for block pitching on the 36m slope above the LWL and wave protection work in slope of the 500 m section before the 600 m section of the OE. Total number of persons to be affected by the 2004/5 works in this section of PIRDP is about 1,218 and is considered as significant resettlement impact as per ADB guideline. The Resettlement Framework (RF)¹⁸ adopted during the feasibility stage of the Project has been followed for preparation of this (full) RP.

23. The inventory of assets and HHs/shops is considered tentative in this RP. Population displacement as per the present design in these sections for the protection work in 2004 requires further verification during RP implementation.

¹⁶ Including 0.55 ha land in Cross Dam area and 0.74 ha land in adjacent area of the old embankment.

¹⁷ Socioeconomic Survey, January 2004 and November 2004.

¹⁸ Prepared as per known impacts during the feasibility study under the PPTA No. 3659-BAN, the laws of land acquisition of the GOB and the ADB guidelines on involuntary resettlement.

CHAPTER 2 SCOPE OF LAND ACQUISITION AND RESETTLEMENT

2.1 Background

24. A land acquisition and Resettlement Framework (RF) for the Project was adopted during PPTA for resettlement of the persons to be affected by the JMREMP. The land necessary for revetment/protection work is either bankline or land already eroded to the rivers, which is legally considered *khash* or government land. There was extensive scrutiny over the issue of acquisition of bankline and under-water land. Some definitional issues like (i) bankline; (ii) ownership status of eroded/*khas* land; (iii) acquisition of *khas* land; (iv) payments of compensation for *khas* land; and (v) determination of ownership of eroded land were surfaced during Part A of the ADB TA 1941-BAN(SF) during 2003 and clarifications were made by the Project and the resettlement specialists.

25. The ownership/tenancy of land along the bankline is a complex issue as legally established AD line in a certain reach of bankline and declaration of *khas* land by respective DCs. Considerable land between floodplain and the lowest water level (LWL) remains arable by the owners and is considered as private land. The eroded land outside the AD line goes under the ownership of the government through a chained procedure that ends with declaration as *Khas* land by the Additional Deputy Commissioner. The law clearly states that any land (private or government) for development work should be acquired and compensated. Under-water land in a LA case (if entirely *khas*) will not require acquisition but transfer between govt. departments should take place through inter-ministerial meeting. In such a case, according to ADB guideline, the previous private owners must be identified and resettlement benefit paid for losing the chance of regaining it, if re-emerges within 30 years of erosion. If there are both private and *khas* land in a LA case, then the DC should be paid 100% compensation for the *khas* land but not the additional 50% as required by the LA Act.

2.2 Scope of Land Acquisition and Resettlement

26. A tentative 5.16 ha of land will be required above the LWL for 2004/2005 Protection Work of which 0.74 ha in the OE section and the 0.55 ha in the Cross Dam area is being acquired. However, due to dense settlement by erosion affected settlers on BWDB land (embankment slope) the protection work will displace 223 HHs, 6 shops and 1 community structure from the right of way including 97 HHs in the wave protection area. In addition, about 87 persons will be affected in 19 agri-land losing and 1 tenant contract farming HHs. The under-water revetment will be implemented largely on BWDB land. Nobody will need relocation for under-water work but private owners of the land will be compensated as per GOB law and ADB policy on involuntary resettlement. The RP also covers owners of the char-land, if eroded due to bank stabilization in the proposed area, within two years of completion of the Project.

2.3 Guidelines on LA and Resettlement

27. Land acquisition and resettlement of the APs and shops will be carried out in accordance with the Bank's Policy on *Involuntary Resettlement* (October 2003). The principal requirements of the guideline are:

- In consultation with the APs and design engineers, land acquisition will be carried out in a way to minimize the adverse impacts on the people.
- The people whose land, crops, trees are going to be affected will receive cash compensation at the market value of the affected resources.
- Owners of residential/commercial units and community structures will be compensated at replacement costs and will be re-established under Project financing.
- The needs of women and vulnerable groups will be identified and provisions made for social support, employment, and means of subsistence through development program to improve their status.
- INGO will assist APs and SBEs in all aspects regarding relocation and resettlement. The executing agency (EA) will involve all stakeholders in the decision-making process concerning relocation and resettlement.

2.4 Primary Responsibility of Land Acquisition and Resettlement

28. Primary responsibility of land acquisition and resettlement lies on the Bangladesh Water Development Board (BWDB). The Project Management Office (PMO) of the BWDB is coordinating and executing land acquisition process through respective Deputy Commissioner's LA section. The PMO has appointed an experienced NGO for implementing the RP, the Implementing NGO (INGO), for resettlement and rehabilitation of the APs. Development Organisation of the Rural Poor (DORP) is the INGO deployed by BWDB on February 16, 2005.

CHAPTER 3 SOCIOECONOMIC SURVEY AND DATA ANALYSIS

3.1 Approach

29. An inventory of the existing HHs and establishment between the riverbank and the retired embankment was prepared in April-May 2003 and after verification is considered to be the Cut-Off Date for eligibility towards resettlement assistance under the JMREMP. The Socio-economic survey conducted in January 2004 and then in November 2004 identified the HHs and establishments within an average 36 m wide right of way (ROW) in the OE area and the embankment slopes on 500 m section before this 600 m section. In addition to that, video film of all structures on the Project alignment was prepared recording number and condition of the structures to check any fraudulent claim in the future.

30. The socioeconomic survey collected a wide range of data, for example, demography, age/sex distribution, education, occupation, income/poverty data, types of Small Business enterprises (SBEs), types and ownership status of affected structures and other assets. The database provides a detailed picture of the social and economic impacts and has been used for RP preparation, its management, implementation, and monitoring. Some of the key findings of the census/SES have been presented below.

3.2 Profile of the APs

The census in the 600 m OE Section on bankline and embankment slopes on 500 m OE for wave protection identified 223 HHs, 6 shops 1 community structure and 1 employee (table 1.2). Most of the houses/shops on the OE sections belong to informal settlers. Women head about 7% of the HHs. However, the shops affected are owned and operated by male persons (table 3.1). The Project will not affect any indigenous or ethnic groups.

Table 3.1 Head of Households/Shops to be Relocated by Gender

Establishments	Male Headed	%	Female Headed	%	Total HHs / Shops
Households	208	93	15	7	223
Small Business Enterprise	6	100	0	-	6
Total	214		15		229

3.2.1 Socio-Demographic Characteristics

31. A total of 1,126 people will be relocated from the right of way land. Average HH size is very close to the national figure (5.00 persons) and male-female ratio is 117:100 (Table 3.2). The families living on the OE are poor and vulnerable socially. The survey found 10 widows and 5 divorced women.

Table 3.2 Population in Structure Losing Households & Shops by Gender

Units to be relocated	No.	Male	%	Female	%	Total	Family Size
Households	223	592	54	506	46	1,098	4.92
Small Business Enterprises	6	15	54	13	46	28	4.67
Total	229	607	54	519	46	1,126	4.92

Source: Socioeconomic Survey - January 2004 and November 2004

3.2.2 Ownership of Land for Homestead and Shops

32. The impoverishment of the people is further evident from the Table 3.3. About 97 percent of the houses/shops are occupant/squatters¹⁹. The people cannot afford to buy and develop homestead due to the instability of the bankline and economic hardship. Only 3 percent settlers are the owner of the homestead land.

Table 3.3 Ownership Status of Land for Homestead/Shops

Owner	%	Occupant/ Sheltered	%	Total
6	3	223	97	229

Source: Socioeconomic survey, January 2004 and November 2004

3.2.3 Ownership of Affected Structure

33. The structures are largely *kuccha* - made with wood, bamboo and straw with corrugated tin roof. The informal settlers own the structures and most of these structures are made with salvaged CI sheets and wooden materials from the previous structure. The total floor area of the affected structure is about 67 thousand square feet. In terms of construction materials mainly 8 different categories of structures are identified and 94% of them are constructed with CI sheets on roof (types 1 to 4 & 7). Straw made structures constitutes only 2% of the total affected structure (types 5-7). However, 75% of the structures have CI sheets in both roofs and fences. Table 3.4 presents the type and volume of structure affected due to the Project.

¹⁹ Use of land for house plots from government without permission.

Table 3.4 Structures to be Relocated from the Old Embankment

Structure type	HHs		SBEs		CRPs ²⁰		Total		
	Nos.	Floor Area (Sft)	Nos.	Floor Area (Sft)	Nos.	Floor Area (Sft)	Nos.	Floor Area (SFT)	%
1. Tin in roof & fence and pucca floor	1	646	3	464	-	-	4	1,110	1
2. Tin in roof & fence and earthen floor	215	48,847	3	288	-	-	218	49,135	73
3. Tin roof, wooden fence and earthen floor	18	2,232	1	56	-	-	19	2,288	3
4. Tin roof, thatched fence and earthen floor	70	10,836	-	-	-	-	70	10,836	16
5. Thatches roof, tin fence & earthen floor	2	128	-	-	-	-	2	128	1
6. Thatches in roof & fence and earthen floor	22	1,415	-	-	-	-	22	1,415	2
7. Tin in roof & fence and wooden floor	-	-	2	75	-	-	2	75	1
8. Building	-	-	-	-	1	465	1	465	0
9. Others	20	1,930	-	-	-	-	20	1,930	3
Sub-total	348	66,034	9	883	1	465	358	67,382	100

Source: Socioeconomic Survey, January 2004 and November 2004

3.2.4 Occupational Profiles

34. Wage earning is the usual means of income by the embankment settlers. A section of the people are involved in various sorts of small businesses. Very few people living on the bankline depend directly on farming as a source of income. Table 3.5 presents an overview of the occupation trends. Other than housework by women, the major primary occupations among the male population include wage labor (9 percent), non-farm work/business (9 percent), and skilled worker and servicemen (5 percent). Many have secondary occupations, particularly those involved in agriculture, technical/ traditional occupation, and wage labor to supplement their incomes. Fifty seven percent (57%) of the population including the housewives and students are dependent in someway or other. Women have limited opportunities to work and earn a living except earthwork. In addition to HH chores, 84 women are reported to have some income earning activities.

²⁰ CRP = Community Resource Property

Table 3.5 Occupational Data

Occupation	Male	%	Female	%	Total	%
Agriculture	13	2	1	0	14	1
Begging	1	1	1	0	2	1
Business	94	16	3	1	99	9
Labour seller	83	14	15	3	98	9
Dependent	156	26	145	28	301	26
Traditional worker	17	3	1	0	18	2
Housewife	0	1	244	47	244	22
Imam	2	1	0	0	2	1
Others	93	15	62	12	155	12
Skilled worker	25	4	0	0	25	2
Service	37	6	1	0	38	3
Van puller	30	5		0	30	3
Student	46	5	47	9	93	8
Fisher men	9	1		0	9	1
Total	606	100	520	100	1126	100

Source: Socioeconomic survey, January 2004 and November 2004

3.2.5 Income and Poverty Dimensions

35. Based on the total stated income, the HHs and shops were classified broadly into three income groups. Majority of the HHs (72%) have income below the official poverty line²¹ in Bangladesh. Fifty one (51) percent of the HHs are living below the extreme poverty line. Only 28% of the HHs have some moderate income. The results indicate that 72% of the HHs to be relocated from the OE sections are poor and live on less than dollar a day per HHs.

Table 3.6 Monthly Household Income and Economic Status

Income Bracket (Per Household per Month)	No. of HHs	%
Up to Tk. 2,550	117	51
Tk. 2,550 to Tk. 3,600	47	21
Above Tk. 3,600	65	28
Total	220	100

Source: Socioeconomic survey, January, 2004 and November 2004.

3.3 Affected Agricultural Land

36. An estimated 0.80 ha of agricultural land will be acquired on the floodplain for the Cross Dam and adjacent area of the OE for 2004/5 works. The underwater land is largely BWDB land. According to the list provided by Bera O&M Division, BWDB, an estimated 87 people will be affected in 19 agri-land losing and 1 tenant contract farmer HHs on the floodplain. About 0.21 acres of land might be under tenant contract farming on the floodplain (Table 3.7).

²¹ Official poverty line is calculated for 2122 KCal intake per person per day which is ensured by a per capita monthly income of Tk. 720/-

Table 3.7 Acquisition of Agricultural Land

Source of estimation	Amount of land (acre)	Land under TCF (acre)	Total number of owners	No. of vulnerable owner	TC Farmer	APs including TCF HHs		
						Male	Female	Total
Quantum of land in 60 sample plots	17.05	2.180	51	18	6	129	119	248
Projected for 0.80ha of land(floodplain) ²²	1.97	0.21	19	8	1	45	42	87

Source: Agri-land survey on sampled agricultural plots for 2004 work and list provided by BWDB in December 2004.

37. As per the sample survey, the HHs having land up to 1 acre are losing 35% of their land and the rest are losing less than 20%. The more the land holding the less is the impact. This gives the prediction that the poor and vulnerable HHs will be suffering the most due to the acquisition (Table 3.8).

38. The Deputy Commissioner's Office will finalize the list of the agriculture land losers on the floodplain ROW while the previous owners of underwater land will be scrutinized by BWDB through GRC.

Table 3.8 Acquisition and Residual Land as per Sample Survey

Land holding in acre	No. of owners interviewed	No. of owners affected	Average land holding (acres)	Average acquisition land (acre)	Average amount of residual land (acre)	Residual land in percentage (%)
Up to 1 acre	18	103	0.65	0.23	0.42	64.49
1-5 acre	23	132	2.54	0.37	2.17	85.41
5-10 acre	6	34	7.48	0.43	7.05	94.28
Beyond 10 acres	4	24	26.57	0.44	26.12	98.33
Total	51	293	4.34	0.33	4.00	92.31

Source: Agri-land survey on sampled agricultural plots for 2004 work.

39. Following its TOR, the INGO that BWDB deployed on February 16, 2005 will now carry out a socioeconomic survey that will, *inter alia*, identify all vulnerable HHs, including those made vulnerable through loss of agricultural land. The INGO will use the Inventory Verification Report submitted to BWDB Feb 20, 2005 to make initial identification of these HHs and will follow up with a social consensus survey with regards to their status as vulnerable HHs. This will be necessary, as much of the agricultural land, has been leased for stockpiling and other uses, so verification using mauja maps and local informants will be necessary to understand tenancy and actual agricultural usage.

40. As indicated in the *Resettlement Entitlement Matrix* (Table 4.1 below), these HHs will be eligible for Priority assistance in the Social Development Programme (SDP) to be funded by the JFPR and still under formulation. An NGO will be contracted to implement the SDP and will be responsible for verifying the vulnerable HHs identified at this stage by the INGO.

²² Underwater land and the owners have been included in the Bankline RP for PIRDP 2004 work.

3.4 Work and Gender Issues

41. The women play vital role in HH chores as well as productive work in the reference area of the subproject. Women reported that they are unable to utilize their time and labor in more economically productive activities for indifference by the male members and due to the absence of support for income-generating activities.

42. Women in general are in vulnerable situation due to lack of economic and social security. The traditional kinship and social network has largely been disrupted due to displacement and migration that has definite effects on shelter, food, employment and personal well-being. Many homes on the embankments do not have fences; as a result, women have privacy problems.

3.5 Categories of APs and Definitions

43. The resettlement framework recognizes four broad categories of APs in this Project. The categories often overlap and the impact may vary depending on ownership of assets, income and vulnerability. These include:

- (i) *Project-Affected households* with title to land, structure and trees
- (ii) *Informal Settlers/Uthulies* HHs/shops (vulnerable or non-vulnerable) without title to land but structure and using BWDB land along the bankline.
- (iii) *Shops/Small Business Enterprises* on the bankline that include tea shops/kiosks, and small groceries shops.
- (iv) *Vulnerable Groups* such as female-headed HHs and HHs having income below the poverty line needing relocation from the ROW.

3.6 Types of Losses

44. The types of losses can be estimated as: (i) loss of homestead land; (ii) residential/commercial/community structures and trees; and (iii) loss of work days/incomes due to dislocation and relocation, and (iv) loss of underwater land.

CHAPTER 4 OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

4.1 Legal Framework for Land Acquisition

45. The *Acquisition and Requisition of Immovable Property Ordinance* (1982) and the *East Bengal State Acquisition and Tenancy Act* (1951, revised 1994) are applicable for acquisition of land for the JMREMP. The *Acquisition and Requisition of Immovable Property Ordinance* governs all cases of acquisition and requisition by the government of immovable property for any public purpose or in the public interest. The owners affected by such acquisition are eligible to compensation for (i) land and assets permanently acquired (including standing crops, trees, houses); and (ii) any other damages caused by such acquisition. In determining the compensation, the Deputy Commissioner (DC) considers the recorded price of land transaction of the past 12 months in the Project area, plus a 50 percent solatium on the assessed value of the property for compulsory acquisition.²³ The 1994 amendment made provisions for payment of crop compensation to tenant cultivators. The Ordinance, however, does not cover APs without titles or ownership records such as informal settlers/squatters. Further, the compensation paid does not constitute market or replacement value of the property acquired.

46. Ownership and use right of bankline and eroded land is defined with the interpretation of the *East Bengal State Acquisition and Tenancy Act* (Section 7). The eroded land is the alluvial (*nadi sikosti*) land and diluvial land (*payosti*, reformation *in situ* or original site) refers bankline before AD line (Alluvial Dilluvial line established by concerned agency of the GOB). Legally, GOB owns the bank lines²⁴ and eroded land in the river.²⁵ However, the “original” owner(s) can claim the land if it reappears in a natural process within 30 years from the date of erosion. The loss of land for the revetment work will permanently seal off the possibility of any such claims of regaining access to new land *in situ* or original site. Thus, it is reasonable that land acquired for revetment, including bankline, should be compensated by the Project.

4.2 Land Acquisition and Resettlement Framework

47. Land acquisition and resettlement of APs will be carried out in accordance with the approved resettlement framework (RF), which has been used to define entitlement matrix in the light of losses identified in the SES.

²³ The solatium was raised from 25 percent to 50 percent through an amendment in 1993.

²⁴ The Jamuna Bridge Project defined the “bankline” based on the flood levels in winter (PWD+8m) and flood (PWD+11m) seasons. See *Guidelines for Compensating Erosion and Flood Affected Persons*, Jamuna Multipurpose Bridge Authority, 1996.

²⁵ The *East Bengal State Acquisition and Tenancy Act* (1951, revised 1994). See A. K. M. Siddique, *Common Land Laws and Rules*, Dhaka, August 2001.

4.3 Resettlement and Income Restoration Assistance

48. The affected people will be entitled to resettlement benefits and also social development assistance under the JFPR, if vulnerable. JFPR is being currently processed by ADB and likely to be implemented in the years 2005-07.

4.4 Entitlement Matrix

49. The entitlement matrix (table-4.1) recognizes major types of losses attached to land acquisition and resettlement. BWDB is committed to assist the APs in clustered relocations with community facilities. They will be relocated to BWDB land (if available) or plots purchased (by the APs) for which assistance is provided in the form of homestead land development. In addition to the CCL, resettlement benefits as per the entitlement matrix will be provided to the APs (Table 4.1).

Table 4.1 Resettlement Entitlement Matrix²⁶

Type of Loss	Application	Definition of APs	Entitlement	Expected Results
1. Loss of agricultural/ fallow land, water bodies, etc.	Land on the Project right of way along the bankline acquired by DC	Legal owners of land	<ul style="list-style-type: none"> ✓ Replacement value of land²⁷ ✓ Refund of registration cost incurred for replacement land purchase determined by the BWDB through NGO.²⁸ 	Replacement of land or the value to the APs
2. Loss of homestead and commercial land	Land on the Project right of way along the bankline acquired by DC	Legal owners of land	<ul style="list-style-type: none"> ✓ Replacement value of land at market price ✓ Refund of registration cost incurred for replacement land purchase determined by the 	Replacement of homestead/ commercial land

²⁶ As agreed by GOB and ADB in *Aide Memoire of the Loan Appraisal Mission*, 25 June 2002, *Resettlement Framework* and confirmed in the *Loan Agreement*, November 25, 2002.

²⁷ Replacement Value will be 'Market Value,' which will be determined by PVAT and is generally more than the CCL + 50% as premium given by the DC. The difference will be through a Resettlement Grant, when the PVTA determined 'Market Value' is more than the CCL + 50% as premium paid as per GOB LA Law. See MARV above, item (k). This clarification requested by ADB *Safeguard Review Mission Report*, September 2004, para. 23 (ii), attached to fax from ADB, Director, AENR Division, November 17, 2004.

²⁸ Refund for 'Types of Loss' 1 & 2 not to exceed PVAT determined value. The refund of registration cost incurred for replacement land purchase at the replacement value determined by a legally constituted body (PVAT). The INGO as a member of the PVAT and JVT confirms the Joint Verification Data of physical property for implementation adequacies. The role of PVAT is set out in *Resettlement Framework*, Para. 12, and that of the INGO in Table 1, Item 1

Type of Loss	Application	Definition of APs	Entitlement	Expected Results
			BWDB through NGO.	
3. Loss of under water land ²⁹	Land on the Project right of way within the river along the Bankline, if acquired	Legal owner(s) of land and (DC) if owns the <i>khas</i> land after legally established AD line; the previous private owners of land below the AD line	<ul style="list-style-type: none"> ✓ In case of <i>khas</i> land, replacement value of land assessed by DC without additional 50% as premium to respective DCs ✓ Resettlement Benefit for land assessed by PVAT, to the previous owner(s) of eroded land ✓ Refund of registration cost incurred for purchase of replacement land not exceeding PVAT determined value 	Replacement of land or the value to the owner as his/her ownership ceases
4. Loss of residential and/or commercial structure by owners/informal settlers from the Project rights of way land.	Structure on the Project right of way land along the bank line	Owner(s) of structures identified by the DC and SES ³⁰	<ul style="list-style-type: none"> ✓ Replacement value³¹ of structure as determined by the BWDB through NGO; ✓ Taka 2,000 as transfer grant for relocation of residential and commercial structure ✓ Taka 5,000 for homestead/land development grant ✓ Tk. 3,000 house reconstruction grant³² ✓ Salvaged materials free of cost 	Reconstruction of structure at a new site
5. Loss of trees, crops, perennials	Standing crops, trees on the right of way land	Owners of land	<ul style="list-style-type: none"> ✓ Compensation at the rate estimated by the Forest Department and the Agriculture Extension Department ✓ Salvaged materials free of cost 	Compensation for standing crops and trees
6. Loss of access by tenants/ sharecroppers to agricultural land for crop production	Agricultural plots on the Project rights of way	Tenants of the land as identified by the SES	<ul style="list-style-type: none"> ✓ Taka 200 per decimal of agricultural land under tenancy/sharecropping contract farming³³ 	Compensation for loss of access to farm land
7. Loss of income and work days due to displacement	Households affected by the Project alignment/ROW	Head of households identified by the SES	<ul style="list-style-type: none"> ✓ Taka 2000 per household ✓ Taka 3000 for households headed by women ✓ Employment in the Project construction work, if possible 	Subsistence and income in post-displaced period
8. Displacement of community structure	Community structure on the Project rights of way	Community representative as identified by the SES	<ul style="list-style-type: none"> ✓ Taka 2,000 as transfer grant for relocation of CPR ✓ Plot inside embankment on BWDB or <i>khas</i> land ✓ Taka 10,000 structure reconstruction grant 	Restoration of community structure for common benefits
9. Loss of diminished business or employment	Owners/ operators of SBEs on the Project rights of way	Owners and employees of the SBEs	<ul style="list-style-type: none"> ✓ Taka 2,000 to the owner and operators for business restoration; ✓ Taka 1,500 to employees for income supplement 	Restoration of business after relocation
10. Vulnerability to	Vulnerable	Households	<ul style="list-style-type: none"> ✓ Priority assistance in the social 	Sustainable

²⁹ This provision included as per request by ADB: Letter from ADB, Director, AENR Division, General Comments Item (iv), July 31, 2004.

³⁰ As approved by BWDB.

³¹ That is, the 'Market Price.'

³² Per household/shop

³³ The DC pays 50 percent of crop value if the Tenancy Contract (TC) is registered.

Type of Loss	Application	Definition of APs	Entitlement	Expected Results
resettlement and relocation	households or non-titled persons ³⁴ on the Project ROW	relocated on the new site of BWDB	development programme	social development
11. Project induced erosion of char land	Char land if erodes due to the Project within 2 years of its completion	Owners/occupiers of eroded char land	✓ Market value of concerned land assessed by PVAT to the owner-occupier by 100 per cent or share it 50-50 among owners and occupier for non-owner occupied land	Project benefits shared to every impacttees
12. Access to community/ civic facilities ³⁵	All households on the ROW if they relocate in group	Households identified by SES/JVT	✓ Community infrastructure facilities like access roads, plantation, tube-wells and sanitary latrines and drainage.	Development of cluster settlements assisted by EA

50. This Entitlement Matrix is based the Resettlement Framework (RF) and a Short Resettlement Plan (RP) that were submitted to the ADB by the Government of Bangladesh on May 14, 2002 with assurances that these would be followed during project implementation. A Summary Resettlement Framework and Short RP, to serve as a model for future RPs, were Appendix 12 to the *Report and Recommendation of the President to the Board of Directors on a Proposed Loan to the People's Republic of Bangladesh for the Jamuna-Meghna River Erosion Mitigation Project* (the RRP), June 4, 2002. Some revisions were subsequently made in the *Land Acquisition and Resettlement Framework* was attached as Annex II to the Government of Bangladesh, Ministry of Water Resources, Bangladesh Water Development Board. 2002. JMREMP, *Modified Resettlement and Social Development Plan (RSDP)*: Phase I. July and through ADB review mission requests, as documented in the footnotes to the above Entitlement Matrix. The original RRP and RSDP of 2002 are provided in Annex 6 to this RP.

4.5 Definitions of Terms

- Affected Persons (APs): Affected persons shall include (a) persons whose houses, land, structure, business, income/employment or productive assets are affected by the Project.
- *Household*: A household includes all persons living and eating together (sharing the same kitchen and cooking food together as a single-family unit).
- *Entitled Person*: An entitled person (EP) is one who has lost his/her assets or income directly/indirectly due to the Project intervention and is eligible to receive compensation from the DC office and/or cash grant from BWDB.

³⁴ These are the Heads of poor and vulnerable HHs identified by SES. Also found in GOB, MWR, BWDB. JMREMP, *Modified Resettlement and Social Development Plan*: Phase I. July 2002, Annex II, *Land Acquisition and Resettlement Framework*, Table 1, Item 11.

³⁵ This provision included as per request by ADB: Letter from ADB, Director, AENR Division, Resettlement Plan for Removal of Old Embankment, Item (ii), July 31, 2004. Also found in GOB, MWR, BWDB. JMREMP, *Modified Resettlement and Social Development Plan*: Phase I. July 2002, Annex II, *Land Acquisition and Resettlement Framework*, Table 1, Item 11

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- *Structures - Houses and Commercial Enterprises:* All structures affected by Project acquisition -- living quarters, community infrastructures/roadside shops/businesses -- will be compensated for.
 - *Assistance/Compensation:* Compensation for lost assets refers to legal compensation provided through the Land Acquisition section of the Deputy Commissioner's office. Assistance refers to resettlement assistance extended in cash and/or kind over and above the compensation under law as per independent assessment of replacement price of land and physical assets concurred by a Property Valuation Advisory Committee (PVAT).
 - *Relocation/Resettlement:* Relocation refers to physically moving of the APs from the affected area to a new area/site and rebuilding homes, assets, including productive land/employment while resettlement means re-establishing income, livelihoods, living and social system.
 - *Replacement Land:* Those affected by the RoW alignment will receive alternative land, if available, or cash compensation at the replacement price. NGO will assess the market value of land to determine the Maximum Allowable Replacement Value (MARV) and be approved by PAVT.
 - *Project Affected Communities/Host Villages:* Project-affected communities are local villages, markets or townships that may be affected by Project impacts such as loss/dislocation/capacity inadequacy of common property resources- school, mosques etc. Host communities are recipients where APs are to be relocated.
 - *Vulnerable Households:* For this Project, vulnerable groups are defined as APs who suffer more - economically and socially - from relocation than other affected population. Based on past experiences from similar projects, the vulnerable groups include (i) women-headed HHs; (ii) landless HHs (those without agricultural land, and depend largely on wage labor for survival); (iii) disabled HHs heads and (iv) poor HHs having residual agricultural land less than 1 acre or losing more than 10% of their income from agriculture due to acquisition.
 - *Cut-Off Date.* The Cut-Off Date is the date after which eligibility for Resettlement Benefits will not be considered. Because of the vagaries of river bank erosion, there are two Cut-Off Dates: **May 30, 2003 for Physical Losses** and **January 28, 2005 for Income Losses**, subject to verification and clearances as described below.
 - **Physical Losses Cut-Off Date.** Because of the ongoing nature of Bank erosion, an *Inventory of Households and Assets between the Embankment and the Bankline* conducted in April-May 2003 that indicated all HHs that might possibly be on the ROW by start of construction and so be considered for physical losses due to land acquisition. The Physical Losses Cut-Off Date of **May 30, 2003** includes, therefore, only HHs having houses and establishment within the ROW at the beginning of physical works construction as identified by BWDB's Inventory Verification Committee (IVC).

- The *Inventory Survey*³⁶ is subject to verification by the IVC and approval by BWDB, considering not only the original Inventory but the Socioeconomic Survey (SES) and IVC data collected just prior to civil works construction. In case of discrepancies, GRC will determine eligibility for individual HHs for Resettlement Benefits, such as: Replacement Value of Structure; Salvaged Material Free of Cost; Transfer Grant; Reconstruction Grant; and Homestead Development Grant.
- *Income Losses Cut-Off Date.* Among the Resettlement Benefits to be given to APs are Subsistence Grants for Loss of Income. The Socioeconomic Surveys (SES), completed **January 28, 2005**, serve as the Cut-Off Date for eligibility to receive the Income subsistence Grants for: Male And Female HH Heads; Small Business Enterprise (SBE) Proprietors and Employees; and for Tenants/Sharecroppers. As with the Inventory Survey data, the SES Cut-Off Date is subject to verification by BWDB's Inventory Verification Committee (IVC) and approval by BWDB.
- *Land Acquisition* is not covered by these Cut-Off Dates. CCL will be paid by the DC as per GOB LA Law; and the INGO, with BWDB approval, will provide Grants for *Replacement Value of Land and other properties established* by the PVAT and according to the *Resettlement Entitlement Matrix* in Section 4 below.
- *Resettlement Village:* Bangladesh Water Development Board will support APs to procure/ acquire land for developing Resettlement Village following the design of the JMBP Resettlement Site for relocating the OE settlers. The BWDB will develop the resettlement village in one or several locations to accommodate the informal settlers from the demarcated areas of the OE or other HHs removed from their present housing for Project purpose. The resettlement villages will have access roads, drainage, sanitary latrines, water supply arrangement, and other civic facilities.

4.6 RP Implementation Guidelines

51. The BWDB does not have any set codified rules for payment of grants to the Entitled Persons (EPs) as resettlement of APs. Under the circumstances, a detailed RP implementation guideline (payment modality) will be required to implement the RP at the field level. Both the BWDB and the INGO will follow the payment modality after its approval from the Project Director (PD), Jamuna Meghna River Erosion Mitigation Project.

○ ³⁶ The *Inventory of Households and Assets between the Embankment and the Bankline Report* is dated June 24, 2003.

CHAPTER 5 CONSULTATION AND STAKEHOLDERS' PARTICIPATION

5.1 Information Dissemination and Public Consultation

52. The Project concept and land acquisition requirements as per various options and technical design of structural measures for riverbank protection were discussed with the primary stakeholders. They were consulted for their perception on risks and consequences of river bank erosion, development concerns, views on alternative options and beneficiary participation in Project cycle. The women and other vulnerable groups were also consulted on site concerning the Project impact and their livelihood aspects. The information dissemination was further stepped up during the inventory preparation in March - April 2003 as a cut off date. The sub-consultants team held 3 consultation meetings at three separate locations also covered this area during the census and survey (Table 5.1) in January 2004. During the preparation of Special RP and this RP the Resettlement Specialists and the BWDB staff also conducted several meetings with the local people and their representatives.

53. The consultants made some follow up meetings as well for understanding the options and scope of relocation of the informal settlers of the OE as per Project requirement. It was understood that the people prefer and are encouraged to relocate collectively at places inside the embankment. The APs are aware of the Project and the policy.

54. The inputs from the stakeholders meetings have been used to develop appropriate mitigation measures. This interactive approach will continue during the implementation of the Project through the INGO.

Table 5.1: Summary of Consultation Meetings

Date	Location and Chairman of the Meetings	Participants	Issues Discussed
7 Jan 2004	Maijkhali Md. Abdus Sattar	Farmers, people's representatives, NGO workers, fishers, women group, students, and village elders.	Land acquisition, relocation, land use along the bankline, riverbank protection measures, resettlement requirements, etc.
10 Jan 2004	Bijoyganj Md. Motiar Rahman	Farmers, religious leader, women group, fishers, NGO workers, and village elders.	Bank protection options, people's expectation, option for relocation, vulnerability of women and children, income constraints, etc.
12 Jan 2004	Harirampur Md. Abdus Sobhan	Farmers' group, women group, businessmen, NGO worker, and village elders.	River erosion, employment situation, communication, education, law and order situation, relocation options, resettlement, etc.

55. This interactive approach will continue during the implementation of the Project through INGO. The INGO was deployed by BWDB on February 16, 2005 and, as per its Terms of Reference (TOR), a *Resettlement Information Brochure* developed for the Project and approved by the PD, JMREMP, is being distributed to APs, providing general Project background and especially focusing on the *Resettlement Entitlement Matrix* and the due process involved in receiving Resettlement Benefits. The RP currently being translated into Bangla by the INGO will be placed at the Union Parishad by mid-July 2005 until the Information Resource Center is completed through the JFPR social development program.

5.2 Steps to Ensure Stakeholders Participation

56. The INGO, will publish brochure, leaflets, etc. explaining the impact of the Project, compensation policies for APs, resettlement options/strategies for HHs and SBEs, and tentative implementation schedule of the Project. Further steps will be taken (i) to keep the APs informed about land acquisition plan, compensation policy and payments, and (ii) to ensure that APs will be involved in making decisions concerning relocation and implementation of the RP.

57. During the implementation stage, Resettlement Advisory Committees (RACs) will be formed to seek cooperation from various stakeholders in the decision-making and implementation of RP. Representatives of the APs will be involved in the Grievance Redress Committees (GRC) to review and resolve disputes concerning compensation and other resettlement benefits. Finally, there will be continuous on-site consultation during the implementation stage to ensure that the APs receive their due entitlements/benefits. The resettlement implementation committees like JVT, PVAT, and GRC will be formed through gazette notification illustrating their scope, responsibility and disposal.

5.3 Social Issues and Development Needs

58. Erosion victims, particularly those without assets, are very poor and vulnerable in physical, social/gender and economic dimensions. Physical dimension includes problems with existing shelter/housing while economic dimensions involve adjustments to losses, employment/income, and livelihood sources. Some of the social issues will be addressed under the JFPR funded program.

CHAPTER 6 RESETTLEMENT AND INCOME RESTORATION PROGRAMS

6.1 Resettlement Strategy for APs

59. The Project will encourage “self-relocation” by affected HHs in groups of families related by kin or other social ties to minimize social disruption but maximize mutual self-help support. Some 9 APs have chosen to self relocate from the OE and the majority, 98 APs, to relocate to a Resettlement Village. The Resettlement Village for the OE is, however, a private venture, maximizing AP ‘ownership,’ organized by the Chairman Kaitola UP and the 98 OE AP applicants themselves, assisted by the INGO, EA, and Consultant; with the civic amenities, such as tube wells, latrines, access road, and site raising, provided by the EA, as per ADB request.³⁷ The Chairman Kaitola UP has obtained the required 3 acres,³⁸ and site development is being arranged to be completed prior to the full onset of the Monsoon in June 2005 in order to relocate the OE APs on an emergency basis given the vulnerability of these households to erosion impacts.

60. The new OE Resettlement Village will be protected by existing embankments and is strategically located with respect to income opportunities associated in particular associated with markets, road and river transportation. In addition, the majority of these APs are squatters on Water Board land but will now receive private ownership to the new lands, being arranged by the Chairman Kaitola UP, with assistance from the INGO supervised and monitored by the CRO and Consultant. The ownership transfer from the Chairman to the OE APs is underway as is site development.³⁹ The homesteads will, thusly, be transferred to the possession of the APs, whereas the Access Road will be acquired by the BWDB.

61. Similarly another approximately 4 Ha land is being located by the Consultant and Board for the 113 APs on the Wave Eroded Area along the OE, although the relocation of these APs can be carried out in October-November 2005 during the Dry Season, since they are not as vulnerable to erosion impacts during the 2005 Monsoon. The experience of the OE APs will provide a practical model for carrying this relocation to a second Resettlement Village

62. In the case of both Resettlement Villages, an Environmental Assessment (EA) will be carried out prior to their development. An EA of the OE Resettlement Village is underway by

³⁷ See OE RP Entitlement Matrix footnote 30: Letter from ADB, Director, AENR Division, Resettlement Plan for Removal of Old Embankment, Item (ii), July 31, 2004. Also found in GOB, MWR, BWDB. JMREMP, *Modified Resettlement and Social Development Plan: Phase I*. July 2002, Annex II, *Land Acquisition and Resettlement Framework*, Table 1, Item 11.

³⁸ Additional land may be obtained, however the process is going on so no figure is given here.

³⁹ The site development requires raising the land about 2 m prior to the Monsoon, as an emergency measure due to the vulnerability of the OE APs to erosion during the Monsoon. The APs will raise their house plinths by approximately another 0.5 m using the Homestead Development Grant before their actual relocation to the new site. Because of limited time before the Monsoon, the Resettlement Village amenities will necessarily be established during and after the Monsoon itself.

the PMO's Environmental Management Officer, assisted by the Consultant's Deputy Team Leader and CAD/GIS Specialist who, with a degree in Town Planning, is also preparing the Village Layout Plan. This will be completed prior to development of the village site. The same will be done for the Wave Eroded Area and PIRDP RP Resettlement Village, although the OE Resettlement Village is receiving priority due to the vulnerability of the OE APs to erosion during the Monsoon months.

6.2 Income Restoration Strategies

63. The people of the area are habituated in rolling type of lives struggling with the havoc of river erosion and flooding. The river and the embankment are also playing a big role in their economic aspects. The affected HHs and SBEs are anticipated not to relocate at long distance areas. Other than place of residence and businesses, they are not losing sources of livelihood/client base permanently.

64. The affected HHs and small business enterprises requiring relocation from the bankline for 2004/2005 bank protection work may suffer temporarily due to loss of workdays/income and lost businesses. Income restoration assistance in the form of grant will be paid to eligible APs. The APs, including those experiencing indirect or secondary impact, will be eligible for assistance due to loss of employment/workdays (daily wage labor, second/third income-earners) due to dislocation and relocation.

6.2.1 Assistance in Re-establishing Business

65. The RP has provisions to provide assistance to affected SBEs to restore and regain their businesses. All SBEs, irrespective of titled/non-titled owners of business premises, will receive a cash grant for loss of business premise, plus shifting or moving allowance, and one-time cash grant for business loss and loss of workday/employment. This assistance is intended to help SBEs to re-establish businesses in new locations.

66. It is expected that all the APs and businesses will continue their previous occupations and commercial activities in post-relocation period with the same client base. As a result, no training program for alternative occupation will appear necessary for owners of affected SBEs.

6.2.2 Employment in Construction

67. The Project construction activities will require many unskilled laborers for earthworks in revetment construction. BWDB will make provision with the contractors for preferential access to employment by deserving APs, including affected women, in the recruitment of local laborers, if possible. Employment in the Project construction will be an added source of income in the income restoration processes.

6.2.3 Tree Plantation Program

68. In the erosion-prone area people fell down trees for salvation of the material. Therefore not many valuable trees are there on the ROW. Of the remaining ones most trees

are small and medium. The INGO will organize women and other vulnerable groups in the resettlement clusters, assisted by the Resettlement and Social Development Specialists. For selection of species, and other technical support (for example, training) for roadside plantation, Departments of Forestry/Environment, GOB will be consulted.

6.3 Social Development Support

69. The INGO may start savings and income generation programs on its own for providing capital support for income restoration and poverty reduction. The vulnerable APs will also be covered under a JFPR program for their Livelihood Improvement.

CHAPTER 7 INSTITUTIONAL FRAMEWORK AND IMPLEMENTATION SCHEDULE

7.1 Institutional Arrangement

70. The Ministry of Water Resources (MOWR) through BWDB will be responsible for implementation of the RP. The Project Director (PD) of PMO, BWDB, Dhaka will monitor the RP implementation through the Chief Resettlement Officer (CRO). The PD will recruit and appoint the INGO and will be in charge of the overall implementation program. The Executive Engineer/SDE Bera O&M Division, BWDB, Bera, Pabna will act as the Resettlement Coordinator (RC) at the field level. The appointed NGO will open a field office to implement the RP and will involve APs, including women, representatives of the local Government Institutions in the implementation process.

71. The Deputy Commissioner, Pabna is responsible for acquisition of land for the Project. The RC will ensure co-ordination between various relevant offices, particularly DC at the district level, and the INGO.

72. There are provisions for (i) one international resettlement specialist, (ii) one local resettlement specialist attached with the Project's Management Consultant (MC). In addition, there will be an external monitor for independent monitoring. The resettlement specialists will provide technical support to BWDB and supervise/monitor and review the field activities of the INGO in collaboration with the Bera O&M Division, BWDB, Pabna.

73. The EA staff associated with implementation of RPs will undergo intensive training on involuntary resettlement management for their capacity enhancement. The MC will organize such training involving both the EA and the INGO staff.

7.2 Resettlement Implementation Committees/Teams

74. The Ministry of Water Resources (MOWR), through a gazette notification, will form various committees/teams⁴⁰ for implementation of the RP at the field level. A Joint Verification Team (JVT) will be formed to carry out the physical verification. The INGO will computerize losses of physical assets and their owners identified by the JVT. A Property Valuation Advisory Team (PVAT) will be formed to review the assessment of the INGO on the market price of land and other property affected by the Project at their replacement cost. A Grievances Redress Committee (GRC) will be formed for resolving any grievances involving resettlement benefits, relocation, and other assistance. The scope and responsibility of these committees/teams will clearly be defined in the gazette.

75. The JVT and PVAT will consist of officials from the respective Deputy Commissioner's office, a representative from EA, and a representative from the INGO. The Resettlement Coordinator (RC) at the Subproject Office (SMO) level will chair the JVT/PVAT as convener and representative of the INGO will act as the member secretary.

⁴⁰ Joint Verification Team (JVT), Property Valuation Advisory Team (PVAT) and Grievance Redress Committee (GRC).

76. To resolve the grievances of the APs and assist the resettlement activities, two Grievance Redress Committees (GRC); one for each of the sub-projects, have already been formed and will be gazetted soon. The GRC will consist of Sub-Divisional Engineer (SDE)/Assistant Engineer or any official with the same status from BWDB; the Area Manager/Deputy Team leader or equivalent officer/specialist of the INGO; the Union Parishad Chairman or a member of the concerned local government; and a representative of the APs selected by Resettlement Advisory Committee (RAC). The BWDB representative will chair the GRC, and the INGO representative will act as Member Secretary.

77. The functions of the GRCs will be to:

- Receive applications and hold hearings on AP grievances concerning the Project, in particular regarding resettlement issues.
- Refer APs to the concerned authority/Deputy Commissioner if the grievance can be dealt through conventional law or by arbitration.
- Make decisions to resolve AP grievances following RP policy if outside conventional law and if the grievance does not lend itself to arbitration.
- Prepare recommendations according to the procedure described by the GRC in resolving AP complaints.

78. The GRCs will receive AP grievances and resolve them in the following manner:

- The written AP grievance will be lodged with the GRC within a month of the receipt of ID Card or from when the AP is informed of their entitlement.
- The GRC will meet to resolve the AP grievance within 10 days of its receipt and will preserve the records and procedure of the meeting. The GRC will mention the basis of its resolutions in the written record of its meetings.
- The GRC will publicize its decisions regarding AP grievances through local community meetings and through the distribution of leaflets to the public.
- All the GRC activities will take place in the office of the GRC chairperson.

79. The INGO will form resettlement advisory committee (RAC) to involve the local communities and APs in the implementation process. RAC will be formed by the INGO after its placement consisting of representatives from APs, women/vulnerable groups and LGI and constituted by the Project Director, PMO, JMREMP. The local UP Chairmen/Member will chair the RAC and representative of the INGO will act as the member secretary.

7.3 Implementation Framework and schedule

80. The implementation schedule of the approved Resettlement Framework already in place will be followed for implementation of this RP. Land is being acquired through the Deputy Commissioners' Office covering the 3km bankline for 2004/2005 work of which includes 600 m OE and the Cross Dam area. The RP also covers the embankment settlers on slopes of a 500 m OE for wave protection.

81. A time-bound implementation schedule for the RP has been prepared in accordance with the Project construction schedule. The overall schedule of implementation is based on the principle that people affected by the Project are paid their due resettlement benefits prior to displacement. The INGO will assist the APs in the process of relocation and resettlement. Individual entitlements on HH basis will be processed by the NGO. Each EP will receive an ID card and an entitlement card. The implementation of this RP will be completed in 18 months from the date of deployment of the NGO in the field (Table 7.1 & Figure 7.1).

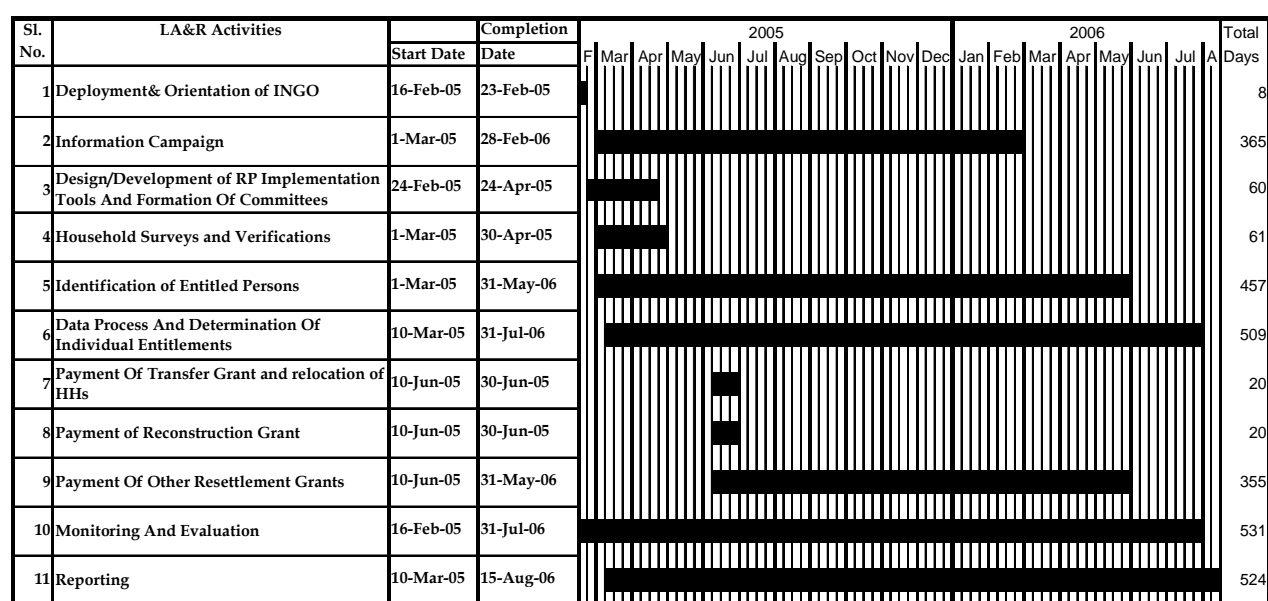
Table 7.1 Old Embankment RP Implementation Schedule

Sl.No.	LA&R Activities	Start Date	Completion Date
1.	Deployment& Orientation of INGO	16 Feb 2005	23 Feb 2005
2.	Information Campaign	1 Mar 2005	28 Feb 2006
3.	Design/Development of RP Implementation Tools And Formation Of Committees	24 Feb 2005	24 Apr 2005
4.	Household Surveys and Verifications	1 Mar 2005	30 Apr 2005
5.	Identification of Entitled Persons	1 Mar 2005	31 May 2006
6.	Data Process And Determination Of Individual Entitlements	10 Mar 2005	31 Jul 2006
7.	Payment Of Transfer Grant and relocation of hhs	Jun 10 2005	Jun 30 2005
8.	Payment of Reconstruction Grant	Jun 10 2005	Jun 30 2005
9.	Payment Of Other Resettlement Grants	Jun 10 2005	31 May 2006 ⁴¹
10.	Monitoring And Evaluation	16 Feb 2005	16 Jul 2006
	Reporting	10 Mar 2005	Jul 2006

⁴¹ There are 6 land owning APs whose structures were not located on the Old Embankment but which will be affected by the revetment works to replace the OE. While, as squatters, the other APs will not receive CCL payments for land, these 6 APs will receive the CCL, so for them a further Grant, the Additional Grant for Land will also be matched to CCL payment to assure the market price is received. The Additional Grant for Land will be matched to CCL payments to assure the market price is received. The cadastral mapping was initially carried out in the 19th Century, and the maps – in S. Asia referred to variously as Revenue Maps, Mauza Maps, or Village maps, though in Bangladesh usually as ‘Mauza Maps’ -- have not changed substantially since 1905. These original mauza maps now show ownership as subdivided among heirs, and this in many cases needs updating from the 1960s. Therefore, there may be numerous ownership disputes to be resolved, and the actual number of CCL awards will not be known until the process is carried out, and the Additional Grant for Land schedule will depend on the award of CCL, which could take up to a year in cases where there are land disputes. Other APs will receive the Grant for Underwater Land for underwater land they still may legally claim. In both cases, more time may be required for the DC to make certain of legal ownership claims. Otherwise, the Resettlement Grants will be made at the time of household relocation.

82. The Chairman Kaitola UP has proceeded with the transfer of the OE Resettlement land in the name of the OE APs at 2.5 decimal per HH, and the CRO is following up to see the process is completed as a precondition for payment the Homestead Development and Reconstruction Grants to be paid by the XEN immediately upon transfer of the land to AP ownership, followed by of Transfer Grant for actually moving to the site. All Grants, such Refund of Registration Cost, Additional Grant for Structure, Income Subsistence for Male headed households, Income Subsistence for Female headed households, Income Subsistence for Tenants, Income Subsistence for (diminished business) Proprietors, Income Subsistence for Employees, as per the Payment Modality, will also be provided immediately upon relocation to the new site.

Figure 7.1 RP Implementation Schedule in Bar Chart



7.4 Budget and Cost Estimates

83. The budget includes all costs for acquisition of land and assets and cost associated with involuntary resettlement. The total estimated cost for land acquisition and resettlement is Taka 20.39 million (USD 0.349 million) for the PIRDP and Old Embankment (PIRDP) RPs combined.⁴² The entire budget for land acquisition and resettlement will be provided from GOB fund. The detailed estimate of the budget is given in Table 7.2.

⁴² Revised upwards from the Taka 18.64 million (USD 0.319) in Table 7.2

Table 7.2: Land Acquisition and Resettlement Budget

Sl. No.	Particulars	Unit	Quantity	Rate (Tk.)	Total (Tk.)
A	Land Acquisition Cost				
1	CCL for land (Above LWL)	ha	1.29	1,037,400	1,338,246
2	CCL for land (Below LWL) ⁴³	ha	-	691,600	-
3	Cash compensation for structure	sft.	67,382	60	4,042,920
4	Compensation for trees/perennials	LS			300,000
5	Overhead @ 2%				113,623
Sub-total					5,794,789
B	Resettlement Grants				
1	Transfer grant	no.	229	2,000	458,000
2	Homestead development grant	no.	223	5,000	1,115,000
3	Reconstruction grants	no.	229	3,000	687,000
4	Additional grants for floodplain land	ha	1.29	262,600	338,754
5	Additional grants for under water land	ha	-	176,000	-
6	Additional grants for structure	sft.	67,382	25	1,684,550
7	Refund of registration cost @ 15% (60% probable cases)	ha	1.29	234,390	45,354
8	Subsistence allowance for male headed households to be displaced	no.	208	2,000	416,000
9	Subsistence allowance for female headed households to be displaced	no.	15	3,000	45,000
10	Cash grant for TCF	Decimal	41	200	8,200
11	Cash grant for business restoration	no.	6	2,000	12,000
12	Income substitution for employees	no.	1	1,500	1,500
Sub-total					4,811,358
C	Displacement of Community structure				
1	Reconstruction cash assistance assessed by PVAT	no.	1	-	300,000
Sub-total					300,000
D	Resettlement village / Civic amenity assessed by BWDB	LS			3,000,000
E	Project induced erosion of char land	LS			1,000,000
F	EA Capacity Building Training	LS			500,000
G	INGO including overhead	LS			2,000,000
H	Monitoring and evaluation				350,000
Total					17,756,148
I	Contingency @ 5% on Total				887,807
Grand Total					18,643,955
US Dollar equivalent					318,700

⁴³ All underwater (eroded) land has been covered in the bankline RP

CHAPTER 8 MONITORING AND EVALUATION

8.1 Supervision and M&E

84. The Project Director in coordination with the CRO and BWDB staff, Project Supervision and Management Consultant and the INGO will supervise and monitor -the tasks of resettlement implementation. The RP implementation monitoring will be done both internally and externally to provide feedback to BWDB and to assess the effectiveness.

8.2 Internal Monitoring

85. The internal monitoring by BWDB will deal with all aspects of land acquisition and resettlement. The CRO, assisted by the field staff/NGO, will establish a monthly monitoring system and prepare monthly progress reports on all aspects of RP, following annex-3. The benchmark data for Project level monitoring will come from the socio-economic survey database created during planning and implementation stages.

8.3 External Monitoring

86. The BWDB upon consent by the Asian Development Bank will recruit an Independent Monitor for monitoring the performance of RP implementation. The External Monitor is currently being recruited, however, this will require a loan variation, and the recruitment is expected to be completed on or before September 2005. The specific tasks and methodology for external monitoring will be as per the TOR (annex-4) and shall include: (i) review of pre-Project baseline data on APs; (ii) identification and selection of an appropriate set of indicators for gathering and analyzing information on resettlement impact; (iii) use of various formal and informal surveys for impact analysis; and (iv) an assessment of RP strategy, effectiveness, impact and sustainability, drawing lessons as a guide to future Project preparation work. The independent monitor will work on six-monthly-basis and will report to the ADB through the BWDB.

8.4 Supervision by MC Consultants

87. The Resettlement Specialists will directly supervise and monitor the implementation of RP. The supervision and monitoring work shall involve review of resettlement implementation, verification of the results of internal monitoring in the field, and consultation with APs, officials and community leaders for preparing review reports.

88. In addition to regular review missions, ADB will undertake Mid-Term comprehensive review of the RP implementation.

8.5 Reporting Requirements

89. During Project implementation, BWDB will establish a monthly monitoring system involving BWDB and the INGO staff, and prepare monthly progress reports on all aspects of resettlement operations.

90. During the implementation, the Project Director will send status reports on RP implementation periodically to ADB and a final report once the resettlement is completed. The report will reflect on the resettlement experience and lessons learned for improved management of land acquisition and resettlement in subsequent phases of the subproject. The progress of LA&R will be included in the Project Quarterly Report.

91. The Project Management Consultants will also carry out periodic review of the RP implementation. The Resettlement Specialist will conduct the periodic review and supervision missions during the implementation of the RP and will report to BWDB and the ADB on the progress of all aspects of resettlement activities. A post-evaluation of RP activities will be carried out by ADB to assess the resettlement impact and sustainability of the resettlement program.

Annex-1

PIRDP – Old Embankment RP Action Plan for Temporary Relocation

Annex-1**PIRDP – Old Embankment RP
Action Plan for Temporary Relocation****I. Rationale and Approach**

1. The Special RP for the Old Embankment (OE) had identified 133 HHs – all informal settlers – for relocation on an emergency basis for temporary protection work for 2004 and permanent work for 2004/05. However, the implementation of the RP was delayed due to various unavoidable reasons, including recruitment of NGO services for the work.

2. During field visits (5-7 May 2004) by the Special Project Administration (SPA) Mission, the situation was further assessed in the light of the emergency work and the fast approaching flood season. It was revealed that all 133 HHs need not require relocation for the temporary work for 2004. Instead, only some selected HHs may require relocation and indeed can “push back” inside the embankment on BWDB land without any major physical disruption and loss of access to present livelihood sources.

3. The Executive Engineer-Bera together with the national resettlement specialist (NRS) prepared a list of 58 informal HHs (Annex 1). These HHs *must* be relocated immediately for emergency protection work. The NRS has already conducted meetings with the affected HHs in the presence of the chairman of the local union *parishad* and BWDB staff. The affected HHs are willing to “push back” but would require some assistance for relocation and reconstruction of their houses.

II. Resettlement Assistance for Temporary Relocation and Budget

4. The affected HHs are eligible for assistance under the approved resettlement framework for the Project. It is recommended that they are given the following assistance:

- Relocation or shifting allowance of Taka 2,000 per household
- House reconstruction grant of Taka 3,000 per household

5. Each HH will thus be eligible to a cash assistance of Taka 5,000. This should be *paid to the eligible HHs prior to relocation*. A budget of about *Taka 300,000* will be required for the purpose. *The PD-PMO will advise SE-Pabna to make payments through RAC immediately*. The fund is already available with the SE-Pabna.

6. In case of any dispute over eligibility for assistance, the Executive Engineer-Bera will resolve it in consultation with NRS.

III. Work Plan and Responsibility

7. The work will be carried out by the Executive Engineer-Bera. The national resettlement specialist will assist the Executive Engineer to complete all relocation activities according to the following schedule:

- Payments of resettlement assistance/grants to be completed by 31 May 2004
- Relocation of all 59 HHs to be completed by 10 June 2004

8. The 58 HHs to be temporarily relocated will not be eligible for the same entitlements during permanent resettlement in 2005.

IV. Monitoring and Reporting

9. The national resettlement specialist will monitor the progress of the work and prepare a report on the status of relocation action by *15 June 2004*. The PD-PMO will submit the report to ADB by 20 June 2004.

V. Preparation and Implementation of OE-RP

10. The Special RP will be implemented during the dry season in 2005. The NGO will be in place by that time. All 133 HHs, including the 58 HHs temporarily relocated, will be resettled in accordance with the approved RP for the OE. Meanwhile, the national resettlement specialist will update and prepare a full RP for OE and submit to BWDB by 15 July 2004. The PD-PMO will forward the full RP for OE to ADB by 30 September 2004.

Annex-2

Resettlement Information Brochure

Government of the People's Republic of Bangladesh
Ministry of Water Resources
Bangladesh Water Development Board



Jamuna Meghna River Erosion Mitigation Project
Pabna Irrigation & Rural Development Project
& Meghna Dhonagoda Irrigation Project

Resettlement Information Brochure

INFORMATION ON ENTITLEMENT TO COMPENSATION AND RESETTLEMENT OF PEOPLE
AFFECTED BY LAND ACQUISITION AND RIVER BANK PROTECTION WORK

February 22, 2005

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Abbreviations

AB	Acquiring Body (the Deputy Commissioner)
AC	Assistant Commissioner
AD	Alluvial and Diluvial
ADB	Asian Development Bank
AP	Affected Person
BWDB	Bangladesh Water Development Board
CCL	Cash Compensation under Law
DC	Deputy Commissioner
EP	Entitled Person
GOB	Government of Bangladesh
GRC	Grievance Redress Committee
ID	Identity
INGO	Implementing NGO
IVC	Inventory Verification Committee
JFPR	Japan Fund for Poverty Reduction
JMREMP	Jamuna Meghna River Erosion Mitigation Project
JVT	Joint Verification Team
LA	Land Acquisition
LWL	Lowest Water Level
MARV	Maximum Allowable Replacement Value
MDIP	Meghna Dhonagoda Irrigation Project
MOWR	Ministry of Water Resources
NGO	Non-Government Organization
PIRDP	Pabna Irrigation and Rural Development Project
PVAT	Property Valuation Advisory Team
RB	Requiring Body (Bangladesh Water Development Board)
ROW	Right of Way
RP	Resettlement Plan
RRC	Refund of Registration Cost
SBE	Small Business Enterprise
SDE	Sub-Divisional Engineer
SES	Socio-economic Survey
UP	Union Parishad (Local Government Institution)

1 Background

The Bangladesh Water Development Board (BWDB) under the Ministry of Water Resources (MOWR) of the Government of the People's Republic of Bangladesh (GOB) is implementing the Jamuna Meghna River Erosion Mitigation Project (JMREMP). The Project has started a 6 (six) year-long activities to protect the Pabna Irrigation and Rural Development Project (PIRDP) from erosion of Jamuna river and Meghna Dhonagoda Irrigation Project (MDIP) from that of Meghna River. The Asian Development Bank (ADB) is providing financial and technical assistance to the Project. About 7.0 km Banklines in PIRDP from Koitola to Mohangonj in Bera Upazila (Sub-District) of Pabna District and 4.44 km Bankline in MDIP from Ekhlaspur to Dashaani in Matlab Upazila of Chandpur District will be brought under the protection works. For this purpose, a 72 m wide ROW in Bera and 67 m wide ROW in Matlab along the bankline will be covered by sand filled geo-bags in the underwater section and by concrete cement (cc) blocks in the above water area of the ROW. A total of 124 acres of land in PIRDP in Bera and 74 acres of land in MDIP in Matlab will be acquired for the Project along the bankline or in the river. In the mean time, acquisition of a 3 km long strip of land in Bera and a 3.5 km long strip of land in Matlab are being processed. Although there are only a few settlements on the bankline in the erosion-prone areas, in both PIRDP and MDIP, many households will be losing land due to acquisition and some households requiring relocation.

During April-May 2003, a survey listed the houses and other structures between the eroding Bankline and the flood control embankment. In addition, BWDB has collected a list of the owners of land in the ROW, including owners of land in the river-bed. Those who have lost or will lose land, homestead and other properties, as identified by the Acquiring Body (AB, which is the Deputy Commissioner) and the Requiring Body (RB, which is BWDB), will be entitled to Cash Compensation under Law (CCL) from the respective District administration. They will also be provided with Resettlement Benefits and other support by BWDB according to the guidelines of the ADB so that they can retain their pre-Project socio-economic condition. In addition, persons living within the ROW and earning an income will receive a Subsistence Allowance from BWDB for loss of income or workdays according to Resettlement Plans (RPs) approved by the GOB.

For successful implementation of the Resettlement Plans, BWDB requests the attention and support of both national and local social development organizations. An Implementing NGO (INGO) is in place to assist BWDB in the implementation of the resettlement activities.



2 Definitions of Some of the Resettlement Terms

(a) Directly Affected Persons

People who were living in the Project Right Of Way (ROW) during service of the notice under Section - 3 of the *Land Acquisition Act 1982* or during the *Inventory of Households and Assets Between the Embankment and the Bankline* conducted in April-May 2003¹ and *Socioeconomic Survey (SES)* conducted during from December 2004 through February 2005 and recognized by BWDB, and will lose their land and property or source of income, will be entitled to Resettlement Benefits from BWDB as the directly Affected Persons (APs).

(b) Indirectly Affected Persons

People who will lose their place of residence or source of income but do not own any land in the Project ROW will also be entitled to Resettlement Benefits from BWDB as indirectly Affected Persons (APs).

(c) Affected Households

Generally, parents with children, brothers and sisters who live as a single family and eat from the same hearth are considered as a household; but household servants or regular employees will not be regarded as family members.

(d) Entitled Person (EP)

Persons who lose land or other property and/or sources of income opportunity who receive compensation from the District administration and are listed in April-May 2003 Inventory and 2004-5 SES, and recognized by BWDB, will be considered to be Entitled Persons (EPs). Those who are included in the *Land Acquisition (LA) Award Book*, that is legal owners who receive compensation from the District administration, or their lawful heirs, will be entitled to Resettlement Benefits from BWDB. In the case of joint ownership, the head of the household will receive the resettlement benefits.

(e) People Who Live on Private Land Belonging to Others and Squatters on Public Land

*Uthuli*² who live on private land belonging to others or carry out business there and squatters who live in Government land temporarily will be regarded as affected if their homestead land is acquired/required. Such families identified in the April-May 2003 Inventory and 2004-5 SES and confirmed by BWDB will be regarded as the EPs.

(f) Affected Income Earner

According to the April-May 2003 Inventory and the 2004-5 SES, confirmed by BWDB, households living within on acquired or BWDB land will be regarded as Entitled Persons (EPs) due to any temporary loss of income through impact on home/business structures. If the household head is a female, and if there is no male income-earner, the household will be considered as a Vulnerable Household.

(g) Affected Tenant/Sharecropper

Cultivators of agricultural land which is not their own will, if certified by BWDB and the INGO as such, be regarded as an affected Tenant/Sharecropper. For category (e) above

¹ Verified and approved by BWDB's Inventory Verification Committee (IVC) February 2005.

and for category (f), employer and the owners of the plot respectively and /or the Union Parishad³ (UP) Chairman/Member will jointly certify them.

(h) Purchase of Replacement Land and Refund of Registration Cost

An AP is entitled to the replacement price of the agricultural/homestead/commercial land he/she lost to the Project so that he/she may purchase the equivalent amount of land. If he/she cannot find the same amount of land with the compensation money, then he/she can purchase less land of higher quality or more land of lower quality than he/she lost. The AP will get a Refund of Registration Cost (RRC); however, the RRC cannot be more than the stamp duty needed to purchase land using the replacement value fixed by a Property Valuation Advisory Team (PVAT) established by BWDB and approved by MoWR.

(i) Compensation

APs will get Cash Compensation under Law (CCL) and a 50% additional price as premium over the same from the DC. CCL will be fixed by the District administration according to the *Land Acquisition Act 1982* and all amendments thereafter.

(j) Resettlement Benefits

In addition to the CCL, the RP provides additional Resettlement Benefits in the form of grants to ensure that the APs will receive the current Replacement Market Value for their land and other properties.

(k) Prices of Different Types of Land

The legally constituted PVAT will carry out a detailed market survey through the INGO to determine the *Maximum Allowable Replacement Value* (MARV) of acquired land, and APs will be entitled to the MARV according to their loss

(l) Lowest Water Level and AD Line

From a legal and revenue point of view, the line that marks the Lowest Water Level (LWL) with the Flood Plain during the Dry Season is considered as the Bankline - also called the AD Line (Alluvial and Dilluvial Line) when declared formally by Assistant Commissioner of Land. Land above the LWL to the floodplain is private land unless already acquired by BWDB. For the Project purposes, the LWL will be considered as the demarcated Bankline or AD line.

The eroded land beyond the AD line goes under GOB ownership through a chained procedure that ends with the declaration as *Khas*⁴ land by the Additional Deputy Commissioner. If *Khas* land, (underwater land⁵) is acquired, the DC will be paid the CCL as required by the *Land Acquisition Act 1982*, but not the additional 50% as premium.

² *Uthili* are persons who live on the private land of others with permission.

³ The Union Parishad is the lowest level of local government.

⁴ Eroded land is considered to be *Khas* land. *Land Administration Manual*, GOB. page 384

⁵ The value of eroded land is only 25 percent of land in the floodplain (Quality Land). *Land Administration Manual*, GOB. page 660

In such a case, because of the Project's stabilization of the Bankline, the previous private owners will be identified and a Resettlement Benefit paid to them as APs losing their legal opportunity of regaining the land if it re-emerges within 30 years of erosion.⁷

(m) Vulnerable Households

Vulnerable Households are defined as APs who suffer more - economically and socially - from relocation than other APs. Based on past experiences from similar projects, the vulnerable households include (i) women-headed households; (ii) landless households (those without agricultural land, and depend largely on wage labor for survival); (iii) disabled households heads and (iv) households having residual agricultural land less than 1 acre or losing more than 10% of their income from agriculture due to acquisition. Such households will receive priority assistance in the Social Development Program (SDP) and employment in the Project construction work, if available. The ADB is obtaining funding from the Japanese Fund for Poverty Reduction (JFPR) for the SDP, which will have the long-term goal of reducing poverty in the PIRDP and MDIP areas.

3 Cut Off Dates

As defined in the RPs, the *Cut Off Date* is the date after which eligibility for resettlement benefits will not be considered. Because of the vagaries of river bank erosion, there are two Cut Off Dates: *May 30, 2003 for Physical Losses* and *January 28, 2005 for Income Losses*, subject to verification and clearances as described below.

Physical Losses Cut Off Date. Because of the ongoing nature of Bank erosion, an *Inventory of Households and Assets between the Embankment and the Bankline* conducted in April-May 2003 that indicated all HHs that might possibly be on the ROW by start of construction and so be considered for physical losses due to land acquisition. The Physical Losses Cut Off Date of *May 30, 2003* includes, therefore, only HHs having houses and establishment within the ROW at the beginning of physical works construction as identified by BWDB's Inventory Verification Committee (IVC).

The *Inventory Survey*⁸ is subject to verification by the IVC and approval by BWDB, considering not only the original Inventory but the Socioeconomic Survey (SES) and IVC data collected just prior to civil works construction. In case of discrepancies, GRC will determine eligibility for individual HHs for Resettlement Benefits, such as: Replacement Value of Structure; Salvaged Material Free of Cost; Transfer Grant; Reconstruction Grant; and Homestead Development Grant.

Income Losses Cut Off Date. Among the Resettlement Benefits to be given to APs are Subsistence Grants for Loss of Income. The Socioeconomic Surveys (SES), completed *January 28, 2005*, serve as the Cut Off Date for eligibility to receive the Income subsistence Grants for:

⁷ East Bengal State Acquisition and Tenancy Act (1951, Revised 1998) and Land Administration Manual, GOB, pages 240, 243.

⁸ The *Inventory of Households and Assets between the Embankment and the Bankline Report* is dated June 24, 2003.

Male And Female HH Heads; Small Business Enterprise (SBE) Proprietors and Employees; and for Tenants/Sharecroppers. As with the Inventory Survey data, the SES Cut Off Date is subject to verification by BWDB's Inventory Verification Committee (IVC) and approval by BWDB.

Land Acquisition is not covered by these Cut Off Dates. CCL will be paid by the DC as per GOB LA Law; and the INGO, with BWDB approval, will provide Grants for Replacement Value of Land and other properties established by the PVAT and according to the Resettlement Entitlement Matrix in Section 4 below.

4 The Resettlement Entitlement Matrix

Through the District Administration and the INGO, the BWDB will provide the CCL + 50% additional cost as premium and Resettlement Benefits respectively in accordance with the Land Acquisition Act and the Resettlement Entitlement Matrix of the RP, as legally agreed between the GOB and the ADB. The Resettlement Entitlement Matrix is shown below:

Resettlement Entitlement Matrix⁹

Type of Loss	Application	Definition of APs	Entitlement	Expected Results
1. Loss of agricultural/ fallow land, water bodies, etc.	Land on the Project right of way along the bankline acquired by DC	Legal owners of land	✓ Replacement value of land ¹⁰ ✓ Refund of registration cost incurred for replacement land purchase determined by the BWDB through NGO. ¹¹	Replacement of land or the value to the APs
2. Loss of homestead and commercial land	Land on the Project right of way along the bankline acquired by DC	Legal owners of land	✓ Replacement value of land at market price ✓ Refund of registration cost incurred for replacement land purchase determined by the BWDB through NGO. ¹²	Replacement of homestead/co mmercial land
3. Loss of under water land ¹³	Land on the Project right of way within the river along the Bankline, if acquired	Legal owner(s) of land and (DC) if owns the khas land after legally established AD line; the previous private owners of land below the AD line	✓ In case of khas land, replacement value of land assessed by DC without additional 50% as premium to respective DCs ✓ Resettlement Benefit for land assessed by PVAT, to the previous owner(s) of eroded land ✓ Refund of registration cost incurred for purchase of replacement land not exceeding PVAT determined value	Replacement of land or the value to the owner as his/her ownership ceases
4. Loss of residential and/or commercial structure by	Structure on the project right of way land along the	Owner(s) of structures identified by	✓ Replacement value ¹⁵ of structure as determined by the BWDB through NGO;	Reconstruction of structure at a new site

⁹ As agreed by GOB and ADB in Aide Memoire of the Loan Appraisal Mission, 25 June 2002, Resettlement Framework and confirmed in the Loan Agreement, November 25, 2002.

¹⁰ Replacement Value will be 'Market Value,' which will be determined by PVAT and is generally more than the CCL + 50% as premium given by the DC. The difference will be through a Resettlement Grant, when the PVAT determined 'Market Value' is more than the CCL + 50% as premium paid as per GOB LA Law. See MARV above, item (k). This clarification requested by ADB Safeguard Review Mission Report, September 2004, para. 23 (ii), attached to fax from ADB, Director, AENR Division, November 17, 2004.

¹¹ Not to exceed PVAT determined value. Role of PVAT is set out in Resettlement Framework, Para. 12.

¹² Not to exceed PVAT determined value. Role of PVAT is set out in Resettlement Framework, Para. 12.

¹³ This provision included as per request by ADB: Letter from ADB, Director, AENR Division, General Comments Item (iv), July 31, 2004.

Type of Loss	Application	Definition of APs	Entitlement	Expected Results
owners/informal settlers from the project rights of way land.	bank line	the DC and SES ¹⁴	<ul style="list-style-type: none"> ✓ Taka 2,000 as transfer grant for relocation of residential and commercial structure ✓ Taka 5,000 for homestead/land development grant ✓ Tk. 3,000 house reconstruction grant¹⁶ ✓ Salvaged materials free of cost 	
5. Loss of trees, crops, perennials	Standing crops, trees on the right of way land	Owners of land	<ul style="list-style-type: none"> ✓ Compensation at the rate estimated by the Forest Department and the Agriculture Extension Department ✓ Salvaged materials free of cost 	Compensation for standing crops and trees
6. Loss of access by tenants/sharecroppers to agricultural land for crop production	Agricultural plots on the project rights of way	Tenants of the land as identified by the SES	<ul style="list-style-type: none"> ✓ Taka 200 per decimal of agricultural land under tenancy/sharecropping contract farming¹⁷ 	Compensation for loss of access to farm land
7. Loss of income and work days due to displacement	Households affected by the project alignment/ROW	Head of households identified by the SES	<ul style="list-style-type: none"> ✓ Taka 2000 per household ✓ Taka 3000 for households headed by women ✓ Employment in the project construction work, if possible 	Subsistence and income in post-displaced period
8. Displacement of community structure	Community structure on the project rights of way	Community representative as identified by the SES	<ul style="list-style-type: none"> ✓ Taka 2,000 as transfer grant for relocation of CPR ✓ Plot inside embankment on BWDB or khans land ✓ Taka 10,000 structure reconstruction grant 	Restoration of community structure for common benefits
9. Loss of diminished business or employment	Owners/operators of SBEs on the project rights of way	Owners and employees of the SBEs	<ul style="list-style-type: none"> ✓ Taka 2,000 to the owner and operators for business restoration; ✓ Taka 1,500 to employees for income supplement 	Restoration of business after relocation
10. Vulnerability to resettlement and relocation	Vulnerable households or non-titled persons ¹⁸ on the project ROW	Households relocated on the new site of BWDB	<ul style="list-style-type: none"> ✓ Priority assistance in the social development programme 	Sustainable social development
11. Project induced erosion of char land	Char land if erodes due to the Project within 2 years of its completion	Owners/occupiers of eroded char land	<ul style="list-style-type: none"> ✓ Market value of concerned land assessed by PVAT to the owner-occupier by 100 per cent or share it 50-50 among owners and occupier for non-owner occupied land 	Project benefits shared to every impactees
12. Access to community/civic facilities ¹⁹	All households on the ROW if they relocate in group	Households identified by SES/JVT	<ul style="list-style-type: none"> ✓ Community infrastructure facilities like access roads, plantation, tube-wells and sanitary latrines and drainage. 	Development of cluster settlements assisted by EA

5 Procedures for Receiving Resettlement and Other Grants

(a) Identity (ID) Card

¹⁴ As approved by BWDB.

¹⁵ That is, the 'Market Price.'

¹⁶ Per household/shop

¹⁷ The DC pays 50 percent of crop value if TC is registered.

¹⁸ These are the Heads of poor and vulnerable HHs identified by SES and through a plot by plot survey

¹⁹ This provision included as per request by ADB: Letter from ADB, Director, AENR Division, Resettlement Plan for Removal of Old Embankment, Item (ii), July 31, 2004.

APs that get paid CCL by the District Administration and/or Resettlement Benefits from the BWDB will be termed as Entitled Persons (EPs). Each AP household head or EP will be given an Identity (ID) Card.



(b) Entitled Person's File (EP File) & Entitlement Card

All the losses of an EP will be computerized to an electronic EP File that can then, based on the Resettlement Entitlement Matrix, automatically summarize the EP's total losses and benefits at any point in time. This will be produced into a standardized report, the Entitlement Card; and the EP will be provided with all the benefits according to his/her loss as shown in the Entitlement Card. The INGO will distribute one (1) copy of their final Entitlement Card to each EP.

(c) Purchase of Replacement Land

If an EP chooses replacement land, the EP will, with the assistance of the INGO, scrutinize the replacement land owner's relevant documents. If the EP is satisfied, he/she will fix the price and register it. The EP then has to submit the relevant documents to BWDB for receiving the Resettlement Benefit.

All influential persons are requested to persuade owners of landed property in their own areas to sell their land to the EPs for the area's greater good.

(d) Grievance Redress Committees (GRCs)

The PIRDP and the MDIP will each have one Grievance Redress Committee (GRC). These GRCs have been constituted, and will be gazetted, to assist the resettlement activities. The GRC will consist of Sub-Divisional Engineer (SDE)/Assistant Engineer or any official with the same status from BWDB; the Area Manager/Deputy Team leader or equivalent officer/specialist of the INGO; the UP Chairman or a member of the concerned local government; and a representative of the APs. The BWDB representative will chair the GRC, and the INGO representative will act as Member Secretary.

The Scope of Works of the GRCs are shown in appendix-I.

(e) Joint Verification Team (JVT):

Joint Verification Teams (JVTs) will also be constituted at the PIRDP and MDIP. The JVT members will include the SDE/Assistant Engineer or any official with the same status from BWDB; a representative of the concerned Deputy Commissioner; and Area Manager/Deputy Team Leader or equivalent officer/specialist of the INGO. The BWDB representative will chair the JVT, and the INGO representative will act as Member Secretary.

The Scope of Works of the JVTs are shown in appendix-I.

f) Property Valuation Advisory Team (PVAT)

Property Valuation Advisory Teams (PVAT) have been constituted by BWDB for PIRDP and MDIP to determine the current market price and replacement cost of acquired land, physical structures, trees and other property. The PVAT is comprised of the SDE/Assistant Engineer or any official with the same status from BWDB; a representative of the concerned Deputy Commissioner; and the Area Manager/Deputy Team Leader or equivalent officer/specialist of the INGO. The BWDB representative chairs the PVAT, and the INGO representative acts as Member Secretary.

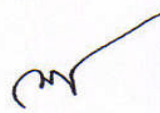
The Scope of Works of the PVATs are shown in appendix-I.

5. **Other Information/Procedures for Entitled Persons (EPs)**

- In order to receive their CCL, EPs must produce at the DC's office their ownership deed, record, rent receipt, mutation document, share document, or other relevant proof of ownership.
- Until and unless the legal owners receive the CCL from the Deputy Commissioner, BWDB cannot provide the Resettlement Benefit grants through the INGO for the relevant plot.
- If replacement land is purchased within the period of RP implementation, and the evidence of properly used stamp duty and other relevant documents is produced in the INGO's field office, the stamp duty and registration cost will be refundable at the rate provisioned in the RP.
- The EPs will receive an ID Card bearing ID number and photograph of the EP, signed by BWDB's and the INGO's assigned representatives. The EP will need to produce their ID Card to receive Resettlement Benefits.
- The entitlement determined by BWDB through the INGO as per RP provision will be disbursed through a 'Crossed Bank Cheque'²⁰ on the date declared earlier and in the presence of local UP chairman/member. For this purpose, the EP must open a bank account.
 - The BWDB or INGO field offices at PIRDP and MDIP may be contacted for any additional information regarding acquisition and resettlement. The INGO will provide necessary assistance to all EP.
 - Affected tenants/sharecroppers will be identified by the JVT and certified by the relevant landowner and the UP chairman/member.

Note: APs will get compensation as per 1982 Act and resettlement benefit according to the Resettlement Entitlement Matrix shown above in Section 3. This *Resettlement Information Brochure* is amendable as per requirement and approval of BWDB and the ADB.

²⁰ A 'Crossed Bank Cheque' can only be cashed through being deposited in the EP's account first.



Annex-3

Internal RP implementation Monitoring Indicators

Annex- 3

Internal RP implementation Monitoring Indicators

There is a necessity to establish an internal monthly monitoring system to understand the physical and financial progresses in resettlement implementation and achievement in key resettlement activities in relation to time spent. The EA will consider that as the performance of the agencies involved and plan the future action as per the result of the monitoring. The BWDB in consultation with the Project Resettlement Specialists, INGO and the field executives will establish some key indicators like budget and time frame, delivery of AP entitlements, consultation, grievance and any special issues for monitoring purposes.

The project will create a databank and automated software to compare and verify any information and data flow and adoption for implementation of RPs including GRC cases. The project will verify progress and achievement of implementing NGO and devise formats for estimating various progress.

In addition to the monitoring of the qualitative information the attached format will be used for reporting the quantitative aspects of the RP implementation on a monthly basis. BWDB will fix the item and sub-item Weightage in consultation with the INGO.

Internal RP implementation Monitoring format (automated)

Sub-project:

JMREMP

Major items of action	Item weight (%)	Specific action steps (sub-items)	Distribution of Sub-Item weight (%)	Unit	Planned Total	Progress in quantity			Cumulative Progress in %			Progress during the month in %		
						up to the month	to till last month	during the month	Sub-Item Progress	Item Progress	Project Progress	Sub-Item Progress	Item Progress	Project Progress
1) Recruitment, training and deployment	5	1. Deployment of managerial staff /Consultants	30	Man-month										
		2. Deployment of resettlement workers	30	Man-month										
		3. Training and mobilization	40	No. of RWs										
2) Adopting the Resettlement Plan	5	1. Review of RP	25	%										
		2. Devise corrections to the RP	25	%										
		3. Submission of comments to RB	25	%										
		4. Approval of RP with corrections	25	%										
3) Socio-economic survey	10	1. Designing the surveys	15	%										
		2. Field survey and collection of data	35	%										
		3. Computerization of field data	25	%										
		4. Data analysis and report generation	25	%										
4) Valuation of affected property	10	1. Formation of PVAT	20	%										
		2. Planning for valuation	20	%										
		3. Communication and collection of data	45	%										
		4. Recommendation	15	%										
5) Information campaign	6	1. Distribute information brochure	40	EP										
		2. Personal contacts	30	EP										

Major items of action	Item weight (%)	Specific action steps (sub-items)	Distribution of Sub-Item weight (%)	Unit	Planned Total	Progress in quantity			Cumulative Progress in %			Progress during the month in %		
						up to the month	till last month	during the month	Sub-Item Progress	Item Progress	Project Progress	Sub-Item Progress	Item Progress	Project Progress
		3. Public consultation meetings	30	Times										
6) Relocation of project Affected Persons	5	1. Motivate EPs	40	EP										
		2. Payment of Transfer Grant	60	EP										
7) Identification of Eps	12	1. Collection of award data	20	EP										
		2. Assigning ID numbers	20	EP										
		3. Photographing EPs	20	EP										
		4. Issuance of ID cards	30	EP										
		5. Distribution of ID cards	10	EP										
8) Grievance Redress	5	1. Members given in GRCs	15	Nos.										
		2. Receiving complaints / claims from EPs	35	EP										
		3. Disposing off complaints	35	EP										
		4. Assist EPs in replacement land purchase/Relocation	15	HHs										
9) Information Management/Technical services	10	1. Finalization of resettlement budget	10	%										
		2. Preparation of information brochure	10	%										
		3. Preparation of operation manual	10	%										
		4. Designing ID card, EP file, EC	10	%										
		5. Develop ID numbering system	10	%										
		6. Computerization of award data	10	EP										
		7. Develop software for EP file & EC	20	%										
		8. Develop software for computerized MIS	20	%										
10) Resettlement of Project	15	1. Assist EPs to collect CCL	10	EP										

Major items of action	Item weight (%)	Specific action steps (sub-items)	Distribution of Sub-Item weight (%)	Unit	Planned Total	Progress in quantity			Cumulative Progress in %			Progress during the month in %		
						up to the month	to till last month	during the month	Sub-Item Progress	Item Progress	Project Progress	Sub-Item Progress	Item Progress	Project Progress
Affected Persons.		2. Preparation of EP files and ECs	20	Sets										
		3. Opening bank account by the EPs	15	Nos.										
		4. Organize payment of grants from BR	45	EP										
		5. Assist vulnerable EPs in resettlement	10	Nos.										
11) Rehabilitation of the APs	7	1. HRD training received	15	APs										
		2. OSD training received	30	APs										
		3. Credit disbursed	55	Tk.										
12) Supervision and Management	5	1. Supply of manpower and logistics	25	mms										
		2. Liaison with BR and other agencies	15	Times										
		3. Monitoring through CMIS	25	Month										
		4. Administrative management	35	Month										
13) Performance Reporting	5	1. Inception report	15	Nos.										
		2. Monthly progress report	50	Nos.										
		3. Draft final report	20	Nos.										
		4. Final report	15	Nos.										
											-			-

Annex-4

Independent Monitoring of Resettlement Activities

Annex 4

**Jamuna Meghna River Erosion Mitigation Project
Land Acquisition and Resettlement
Independent Monitoring of Resettlement Activities
Terms of Reference**

[Draft]

I. Background

1. The Bangladesh Water Development Board (BWDB), Ministry of Water Resources, Government of Bangladesh, has undertaken riverbank protection works to protect (i) the Pabna Irrigation and Rural Development Project (PIRDP) and (ii) the Meghna-Dhonagoda Irrigation Project (MDIP) from the onslaught of erosions by the Jamuna and Meghna rivers respectively under the banner of Jamuna Meghna River Erosion Mitigation Project (the Project). The Asian Development Bank (ADB) is financing the Project.
2. The Project has considered construction of revetment as structural measures along 4.44 km bankline in MDIP in Matlab under Chandpur district and 7.0 km bankline in PIRDP in Bera under Pabna district. The revetment will be constructed on an approximately 67meter wide bankline for MDIP and approximately 72meter wide bankline for PIRDP. Based on comprehensive socioeconomic surveys conducted in February - May 2002, a Resettlement and Social Development Plan (RSDP) has been prepared by BWDB. Subsequently, Resettlement Plans have been prepared for subproject civil works requirement for the year 2004/05 including a separate full RP for the 600 m Old Embankment (OE) in PIRDP following the resettlement framework of the RSDP which outlines the measures for relocation and resettlement programmes for the affected households, entitlement matrix, the institutional framework, implementation schedule and monitoring and evaluation.
3. The Project envisages acquisition of about 80 Ha of land, mainly along the riverbanks, over three years effecting displacement of about 500 households with their homestead and some small business enterprises in the two subprojects. In addition to that some people will lose agricultural land. Due to changing nature of the bankline, land will be acquired annually as per requirement of the construction schedule of civil works during the dry season within the Project implementation period up to 2008. More RPs will come out for the subprojects as a result of acquisition of land for each year's construction.
4. The BWDB will implement the RPs (present and future) engaging an experienced non-governmental organization (NGO) in the two subproject areas. The NGO will implement the RPs as per the resettlement policy and spirit of the social development plan of the RSDP, ensure stakeholders participation as per the Project need, and provide technical assistance for compensating the APs as per RPs policy and packages.
5. The construction supervision consultant through its national and international resettlement specialists will supervise and monitor the resettlement activities for the Project. BWDB is intending to engage an independent consultant to ensure complete and objective information on monitoring and evaluation of the resettlement interventions.

II. Objectives of Independent Monitoring and Evaluation

5. In order to implement the RPs properly, independent monitoring by third party of the executing agency, the supervision consultant and the implementing NGO, preferably by an external monitoring consultant has been considered effective. Through independent monitoring, the executing agency can help ensure RP implementation activity efficient. It will be possible to identify bottlenecks and amend/improve the RP implementation procedure or payment modality through executive order, if found necessary. The major objectives of engaging the independent monitor are to:

- Assess the overall approach of resettlement activities along eroding bank lines
- Verify results of internal monitoring;
- Assess whether resettlement objectives have been met; specifically, whether livelihoods and living standards have been restored or enhanced;
- Assess resettlement efficiency, effectiveness, impact and sustainability drawing lessons as a guide to future resettlement policy making and planning; and
- Ascertain whether the resettlement entitlements were appropriate in meeting the objectives, and whether the objectives were suited to AP conditions.

III. Scope of Work - Specific Tasks

7. The independent consultant will set up a set of baseline indicators reviewing available data and or collecting primary data for monitoring and evaluation, building upon the Projects' own record keeping system. It may also include maps, charts, photographs or affected property, copies of contracts and land titles, payments, and valuation documents relating to resettlement. Specific tasks of the monitor are to

- Establish system of internal monitoring to assess progress in meeting key targets in the Resettlement Plan: budget and time frame, delivery of AP entitlements, consultation, grievance and special issues and benefits.
- Conduct regular reviews, based on internal monitoring and evaluation reports, involving key stakeholders including AP representatives. Reach consensus on actions required to improve resettlement performance and implement them.
- Establish a system for external monitoring and evaluation to assess achievement and suitability of resettlement objectives.
- Establish monitoring and evaluation reporting methods and reporting requirements.
- Involve APs, hosts, NGOs and community in Project monitoring and evaluation using appropriate methods.
- Include an ex-post evaluation of resettlement to be conducted by the independent monitor after completion of the Project.
- Review lessons learned for resettlement policy making and planning.

8. In specific to the Project the independent monitor should perform the following activities

- Monitor the authenticity of the data and the approach for generation of those.

- Review justification for changes in RP policy and budget.
- Verify progress and achievement of implementing NGO and devise formats for estimating various indicators responsible for achievement of progress.

IV. Monitoring indicators and Information Needed

9. The information needed for independent monitoring are as follows:

- 1) Basic information on AP households
 - i) Location
 - ii) Composition and structure, ages, educational and skill levels
 - iii) Gender of household head
 - iv) Access to health, education, utilities and other social services
 - v) Housing type
 - vi) Land and other resource owning and using patterns
 - vii) Occupations and employment patterns
 - viii) Income sources and levels
 - ix) Agricultural production data
 - x) Participation in neighbourhood or community groups
 - xi) Value of all assets forming entitlements and resettlement entitlements
- 2) Restoration of living standards
 - i) Cost of compensation and entitlements
 - ii) Adoption of housing options developed
 - iii) Restoration of perceptions of "community"
 - iv) Replacement of key social and cultural elements
- 3) Restoration of livelihoods
 - i) Cost of compensation and entitlements
 - ii) Degree of sufficiency of the compensation and entitlements
 - iii) Availability of replacement land
 - iv) Degree of sufficiency of transfer and relocation grants to cover the costs incurred
 - v) Degree of sufficiency of income substitution allowances
 - vi) Degree of sufficiency of assistance for re-establishment of business enterprises
 - vii) Income earning opportunities provided to the vulnerable APs and their adequacy

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- viii) Degree of sufficiency of the jobs provided to the APs to restore pre-project income level
 - 4) Levels of AP satisfaction
 - i) Level of the knowledge about resettlement procedures and the entitlements
 - ii) Knowledge base on fulfillment of these provisions
 - iii) AP assessment on restoration of living standards and livelihoods
 - iv) Knowledge on GRC mechanism and conflict resolution procedure
 - 5) Effectiveness of Resettlement Planning
 - i) Assistance provided to land speculators
 - ii) Sufficiency of time and budget to meet objectives of the RPs
 - iii) Degree of generosity of the entitlements
 - iv) Identification of vulnerable groups
 - v) Dealing with unforeseen problems by resettlement implementers
 - 6) Other Impacts
 - i) Unintended environmental impacts
 - ii) Unintended impacts on employment or incomes

V. Approach and Methodology

A. General Approach

11. Appropriate methods will be followed to collect field level information in order to review and compare the socio-economic condition of APs "before" and "after" resettlement program. Collected information on the key indicators of resettlement progress, efficiency, effectiveness, impact and sustainability will be analyzed. The monitoring and evaluation consultant will also conduct at least one ex-post evaluation surveys to assess the achievement of resettlement objectives, the changes in living standards and livelihoods and the restoration of the economic and social base of the APs.

B. Detailed Methodology

12. The independent monitor will use existing baseline census and survey data with their periodic updates. In specific the independent monitor perform its activity in the following methods:

13. Review pre-project baseline data on income and expenditure, occupational and livelihood patterns, leadership, community organizations and cultural parameters.

13. Identify an appropriate set of indicators for gathering and analyzing information on resettlement/rehabilitation impacts; the indicators shall include but not limited to issues like relocation of affected people, delivery of entitlement, and level of satisfaction by the beneficiaries of the programs.

Resettlement Plan

14. Review result of internal monitoring and verify claims through random checking at the fields level to assess whether resettlement/ rehabilitation objectives have been generally met. Involve the APs and community groups in assessing the impact of resettlement programs for monitoring and evaluation purposes.

15. Conduct both individuals and community level impact analysis through the use of formal and informal surveys, key informant interviewers, focus group discussions, community public meetings, and in-depth case studies of APs/women from the various social classes to assess the impact of RP implementation.

C. Methodology for Participatory Rapid Appraisal

16. The affected and host people should be involved in the monitoring and evaluation process to solve day-to-day problems arising during resettlement operations. APs, local CBOs, and/or NGOs should be involved in the process. The key players should be involved in the evaluation design and implementation. Participatory Rapid Appraisal (PRA) techniques should be undertaken to foster the involvement of APs and other key stakeholders in resettlement monitoring and implementation. The methodology of the PRA should be as follows:

- i) Key informant interviews: select local leaders, village workers or persons with special knowledge or experience about resettlement activities and implementation.
- ii) Focus group discussion: specific topics (e.g. land compensation payments, services at resettlement sites, income restoration, and gender issues)
- iii) Field observations on status of resettlement implementation, plus individual or groups interviews for cross-checking purposes.
- iv) Informal surveys/interviews: informal surveys of APs, hosts, village workers, resettlement staff, and implementing agency personnel using non-sampled methods.

VI. Required Resources

17. The tasks require a consultant experienced in the field of resettlement planning, implementation and monitoring. The consultant should have sufficient technical and professional skill in dealing with involuntary resettlement as per ADB guidelines.

VII. Criteria for selection of Consultant

18. The Consultant must be able to present appropriate evidence to verify his/her satisfactory performance in resettlement planning, implementation, monitoring and evaluation and preparation of analytical/evaluation reports meeting the standards of the external financiers.

VIII. Staffing for the Tasks

19. The consultant must be able to present evidence of his/her skill and sufficient qualified, experienced and trained manpower to mobilize to the field to collect data according to the requirements. In order to carry out the tasks stipulated in this Terms of Reference, the field level input

Resettlement Plan

should be limited as shown in Table 3 below. The consultant should show the duration of their services and limit as per requirement in consultation with the civil works contact. However, the mobilization is based on field requirement only.

Table 3 Staffing for Independent Monitoring

Position	Nos. Unit	Estimated no. of man months
Resettlement Monitor	1	6
Data Collector/Date Processor	5	7.5
Total	06	13.5

X. Stakeholders and their Responsibility**a. Responsibility of Executing Agency**

92. The Bangladesh Water Development Board through its Project Management Office and the Subproject Management Offices will ensure timely supply of background references, data and project options to the independent monitor. It will ensure uninterrupted access to work sites, relevant offices of the GOB and BWDB in particular. The independent monitor will sit in quarterly coordination meetings with the BWDB in presence of the supervision consultants and the BWDB should organize that at PMO or SMO level as appropriate.

93. Recommendation based on the result of the monitoring should be offered to BWDB to cover up the deficiencies identified by the independent monitor. The BWDB will accept the recommendations of the independent monitor if it is within the scope of work and there is nothing incorrect in the report.

b. Responsibility of Supervision Consultant

94. The supervision consultant will provide appropriate protocol at site or at its Project Office for the mission of the independent monitor. It will, on behalf of the EA, ensure free access to work sites, impact areas and the database on resettlement and civil works. The SC will ensure timely intimation of its civil works planning as and when made or updated during the construction period AND KEEP THE INDEPENDENT MONITOR INFORMED.

c. Responsibility of RP Implementing NGO (INGO)

95. The RP implementing NGO will assist and cooperate with the independent monitor through providing free access to its database and the automated management information system (MIS). It will provide copies of the progress reports and other reports as requested by the independent monitor. The INGO may have to carry out surveys as well for fulfillment of the requirements of the independent monitoring.

d. Asian Development Bank

Resettlement Plan

96. The Asian Development Bank will review the activities of the independent monitor in light of the social safeguard strategy and the involuntary resettlement guideline. The Bank will ensure timely response from the EA on queries and recommendations from the independent monitor.

XI. Time Frame

97. The independent monitor will be employed from April 2005 until December 2008 with intermittent inputs from the professional team up to August 2008.

XII. Reporting Requirement

98. Half yearly monitoring report should be submitted to the BWDB and simultaneously to the ADB. An evaluation report at the end of the Project should be submitted to the BWDB and concerned parties with critical analysis of the achievement of the program and performance of the EA and NGO. The independent monitor will report to BWDB and ADB based on some agreed upon formats developed in consultation with the BWDB.

XIII. Budget and Logistics

99. The budget (Attachment 1) includes all expenses such as staff salary, training, computer/software, transport, field expenses and other logistics necessary for resettlement monitoring. The budget contains a workshop to be conducted together with the supervision consultant to disseminate and discuss the Project experience of implementation of resettlement plans along eroding riverbanks. Additional expense claims whatsoever outside the proposed and negotiated budget will not be entertained. VAT, Income Tax and other charges admissible will be deducted at source as per GOB rule. The Project has a maximum allocation of TK 2,000,000 for the services of Independent Monitor.

(Md. Sharif Al Kamal)
Project Director
Project Management Office (PMO)
Jamuna-Meghna River Erosion Mitigation Project
BWDB, Dhaka

Annex 5

Approval of JVT, PVAT & GRC

Appendix-1.

(Page 1 of 3)

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
পানি সম্পদ মন্ত্রণালয়
উন্নয়ন-০২ শাখা
বাংলাদেশ সচিবালয়, ঢাকা

নং- পাসম-উঃ ২/এডিবি-২/২০০৪ (খউ-২)/১৭

তারিখ- ৩১-০১-২০০৫ খ্রিঃ
১৮-১০-১৪১১ বঙ্গ

প্রজ্ঞাপন

এশীয় উন্নয়ন ব্যাংক (ADB) এর আর্থিক সহায়তায় বাংলাদেশ পানি উন্নয়ন বোর্ড (বাপাউবো) কর্তৃক বাস্তবায়মান 'যমুনা মেঘনা রিভার ইরোশন মিটিগেশন প্রকল্প (JMREMP)' এর আওতায় ২টি উপ-প্রকল্প যথাশ্রমে (১) মেঘনা বন্যপ্রদেশ সেচ প্রকল্প (MDIP) ও (২) পাবনা সেচ ও পল্লী উন্নয়ন প্রকল্প (PIRIDP) গ্রহণের প্রেক্ষিতে ভূমি অধিগ্রহণের ফলে ক্ষতিগ্রস্ত লোকজনদের প্রচলিত আইনের অধীনে এবং উন্নয়ন সহযোগীর সাথে সম্মত পুনর্বাসন পরিকল্পনা (Resettlement Plan) অনুযায়ী পুনর্বাসন করা বিষয়ে প্রত্যাশী সংস্থা বাংলাদেশ পানি উন্নয়ন বোর্ডকে সহায়তা প্রদানের জন্য নিম্নোক্ত সদস্যগণের সমন্বয়ে উপ-প্রকল্প ২টির জন্য ৩টি করে মোট ৬ (ছয়)টি কমিটি গঠন করা হ'লঃ

(১) Joint Verification Team (JVT) : গঠন ও কার্যপরিধি

Joint Verification Team (JVT) for PIRIDP (at Pabna)
Joint Verification Team (JVT) for MDIP (at Chandpur)

গঠনঃ

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| (ক) বাংলাদেশ পানি উন্নয়ন বোর্ডের প্রতিনিধি
(উপ-নিভাগীয় প্রকৌশলী/সহকারী প্রকৌশলী/সমপর্গায়ের কর্মকর্তা) | - | মহঃ বাসক |
| (খ) সংশ্লিষ্ট জেলা প্রশাসক এর মনোনীত প্রতিনিধি | - | সদস্য |
| (গ) পাউবো-কে সহায়তা প্রদানকারী এনজিও এর প্রতিনিধি
(ডেপুটি টীম লিডার, এরিয়া ম্যানেজার অথবা সমপর্গায়ের কর্মকর্তা/বিশেষজ্ঞ) | - | সদস্য সচিব |

কার্য পরিধি :

- পুনর্বাসন কর্মসূচী প্রণয়নকালে বাপাউবো তার পরামর্শকের সহায়তায় আর্থ-সামাজিক জরিপের মাধ্যমে প্রকল্পের আওতাধীন ব্যক্তিগণের তালিকা ও ক্ষতিগ্রস্ত সম্পদের পরিমাণ এবং অধিগ্রহণ আইনের আওতায় যৌথ জরিপের মাধ্যমে প্রকল্পের আওতাধীন ক্ষতিগ্রস্তদের তালিকা ও ক্ষতির পরিমাণ যাচাইপূর্বক সমন্বয় করে পুনর্বাসনের জন্য চূড়ান্ত তালিকা প্রণয়ন, সংশ্লিষ্ট লোকজনদের স্বাক্ষরকরণ ও প্রকল্প পরিচালকের নিকট পেশকরণ।
- বাংলাদেশ পানি উন্নয়ন বোর্ড কর্তৃক প্রস্তাবিত প্রকল্প সীমানায় অবস্থিত বাপাউবোর নিজস্ব বা সরকারের জমিতে চৌকিদার মানব বসবাসকারীদের সনাক্তকরণসহ প্রকল্প পরিচালকের নিকট পেশকরণ।
- প্রকল্পের সময়সীমা (বাস্তবায়নকাল) অনুসরণে উপরোক্ত কার্যাদি সম্পাদন করে প্রয়োজনীয় নথিপত্র/প্রতিবেদন সংশ্লিষ্ট কর্মকর্তাগণের নিকট পেশকরণ।

(২) Property Valuation Advisory Team (PVAT) : গঠন ও কার্য পরিধি

Property Valuation Advisory Team (PVAT) for PIRIDP (at Pabna)
Property Valuation Advisory Team (PVAT) for MDIP (at Chandpur)

Appendix-1
(Page 2 of 3)

গঠন :

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| (ক) বাংলাদেশ পানি উন্নয়ন বোর্ডের প্রতিনিধি
(উপ-বিভাগীয় প্রকৌশলী /সহকারী প্রকৌশলী /সমপর্যায়ের কর্মকর্তা) | - | আইনবায়ক |
| (খ) সংশ্লিষ্ট জেলা প্রশাসক এর মনোনীত প্রতিনিধি | - | সদস্য |
| (গ) পাউবো-কে সহায়তা প্রদানকারী এনজিও এর প্রতিনিধি
(ডেপুটি টীম লিডার, এরিয়া ম্যানেজার অথবা সমপর্যায়ের কর্মকর্তা/বিশেষজ্ঞ) | - | সদস্য- সচিব |

কার্য পরিধি :

- (ক) অধিগ্রহণের ফলে ক্ষতিগ্রস্ত ভূমি ও অন্যান্য সম্পদের মূল্য বাজার দর অনুযায়ী ভূমি ও অন্যান্য সম্পদের বদলী মূল্য নিরূপনে আইনানুগভাবে নির্ধারিত কর্তৃপক্ষকে সহায়তাকরণ।
- (খ) বাংলাদেশ পানি উন্নয়ন বোর্ড ও অন্যান্য সরকারী ক্ষমিতে অবস্থানরত ব্যক্তিদের ক্ষতিগ্রস্ত সম্পদের মূল্য বাজার দর অনুযায়ী সম্পদের বদলী মূল্য নিরূপনে আইনানুগভাবে নির্ধারিত কর্তৃপক্ষকে সহায়তাকরণ।
- (গ) ক্ষতিপূরণের চেক বিতরণে সঠিকতা নিরূপনে সহায়তাকরণ।
- (ঘ) ঘরবাড়ী/অবকাঠামো/গাছপালা/ফসল ইত্যাদির ক্ষতিপূরণ মূল্য নিরূপনে সংশ্লিষ্ট বিভাগকে সহায়তাকরণ।
- (ঙ) প্রকল্পের সময়সীমা (বাস্তবায়নকাল) অনুসরণে উপরোক্ত কার্যাদি সম্পাদন করে প্রয়োজনীয় কাগজপত্র/প্রতিবেদন বাংলাদেশ পানি উন্নয়ন বোর্ডের সংশ্লিষ্ট প্রকল্প পরিচালক ও জেলা প্রশাসকের কাছে পেশকরণ।

(৩) Grievance Redress Committee (GRC) : গঠন ও কার্য পরিধি

Grievance Redress Committee (GRC) for PIRDP (at Pabna)

Grievance Redress Committee (GRC) for MDIP (at Chandpur)

গঠন :

- | | | |
|--|---|-------------|
| (ক) বাংলাদেশ পানি উন্নয়ন বোর্ডের প্রতিনিধি
(উপ-বিভাগীয় প্রকৌশলী /সহকারী প্রকৌশলী /সমপর্যায়ের কর্মকর্তা) | - | আইনবায়ক |
| (খ) পাউবো-কে সহায়তা প্রদানকারী এনজিও এর প্রতিনিধি
(ডেপুটি টীম লিডার, এরিয়া ম্যানেজার অথবা সমপর্যায়ের কর্মকর্তা/বিশেষজ্ঞ) | - | সদস্য- সচিব |
| (গ) ইউনিয়ন পরিষদের চেয়ারম্যান
(ক্ষতিগ্রস্ত ব্যক্তি যে ইউনিয়নে নালিশ লিপিবদ্ধ করবেন) | - | সদস্য |
| (ঘ) ক্ষতিগ্রস্ত ব্যক্তিদের প্রতিনিধি | - | সদস্য |

কার্য পরিধি:

- (ক) প্রকল্প গ্রহণের কারণে ক্ষতিগ্রস্ত ব্যক্তিদের নালিশ এবং শুনানী গ্রহণ।
- (খ) ক্ষতিগ্রস্ত ব্যক্তিদের নালিশ যদি ভূমি অধিগ্রহণ অধ্যাদেশ এর সালিশি (Arbitration) পদ্ধতি অথবা প্রচলিত আইনের আওতাভুক্ত কোন বিষয় হয়, তবে এ কমিটি উক্ত নালিশ সংশ্লিষ্ট জেলা প্রশাসক/কর্তৃপক্ষের নিকট পেশ করার পরামর্শ দিবে। নালিশ যদি প্রচলিত আইনের আওতাভুক্ত না হয় সেক্ষেত্রে প্রকল্পের পুনর্বাসন পরিকল্পনা (Resettlement Plan) এর নীতিমালার আলোকে বিষয়সমূহ নিষ্পত্তির ব্যাপারে কমিটি কর্তৃক সিদ্ধান্ত গ্রহণ।
- (গ) ভূমিহীন ক্ষতিগ্রস্ত ব্যক্তিদের নালিশকার্যে এই কমিটি কর্তৃক বর্ণিত পদ্ধতি অবলম্বনপূর্বক সিদ্ধান্ত প্রদান।

নালিশ গ্রহণ ও নিষ্পত্তি করার পদ্ধতি :

- (ক) ক্ষতিগ্রস্ত ব্যক্তি পরিচয়পত্র প্রাপ্তির ১ মাসের মধ্যে অথবা প্রাপ্য ক্ষতিপূরণ সম্বন্ধে তাকে অবহিত করার ১ মাসের মধ্যে লিখিতভাবে আইনবায়কের কার্যালয়ে আবেদন করতে পারবেন।

Hasan

Resettlement Plan

Appendix-I.
(Page 3 of 3)

- (খ) এই কমিটি নালিশ প্রাপ্তির ১০ দিনের মধ্যে নিম্নলিখিত নিষ্পত্তির জন্য বসবেন এবং প্রসংগস্থ যাবতীয় রেকর্ড ও সভার কার্যবিবরণী সংরক্ষণ করবেন।
- (গ) আহ্বায়কের কার্যালয়ে এই কমিটির যাবতীয় কাজ অন্তর্ভুক্ত হবে।
- (ঘ) কমিটি সিদ্ধান্ত গ্রহণের ভিত্তি অবশ্যই উল্লেখ করবে।
- (ঙ) কমিটি নালিশ প্রতিকার সংশ্লিষ্ট নিয়মাবলী এবং এ সংক্রান্ত ক্ষতিগ্রস্তদের অধিকার স্থানীয়ভাবে কমিউনিটি সভায় এবং ক্ষুদ্র পত্রিকা বিলির মাধ্যমে সাধারণ জনসমক্ষে প্রচার করবে।

Masum
৩১-০১-০৮

(মোসাম্মৎ নাসিমা বেগম)
সিনিয়র সহকারী সচিব
ফোন ৭১৬১৭২১

নং- পাসম-উঃ ২/এডিবি-২/২০০৮ (খন্ড-২)/১৭/১(১৯)

তারিখ- ৩১-০১-২০০৮ খ্রিঃ
১৮-১০-১৪১১ বং

বিতরণ :

- ১। মন্ত্রিপরিষদ সচিব, মন্ত্রিপরিষদ বিভাগ, বাংলাদেশ সচিবালয়, ঢাকা।
- ২। সচিব, সংস্থাপন মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৩। সচিব, স্বরাষ্ট্র মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৪। আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৫। সচিব, ভূমি মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৬। সচিব, অর্থনৈতিক সম্পর্ক বিভাগ, শেরে বাংলা নগর, ঢাকা।
- ৭। সচিব, পরিবেশ ও বন মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৮। সচিব, গৃহায়ন ও গনপূর্ত মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ৯। সচিব, কৃষি মন্ত্রণালয়, বাংলাদেশ সচিবালয়, ঢাকা।
- ১০। সচিব, পরিকল্পনা বিভাগ, শেরে বাংলা নগর, ঢাকা।
- ১১। সচিব, আই, এম, ই, ডি, শেরে বাংলা নগর, ঢাকা।
- ১২। মহা-পরিচালক, এন, জি, ও, বিষয়ক ব্যুরো, মহা-ভবন, রমনা, ঢাকা।
- ১৩। মহা-পরিচালক, বাংলাদেশ পানি উন্নয়ন বোর্ড, ওয়াপদা ভবন, মতিঝিল, ঢাকা।
- ১৪। বিভাগীয় কমিশনার, রাজশাহী বিভাগ, রাজশাহী।
- ১৫। বিভাগীয় কমিশনার, চট্টগ্রাম বিভাগ, চট্টগ্রাম।
- ১৬। উপ-নিয়ন্ত্রক, বাংলাদেশ সরকারী মুদ্রণালয়, তেজগাঁও, ঢাকা।

(তাকে উক্ত প্রজ্ঞাপন বাংলাদেশ গেজেট এর পরবর্তী সংখ্যায় প্রকাশের প্রয়োজনীয় বানস্বা গ্রহণের জন্য নির্দেশক্রমে অনুরোধ করা হ'ল)।

১৭। জেলা প্রশাসক, পাবনা/চাঁদপুর।

১৮। প্রকল্প পরিচালক, যমুনা-মেঘনা রিভার ইরোশন মিটিগেশন প্রকল্প, হক চেম্বার, ৩ ডি, আই, টি এন্ডস্টেশন
বাগাউবো, মতিঝিল, ঢাকা।

ডায়েরী নং-৩৮

তারিখঃ ১২/০৮

১। ভূস্বায়িক প্রকৌশলী/ডিজাইন ইউনিট	<input type="checkbox"/> প্রয়োজনীয় ব্যবস্থা নি
২। নির্বাহী প্রকৌশলী-১	<input type="checkbox"/> আদায় করন
৩। নির্বাহী প্রকৌশলী-২	<input type="checkbox"/> আইন দিন
৪। নির্বাহী প্রকৌশলী-৩	<input type="checkbox"/> মতামত দিন
৫। উপ-প্রধান (কৃষিভূবিদ)/বিএমইইউ	<input type="checkbox"/> অবগতির জন্য
৬। উপ-পরিচালক (প্রশাসন)	
৭। ইকোনমিস্ট	
৮। উপ-বিভাগীয় প্রকৌশলী-১	
৯। উপ-বিভাগীয় প্রকৌশলী-২	
১০। উপ-বিভাগীয় প্রকৌশলী(পুর)/এমইইউ	
১১। সহকারী প্রকৌশলী	
১২। হিঃ রঃ কর্মকর্তা	
১৩। প্রধান নঃ কর্মী	

৩
প্রকল্প পরিচালক

Masum
৩১-০১-০৮

(মোসাম্মৎ নাসিমা বেগম)
সিনিয়র সহকারী সচিব

Annex 6

SUMMARY OF RESETTLEMENT FRAMEWORK AND SHORT RESETTLEMENT PLAN FOR SDL, MAY 2002

LAND ACQUISITION AND RESETTLEMENT FRAMEWORK JULY 2002

SUMMARY OF RESETTLEMENT FRAMEWORK AND SHORT RESETTLEMENT PLAN

Introduction

The Resettlement Framework (RF) and a Short Resettlement Plan (RP) were submitted to the ADB by the Government of Bangladesh on May 14, 2002 with assurances that these would be followed during project implementation. A Summary RF and the Short RP, to serve as a model for future RPs, were *Appendix 12 to the Report and Recommendation of the President to the Board of Directors on a Proposed Loan to the People's Republic of Bangladesh for the Jamuna-Meghna River Erosion Mitigation Project (the RRP)*, June 4, 2002.⁴⁴

The RRP stated that the resettlement activities will be implemented in accordance with ADB's involuntary resettlement and other social safeguard policies. In the context of the Project, a resettlement framework (RF) was prepared for PIRDP and MDIP to cover the riverbank protection work, for which specific site will be finalized at the final design stage in response to the shifting of riverine environment. The RF require the following procedures: (i) BWDB to carry out impact assessment surveys once the scope of each year's work is identified, based on preliminary technical designs; (ii) if impacts are found to be "significant", BWDB will prepare full RPs for each subproject; and (iii) if subproject impacts are less than significant, short RPs would be sufficient for project preparation. The short RPs must, however, comply with ADB's policy on involuntary resettlement and other social safeguard guidelines. In addition to the above, a short resettlement plan (RP) was prepared for SDL.

A. Resettlement Framework for the Riverbank Protection Works

1. **Scope and Impact:** The resettlement framework (RF) includes the framework for the proposed 7.0km and 4.4 km of protection work along the flood embankments along the Jamuna and the Meghna rivers in PIRDP and MDIP respectively to protect the project area from the progressive river erosion. The revetment works will be implemented over a 6-year period. The total amount of land acquired for revetment is estimated at 33 hectare (ha) in PIRDP and 22 ha in MDIP. While these lands will be eroded without the project implementation, this will displace 89 households including 9 small business enterprises with 547 persons to be displaced. In addition 150 households are likely to be affected by the loss of agricultural land along the bank line. These have to be further reviewed and finalized during the final design stage when the alignments for the protection works will be decided based on the morphological development at that time. The implementation of the project is expected to start in the first-quarter of 2003.

2. **Resettlement Policy:** Resettlement will be implemented following the legislation of the Government of Bangladesh including (i) Acquisition and Requisition of Immovable

⁴⁴ The *Land Acquisition and Resettlement Framework* was subsequently attached as Annex II to the Government of Bangladesh, Ministry of Water Resources, Bangladesh Water Development Board. 2002. *JMREMP, Modified Resettlement and Social Development Plan: Phase I*. July.

Property Ordinance 1982 and (ii) East Bengal State Acquisition and Tenancy Act (1951, revised 1994), and in accordance with the ADB's policy on involuntary resettlement.

3. **Resettlement Principles and Entitlements:** Those affected will be assisted to maintain their original standard of living, at least equal to what they enjoyed prior to the Project. All types of losses including land, crops/ trees, structures, business/ employment, and workdays/ wages will be compensated. The owners of land acquired for protection work, including bank line/ eroded land within the 50-m right-of-way acquisition will be compensated at full replacement costs. Affected households will receive (i) additional cash grant to match replacement value, and (ii) other resettlement assistance such as shifting allowance, compensation for loss of workdays/income due to dislocation. Female-headed households and other vulnerable households will be eligible for further cash assistance for relocation and house reconstruction.

4. After the bank lines to be protected in each year's work are defined after the monsoon season, the following procedures are carried out: (i) BWDB undertake impact assessment surveys based on preliminary technical designs; (ii) if impacts are found to be "significant", BWDB will prepare full resettlement plans (RPs) for each section; and (iii) if subproject impacts are less than significant, short RPs would be sufficient for project preparation, in compliance with ADB's policy on involuntary resettlement and other social safeguard guidelines.

5. **Institutional Responsibilities and Costs:** BWDB has overall coordination, planning, implementation and financing responsibilities. An experienced NGO will be hired for RSDP implementation. A senior BWDB staff at the rank of executive engineer will be appointed as Chief Resettlement Officer to supervise the implementation work. BWDB will further ensure resettlement budgets are delivered on time to the DC office and the implementing NGOs for timely RP implementation. The cost of land acquisition and resettlement is estimated at Tk86.6 million (\$1.51 million). The Government of Bangladesh will provide the entire fund for land acquisition and resettlement.

6. **Disclosure, Consultation and Grievances:** Each RPs will be prepared and implemented in close consultation with the stakeholders and will involve focus group discussion (FGD) and meetings, particularly with the project-affected people. Copies of draft RPs will be distributed among NGOs/ community groups prior to project appraisal for local inputs. Grievances Redress Committee (GRC) will be established with representations from the EA, APs, women/vulnerable groups, local government and NGOs. The Resettlement Coordinator will chair the GRC. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, relocation, and other assistance. Any grievances submitted to the GRC shall be resolved within a period of 2 to 3 weeks.

8. **Monitoring and Evaluation:** BWDB will establish a monthly monitoring system involving BWDB and implementing NGO staff, and prepare progress reports on all aspects of land acquisition/resettlement and social development activities. External monitoring will be

assigned to an independent local expert/agency. BWDB will report to the ADB on land acquisition and resettlement/social development in the quarterly progress report.

B. SHORT RESETTLEMENT PLAN FOR THE SECONDARY EMBANKMENTS IN PIRDP

9. **Scope and Impacts:** The short resettlement plan (RP) is associated with the construction of a 1.2km Secondary Defense Line (SDL) of embankments to protect some critical sections of the existing embankments in PIRDP. It will be implemented in 2003. The construction of the SDL will require acquisition of an estimated 10 ha of land. The proposed alignment largely consists of low-lying agricultural land. As a result, the project impact is limited to 3 households only (total affected persons 18). In addition to this, an estimated 150 households will experience some limited loss of agricultural lands from strip acquisition.

12. **Resettlement Policy:** Resettlement will be implemented following the Acquisition and Requisition of Immovable Property Ordinance 1982 and in accordance with the ADB's policy on involuntary resettlement.

13. **Stakeholder Consultation and Entitlements:** During the project preparatory stage, a consultation was held covering the SDL area. The feedback and observations made at the stakeholders' meetings have been used in preparing the entitlement matrix and project benefits for the affected people. The entitlement matrix recognizes seven types of losses to cover all potential losses, including loss of access by tenants (Figure A13-1).

Figure A13-1. Resettlement Matrix⁴⁵

Note: Some Revisions in Land Acquisition and Resettlement Framework, July 2002 below]

Type of Loss	Application	Definition of APs	Entitlements	Expected Results
1. Loss of agricultural/ or any other type of land such as fishponds.	Land on the SDL right-of-way	Legal owners of land	<ul style="list-style-type: none"> ✓Cash compensation under GOB law by D.C. ✓ Additional cash grant to match market/replacement value to be determined by BWDB through independent valuation committee ✓Refund of registration cost incurred for replacement land purchase 	Replacement of agricultural land or the value to the APs
2. Loss of homestead land	Land on the SDL right-of-way	Legal owners of land	<ul style="list-style-type: none"> ✓Cash compensation under GOB law by D.C. ✓Replacement value of land. ✓Refund of registration cost incurred for replacement land 	Replacement of homestead/ commercial land
3. Loss of residential structure by owners	Structure on the SDL right- of- way	Owner(s) of structures identified by DC and the	<ul style="list-style-type: none"> ✓ Cash compensation under GOB law by D.C. ✓ Additional cash grant to match replacement costs 	Reconstruction of structure at a new site

⁴⁵ Note that this *Entitlement Matrix* was subsequently revised in the following document in this Annex 6, the *Land Acquisition and Resettlement Framework, July 2002*.

Type of Loss	Application	Definition of APs	Entitlements	Expected Results
		SES	<ul style="list-style-type: none"> ✓Taka 2,000 as transfer grant for relocation ✓Taka 7,500 for homestead/land development and reconstruction cost 	
4. Loss of trees, crops, perennials	Standing crops, trees on SDL RoW	Owners of land	<ul style="list-style-type: none"> ✓Compensation at the rate estimated by the Forest Department and the Agriculture Extension Department 	Compensation of standing crops and trees
5. Loss of access by tenants/ sharecroppers	Agricultural plots on the SDL RoW	Tenants of the land as identified by the SES	<ul style="list-style-type: none"> ✓Taka 200 per decimal of agricultural land under tenant/sharecropping contract farming 	Compensation for loss of access to farm land
6. Loss of income and work days due to displacement	Households affected by SDL RoW	Head of households identified by the SES	<ul style="list-style-type: none"> ✓Taka 2000 per household ✓Taka 3000 for households headed by women ✓Employment in the project construction work 	Subsistence and income in post-displaced period
7. Additional assistance to the poor and vulnerable	Vulnerable households on the SDL RoW	Households relocated to new site	<ul style="list-style-type: none"> ✓Lump sum poverty reduction assistance of Taka 5,000 per households with incomes under the poverty line 	Poverty reduction measures and development

15. **Implementation Responsibilities and Cost Estimates:** The same arrangement as described in RF is followed. The estimated land acquisition and resettlement cost for SDL is Taka 15 million (\$260,000). The Government will provide the entire fund for land acquisition and resettlement. The affected people, including those affected by land acquisition, will receive compensation prior to the start of work.

**LAND ACQUISITION AND RESETTLEMENT FRAMEWORK, JULY 2002⁴⁶
FOR THE JAMUNA-MEGHNA RIVER EROSION MITIGATION PROJECT,
BANGLADESH**

A. Project Background and Description

1. The Jamuna-Meghna River Erosion Mitigation Project (the Project) involves protection of two subprojects, namely the Meghna-Dhonagoda Irrigation Project (MDIP), and Pabna Irrigation and Rural Development Project (PIRDP), from the onslaught of erosions by the Jamuna and the Meghna Rivers. Sections of the existing embankments in MDIP and PIRDP are likely to experience bankline erosion without protection work. An estimated 530,000 people will be affected in the event of any breaches with adverse impacts on the socioeconomic, livelihoods and food security situations in the project area.

2. The Project will implement riverbank erosion mitigation work consisting of a combination of structural and non-structural measures. The structural measures include revetment work using concrete blocks and sand-filled geo-textile bags while non-structural measures focus on emergency disaster preparedness, resettlement/social development and poverty reduction programs for project affected as well as vulnerable people living on the embankments. The proposed 11.4 km protection work will be implemented over a 7-year period involving both construction and strengthening of the existing protection work.

3. For the riverbank protection work, an estimated 57 ha of land will be acquired, comprising 35 ha in PIRDP and 22 ha in MDIP, which will otherwise be eroded without the Project intervention. An estimated 89 households will be relocated including 9 small business establishments. However, the alignment will be decided upon finalization of the design stage due to the active and dynamic riverine situation in the floodplain. The following policy framework will be used for resettlement of project-affected persons and guide the project preparation and implementation. The implementation of the Project is expected to start in the first-quarter of 2003. The Bangladesh Water Development Board (BWDB) is the executing agency (EA) of the project.

B. Resettlement Policy Framework

4. The current legislation governing land acquisition for the project include: (i) Acquisition and Requisition of Immovable Property Ordinance 1982 and (ii) East Bengal State Acquisition and Tenancy Act (1951, revised 1994). The 1982 Ordinance does not cover project-affected persons without titles or ownership records such as informal settlers/squatters. Further, the compensation paid does not constitute market or replacement value of the property acquired.

⁴⁶ The *Land Acquisition and Resettlement Framework* was attached as Annex II to the Government of Bangladesh, Ministry of Water Resources, Bangladesh Water Development Board. 2002. JMREMP, *Modified Resettlement and Social Development Plan (RSDP)*: Phase I. July..

5. The East Bengal State Acquisition and Tenancy Act (Section 7) defines the ownership and use right of alluvial (*nadi sikosti*) and diluvion land (*payosti*, reformation *in situ* or original site) in the country. Legally, GOB owns the bank lines and eroded land in the river. However, the 'original' owner(s) can claim the land if it reappears as a natural process within the 30 years from the date of erosion. The loss of land for the revetment work may reduce the possibility of any such claims to regaining access to new land in *in situ* or original site. There are also no legal provisions to compensate for land eroded in to the rivers, although the Jamuna Bridge Project provided compensation to people affected by erosion and flooding in association with the construction of the guide bund on char land and eroded land upon confirmation of titles.

6. The 1982 Ordinance and its subsequent amendments will be applied for land acquisition for the project. In the absence of a policy consistent with ADB policy on involuntary resettlements and poverty reduction, a project specific resettlement policy framework (RPF) and resettlement procedural guidelines (RPG) will be adopted. The RPF and RPG stipulations contained in this document shall apply to all subprojects/phases to be prepared and approved under the loan project. This will ensure that persons affected by land acquisition – whether it is floodplain, bankline or eroded land which is attributed to the Project works – will be eligible for appropriate compensation in this Project including any displacement of non-titled people. In the event that any non-titled people is displaced to free up sites, they will have priority for self selected relocation schemes and will be provided with compensation for structures and shifting allowance, formal lease contract for new sites and priority for the social development programme support. Like wise, any charland lost as a result of the Project work, will be compensated under the entitlement matrix in the resettlement framework. Finally, any involuntary resettlement effect associated with the flood embankment works that may arise as a result of floods and river erosion in the monsoon season will also be covered by the framework.

7. The RPF reflects the borrowers land acquisition laws/regulations and ADB's policy on involuntary resettlement and guidelines. It stipulates eligibility and provisions for all types of losses (land, crops/trees, structures, business/employment, and workdays/wages). Since land-for-land would not be a feasible option due to the ongoing erosions in the floodplain, the owners of land acquired for protection work, including bankline/eroded land within the 50-m right-of-way acquisition (from the revetment toe in the river to the floodplain on the bankline), will be compensated at full replacement costs. Households affected by land acquisition and compensated by the DC (Deputy Commissioner) for lost assets will receive (i) additional cash grant to match replacement value, and (ii) other resettlement assistance such as shifting/reconstruction allowances, and (iii) compensation for loss of workdays/income due to dislocation. Non-titled households will receive resettlement benefits based on socioeconomic survey prior to compensation to the titled project persons. Female-headed households and other vulnerable households will be eligible for further cash assistance for relocation and house reconstruction. Table 1 presents a comparison of the GOB laws and ADB policy, and how the policy gaps will be addressed, including assessment and valuation of acquired property, while Table 2 shows the compensation entitlement matrix under the

RPF and Table 3 shows the entitlement matrix under the JFPR programme. *[Note: Table 3 is not relevant for involuntary resettlement, so is not included in this Annex.]* The government has agreed to ensure that these would be implemented accordingly.

8. Erosion and flood-affected people on the embankment, particularly the poor and women with incomes below the poverty line, will receive assistance through the 'pilot' social development programme (SDP) for poverty reduction funded by the Japan Fund for Poverty Reduction (JFPR). The pilot project in Phase I includes (i) micro-credit for income-generation activities; (ii) community-based routine maintenance work for embankment and canal dike protection; (iii) plantation and social forestry along the embankment and canal dike alignment; and (iv) information and resource centre for networking, capacity building and empowerment. The EA will pay particular attention to developing effective poverty reduction strategies for households below the poverty line. 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 the Social Development Programme. This implies that the non-titled people affected will receive not only compensation at replacement cost for assets lost and other assistance to restore their economic and social base, but also have priority access to SDP.

C. Resettlement Procedural Guidelines

9. The Resettlement and Social Development Plan (RSDP) has been submitted to the ADB prior to project appraisal and was further refined at appraisal. Specific RPGs have been established to guide preparation of appropriate subprojects.

10. The established RPGs require the following procedures: (i) BWDB to carry out impact assessment surveys once scope of each year's work are identified, based on preliminary technical designs; (ii) if impacts are found to be 'significant', BWEDB will prepare full RPs for each subproject; and (iii) if subproject impacts are less than significant, short RPs would be sufficient for project preparation. The short RPs must, however, comply with ADB's policy on involuntary resettlement and other social safeguard guidelines including consultation with people affected that would underpin the preparation of these RPs.

Table 1: Measures Proposed to Bridge the Gaps between GOB and ADB Policy

LAR Issues	GOB Policy	RSBP as per ADB Policy
A. Assessment of Losses and Identification of Owner(s)		
1. Land and physical property on the acquired property	The DC conducts joint verification with the requiring body and categorizes land by types, any assets thereon as well as identifies the owners of physical assets.	In addition to DC, the requiring body conducts census and SES to assess the losses and identifies owner(s) of acquired assets. In addition, the Implementing NGO (INGO) as a member of the Joint Verification Team confirms the Joint Verification Data of physical property for implementation adequacies.
2. Livelihood and income opportunities	GOB laws of acquisition of land and property do not count loss of income and employment.	Recognizes. The loss of income and employment through census and socioeconomic survey conducted by independent agency
3. Squatters/Illegal Occupants	Joint Verification Team assesses and recognizes the squatters as owners of structures they live in.	Recognizes loss of structure, place of residence through census and socioeconomic survey conducted by independent agency.
4. Social Dislocation	The DMC laws do not count social dislocation due to acquisition.	Recognizes social and emotional disturbance due to dislocation from original place of residence.
B. Assessment of Compensation and Valuation		
5. Land (Agricultural and Homestead)	Deputy Commissioners (DCs) consider recorded price for the preceding one-year	A land market survey is conducted by independent agency through structured survey and consultation for assessing the current market price of land. A Property Valuation Advisory Team (PVAT) recommends a replacement value as additional payments paid directly to owner(s) of acquired land.
6. Tree, crops, perennials	Prices from the Forest Department and Agricultural Extension are used for affected trees and standing crops.	The DC price is reviewed and additional value is added to ensure the market price. The PVAT recommends the replacement price of trees and crops
7. Structure & non-structure assets, etc.	PWD price is considered to assess the price of structure of different types.	The PWD price for different types of structure is reviewed. The PVAT also conducts valuation to recommend market price of structure at replacement value.
C. Compensation Entitlement		
8. Loss of land, structure, tree, crops, etc.	<ul style="list-style-type: none"> Assessed market price of land and other immovable property and a 50% premium on that to legal owners Removal cost @ 12.5% of the assessed value. Auctions out the salvaged materials 	<ul style="list-style-type: none"> Market Price at Replacement Cost assessed by PVAT Stamp Duty/Registrations cost is reimbursed for purchase of Replacement Land. Shifting and Reconstruction Assistance to facilitate relocation and reconstruction of structure at a new site Allowed to take salvaged materials free of cost
9. Livelihood and Income Opportunities	<ul style="list-style-type: none"> No provisions for loss of income and employment 	<ul style="list-style-type: none"> Cash Assistance for Income Restoration Priority Assistance in the Social Development Program (SDP) and employment in civil works
10. Informal Settlers/Squatters	<ul style="list-style-type: none"> Assessed Market Value of structure including 50% premium on that or Removal Cost for moveable structures 	<ul style="list-style-type: none"> Replacement Price of structure, and alternative House Plot Shifting and Reconstruction Assistance to facilitate relocation and reconstruction of structure at a new site Priority assistance in the Social Development Program and employment in civil works
11. Social Dislocation	<ul style="list-style-type: none"> No Assistance 	<ul style="list-style-type: none"> Options for Relocation of the APs are considered for resettlement Renovation and extension of community facilities in host areas are provided Special assistance is provided to female-headed households and other vulnerable groups

12. Unforeseen Impacts	<ul style="list-style-type: none"> o No Assistance o For example, char land lost due to the stabilization works within 2 years of their completion will be compensated under the Entitlement Matrix agreed under the RF following the policy adopted under the Jamuna Multipurpose Bridge Project
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Table 2 Compensation Entitlement Matrix (Land Acquisition & Resettlement)**[Note: Some revisions based on ADB mission requests are documented by footnote in main RP text****Entitlement Matrix]**

Type of Loss	Application	Definition of APs	Entitlement	Expected Results
Loss of agricultural/fallow land, water bodies, ditch, etc.	Land on the Project right of way along the bankline acquired by DC	Legal owners of land	<ul style="list-style-type: none"> ✓ Replacement value of land ✓ Refund of registration cost incurred for replacement land purchase determined by the BWDB through NGO. 	Replacement of land or the value to the APs
Loss of homestead and commercial land	Land on the Project right of way along the bankline acquired by DC	Legal owners of land	<ul style="list-style-type: none"> ✓ Replacement value of land at market price ✓ Refund of registration cost incurred for replacement land purchase determined by the BWDB through NGO. 	Replacement of homestead/commercial land
Loss of residential and/or commercial structure by owners/informal settlers from the Project rights of way land.	Structure on the Project right of way land along the bank line	Owner(s) of structures identified by the DC and SES ⁴⁷	<ul style="list-style-type: none"> ✓ Replacement value⁴⁸ of structure as determined by the BWDB through NGO; ✓ Taka 2,000 as transfer grant for relocation of residential and commercial structure ✓ Taka 5,000 for homestead/land development grant ✓ Tk. 3,000 house reconstruction grant⁴⁹ ✓ Salvaged materials free of cost 	Reconstruction of structure at a new site
Loss of trees, crops, perennials	Standing crops, trees on the right of way land	Owners of land and non-titled owners of trees/crops/perennials recognized by the owners of the land	<ul style="list-style-type: none"> ✓ Compensation at the rate estimated by the Forest Department and the Agriculture Extension Department ✓ Salvaged materials free of cost 	Compensation for standing crops and trees
Loss of access by tenants/sharecroppers to agricultural land for crop production	Agricultural plots on the Project rights of way	Tenants of the land as identified by the SES	<ul style="list-style-type: none"> ✓ Taka 200 per decimal of agricultural land under tenancy/sharecropping contract farming 	Compensation for loss of access to farm land
Loss of income and work days due to displacement	Households affected by the Project alignment/ROW	Head of households identified by the SES	<ul style="list-style-type: none"> ✓ Taka 2000 per household ✓ Taka 3000 for households headed by women ✓ Employment in the Project construction work, if possible 	Subsistence and income in post-displaced period

⁴⁷ As approved by BWDB.⁴⁸ That is, the 'Market Price.'⁴⁹ Per household/shop

Type of Loss	Application	Definition of APs	Entitlement	Expected Results
Displacement of community structure	Community structure on the Project rights of way	Community representative as identified by the SES	<ul style="list-style-type: none"> ✓ Taka 2,000 as transfer grant for relocation of CPR ✓ Plot inside embankment on BWDB or <i>khas</i> land ✓ Taka 10,000 structure reconstruction grant 	Restoration of community structure for common benefits
Loss of diminished business or employment	Owners/ operators of SBEs on the Project rights of way	Owner and employees of the SBEs	<ul style="list-style-type: none"> ✓ Taka 2,000 to the owner and operators for business restoration; ✓ Taka 1,500 to employees for income supplement 	Restoration of business after relocation
Vulnerability to resettlement and relocation	Vulnerable households or non-titled persons on the Project ROW	Households relocated on the new site of BWDB	✓ Priority assistance in the social development programme	Sustainable social development
Project induced erosion of char land	Char land if erodes due to the Project within 2 years of its completion	Owners/occupiers of eroded char land	✓ Market value of concerned land assessed by PVAT to the owner-occupier by 100 per cent or share it 50-50 among owners and occupier for non-owner occupied land	Project benefits shared to every impacttees

D. Institutional Responsibilities and RSDP Cost

11. The Ministry of Water Resources (MOWR) through BWDB has overall coordination, planning, implementation and financing responsibilities. BWDB fully recognizes the complexity of the resettlement and social development programs in the project. Therefore, BWEDB will hire resettlement specialists under a team of consultants as well as experienced NGOs for RSDP implementation with clearly defined tasks, including micro-credit for poverty reduction and community capacity building under JFPR programs. BWDB with the assistance of resettlement specialist(s) will undertake land acquisition survey, census and asset inventory survey and prepare full/short Resettlement Plans and proposals for land acquisition plans through sub-contracting with a local agency under the consultancy. During the process, BWDB with the assistance of consultants will ensure that (i) the agency responsible for RP preparation for subprojects is aware of the RPF and RPG arrangements for resettlement planning so that appropriate entitlements and mitigation measures are established in the RP; and (ii) resettlement budgets are delivered on time to the DC office and the implementing NGOs for timely RP implementation. BWDB will also ensure that all Full and/or Short RPs should be submitted to ADB for approval, and that funds for compensation and entitlements under the RPs are fully provided directly to APs prior to the award of the civil award contracts.

12. Upon clearance of land acquisition proposal by Deputy Commissioner of Ministry of Land, a property valuation advisory team (PVAT) will be formed with representative from the BWDB in the chair, representative from the implementing NGO as member secretary and the representation from the Deputy Commissioners through Government gazette to determine replacement market price of land and properties. A senior BWDB staff at the rank of executive engineer will be appointed s Chief Resettlement Officer to supervise the implementation work and will be assigned in the subproject management offices (SMOs) to undertake day-to-day activities with the appointed NGO and consultants. Given the capacity constraint within BWDB in terms of identification, contracting and supervision for involuntary resettlement work, training in these regards will be prepared and arranged by the consultants. The appointed NGO will open field offices in MDIP and PIRDP and will involve affected persons, including women, in the implementation process

13. The cost of land acquisition and resettlement for the Project is estimated at Taka 106 million (\$1.85 million), including the physical contingency of 10 percent (Table-4). The Government of Bangladesh will provide the entire fund for land acquisition and resettlement. The fund will be released through the DC office for acquired properties, whereas all the other additional benefits will be paid directly by the executing agency through the implementing NGO. The social development and poverty reduction programs, estimated at Taka 114 million (\$1.98 million), will be requested for a JFPR grant (Table-5).

Table 4: Cost Estimate for the Resettlement under GOB Fund

Sl. No.	Description	Unit	Rate (Tk)	Quantity		Amount (TK)	
				MDIP	PIRDP	MDIP	PIRDP
A	Land Acquisition						
1	CCL for Acquired Land	Ha	1,050,000	22	35	23,100,000	36,750,000
2	CCL for Structure	Sft	75	6,653	49,145	498,975	3,685,875
3	CCL for Trees, Crops, Perennials	LS				504,000	2,500,000
4	Overhead Cost for DCs	%	7%			1,687,208	3,005,511
B	Resettlement						
1	Additional Grant for Replacement Land	Ha	100,000	22	35	2,200,000	3,500,000
2	Refund of Registration Cost for Replacement Land Purchase (20% will be able to buy land)	%	15%			759,000	1,207,500
3	Additional Grant for Structure	Sft	25	6,653	49,145	166,325	1,228,625
4	Transfer Grant	Nos.	2,000	27	71	54,000	142,000
5	Land Development and Reconstruction Grant	Nos.	8,000	27	71	216,000	568,000
6	Cash Grant to TCF	Dec	200	720	2,000	144,000	400,000
7	Cash Grant for Income Substitution	Nos.	2,000	19	70	38,000	140,000
8	Cash Grant for Business Income Loss	Nos.	2,000	8	1	16,000	2,000
9	Cash Grant for Employees	Nos.	1,500	2	0	1,500	-
10	Compensation for Eroded Land	Ha	800,000	5	10	4,000,000	8,000,000
C	Implementing NGO (2 Years)	LS				2,200,000	3,800,000
D	Administrative Cost	LS				576,000	625,000
E	Contingency @ 10%					1,306,101	2,880,351
F	Total Cost (Bangladesh Taka)					37,467,109	68,433,862
	Project Total (PIRDP & MDIP)					105,900,971	

Table 5: Cost Estimate for the Social Development under the JFPR

Table not Included here, as not relevant to Involuntary Resettlement				

E. Disclosure, Consultation, and Grievances

14. Each RP will be prepared and implemented in close consultation with the stakeholders and will involve focus group discussion (FGD) and meetings, particularly with the project-affected people. The resettlement policy framework will be made available in Bangla to the APs during FGDs at the village/community level. Complaints and grievance procedures will be outlined in each RP and grievance redress committees (GRCs) will be established for each subproject with representation from the EA, APs, women/vulnerable groups, local government and implementing NGO. The Chief Resettlement Officer will chair the GRC. Other than disputes relating to ownership rights under the court of law, GRC will review grievances involving all resettlement benefits, relocation and other assistance. Grievances will be redressed within two to four weeks from the date of lodging the complaints. The GRCs as well as the JVT and the PVAT will be formed and activated during land acquisition process to allow APs sufficient time to lodge complaints and safeguard their recognized interests.

F. Monitoring and Evaluation

15. BWDB will establish a monthly monitoring system involving CRO who will be made responsible to monitor the progress of all aspects of land acquisition/resettlement and social development activities, in coordination with resettlement officers at subproject management offices and implementing NGO staff. An external monitoring and evaluation agency having sufficient skills and capacity in monitoring resettlement and social development activities will also be assigned through the consultants. The agency will report to the ADB on land acquisition and resettlement/social development in the quarterly progress report, including identification of significant or non-significant components, preparation of Full and Short RPLs, and the progress in their implementation. Besides, an annual report stipulating all efforts and outcomes will be sought by the ADB from the BWDB.