

**Government of the People's Republic of Bangladesh**



**Bangladesh Water Development Board**

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**Flood and Riverbank Erosion  
Risk Management Investment Program  
Project-2**

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**ADB Loan Number 4107- BAN (COL)) & GoN Grant 0799-BAN (EF)**

**Semi-annual Social Safeguards Monitoring Report  
Period: July 2022 - December 2022**



## **Abbreviations and Acronyms**

ADB	:	Asian Development Bank
AP	:	Affected Person
BWDB	:	Bangladesh Water Development Board
CCL	:	Cash Compensation under Law
CRO	:	Chief Resettlement Officer
DC	:	Deputy Commissioner
DDM	:	Department of Disaster Management
DP	:	Displaced Person
EP	:	Entitled / eligible Person
FRERMIP	:	Flood and Riverbank Erosion Risk Management Investment Program
GOB	:	Government of Bangladesh
GRC	:	Grievance Redress Committee
HH	:	Household
INGO	:	Implementing Non-Government Organization
ISPMC	:	Institutional Strengthening and Project Management Consultant
JVT	:	Joint Verification Team
LAP	:	Land Acquisition Plan
LRP	:	Land Resettlement Plan
NGO	:	Non-Government Organization
PD	:	Project Director
PMO	:	Project Management Office
PVAT	:	Property Valuation Advisory Team
RB	:	Resettlement Benefit
RC	:	Replacement Cost
RF	:	Resettlement Framework
RoW	:	Right of Way
RP	:	Resettlement Plan
RP-INGO	:	Resettlement Plan Implementation Non-Governmental Organisation
SDE	:	Sub-Divisional Engineer
SMO	:	Sub-Project Management Office
SPS	:	Safeguard Policy Statement
ToR	:	Terms of Reference

## Glossary of Terms

**Affected Person (AP):** includes any person, affected households (AHs), firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, or any other movable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with physical or economic displacement.

**Assistance:** means support, rehabilitation and restoration measures extended in cash and/or kind over and above the compensation for lost assets.

**Awardees:** mean the person with interests in land to be acquired by the project after their ownership of said land has been confirmed by the respective Deputy Commissioner's office as well as persons with interests in other assets to be acquired by the project. Compensation for acquired assets is provided to 'awardees' through notification under Section 7 of the Land Acquisition Act.

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

**Cut-off date:** means the date after which eligibility for compensation or resettlement assistance will not be considered is the cut-off date. Date of service of notice under Section 4 of Land Acquisition Act is considered to be the cut-off date for recognition of legal compensation and the start date of carrying out the census/inventory of losses is considered as the cut of date for eligibility of resettlement benefits.

**Displaced Person (DP):** includes any person, households (AHs), firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, or any other movable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with physical or economic displacement.

**Encroachers:** mean those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project. The term also refers to those extending attached private land into public land or constructed structure on public land for only renting out.

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

**Eminent Domain:** means the regulatory authority of the Government to obtain land for public purpose/interest or use as described in the Land Acquisition Law.

**Household:** A household includes all persons living and eating together (sharing the same kitchen and cooking food together as a single-family unit).

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

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

**Project:** Flood and Riverbank Erosion Risk Management Investment Program (FRERMIP)-Project-2 Project funded jointly by Asian Development Bank (ADB) and Government of Netherlands.

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**Project Affected Units (PAUs):** combine residential households (HHs), commercial and business enterprises (CBEs), common property resources (CPRs) and other affected entities as a whole

**Project Affected Families:** includes residential households and commercial and business enterprises except CPRs.

**Relocation:** means displacement or physical moving of the DPs from the affected area to a new area/site and rebuilding homes, infrastructure, provision of assets, including productive land/employment and re-establishing income, livelihoods, living and social systems.

**Replacement cost:** means the value of assets to replace the loss at current market price, or its nearest equivalent, and is the amount of cash or kind needed to replace an asset in its existing condition, without deduction of transaction costs or for any material salvaged.

**Resettlement:** means mitigation of all the impacts associated with land acquisition including restriction of access to, or use of land, acquisition of assets, or impacts on income generation as a result of land acquisition.

**Significant impact:** means where 200 or more DPs suffer a loss of 10% or more of productive assets (income generating) or physical displacement.

**Squatters:** mean the same as non-titled and includes households, business and common establishments on land owned by the State. Under the project this includes land on part of the crest and slopes of flood control embankments, and similar areas of the drainage channels.

**Structures:** mean all buildings including primary and secondary structures including houses and ancillary buildings, commercial enterprises, living quarters, community facilities and infrastructures, shops, businesses, fences, and walls, tube wells latrines etc.

**Vulnerable Person:** The vulnerable group/persons may include (i) persons below nationally defined poverty line; (ii) indigenous people or adibasis; (iii) poor women-headed households; (iv) landless and marginal farmers; (v) people with disability (vi) elderly; (vii) people without legal title to land; (viii) any other groups or persons found to be disproportionately affected by project impacts.

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# Executive Summary

## Project Description

After the successful completion of the Tranche-1 project (Project 1) of the Flood and Riverbank Erosion Risk Management Investment Program (FRERMIP) under the Multi-tranche Financing Facility (MFF) agreement between the Government of Bangladesh (GoB) and the Asian Development Bank (ADB) that started in July 2014, the Tranche-2 project (Project-2) has been approved by ADB and the loan became effective in April 2022. The associated Resettlement Framework was prepared in May 2021<sup>1</sup>.

The Bangladesh Water Development Board (BWDB) is the executing agency of the project under the Ministry of Water Resources of Government of Bangladesh (GoB). The Department of Disaster Management (DDM) under the Ministry of Disaster Management and Relief is the implementing agency for community-based flood risk management activities. The MFF availability period and Project 2 both end on 26 June 2024. The Government Development Project Proforma (DPP) however, ends in December 2025, providing one more year of project implementation period, albeit from Government financing<sup>2</sup>. Project 2 has a total cost estimated at \$212.8 million and applies the same technologies and methodologies developed under Project 1, except for minor improvements that consider the actual site conditions, such as latest erosion and river morphology, and lessons learned from Project 1.

The structural measures under Project 2 consist of:

- (i) 30 km of riverbank protection with innovative technologies, combined with nature-based solutions for channel closure
- (ii) 7.9 km of climate-resilient flood embankment
- (iii) distributary offtake structure
- (iv) two regulators to improve drainage and river-floodplain connectivity
- (v) 40 km of strengthening of underwater riverbank protection works following the adaptive approach

## Social Safeguard Policies

A Resettlement Framework (RF) had been developed during project preparation in concurrence with ADB and approved by Government of Bangladesh<sup>3</sup>. The primary objective of the RF is to provide guidance in:

- i) project resettlement planning on policy and entitlements
- ii) resettlement planning for possible project impacts
- iii) resettlement planning for any unanticipated impacts, particularly during project construction

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<sup>1</sup> The resettlement framework is under <https://www.adb.org/projects/documents/ban-44167-015-rf>, a draft resettlement plan is under <https://www.adb.org/projects/documents/ban-44167-015-rp-0> and other related documents are under <https://www.adb.org/projects/44167-015/main>

<sup>2</sup> The loan agreement states in Schedule 4, Clause 11 'The Borrower agrees that, should any Project activities remain uncompleted prior to the conclusion of the availability of the Facility, it shall make available to BWDB on a timely basis all necessary funds and other resources to ensure completion of the Project activities and achievement of the Project objectives.'

<sup>3</sup> The RF was approved by GoB on 24th January 2023 via Letter 42.00.0000.035.14.029.22.4

## **Status of institutional structure for implementation of safeguards**

Since BWDB is the project owner and executing agency (EA) of the project, a PMO, headed by a PD has been set up within BWDB for project execution. An Executive Engineer<sup>4</sup> under PMO has been given charge as Chief Resettlement Officer (CRO) who is responsible for implementation of the Resettlement Plan (RP) through disbursement of compensation and resettlement benefit. The concerned field division of BWDB, headed by an Executive Engineer, acts as field office in favor of the PD and CRO. The principal functions of the field offices are to facilitate land acquisition and implement the resettlement program with assistance from a Resettlement Plan Implementation Non-Governmental Organization (RP-INGO).

In November 2022, the PMO advertised the tender for package C-10: Consulting Services for Resettlement Solution through NGO for which the deadline for EOI submission was on 20<sup>th</sup> December 2022. The ToR for this RP-INGO includes, amongst other items: updating and finalizing the RP at Shahjadpur, including an updated census and Inventory of Loss (IoL) survey, as well as carrying out meaningful consultation with the APs. It is expected that the contract for the RP-INGO could be awarded in April 2023.

BWDB will form a Joint Verification Team (JVT) for the FRERMIP project through a notification after identification of the PAPs through a survey by the RF-INGO. The team will compare and review the physical verification data collected by the Project Implementing Agency along with the DCs' assessment of losses of physical assets and their owners. Furthermore, to ensure that APs can replace the lost property, a replacement cost will be provided as determined by a Property Valuation Advisory Team (PVAT), constituted by BWDB. The local Grievance Redress Committee (GRC) shall review and resolve grievance within one month of receiving any complaints and will maintain written records of all the appeals received.

Once awarded, the RP-INGO will participate as a member of the JVT, PVAT and GRC. At present none of these groups / committees have been formed.

An Institutional Strengthening and Project Management Consultant (ISPMC) is currently providing consultancy services to support project implementation in a variety of ways, including the services of a specialist to conduct resettlement monitoring, planning and management to support the PMO.

An external monitor will be engaged by PMO to provide periodic reporting on compliance with the FRERMIP RF, ADB SPS (2009) and loan covenants. It is expected that the contract for the external monitor will be awarded in April 2023.

## **Status of Resettlement Plan activities**

Of the structural measures listed above, a draft RP has been initiated for one location, namely, Shahjadpur flood embankment. In May 2021 the draft RP was prepared for Shahjadpur which identified 34.1 hectares (ha) of land acquisition affecting 366 households (AHHs) with 1,944

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<sup>4</sup> The Executive Engineer is on dual charge given staff shortages in BWDB. This issue, pertaining to the Loan Agreement, Schedule 4, Clause 3, is also flagged in the Quarterly Progress Reports.



affected persons, 1,333 structures and 7,048 trees. The plan was formally submitted to the ADB, subsequently concurred by the ADB and published on ADB website.

A timely update of the Resettlement Plan for Shahjadpur is required with sufficient time to carry out the Land Acquisition and implement the necessary compensation to APs before commencement of construction activities in October 2023. If the contract award to the RP-INGO requires much more time, update of the Resettlement Plan for Shahjadpur Embankment may be carried out by ISPMC from their provisional sum to speed up the land acquisition process.

The progress regarding resettlement plan activities for Shahjadpur during July to December 2022 period is furnished in detail in Table – A.

### **Way Forward – Priority Activities**

- Finalize the list of APs for Shahjadpur site via updated field survey including video and photos of affected households and structures to avoid false claims and ensure legitimate APs are benefited.
- Urgently carry out the necessary information campaigns and meaningful consultation with the APs in order to comply with the ADB SPS and FRERMIP RF, including disseminating details about the PMO-level GRC.
- Ensure timely procurement of RP-INGO to complete the remaining resettlement activities before commencement of construction works.
- Ensure timely procurement of the External Monitor for Resettlement under package C-17.
- Ensure timely procurement of the Livelihood Restoration NGO/Firm under package C-4.
- Form the local GRCs as priority once the RP-INGO has been procured to ensure compliance with the Grievance Redress mechanism as stated in the FRERMIP RF.
- Ensure timely processing of the Demand Notice for Resettlements Funds in order that the Land Acquisition can be implemented as soon as possible within the fiscal year 2023 / 2024.

Table A: The overall physical progress of resettlement in Shahjadpur

S. No	Key implementation activities	Cumulative Status up to December 2022
1.	Formation of GRC	GRCs have not yet been established at local level. It is highlighted that an information campaign is yet to be carried among the APs to disseminate details about the PMO-level GRC, and this will be undertaken as a priority
2.	Verification of Census / Inventory of Losses (IoL) Survey	The preliminary census and IoL survey carried out prior to May 2021 have not yet been updated
3.	Stakeholders consultation ('Meaningful Consultation')	One public consultation meeting, three focus group discussions and seven key information interviews made in 2021 as part of the draft RP prepared in May 2021
4.	Information Campaigns	No additional information campaigns have been carried out subsequent to May 2021
5.	Approval Status of RP	Preliminary RP for Shahjadpur was concurred by ADB in May 2021
6.	Preparation of LAP	First draft submitted on 31/7/22 to DC, for approval; updated/ revised LAP submitted to DC office for approval on 7/12/22
7.	Identification and verification of Aps	Not started
8.	Identification of loss and entitlement	Not started
9.	Payment of resettlement benefits	Not started

# 1. Introduction

## 1.1 Project Background

The Flood and Riverbank Erosion Risk Management Investment Program (FRERMIP) is financed by the Asian Development Bank (ADB), Government of The Netherlands (GoN), and Government of Bangladesh (GoB). The Bangladesh Water Development Board (BWDB) is the executing agency. The investment program is to be financed through a multi-tranche financing facility (MFF). The MFF provides loan amounts of up to a maximum of \$255 million; further financing is provided by the GoB and GoN. The investment program total cost is approximately \$480 million.

The investment program has the following individual tranche outputs contributing to the facility's outputs: (i) flood and riverbank erosion risk mitigation functioning at priority river reaches, (ii) a strengthened institutional system for FRERM, and (iii) an operational program management system. The investment program's executing agency is the Bangladesh Water Development Board (BWDB) under the Ministry of Water Resources. The Department of Disaster Management (DDM) under the Ministry of Disaster Management and Relief is the implementing agency for community-based flood risk management activities.

The investment program was designed to be implemented over nine years and financed in three tranches. Project 1 was approved for a loan of \$65.0 million and a grant of \$15.3 million from the Government of the Netherlands on 3 July 2014, signed on 14 August 2014, and became effective on 17 September 2014. Due to implementation delays experienced under Project 1 and preparation of the subsequent tranches, which have been exacerbated by COVID-19 induced lockdowns, the government proposed to: (i) combine the remaining tranches into a single and final tranche (hereinafter known as Project 2), and (ii) to extend the MFF availability period until 26 June 2024. The Government Development Project Proforma (DPP) however, ends in June 2025, providing one more year of project implementation period, albeit from Government financing<sup>5</sup>.

Project 2 will apply the same technologies and methodologies as developed during Project 1, except for minor improvements that consider the actual site conditions, such as latest erosion and river morphology, and lessons learned from Project 1. Importantly, Project-2 applies a different approach to construction as a lesson learned from the Project-1 (Tranche-1) project and comply with the Loan Agreement, Schedule 4, Section 6, which states:

*'The Borrower shall ensure, or cause BWDB to ensure, that no Works contract is awarded which involves involuntary resettlement impacts until the Borrower has caused BWDB to prepare and submit to ADB the final version of the relevant RP based on the detailed design for the activities to be implemented in the relevant Subproject area, and obtain ADB's clearance of such RP.'*

In order to clearly define the resettlement requirements, the contracts for underwater water works (below low water level or 'deluvion') and above water works (requiring land acquisition as part of the 'alluvion' or floodplain) are separated into different packages. This allows protecting the underwater part, including providing temporary wave protection along the existing bankline above low water level to stop the ongoing erosion process first, while providing the time to complete land acquisition

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<sup>5</sup> The loan agreement states in Schedule 4, Clause 11: 'The Borrower agrees that, should any Project activities remain uncompleted prior to the conclusion of the availability of the Facility, it shall make available to BWDB on a timely basis all necessary funds and other resources to ensure completion of the Project activities and achievement of the Project objectives.'

and resettlement before constructing the above water protection, which requires to work on an approximately 30 to 50 m wide strip of the floodplain bordering the river.

A Resettlement Framework (RF) for FRERMIP was originally formulated and adopted in 2014 following SPS 2009 and Bangladesh legal and policy framework and subsequently revised in 2018 for Tranche 1. The RF was updated for Project 2 in May 2021<sup>6</sup> and the RP based on the 2021 updated version has been prepared to guide, screen, categorize, prepare, and implement the respective sub-project resettlement plans under Project 2 in accordance with the legal and policy framework of GoB, and ADB's SPS (2009).

The works under Project 2 are a continuation of those under Project 1, which will continue the actions of the road map of the Framework Financing Agreement (FFA) of the MFF by integrating the long-term stabilization approach beyond emergency response to critical erosion and introducing suitable measures for more systematic river stabilization to result in a more stable river corridor. This includes broadening the knowledge base, enlarging the suite of river training technologies with nature-based solutions, and integrating river stabilization with floodplain management.

## **1.2 Objectives**

The objectives of the program are to –

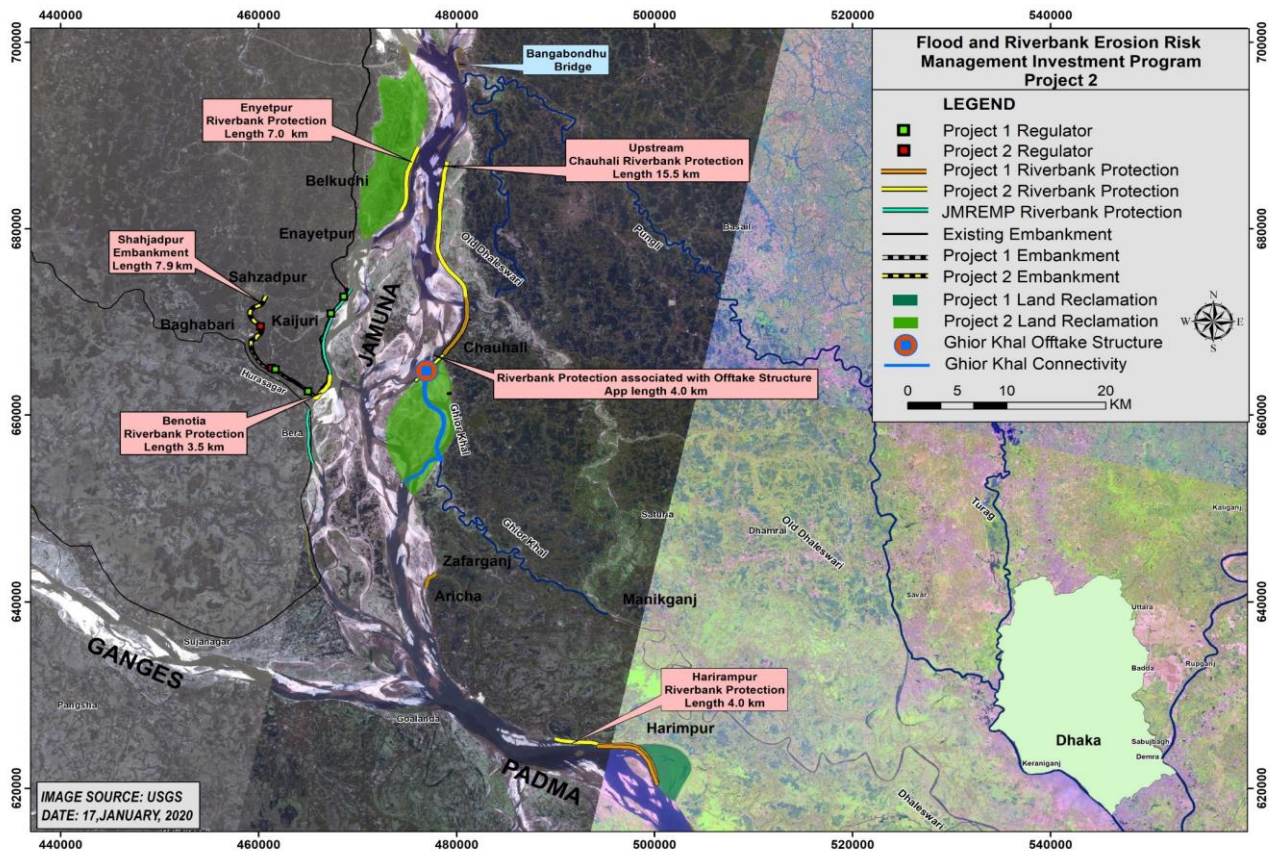
- sustain economic growth, poverty reduction and livelihoods of people, living in the areas threatened by riverbank erosion
- enhance resilience to flood and riverbank erosion risks through strengthening the flood and riverbank erosion management system, including the knowledge base and underlying institutions
- establish integrated non-structural and structural risk management measures at priority erosion sites and addressing their sustainability.

## **1.3 FRERMIP Location and Area**

The investment program is the follow-on project of the Jamuna-Meghna River Erosion Mitigation Project (JMREMP). It aims to sustain incomes and livelihoods of people living along the three main rivers of Bangladesh—the Jamuna, the Ganges, and the Padma. It will enhance resilience to flood and riverbank erosion risks through strengthening the flood and riverbank erosion management system, including the knowledge base and underlying institutions; and by establishing integrated non-structural and structural risk management measures at priority erosion sites and addressing their sustainability. The program takes a sector approach to applying the MFF modality, to allow for (i) flexible, adaptive, phased interventions that are technically most appropriate given the dynamic river morphology; (ii) strategic longer-term flood and riverbank erosion risk management planning; and (iii) longer-term and more effective support for institutional capacity enhancement in the sector. The planned work sites are shown in Map 1 below.

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<sup>6</sup> The RF was approved by GoB on 24th January 2023 via Letter 42.00.0000.035.14.029.22.4



Map 1 Locations of proposed interventions during Project 2 as compared to Project 1

## 1.4 Project 2 Interventions

Proposed structural interventions under Project-2 fall into three categories:

- (i) riverbank protection
- (ii) construction / reconstruction of flood embankments
- (iii) drainage regulators

The major construction work under FRERMIP Project-2 are:

- (i) 30 km of riverbank protection with innovative technologies, combined with nature-based solutions for channel closure.
- (ii) 7.9 km of climate-resilient flood embankment.
- (iii) distributary offtake structure.
- (iv) two regulators to improve drainage and river-floodplain connectivity
- (v) 40 km of strengthening of underwater riverbank protection works following an adaptive approach.

## 1.5 Project Implementation Arrangements

BWDB is the executing agency, while DDM is the implementing agency for the community-based flood-risk-management component. A Project Steering Committee with support from a Technical Committee will oversee project implementation and guide and resolve implementation issues including monitoring, adaptation and maintenance.

A PMO integrated into BWDB administration has been set up, headed by a PD who is an Additional Chief Engineer (with powers similar to the zonal Chief Engineer); supported by one Superintending Engineers and other PMO staffs. In addition to the PMO in Dhaka, sub-project management offices (SMO) have been established in the divisional offices located in the project sites areas of Koitala, Tangail and Manikganj.

Three SMOs, each headed by an Executive Engineer are to assist PMO in implementing resettlement activities of the Project. A Resettlement Plan Implementation Non-Governmental Organization (RP-INGO) is being engaged in order to prepare and implement the Resettlement Plans at the site for each of the structural measures to be delivered under Project 2. The PD of PMO, BWDB implements the RP with the appointed RP-INGO and monitors implementation through the Chief Resettlement Officer (CRO).

An Institutional Strengthening and Project Management Consultant (ISPMC) is assisting the PMO during project implementation in a variety of ways, including the services of a specialist to conduct resettlement monitoring, planning and management.

An external monitor will also be engaged by PMO to provide periodic reporting on compliance with the FRERMIP RF, ADB SPS (2009) and loan covenants.

In addition to the compensation to be paid to APs, vulnerable groups will receive other support and also get preference, for income restoration assistance. This will be through linking resettlement activities with gender and livelihood component of the project as the formation of community groups operating livelihood support programs. This livelihood development support will be implemented through a dedicated NGO/firm, contracted under a separate procurement package.

## 2. Social Safeguard Policies

### 2.1 Resettlement Framework (RF) and Entitlement Matrix

A Resettlement Framework (RF)<sup>7</sup> had been prepared during PPTA study including an “Entitlement Matrix” (*Annex-I*) compiling the requirements stated in Project Administration Manual (PAM) of ADB. Revised RF has been prepared in concurrence with ADB and approved by Ministry of Water Resources (MoWR)<sup>8</sup>. This ensured the resettlement needs of the project following the procedures for involuntary resettlement in compliance with GoB applicable laws and regulations and existing ADB SPS 2009. Resettlement plans will be prepared and finalized based on the approved RF and socio-economic survey through engagement of an implementing NGO. The identification of the affected populations and consultations will be conducted as a routine activity of local people consultation process, mainly by the engaged INGO, in cooperation with the officials of BWDB and other relevant government agencies. The Resettlement Specialists of the ISPMC team will assist systematically in all cases.

The Deputy Commissioner (DC) will pay compensation of the affected people under CCL following the Land Acquisition Act 2017. The ADB has its own integrated safeguard policy statement (SPS) to minimize displacement and require time-bound action plans with measures to restore or improve livelihood and income of those affected people by development projects. Since the LA ordinance 1982 and Act 2017 falls short of the requirements of the ADB’s safeguard policies in some aspects, the project land acquisition and resettlement policies have been harmonized with ADB’s SPS. To do so, the RF sets out the policies and procedures to be adopted by BWDB for revising and updating any RPs during project implementation. The RF stipulates payments of compensation as per the assessed value of the land and structure to the affected persons (APs). In addition to compensation paid by the concerned DC, the APs will receive:

- additional assistance in cash or kind to match replacement cost (RC) which is the difference between the market value and the assessed value for lost assets (land, houses, and trees)
- transaction costs such as stamps/registration costs (in case of purchase of replacement land)
- other cash grants and resettlement assistance such as shifting and reconstruction grant, resettlement benefit for loss of work - days / income due to dislocation

Socio-economically vulnerable households namely, female-headed households (without grown up male in the household), households below poverty line, households headed by disabled, elderly and those losing more than 10% of income from acquisition will be given additional cash assistance for relocation. The detailed entitlement matrix is annexed at the end of this report.

### 2.2 Land Acquisition

The Land Acquisition process is one aspect besides the resettlement process and complex in nature in terms of following the administrative procedures from the beginning to the end. Several mandatory steps are required to complete the Land Acquisition process involving the District Land Acquisition Committee (DLAC) administered by DC in line with the Land Acquisition Acts 1982 and

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<sup>7</sup> <https://www.adb.org/projects/documents/ban-44167-015-rf>

<sup>8</sup> The RF was approved by GoB on 24th January 2023 via Letter 42.00.0000.035.14.029.22.4

LA Act, 2017 of the GoB. A flow chart of different steps in the LA process that need to be chronologically followed is given below:

Figure 1: Land Acquisition Flow Chart

<b>Stage 1</b>	Finding suitable land at various locations for project purposes subsequently submit the proposal to the Ministry by MoWR	➔	Reconnaissance Survey
<b>Stage 2</b>	Administrative Approval given by the Ministry	➔	From Govt. (Ministry of Water Resources) through BWDB
<b>Stage 3</b>	Plot wise Topographic survey	➔	By Surveyors
<b>Stage 4</b>	Preparation of Mouza-wise maps & proposals for Land Acquisition	➔	Mouza (area)-wise map
<b>Stage 5</b>	Submission of proposals to D.C through BWDB	➔	BWDB to Deputy Commissioner
<b>Stage 6</b>	Review by D.C	➔	Proposal Review
<b>Stage 7</b>	Feasibility Study by D.C Office	➔	Field Visit
<b>Stage 8</b>	DLAC Meeting & Approval	➔	District Land Allocation Committee meeting to approve or reject
<b>Stage 9</b>	File LA Cases & Issue Notice under Section 4	➔	Notice under section 4 of the Acquisition and Requisition of Immovable Property Act/2017
<b>Stage 10</b>	Joint field verification	➔	By D.C and BWDB
<b>Stage 11</b>	Objection hearing – under Section-5, if objection is raise	➔	From affected landowner within 15 days period
<b>Stage 12</b>	Preparation of estimate & approval	➔	Sent to the div. commissioner if any objection in case of above 50 bighas(16.5 ac)
<b>Stage 13</b>	Sent to the Prime Minister through Ministry of Land for approval in case above 50 bighas (16.5ac) – 30 days	➔	Goes back to D.C after approval
<b>Stage 14</b>	Notice Under Section -7	➔	2nd Notice to landowners
<b>Stage 15</b>	Land value & compensation data collection	➔	Done locally by D.C/govt.
<b>Stage 16</b>	Preparation of estimate & approval	➔	Documentation sent to D.C office
<b>Stage 17</b>	Demand Notice for Fund	➔	D.C to BWDB and payment based on BWDB approval Stage 18 Fund Placement
<b>Stage 18</b>	Fund Placement	➔	Payment to D.C by issuing Demand Draft
<b>Stage 19</b>	Fund Collection & preparation of award	➔	Done by D.C office
<b>Stage 20</b>	Notice Section 8- 3rd and final Notice to landowners	➔	3rd and final Notice to landowners
<b>Stage 21</b>	Start payment by D.C (10 days) to Landowners & Possession Hand over -6 days	➔	Land possession handover to BWDB by D.C then BWDB to user department
<b>Stage 22</b>	Gazette Notification – by DC under 90 days	➔	Done afterwards through D.C
<b>Stage 23</b>	Mutation – no time frame	➔	To mutate land in the name of BWDB, then yearly Government Land Development Tax is to be paid by BWDB.

## 2.3 Relevant Government Orders

The GoB will form three different committees and issue office orders regarding composition and tasks of these committees for implementing the RPs. The teams will be constituted as follows:

- 1) Joint Verification Team (JVT)
- 2) Property Valuation Advisory Team (PVAT)
- 3) Grievance Redress Committee (GRC)



## **Joint Verification Team (JVT)**

BWDB will form a Joint Verification Team (JVT) for the FRERMIP project through a notification after identification of the PAPs through a survey by the implementing NGO. The team will compare and review the physical verification data collected by the Project Implementing Agency along with the DCs' assessment of losses of physical assets and their owners. The JVT will conduct property assessment and evaluation and both the JVT and the concerned party will sign the verification record. Disputes on property rights will be recorded. The RP-INGO will process the entitlements of the project-affected persons using the JVT data as one of the determinants. The JVT has been constituted as follows:

- a) Convener: Representative of BWDB (Sub-Divisional Engineer/Assistant Engineer or equivalent officer)
- b) Member: Representative of concerned Deputy Commissioner
- c) Member-Secretary: Representative of RP-INGO recruited by BWDB (DTL, Area Manager or equivalent Officer of INGO/Specialist)

## **Property Valuation Advisory Team (PVAT)**

The PVAT will review the assessment of the market price of the property affected by the project and the replacement cost. The Implementing Agency will process the entitlements of the project-affected persons using the PVAT data as one of the determinants. The PVAT will be formed as follows:

- a) Convener: Representative of BWDB (Executive Engineer or equivalent Officer)
- b) Member: Representative of concerned Deputy Commissioner, Sub-Assistant Engineer, concerned SMO, BWDB
- c) Member-Secretary: Representative of RP-INGO recruited by BWDB (DTL, Area Manager or equivalent Officer of RP-INGO/Specialist)

## **Grievance Redress Committee (GRC)**

GRCs will be formed at local level for any grievances involving resettlement benefits, relocation, and other assistance. The local GRC shall review and resolve grievances within ten days of receiving any complaints and will maintain written records of all the appeals received. A local GRC, gazetted by the government, will be composed of:

- (i) Representative from BWDB—Convener (Executive Engineer (Field)/Equivalent)
- (ii) Chairman concerned Union Parishad—Member
- (iii) Representative from APs—Member
- (iv) Sub Assistant Engineer from BWDB—Member Secretary and
- (v) Resettlement specialist from RP-INGO

## **2.4 Income and Livelihood Restoration Program (ILRP)**

In addition to the compensation to be paid to APs, vulnerable groups will receive other support and also get preference, for income restoration assistance<sup>9</sup>. This will be through linking resettlement activities with gender and livelihood component of the project as the formation of community groups operating livelihood support programs. This livelihood development support will be implemented through a dedicated NGO/firm, contracted under a separate procurement package.

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<sup>9</sup> The Loan Agreement, Schedule 4, Clause 15 states: '... the Borrower shall ensure, or cause BWDB to ensure, that no physical or economic displacement takes place in a Subproject area until: (a) ... (b) a comprehensive income and livelihood program has been established in accordance with the relevant RP.'

The terms of reference (ToR) of this NGO will detail the envisaged collaboration between all relevant stakeholders, including Livelihood plan implantation NGO, RP INGO, APs and the executing agency. The livelihood program will target over 2,000 persons to receive on-site trainings and over 800 persons to receive residential trainings.

### **3. Status of Institutional Structure for Implementation of Safeguards**

#### **3.1 Support to PMO**

The procurement of Resettlement Specialist is under process. It is expected that the contract for the Resettlement Specialist will be awarded by April 2023.

#### **3.2 Engagement of Implementing NGO**

In November 2022, the PMO advertised the REOI for package C-10: Consulting Services for Resettlement Solution through NGO. The ToR for this RP-INGO includes, amongst other items:

- (i) continue carrying out meaningful consultation with the affected persons and community to ensure participation in all stages of the resettlement process
- (ii) updating and finalizing the Resettlement Plan at Shahajadpur, including an updated census and Inventory of Loss (IoL) survey
- (iii) disseminating information to affected persons through a targeted information campaign

The NGO will be selected through a competitive selection process for which a notice inviting an Expression of Interest (EOI) was published on 17 November 2022 having deadline on 20 December 2022. It is estimated that an NGO would be finalised and contracted by April 2023.

#### **3.3 Engagement of Institutional Strengthening and Project Management Consultant (ISPMC)**

Since contract signing on 21 August 2022, the Institutional Strengthening and Project Management Consultant (ISPMC) is providing consultancy services to support project implementation in a variety of ways, including the services of a specialist to conduct resettlement monitoring, planning and management to support the PMO.

#### **3.4 Engagement of External Social Safeguards Monitor**

The procurement of individual external monitor is under process. It is expected that the contract for the external monitor will be awarded by April 2023.

#### **3.5 Formation of Joint Verification Team (JVT) and Property Valuation Advisory Team (PVAT)**

Once awarded, the RP-INGO will participate as a member of the JVT and PVAT; until the RP-INGO is on-boarded these committees cannot yet be formed.

#### **3.6 Grievance Redress Committee (GRC)**

The local-level GRC also needs to include a member of the INGO; since INGO selection is on-going the local GRC cannot be formed until contract award which is expected in April 2023 as per Section 3.2. However, the PMO-level GRC may be formed immediately to deal with all grievances until the INGO is engaged; an accompanying information campaign will be carried out among the APs (either under the scope of the INGO or ISPMC, see Section **Error! Reference source not found.** for details) to disseminate details about the PMO-level GRC, and this should be undertaken as a priority.

### **3.7 Livelihood Development Support through NGO/Firm**

At present, the ToR for this NGO is being prepared. After necessary procedure the NGO/Firm will be engaged.

#### 4. Status of Land Acquisition

Of the structural measures listed in Section 1.4, a draft RP has been initiated for one location, namely, Shahjadpur flood embankment. In May 2021 the draft RP was prepared for Shahjadpur which identified 34.1 hectares (ha) of land acquisition. The plan was formally submitted to the ADB, subsequently concurred by the ADB and published on ADB website.

It is well-understood from the previous FRERMIP Tranche 1 that the process of Land Acquisition takes significant time to complete. Therefore, the process has been initiated on 31 July 2022 with issue of a first draft of the Land Acquisition Plan (LAP) to the DC Office for 25.5 ha relating to the Shahjadpur Embankment. Subsequently, an updated LAP has been submitted on 07 December 2022 and 366 APs have been identified as eligible for resettlement grants.

Table 1 Status of Land Acquisition

S. No	Location of Intervention with sub-reaches	Land (ha)
1	Shahjadpur Embankment under JRB-1: 7.9 km	LAP submitted to DC office with total of 25.25* ha land required for construction of this new embankment: <ul style="list-style-type: none"> <li>• 1<sup>st</sup> LAP prepared May 2020</li> <li>• 1<sup>st</sup> LAP submitted to DC office on 31/07/22</li> <li>• Revised LAP submitted on 7/12/22</li> </ul>
2	Riverbank Protection work at Enayetpur under JRB-1: 7.00 km	Not determined, depending on the final location and length of the works
3	Riverbank Protection work at Benotia under JRB-1: 305 km	Not determined, depending on the final location and length of the works
4	Riverbank protection works site at Harirampur extension under PLB-1: 4.00km	Not determined, depending on the final location and length of the works
5	Riverbank protection works site at Upstream Chauhali under JLB-2 : 15.5 km	Not determined, depending on the final location and length of the works
	<b>Total</b>	<b>25.25*</b>

\*All figures preliminary pending update of census / IoL in 2023

The publication of the Notice of final decision to acquire the land at Shahjadpur under Section 7 of the ARIPA, 2017 is dependent on timely processing of the Demand Notice for Resettlements Funds. The PMO and DC Office will work in close collaboration to ensure availability of these funds at the earliest possible time within the fiscal year 2023 - 2024.

## 5. Implementation of Resettlement Plans

### 5.1 Currently Planned Approach

Project 2 envisages acquisition of approximately 70 hectares (173 Acre) of land, affecting an estimated displacement of more than 720 households comprising about 3,900 affected people. In addition, the amount of land also includes agricultural land loss of some people who will require resettlement. However, during implementation, the aforementioned values may vary depending on the field conditions and practical necessity. Payment of compensation and use of other resettlement mechanisms, as per the requirements of the GoB policy on land acquisition and involuntary resettlement and the ADB's Safeguard Policy Statement (SPS) 2009, will ensure the restoration of the social and economic position of the project affected persons (APs).

As per project interventions, five different RPs have to be prepared by BWDB for implementation of the following Tranche-2 specific components:

Table 2: Resettlement Plan locations and components for Project / Tranche 2

S. No.	Contract Reference	Location of Intervention	Length (km)	Land required (ha)
1.	W-10	Shahjadpur Embankment under JRB-1	➤ 7.9 km of Shahjadpur embankment realignment along the Hurasagar and Korotoya rivers	25.25* (based on Draft RP prepared in 2021)
2.	W-02 (Riverbank Protection) W-13 (Wave Protection)	Riverbank Protection work at Enayetpur under JRB-1	7 km new works for the Enayetpur – Kaijuri reach	Not yet determined, depending on the final location and length of the works
3.	W-01 (Riverbank Protection) W-12 (Wave Protection)	Riverbank Protection work at Benotia under JRB-1	3.5 km new works at Benotia	Not yet determined, depending on the final location and length of the works
4.	W-05 (Riverbank Protection) W-15 (Wave Protection)	Riverbank protection works site at Harirampur extension under PLB-1	4 km of riverbank protection works extending the works at Harirampur	Not yet determined, depending on the final location and length of the works
5.	W-3 and 04 (Riverbank Protection) W-14 (Wave Protection)	Riverbank protection works site at Upstream Chauhali under JLB-2	➤ 15.5 km river-bank protection work upstream of Chauhali ➤ Channel closure at Salimabad ➤ One off-take structure in connection with riverbank protection to manage sediment inflow to the Ghior Khal	Not yet determined, depending on the final location and length of the works
Total			<b>37.9</b>	

JLB = Jamuna Left Bank, JRB = Jamuna Right Bank, km = kilometer, PLB = Padma Left Bank

*\*Figures preliminary pending update of census / IoL in 2023*

It should be noted that the Works packages W-01 to W-06 planned to be carried out during the 2022/23 construction season comprise dumping/placing of geo-bags below the Low Water Level (LWL) line which does not require land acquisition or the associated resettlement. Above the LWL line, geo-bags will only be placed on the existing slope as temporary protection under the procedure that is outlined in the RF. For more details on the phased land-acquisition and resettlement process

also see Ragsdale et.al., 2008<sup>10</sup>. Wave protection above water is planned to be implemented through packages W-12 to W-15, to be awarded following the completion of land acquisition.

Completion of the Shahjadpur embankment (Site 1 in Table 2) forms an integral part of the Design & Monitoring Framework (DMF) and therefore is a priority for the project. The detailed design for this embankment has already been prepared as an advance activity to FRERMIP Project 2, and therefore the resettlement-related activities are planned to be started as a priority in order that the site can be handed over to the relevant Contractor after the 2023 monsoon season and the works can be completed before loan closure in June 2024.

For the riverbank protection works at Enayetpur, Benotia, Harirampur and Upstream Chauhali (Sites 2, 3, 4 and 5 in Table 2), the exact locations of the required works can only be determined once the preceding contracts for underwater works have been finalised. As the work contracts have not started, the resettlement activities for these sites cannot yet be started.

### **5.1.1 Census and Inventory of Losses (IoL)**

In May 2021 a draft RP was prepared for Shahjadpur based on a preliminary census and Inventory of Losses (IoL) survey.

As per the requirements of the PAM<sup>11</sup>, the RP-INGO will carry out an updated census and Inventory of Loss (IoL) survey as per the Terms of Reference under package C-10.

### **5.1.2 Meaningful Consultation**

The public consultations were carried out in May 2021 as part of the preliminary RP, and thereafter no further consultation has taken place to date. The INGO will carry out these activities as part of its scope.

### **5.1.3 Information Campaigns**

The information campaigns were carried out in May 2021 as part of the preliminary RP. The INGO will carry out these activities as part of its scope, including preparation updating and distribution of information booklets (in English and Bangla languages) to the AP within the project area.

### **5.1.4 Finalisation of RPs**

Finalization of the RP for Shahjadpur requires an updated census and IoL survey, as well as meaningful consultation with the APs and information campaigns. These are under the scope of the RP-INGO as per Sections 5.1.1, 5.1.2 and 5.1.3.

### **5.1.5 Identification and Verification of APs**

The identification and verification of APs has not yet been carried out. Formation of the JVT and setting up of an updated AP management information system (MIS) database are yet to be carried out too. The INGO will carry out these activities as part of its scope.

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<sup>10</sup> Ragsdale, T., Oberhagemann, K., Faisal, M.A. 2008: Involuntary Meets Disaster Mitigation Resettlement: A Case Study from Erosion Mitigation on the Jamuna River in Bangladesh. Society for Applied Anthropology, 68<sup>th</sup> Annual Meeting, 25-29 March, Memphis, Tennessee, USA.

<sup>11</sup> PAM Section VII paragraph 80 and VII.C paragraph 98

### 5.1.6 Identification of Loss and Entitlement

The identification of loss and entitlement has not yet been carried out, including formation of the PVAT and preparation of the budget for land acquisition and resettlement. The INGO will carry out these activities as part of its scope and it is expected that these activities will be undertaken in July / August 2023.

### 5.1.7 Payment of Resettlement Benefits

Payment of resettlement benefits can only be undertaken once the identification of loss and entitlement has been completed based on the approved RP. The INGO will carry out these activities as part of its scope.

### 5.1.8 Summary of Progress

The Progress during July to December 2022 period is furnished in detail in Table 3.

Table 3: The overall physical progress of resettlement in Shahjadpur

S. No	Key implementation activities	Cumulative Status up to December 2022
1.	Formation of GRC	GRCs have not yet been established at local level. It is highlighted that an information campaign is yet to be carried among the APs to disseminate details about the PMO-level GRC, and this will be undertaken as a priority
2.	Verification of Census / Inventory of Losses (IoL) Survey	The preliminary census and IoL survey carried out prior to May 2021 have not yet been updated
3.	Stakeholders consultation ('Meaningful Consultation')	One public consultation meeting, three focus group discussions and seven key information interviews made in 2021 as part of the draft RP prepared in May 2021
4.	Information Campaigns	No additional information campaigns have been carried out subsequent to May 2021
5.	Approval Status of RP	Preliminary RP for Shahjadpur was concurred by ADB in May 2021
6.	Preparation of LAP	First draft submitted on 31/7/22 to DC, for approval; updated/ revised LAP submitted to DC office for approval on 7/12/22
7.	Identification and verification of Aps	Not started
8.	Identification of loss and entitlement	Not started
9.	Payment of resettlement benefits	Not started



Table 4: Status of Payment of Compensation for sub-reach as per Resettlement Plan

S. No.	Location of Intervention with sub-reaches	Upazilla / District	Type of Loss	Approved by PVAT and JVT	No. of APs and CPR Title/ Non-title / Tenants					Affected Households		Status of Compensation			
					Title	Non-Title	Tenants	CPR	Total	Male	Female	Cumulative		July to December	
												CCL	Resettlement Grant	CCL	Resettlement Grant
1	Shahjadpur Embankment under JRB-1: 7.9 km	Shajadpur of Pabna	Residence and business structure, business loss, agriculture plot		366*				366*	987*	957*				
					<b>366*</b>				<b>366*</b>	<b>987*</b>	<b>957*</b>				

\*All figures preliminary pending update of census / IoL in 2023

Table 5: On going monitoring and Action Plan for Land Acquisition and Resettlement Process

S. No.	Name of the Sub-Reach	Location ( Dist. and Upazilla)	LA Case	Total land to be acquired (Hectare )	First Proposal Submitted	Feasibility Completed	Date of DLAC meeting	Notice under section 4 served	Joint Verification Completed	Notice under section 7 served assessment	Notice under section 8 served	Remarks
1	Shahjadpur Embankment under JRB-1: 7.9 km	Shajadpur,		25.25*	31/7/22							LA under process

\*All figures preliminary pending update of census / IoL in 2023

Table 6: Types of Affected Person under Resettlement Plan

Name of the subproject	No. of Affected HHs & CPR									Progress of census	Approval of RP	Formation of different committees	No of grievance received	
	Title			Non-Title ( Uthili )		Non-Title ( Squatters)		Tenants	CPR					Total
	Agriculture land	Residential structure	Commercial structure	Residential structure	Commercial structure	Residential structure	Commercial structure							
Shahjadpur Embankment under JRB-1: 7.9 km	30.5 ha*	231*	135*								Completed but need to update	Draft RP submitted to ADB for approval on 10/04/2021		GRC formed and no grievance received
Total	30.5 ha*	231*	135*											

\*All figures preliminary pending update of census / IoL in 2023

## **6. Monitoring and Evaluation**

The ISPMC will support PMO in timely progress monitoring and reporting of activities pertaining to preparation and implementation of RPs in full compliance with ADB SPS (2009) and the loan covenants.

As per Section 3.3, an external monitor will also be engaged by PMO. It is expected that the contract for the external monitor will be awarded by April 2023.

## **7. Conclusions and Recommendations**

Of the five locations noted above, a draft RP has been initiated for one location, namely Shahjadpur. Neither the draft RPs nor land acquisition plans can be issued for the other four sites before the first phase underwater works is completed. This is expected to be at the end of the 2023/24 dry season. The draft Shahjadpur RP was prepared during the feasibility study (and sent to the ADB for concurrence on 23 May 2021) for the embankment Works at Shahjadpur, starting the process of meaningful consultation and providing estimates for impact and costs associated with land acquisition and resettlement. The draft plan identified 34.1 hectares (ha) of land acquisition affecting 366 households (AHHs) with 1,944 affected persons, 1,333 structures and 7,048 trees. The plan was subsequently concurred by the ADB and was published in ADB website.

On 17 November 2022, the PMO advertised the EOI for package C-10: Consulting Services for Resettlement Solution through NGO. The ToR for this Resettlement Plan – Implementation Non-Governmental Organisation (RP-INGO) includes, amongst other items: updating and finalizing the Resettlement Plan at Shahjadpur, including an updated census and Inventory of Loss (IoL) survey, as well as carrying out meaningful consultation with the APs.

The local-level GRC needs to include a member of the INGO; since INGO selection is ongoing the local GRC cannot be formed. It will be formed immediately after award of C-10 contract.

### **Way Forward – Priority Activities**

- Finalize the list of APs for Shahjadpur site via updated field survey including video and photos of affected households and structures to avoid false claims and ensure legitimate APs are benefited
- Urgently carry out the necessary information campaigns and meaningful consultation with the APs in order to comply with the ADB SPS and FRERMIP RF
- Ensure timely procurement of RP-INGO to complete the remaining resettlement activities before commencement of construction works
- Ensure timely procurement of the External Monitor for Resettlement under package C-17
- Ensure timely procurement of the Livelihood Restoration NGO/firm under package C-4
- Form the local GRCs as priority once the RP-INGO has been procured to ensure compliance with the Grievance Redress mechanism as stated in the FRERMIP RF;
- Ensure timely processing of the Demand Notice for Resettlements Funds in order that the Land Acquisition can be implemented as soon as possible within the fiscal year 2023 / 2024.

## ANNEXES

### Project Entitlement Matrix

The entitlement matrix describes major types of losses attached to land acquisition and resettlement. The Project will assist the APs in clustered relocations with community facilities or, alternatively, in self-relocation. APs may be relocated to BWDB land (if available) or to 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.

#### General Implementation Issues and application Guidelines

##### 1. Property Valuation Advisory Team (PVAT)

BWDB will setup a PVAT at each locality. The tasks of this PVAT are:

- i. Recommend replacement cost (RC) based on current market price (CMP) analysis for land, structures, trees and standing crops
- ii. Current Market Price (CMP) will be assessed for every affected mouza
- iii. The land acquisition price will be determined by the standard procedure according to the land acquisition law. Updated in September 2017.
- iv. For all private land, the market price will be enhanced by 200% for compensation under law (CCL). For *khas* land (government land, DC is the owner at respective districts on behalf of the government), CCL will be the assessed market price without enhancement.
- v. RC for structure considering the cost of materials, labour inputs and land development cost at current market rates.
- vi. RC /CMP will be approved by the Project Director.

##### 2. Implementing NGO (INGO)

BWDB will engage a local NGO to support implementation of resettlement plan i.e. to support the implementation of all land acquisition and resettlement activities. The recruited NGO for implementation of RP is called Implementing NGO (INGO) which will

- i. Identify all persons who have interest in the lands that will be acquired under the project (owner, tenants, operators etc.;
- ii. Identify all informal occupier/ settler on the right of way of new embankment, rehabilitation embankment and RBP works;
- iii. Make the landowners / tenants / informal occupiers aware about details of land acquisition process, compensation entitlement, payment procedure/mechanism, resettlement benefit offered by the project.
- iv. Legal owners will be assisted by INGO to organize legal documents in support of their ownership
- v. The INGO will identify loss and entitlement of female owners and co-sharers through share determination at the field upon receipt of payment data from the DC office
- vi. The INGO will inform the APs of the details of the land acquisition and compensation process, resettlement package and payment procedure.
- vii. The INGO shall encourage APs to consider purchasing land or investing the money in productive/income generating activities.
- viii. In addition, the INGO shall support APs in purchasing low-cost, low-lying land by bundling resettlement benefits. The land will then be filled by the project

with dredged material to be built up to homestead land level.

**3. JVT**

- i. The loss inventory items and quantities as well as the displaced persons (DPs) shall be verified in the field through joint verification team (JVT) formed by DC. The members of PVAT (as outlined in section XI-E) will attend field verification by JVT.
- ii. The JVT will verify the socially recognized user as identified by the census

**4. BWDB field office (Executive Engineer) will do title updating for usufruct and other rights before issuance of notice with assistance from INGO**

**5. DC will pay CCL for the loss items. If RC is higher than CCL, the difference will be paid by BWDB with assistance from INGO.**

**6. Compensation for Structures:**

- i. Joint verification (DC and BWDB) and/or census will identify (record floor areas and category) of structure
- ii. Compensation must be paid before AP dismantle and remove the structures as per civil works requirement
- iii. The date of service of notice will be recognized as the cut-off date for structures not recognized by DC. In case of major differences identified between databases, BWDB will verify the data through the JVT.
- iv. The owner is allowed to take all salvageable material
- v. The RC will be the cost of the structures at market price without depreciation

**7. In case of conflict between government rules and ADB SPS, ADB SPS will prevail.**

Unit of Entitlement	Entitlements	Applicable Laws	Additional Services
<b>Loss Item 1: LOSS OF AGRICULTURAL LAND</b>			
Legal owner(s) as identified by Deputy Commissioner (DC) in the process of CCL payment and non-titled holders with recognizable claims. <sup>12</sup>	1. Replacement Cost (RC) <sup>1</sup> of agricultural land.	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	
<b>Loss Item 2: LOSS OF HOMESTEAD, COMMERCIAL, INDUSTRIAL LAND AND COMMON PROPERTY RESOURCES</b>			
Legal owner(s) as identified by DC in the process of	1. Replacement Cost (RC). 2. 10% of CMP as transaction	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	BWDB will assist to purchase of above land(s) jointly with

<sup>12</sup> Recognizable claims are those having (i) customary ownership or (ii) possess any other legal document to establish ownership.

CCL payment and non-titled holders with recognizable claims.	allowance such as stamp duty and registration cost, VAT etc. No matter whether she/he purchase land or not		INGO on negotiated price and homestead land development (earth filling, if needed) with internal road links.
<b>Loss Item 3: LOSS OF WATER BODIES (PONDS, BOTH CULTIVATED AND NON-CULTIVATED)</b>			
Legal owner(s) as identified by DC in the process of CCL payment and non-titled holders with recognizable claims.	1. Replacement Cost (RC) of the water body (private land). 2. Allowance of one-year fish harvest to be recommended by PVAT.	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	.
<b>Loss Item 4: LOSS OF RESIDENTIAL STRUCTURES</b>			
Legal owner(s) as identified by DC in the process of CCL payment and non-titled holders with recognizable claims.	1. Replacement Cost (RC) of residential structure 2. Transfer Grant @ Tk. 15 per sq.ft. of affected structure 3. Reconstruction and Homestead Development Grant (RHDG) Tk. 10,000.00. 4. Transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities. <sup>13</sup>	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	Non-cash assistance in relocation and reconstruction, such as consultation and facilitation of documentation.
<b>Loss Item 5: LOSS OF COMMERCIAL/INDUSTRIAL/COMMON RESOURCE PROPERTY (CPR) STRUCTURES</b>			
Legal owners as identified by DC in the process of CCL payment and non-titled holders with recognizable claims.	1. Replacement Cost (RC) of commercial, industrial, CPR structure 2. Transfer Grant @ Tk. 15 per sft of affected structure 3. Reconstruction Grant of TK12,000.00. 4. Transitional support and development assistance, such as	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	Non-cash assistance in relocation and reconstruction, such as consultation and facilitation of documentation.

<sup>13</sup> There is no physical relocation in-kind (e.g. housing) provided under the resettlement framework as in the consultation process APs expressed preference for cash compensation.

	land development, credit facilities, training, or employment opportunities		
<b>Loss Item 6: LOSS OF RESIDENTIAL, COMMERCIAL AND OTHER PHYSICAL STRUCTURES</b>			
1. Non-titled but with recognizable claims & 2. Non-titled without recognizable claims  both built structures on the ROW	1. Replacement cost structures as determined by PVAT 2. Structure Transfer Grant (STG) @ Tk. 15 per sft of affected structure 3. Reconstruction and Homestead Development Grant (RHDG) Tk. 15,000.00. 4. Transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	Non-cash assistance in relocation and reconstruction, such as consultation and facilitation of documentation.
<b>Special Implementation Issues and application Guidelines:</b>			
<p>1. The Non-title holder (with recognizable claims and without recognizable claim) structure losers are entitled to replacement cost of affected structure provided they are in the impact area prior to the cut-off date. The Non-title holder (with recognizable claims and without recognizable claim) structure losers are entitled to replacement cost of affected structure provided they are in the impact area prior to the cut-off date. A document to verify landlessness will be presented to JVT to establish vulnerability. A document to verify landlessness will be presented to JVT to establish vulnerability.</p> <p>2. The INGO will assist the APs with self-relocation by undertaking a market assessment and assisting them in identification of land, linking them with available government housing schemes and supporting them to avail of credit facilities from financial institutions.</p> <p>3. In the case of physical displacement, the DPs will be given advance notice of at least 3 months (90 days) from the date of receipt of compensation to relocate themselves.</p>			
<b>Loss Item 7: LOSS OF TIMBER AND FRUIT BEARING TREES, BAMBOO AND BANANA GROVES</b>			
1. Legal owner(s) as identified by the DC in the process of CCL payment. 2. Socially recognized owners of trees grown on public or other land	1. Timber trees and bamboo: CMP of trees and bamboo. 2. Fruit-bearing trees without timber: if the tree is at or near fruit-bearing stage, the estimated current market value of the fruit. 3. Fruit-bearing trees with timber: CMP for the timber, and estimated current market value of fruit and the	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	INGO to explain RP policies regarding compensation for the trees of different categories and size and make the APs aware that they could take the timber and fruits free of cost.

	market value of the fruit of the remaining estimated productive life of the fruit trees.  4. Banana groves: CMP of all trees  5. Owners will be allowed to fell trees and take the timber, free of cost after payment of CCL or RC as applicable.		
<b>Special Implementation Issues and application Guidelines:</b>			
1. The INGO will provide guidance in plantation and post-plantation care.			
<b>Loss Item 8: LOSS OF STANDING CROPS/FISH STOCK</b>			
1. Legal owners identified by the DC in progress of CCL payment  2. Socially recognized owners	1. RC of standing crops/fish stock.  2. Owners will be allowed to harvest crops and fish stock.	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	INGO will assist APs in the process of claiming compensation from DC offices for organizing necessary documents.
<b>Loss Item 9: LOSS OF LEASED /MORTGAGED IN LAND/PONDS</b>			
1. Leaseholder with legal papers.  2. Socially recognized lessee or sharecropper, in case of customary informal tenancy arrangements, including socially recognized agreements.	1. CMP of crops/ fish stock for one year as compensation.  2. Outstanding lease money back to the lessee by the owner as per agreement.  3. The leaseholder will be allowed to take the crops/fishes free of cost within the date declared by BWDB	<b>ARIPA 2017</b> <b>ADB SPS 2009</b>	1. INGO will assist in ensuring that the lessee receives all eligible payments.  2. INGO will mediate refund of outstanding lease money by the owner to the lessees.
<b>Special Implementation Issues and application Guidelines:</b>			
1. With legal agreement: DC will pay CCL to legal owner and mortgagee/leaseholder in accordance by the law. With customary tenancy agreements, including socially-recognized verbal agreements: Legal owner will receive CCL from DC. The legal owner will pay the outstanding liabilities to the lessee/mortgagee. Under the following conditions: (i) all contractual liabilities are already paid up; (ii) if not, the legal owner will get the residual payment after all liabilities are paid up. (iii) BWDB will ensure RC of crops to the cultivator with direct payment of the difference, if CCL is less than RC, with assistance from INGO. (iv) Dislocation Allowance will be paid to the actual cultivator of the acquired land by BWDB with assistance from INGO.			
<b>Loss Item 10: LOSS OF INCOME FROM DISPLACED COMMERCIAL/ INDUSTRIAL PREMISES</b>			
Any proprietor or businessperson or	Employment in the Project	<b>ARIPA 2017</b>	DPs will be brought under income and



artisan operating in premises	construction work, if possible  Moving assistance (one time) for tenant. Tk 5000.00	<b>ADB SPS 2009</b>	livelihood regenerating program (ILRP).
<b>Special Implementation Issues and application Guidelines:</b>			
1. All the business operators will be entitled for grant against loss of wages. The one-time moving assistance will be provided to the tenants only.			
<b>Loss Item 11: TEMPORARY LOSS OF INCOME (WAGE EARNERS IN AGRICULTURE, COMMERCE &amp; SMALL BUSINESS AND INDUSTRY)</b>			
Regular wage earners affected by the acquisition.	Allowance of Tk 4,000.00 Per HH Allowance of Tk 5,000.00 per FHH  DPs to be included in the Income and Livelihood Restoration Program (ILRP)	<b>ADB SPS 2009</b>	1. APs will be brought under the ILRP.
<b>Special Implementation Issues and application Guidelines:</b>			
DP must have been an employee of landowner or business located in the acquired lands for at least twelve months, as identified by Joint Verification and/or a contracted institution or a consulting company's census.			
<b>Loss Item 12: LOSS OF INCOME FROM RENTED -OUT AND ACCESS TO RENTED IN RESIDENTIAL/COMMERCIAL PREMISES</b>			
1. Owner of the rented-out premises 2. AH/person rented-in any such structure	Dislocation Allowance of Tk. 5,000.00 for each unit of premises to both the renter and the rentees.	ARIPA-2017  <b>ADB SPS 2009</b>	DPs will be brought under the ILRP.
<b>Special Implementation Issues and application Guidelines:</b> Guidelines: In case of any conflict between Government Act/Rules & ADB SPS 2009, later will prevail.			
<b>Loss Item 13: VULNERABLE AHs SPECIAL ASSISTANCE</b>			
<i>Vulnerable Assistance</i>	AH One-Time Special Assistance Grant of  Tk 18,000  Skill training and credit support under ILRP.  No AH will get the grant if their family members do not participate to the proposed skill training	<b>ADB SPS 2009</b>	APs will be brought under the ILRP.
<b>Special Implementation Issues and application Guidelines:</b>			
1. <u>Vulnerable AHs are those (i) below the poverty line, (ii) the landless, (iii) the elderly, (iv) women and children, (v) Indigenous Peoples, and (vi) those without legal title to land.</u>			
3. Loss of income will be assessed as per actual loss of productive resources (land and businesses) to the project and the total income of the affected households from all sources			

- through Census of all AHs.
4. JVT will verify the percentage of loss comparing the actual loss and the total income from all sources of the affected households.
  5. Households turning into landless due to acquisition of agricultural land will be eligible for larger credit from the ILRP for longer duration.

**Loss Item 14: ADVERSE IMPACT ON HOST POPULATION DUE TO RELOCATION OF APs**

Households self-relocated to the host villages	Enhancement of carrying capacity of common civic amenities/utilities of the host communities as per assessment by BWDB.	ARIPA 2017 ADB SPS 2009	1. Investment in the host area to improve health, education, and other public services.  2. Forestation in the host area.
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Special Implementation Issues and application Guidelines: Community needs for enhancement of common facilities in host areas will be assessed through a needs assessment survey.

**Loss Item 15: LOSS OF SUBMERGED LAND (ERODED LAND)**

1. Legal owner(s) of land (DC's khas land after established AD Line) and non-titled holders with recognizable claims.  2. Previous private owners of land below alluvial and diluvial (AD) Line.	1. In absence of legally established AD line, all entitlements as provisioned for Loss Item 1.  In case of khas land, CCL to respective DCs.  RC of khas land to previous owner(s).	ARIPA-2017 ADB SPS 2009	
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**Loss Item 16: UNFORESEEN ADVERSE IMPACTS**

Households/persons affected by any unforeseen impact identified during RP implementation	Entitlements will be determined as per the resettlement policy		As appropriate
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The unforeseen impacts and affected persons will be identified with due care as per policy framework and proposed to the MoWR and the ADB for approval including quantity of losses, their owners and the entitlements.

AD = alluvial and diluvial; AHH = affected household; APs = affected persons; BWDB = Bangladesh Water Development Board; CCL = cash compensation under the law; CMP = current market value; DC = deputy

commissioner; FHH = female-headed household; HH = household; ILRP = income and livelihood regenerating program; INGO = implementing nongovernment organization; JVT = Joint Verification Team; MOWR = Ministry of Water Resources; PVAT = Property Valuation Advisory Team; RP = resettlement plan; RC = replacement cost; SPS = Safeguard Policy Statement, 2009