Bangladesh Rural Water Supply and Sanitation Project (BRWSSP)

SOCIAL MANAGEMENT FRAMEWORK

Department of Public Health Engineering (DPHE)
Government of the People’s Republic of Bangladesh
# January, 2012

## ACRONYMS & ABBREVIATIONS

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<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ARP</td>
<td>Abbreviated Resettlement Plan</td>
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<tr>
<td>DPD</td>
<td>Deputy Project Director</td>
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<tr>
<td>CBO</td>
<td>Community-Based Organization</td>
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<td>CRO</td>
<td>Chief Resettlement Officer</td>
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<td>CUL</td>
<td>Compensation-Under-Law</td>
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<td>DC</td>
<td>Deputy Commissioner</td>
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<td>DLAC</td>
<td>District Land Acquisition Committee</td>
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<td>ESAC</td>
<td>Environmental &amp; Social Assessment Consultants</td>
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<td>GOB</td>
<td>Government of Bangladesh</td>
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<td>GRC</td>
<td>Grievance Redress Committee</td>
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<td>HCG</td>
<td>House Construction Grant</td>
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<td>HTG</td>
<td>House Transfer Grant</td>
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<td>IDA</td>
<td>International Development Association</td>
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<td>IP</td>
<td>Indigenous People</td>
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<td>IPP</td>
<td>Indigenous Peoples Plan</td>
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<td>LAP</td>
<td>Land Acquisition Proposal</td>
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<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>OP 4.10</td>
<td>Operational Policy 4.10 on Indigenous Peoples</td>
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<td>OP 4.11</td>
<td>Operational Policy on Physical Cultural Resources.</td>
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<td>OP 4.12</td>
<td>Operational Policy 4.12 on Involuntary Resettlement</td>
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<td>PAH</td>
<td>Project Affected Household</td>
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<td>PAP</td>
<td>Project Affected Person</td>
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<td>PD</td>
<td>Project Director</td>
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<td>PMU</td>
<td>Project Management Unit</td>
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<td>RO</td>
<td>Resettlement Officer</td>
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<td>RP</td>
<td>Resettlement Pan</td>
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<td>SMF</td>
<td>Social Management Framework</td>
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<td>SMC</td>
<td>Supervision &amp; Monitoring Consultants</td>
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<td>VNR</td>
<td>Vested Non-Resident</td>
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<td>WB</td>
<td>World Bank</td>
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Bangladesh Rural Water Supply and Sanitation Project (BRWSSP)

Social Management Framework (SMF)

A. INTRODUCTION: SOCIAL SAFEGUARDS & MITIGATION ISSUES

This Social Management Framework (SMF) is proposed to deal with social safeguard issues that are likely to arise under the proposed Bangladesh Rural Water Supply and Sanitation Project (BRWSSP). The project is being prepared, and will be implemented, by the Department of Public Health Engineering DPHE under the Ministry of Local Government Rural Development & Cooperatives (LGRD&C) of Government Bangladesh (GOB). Starting in 2012, the activities under this multi-component project will be implemented over a five-year period across Bangladesh. This project will be implemented under the support of IDA [The World Bank].

It is expected that civil work activities, such as the ‘Implementation of Component I: ‘Rural Piped Water Supply’ or Component II: Rural Non-Piped Water Supply Component III: Implementation of hygienic sanitary latrines under ‘Capacity Strengthening and Technical Assistance’ of BRWSSP is likely to trigger World Bank’s operational policies on social safeguards. The key Social safeguard policies that are likely to be triggered are related to the World Bank Operational Policies on Involuntary Resettlement (OP 4.12) Indigenous Peoples (OP 4.10) and Gender (OP 4.20). The operational policies will provide guidance on mitigation and minimization of negative impacts due to land acquisition requisition etc. The nature and magnitude of impacts will be determined on a continuing basis with finalization of facility location and engineering designs. However it is expected that the project will have low severity of impact in terms of negative social outcomes. As the impact details become available, the proposed SMF will provide the basis to prepare and implement Resettlement Plans (RPs), Indigenous Peoples Plans (IPPs) and Gender Action Plan (GAP), as and when required to mitigate adverse impacts due to the physical facilities development. The SMF will be applicable to the activities financed by the World Bank.

SMF Objectives

The SMF is intended to provide the necessary bases to determine applicability of the World Bank safeguard policies, identify the safeguards impacts, prepare and implement RPs, IPPs and GAP as and when required. The core principle behind the SMF is to avoid, minimize and mitigate issues relating to land acquisition/resettlement, impacts on indigenous people, and ensure that the negative impacts of the projects on women are minimized. In SMF there are also provides general policies, guidelines, and procedures for integration of social safeguard issues into selection, design and implementation of the civil works. Besides, this SMF seeks to address the inadequacy of the existing legal provisions to meet the social safeguard requirements of the World Bank. The objective of the SMF is to help ‘DPHE’ to ensure that the project will:
Enhances social outcomes of the activities implemented for the physical facilities development under the project.

- Identify and mitigate adverse impacts such as loss of land, asset, infrastructure etc. that the selected development interventions might cause on people, including protection against loss of livelihood activities, with culturally, socially and economically appropriate measures and

- Prepare and implement in compliance with the World Bank’s social safeguard policies.

**Project Activities and Social Safeguard Implications**

The multi-component BRWSSP project aims to establish increased and sustainable provision of safe water supplies, in the rural areas of Bangladesh where the shallow aquifers are contaminated (for example, by arsenic, iron, salinity, and pathogens). To ensure a hygiene sanitary practices of the targeted community is also a significant activities of the project. The main objectives of the project are:

- Increased access to safe water supplies will be achieved by the construction of piped schemes and non-piped options in villages where a significant percentage of the existing water supply systems are contaminated.

- The sustainability of rural piped water services will be achieved by putting in place a management model in which the responsibilities of scheme ownership and oversight are separated from scheme operation, by engaging a private sponsor through competitive bidding procedure.

- The sustainability of non-piped options will be achieved by using a model in which water user groups take responsibility for site selection, and operation and maintenance.

- Promoting hygiene sanitary practices (this will help to carry out sanitation and hygiene promotion programs in line with the Bangladesh “National Sanitation Strategy” to promote hygiene and safe, sustainable sanitary practices demand creation through community mobilization and hygiene education as well as constructing hygienic latrines including Sanitation pilot program)

Four significant components are proposed for this project and they are Component 1: Rural Piped Water, Component 2: Rural Non Piped Water, Component 3: Capacity Strengthening and Technical Assistance4: Project Management and Support. Essentially component 1 2 and part of 3 are likely to trigger World Bank social safeguard policies 4.12, 4.10.

**Component 1: Rural Piped Water**

This component aims to develop a public-private partnership model for constructing and managing rural piped schemes in those selected areas where shallow tubewells frequently do not provide safe water due to contamination of the shallow aquifer.

The project will support the construction of 125 schemes, to be constructed during the
project period. Selected 20 districts will be considered for implementation under the project. Districts having higher Arsenic level will be prioritized accordingly. Unions will be ranked, for the purpose of prioritization, based on percentage of arsenic contamination and other water quality issues – like salinity and iron etc. The 125 Unions with highest percentage of Arsenic and water quality issues will be selected for Rural Piped Water Supply (RPWS) schemes.

The Union Parishads (UPs) will own the assets and provide oversight of the sponsors’ compliance with the terms of the management agreements. However, the project will need to build the technical capacity of the UPs to undertake an increased role under the proposed project.

A qualified consulting engineering firm awarded by DPHE will undertake the scheme design, under the component. The sponsors will retain responsibility for the construction of the infrastructure including pump house, pumping machinery, treatment facility, overhead tank, pipe line distribution network and house connections. However, pre-feasibility studies which will include social assessments will be conducted by the consulting firm in identified Unions under each district for developing the required bid documents. Sponsors will also be required to invest 30% of the capital costs of the schemes, which the sponsors will recover from the consumers revenue/monthly tariff during the operation period.

To reduce the procurement burden and to foster economic scale among private sponsors, multiple schemes will be packaged into a single procurement item.

Project activities under the rural scheme component will include technical assistance to (i) provide business training and support services to sponsors, (ii) audit compliance of the sponsors with the management agreements, and (iii) provide training (including social safeguards) and support to UPs and water user groups to oversee the sponsors and hold them accountable for the quality and satisfactory provision of water services.

The nature of the development intervention is such that land acquisition may be required which may lead to involuntary displacement triggering World Bank OP 4.12. A number of steps would be involved in the site selection process. The steps are indicated below:

- DPHE will provide a prospective list of unions for RPWS implementation.

- A Technical Assistance firm will be hired by DPHE to conduct a pre-feasibility study in the prospective Unions. Further while conducting the pre –feasibility study the team will conduct reconnaissance survey and locate the potential sources of water

- The result of the prefeasibility study would provide DPHE with a list of qualified scheme sites.

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1 Sponsor: May be NGO, Co-operative society, Individual
• A feasibility study (Socio-economic baseline survey, technical investigation, and financial survey) will be carried out on the qualified scheme site to identify `High potential` scheme site.

• Once the High potential scheme site has been selected two pieces of land (total amounting to roughly 7 decimal) would be required for the installation of infrastructure like production well, pump house, treatment plant etc. Furthermore, land will be required to connect the households through pipeline distribution network over the scheme areas.

• Through a competitive bidding process a sponsor would be selected.

• UP in consultation with these three stakeholders namely (i) Community, (ii) sponsor and (iii) DPHE will finalize land acquisition proposal and the Deputy Commissioner (DC) of concerned district will assist in acquiring it. Preferably centrally located plain land, so that cost of the project is less.

Since the assets would be owned by the UPs, therefore there would be a preference to select lands and implement civil works on public lands. It is expected that these public lands are free of encumbrances, however it is often seen that squatter communities live on these land and as a result, land transfer or even acquisition of new land may trigger involuntary displacement that will need to be managed in accordance to OP 4.12. Furthermore, land can be obtained through donation from UPs or the community; otherwise it will be purchased by the DPHE on behalf of the UPs with Government counterpart fund. Furthermore, all land transaction records must be documented and ready for monitoring purposes. *(This is to be noted that IDA fund cannot be used to purchase land)*. However, compliance with IDA safeguard policies will have to be ensured. Facilitating land by the DPHE will reduce the Sponsors’ responsibility and cost to acquire land. Moreover, land will also be required to connect households through a pipeline distribution network over the scheme area. The distribution network is expected to pass through both government and private land and hence land acquisition/ requisition may be required. Due to the intervention - access to households, shops may become difficult and it may results in loss of income or inconveniences to communities. Hence the negative impact has to be managed in accordance with World Bank Operational Policy 4.12.

Where land needs to be acquired, land acquisition will be initiated and implemented in accordance to the 1982 Land Acquisition Ordinance. The steps and process has been documented in Annex C3.

**Component 2: Rural Non-piped Water**

The project will support the construction of 20,000 non-piped supplies, of which 14,000 options will be allocated to the targeted unions with severe safe water shortages are documentarily observed due to water quality problems i.e. shallow aquifer contamination, and remain 6,000 options will be allocated to those areas which will be affected by natural disasters such as floods or cyclones. The project will define feasible project intervention areas from among these unions. Given the large scope and coverage of the
non-piped water supply scheme, the 14,000 options will be limited to 72 Upazilas. DPHE will provide a list of eligible unions based on both criteria.

BWSSP had a rule that non-piped options could not be allocated to any village with a population of more than 400 households. BRWSSP will eliminate this cap for the proposed project. 20,000 water points will be implemented following DPHE’s standard procedures. This component builds on the successful experience of non-piped rural water supply schemes undertaken through the Bangladesh Water Supply Program Project (BWSPP) and the Bangladesh Arsenic Mitigation Water Supply Project (BAMWSP). The component will target unions with severe safe water shortages due to water quality problems i.e. shallow aquifer contamination. Non-government Support Organizations (SOs) will be retained to help set-up Union WatSan Committee (UWASCO) in participating concerned ward members, community mobilization, and preparation of Ward Action Plan (WAP), and train the local stakeholders in managing and supervising the non-piped options. The water user groups will determine the site of the non-piped supplies and participate in construction supervision. The water options will be implemented following DPHE’s **standard procedures.** Through open competition, DPHE will hire contractors for the construction of the options – possibly one contract per district. Community contribution for 14,000 water points is fixed as Tk. 4,500 per tubewell toward the cost of capital. In addition, this component will provide non-piped water supplies to areas which are affected by disasters such as floods and cyclones during the project period. There is no community contribution toward 6,000 tube wells in the flood affected and disaster areas. These supplies will be procured and implemented by DPHE following its standard procedures through procuring contractors to install water point sources. Each Tube well is planned to be used by average 10 household (HHs). Therefore, this component is expected to benefit 200,000 households or approximately 1.10 million rural people.

Under this component, the land requirement is not very significant for the implementation of the options (water point sources) under the selected areas. It is expected that the communities will donate land, however if this is not possible land acquisition of private land lands or transfer of other public lands may be required. However, due to the nature of intervention various World Bank operational policies including OP 4.12 Involuntary Resettlement may be triggered.

**Component 3. Capacity Strengthening and Technical Assistance** – This component aims to provide technical assistance and supports on a number of areas to improve implementation activities. It would also aim to build a knowledge base by carrying out analytical review and assessment of the institutional framework for service provision schemes / models supported under the project. The specific activities will include – (i) analytical and advisory activity to promote stakeholder dialogue, build consensus and develop the longer term sector institutional, management and support frameworks in order to sustain rural water and sanitation service in Bangladesh; (ii) sanitation pilot based on Social Marketing approach to support the Local Entrepreneurs and community to promote supply and demand for improved sanitation and hygiene in the rural areas; (iii) third party technical and social monitoring and evaluation to assess achievement of project results and monitor implementation process, output, outcome and impact for
piped and non-piped water supply programs, sanitation pilot, and private sponsors performance; (iv) community mobilization and development of Action Plan for Rural Non-piped Water Supply schemes as well as community awareness building, hygiene promotion, capacity building for hygienic sanitation practice; (vi) technical assistance for monitoring operations and business performance of private sponsors; (vi) technical assistance for characterization and monitoring of safe groundwater resources; and (vii) capacity strengthening of DPHE personnel and GOB officials involved in the project (including training and exposure visits).

Component 4. Project Management and Support – This component will provide support to DPHE for the project management, administration and technical assistance required for implementation of the project. This support will include: (i) the establishment of the PMU, including office equipment, project vehicle, information technology, financial management and accounting systems; (ii) Project Management Support Consultancies (technical, auditing, financial management, procurement, resettlement, reporting); (iii) water quality monitoring and environmental management (including water quality test kits and GPS); (iv) the operational costs of the PMU, including consultant experts; and (v) salary of the personnel involved in the project financed by government counterpart fund.

Basic Principles:

In consideration of the potential adverse impacts associated with land acquisition and displacement of authorized and unauthorized private activities from its own private and other public lands, DPHE will screen all land acquisition requirement / installation / construction activities of the project to ensure that the requirement of the World Bank Operational Policies (WBOP) are met. Below are some basic principles:

- Prior to selection of specific RPWS and RNPWS scheme, DPHE will undertake community and stakeholder consultations about their objectives, scopes, and social safeguard implications, especially with respect to land acquisition and displacement from its own lands (and other public lands, if they are also likely to be used for the development and construction activities). Consultations will be held with both formal and informal nature among different types of stakeholders.

- Unless absolutely required, DPHE will avoid private land acquisition and design the development and construction activities to the extent feasible ways (UP owned premises/land) - so that displacement of economic and other activities from private and public lands are minimized.

- DPHE will avoid, to the extent feasible, development and construction activities that will threaten cultural way of life of IPs; severely restrict their access to common property resources and livelihood activities; and affect places/objects of cultural and religious significance (places of worship, ancestral burial grounds, etc.).
DPHE will undertake social screening of all development and construction activities to identify potential social safeguard issues, adopt and implement impact mitigation measures consistent with the social safeguard policies of GOB and the World Bank.

Safeguards Screening & Mitigation Guidelines

DPHE will screen each development and construction activity to identify potential safeguards issues and impacts associated with the physical works, in order to determine applicability of the social safeguard policies of GOB and the World Bank. The Organization is also prepare and implement the required impact mitigation plans (a Screening Form is provided in Annex A1). Where adverse impacts cannot be avoided entirely, DPHE will select, design and implement the physical facilities development under the project in accordance with the following guidelines:

- **Resettlement Policy Framework**: Contains principles, policies and guidelines for obtaining private land on donation, direct purchase from landowners, acquisition, and use of public lands, and impact mitigation (as a result of loss of assets/infrastructure/homestead/livelihood etc); mitigation measures; and implementation and monitoring arrangements for mitigation plans (Section B); and

- **Framework for Indigenous Peoples Plan**: Contains principles and guidelines to identify and deal with adverse impacts on IPs, and a consultation framework for adoption of culturally and socio-economically appropriate mitigation and development measures, where development and construction activities would adversely affect them (Section C).

- **Framework for Gender Action Plan**: The National Water Policy of Bangladesh (1999) recognizes that women are the principal providers and carriers of water, main caretaker of the family’s health and participants in a number of pre and post harvest activities. As a result women have a key stake in issues relating to water management. The Gender Action Plan has been designed in accordance with World Bank Operational Policy 4.20 and contains guidelines for the equitable sharing of project benefits among all participants.

Implementation Arrangement of SMF:

The project director is in overall charge of the BRWSSP and is also the responsible authority to ensure that the provisions of the SMF are implemented as and when individual civil works lead to raise social safeguard issues. Furthermore he/she will be assisted by Deputies and a Technical Assistance (TA) team which is comprised of number of ‘subject matter specialist’ along with ‘Social Development Specialist’.
Implementation of component one (Rural Piped Water supply system) will include civil works such as installation of Production Well, pump house, over head tanks, ground water reservoir, water treatment plants, pipeline network etc. With regards to installation/construction activities under this component, the sponsors (who will be selected through a competitive bidding process) will be responsible for the implementation of the civil works under piped water system. The Social Development Specialist in the technical assistance team will assist in monitoring and coordinating land related and impact mitigation issues under the supervision of the ‘Water Supply Specialist (Team Leader)’ of TA Team, Project director, BRWSSP. Social Development Officer (GOB Officer) will coordinate TA team and local DPHE and other concern official will report to PD and PMU accordingly

Furthermore, at the local level the Social Development Specialist in the technical assistance team will be assisted by the local (District level) Technical assistance team’s ‘Resident Engineer, BRWSSP’s ‘Community Development Officer’, Sponsor’s, ‘Community Mobilizers’ and DPHE sub assistant Engineer at the Upazilla level will screen the proposed civil works to identify proposed social safeguard issues, assess impacts and prepare and implement the required impact mitigation plans. The civil work activities to be carried out under component 2 and 3 include the construction of tube wells and hygienic sanitation. The contractors who will carry out the civil works are selected through a competitive bidding process using DPHE standard procedures. The Social development officer (GOB officer) under Deputy Project Director (Program) in consultation with the Upazilla Sub Assistant Engineer, Assistant Engineer (Project staff at the circle level) and Community Development Officer at the circle level will monitor and co-ordinate land acquisition and impact mitigation activities under the supervision of Deputy Project Director (Program) who reports to the Project Director and update him on land acquisition and social safeguard issues. Moreover the Social Development Officer will be assisted by the Upazilla Sub Assistant Engineer, Assistant Engineer in screening, assessing impacts and preparing action plans for impact mitigation.

Training and Capacity Building:

DPHE have little experience in dealing with resettlement, indigenous people’s and Gender issues in the manner stipulated in this SMF. Although DPHE has some experience in implementing ‘Bangladesh Arsenic Mitigation Water Supply Project (BAMWSP) and Bangladesh Water Supply Program Project (BWSPP)’ with the World Bank’s guidelines for land donation, lease and purchase against RPWS schemes. It is thus proposed that DPHE will arrange to train their staff who would be designated to oversee SMF implementation, including preparation and implementation of the impact mitigation plans like RPs and IPPs. The World Bank Social Development Team will assist DPHE by providing training to project staff of DHPE on RAP implementation, functioning of GRC etc. Moreover, the relevant DPHE project staff will attend a 5 days workshop on the Management of Land Acquisition and Resettlement and Rehabilitation run by BRAC Development Institute in January 2012. The project will fund the training project.

Grievance Redress Committee (GRC):
The Land Acquisition Ordinance, 1982 allows landowners to object to acquisitions in the beginning of the legal process. Once the objections are heard and disposed of, there is virtually no provision to address grievances and complaints that individual landowners may bring in the later stages of the acquisition process. As the Ordinance does not recognize them, no mechanism is there to hear and redress grievances of people who do not have legal titles to the acquired lands. As seen in various projects, complaints and grievances may range from disputes over ownership and inheritance of the acquired assets to affected persons and assets missed by the censuses; valuation of affected assets; compensation payment; and the like. Considering the need, DPHE will establish a procedure to answer to queries and address complaints and grievances about any irregularities in application of the guidelines adopted in this SMF for assessment and mitigation of social safeguard impacts. Based on consensus, the procedure will help to resolve issues/conflicts amicably and quickly, saving the aggrieved persons resorting to expensive, time-consuming legal actions.

In view of ease in accessibility by the project affected persons (PAPs), a Grievance Redress Committee (GRC) will be formed for each development and construction activities. The GRCs will consist of representative members to ensure proper presentation of complaints and grievances, as well as impartial hearings and transparent decisions. Membership composition of the GRCs, where IPs are among the affected persons, will take into account any traditional conflict resolution arrangements that IP communities may have in practice. If the aggrieved person is a female, DPHE will ask a female UP Member or Municipal Ward Commissioner to participate in the hearings. Females will be encouraged to be part of the GRC. Moreover, at least one women would be part of the GRC committee as a member

**GRC Membership**

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<th>Position</th>
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<tr>
<td>Relevant District Executive Engineer</td>
<td>Concerned district under DPHE</td>
<td>Convener</td>
</tr>
<tr>
<td>Chairman</td>
<td>Concerned Union Parishad</td>
<td>Member</td>
</tr>
<tr>
<td>Sub-Assistant engineer</td>
<td>Concerned Upazilla Level DPHE Official</td>
<td>Member</td>
</tr>
<tr>
<td>2 Members of the community (Mandatory :One Female member)</td>
<td>Concerned Ward</td>
<td>Member</td>
</tr>
<tr>
<td>Representative</td>
<td>CBO</td>
<td>Member</td>
</tr>
<tr>
<td>Representative</td>
<td>Sponsor (Component 1)</td>
<td>Member</td>
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During consultations for development and construction activities in areas which are significantly inhabited by IPs, DPHE will identify any existing traditional conflict resolution mechanisms used by the IP communities. If they exist, and the IPs intend, the GRCs will include at least one person from such ‘traditional conflict resolution bodies’
replacing one (who is unlikely to be knowledgeable of IP issues and concerns) from the memberships suggested above.

If a resolution attempt at the local level fails, the GRC will refer the complaint with the minutes of the hearings to the District Commissioner (DC) of the concerned area for further review in case districts. While in case of upazilas, GRC will refer the complaint to Upazila Nirbahi Officer. A decision agreed with the aggrieved person(s) at any level of hearing will be binding on DPHE.

All cases at the local level will be heard within four weeks of their receipt; but those related to matters like compensation for poor and vulnerable will be heard in two weeks or earlier. DC’s decisions on unresolved cases will be communicated to the GRC in one week of their receipt. At the ministry level, decisions on unresolved cases, if any, will be made in no more than four weeks by an official designated by DPHE.

To ensure that grievance redress decisions are made in formal hearings and in a transparent manner, the convener will use the following guidelines:

- Reject a grievance redress application with any recommendations written on it by a GRC member or any other influential persons;
- Remove a recommendation by any person that may separately accompany the grievance redress application; Disqualify a GRC member who has made a recommendation on the application or separately before the formal hearing and appoint another person in consultation with the District Commissioner/Upazila Nirbahi Officer ; and
- The convener will also ensure strict adherence to the impact mitigation policies and guidelines adopted in this SMF and the mitigation standards, such as compensation rates, established through market price surveys.

To ensure impartiality and transparency, hearings on complaints will remain open to the public. The GRCs will record the details of the complaints, the reasons that led to acceptance or rejection of the particular cases, and the decision agreed with the complainants. DPHE will keep records of all resolved and unresolved complaints and grievances and make them available for review as and when asked for by DPs.

**SMF Disclosure:**

After the SMF is approved by the Bank, DPHE will disclose the SMF with key portions translated in Bangla to the public in Bangladesh via their website, and at other locally accessible places. Notices will be published in both English and Bengali newspapers announcing the disclosure of the documents and the appropriate websites and localities where they can be found. DPHE will authorize the World Bank to disclose the SMF at its Country Office Information Center and in its Info shop. DPHE will ensure that copies of the translated document are available at its headquarters and district offices, concerned government offices in the project districts, and other places accessible to the general public. Once the sites, where project interventions are identified, the specific Social
Impact Assessments, Resettlement Action Plans (RAPs) or abbreviated RAPs, Indigenous People’s Plans and Gender Action Plans will be prepared by DPHE based on the SMF and similarly disclosed as and when required.

**B. GUIDELINES FOR LAND ACQUISITION & RESETTLEMENT:**

**National Policy and Regulatory Framework:**

Currently the only legal framework that governs land acquisition in Bangladesh is the *Acquisition and Requisition of Immovable Property Ordinance, 1982.* However, its provisions are not adequate to address adverse impacts associated with land acquisition and involuntary displacement and do not fully satisfy the requirements of the Bank’s Operational Policy (OP 4.12) on Involuntary Resettlement or that of the international practices. In essence, the law is largely indifferent to the landowners’ present socio-economic conditions, or the long-term adverse impacts on incomes and livelihood that the acquisition and displacement may cause on the affected people. Also, there are no other policies that complement the acquisition ordinance in ways to assess, mitigate and monitor adverse impacts that the affected people may suffer. Some of the salient gaps in the existing legal framework are summarized below:

- **Avoiding/Minimizing Land Acquisition:** The law only implicitly discourages unnecessary acquisition, as lands acquired for one purpose cannot be used for a different purpose, and lands that remain unused be returned to the original owners. However, there are no mechanisms to monitor if these conditions are actually adhered to.

- **Eligibility for Compensation:** The law stipulates compensation only for the persons who appears in the land administration records as the owners. It does not recognize the rights of those, such as squatters, who do not possess legal title to the lands they live in or make a living from. There is thus no provision to mitigate the adverse impacts they suffer.

- **People who are impacted through loss of income are not recognized:** The Land Acquisition Act provides for compensation for lands and other fixed assets built and grown on them (structures, trees and orchards, crops and any other developments like ponds, built amenities, etc.). However there is no provision to assess the impacts on peoples’ incomes, livelihood, loss of employment and businesses for mitigation measures to restore loss of incomes and livelihood.

- **Compensation Standards:** Although the law stipulates payment of compensation at ‘market prices’ for acquired lands as the just compensation, the legal assessment procedures used almost always results in prices that are far below the actual market prices.
• Relocation of Displaced Persons: There is no provision in the existing laws for relocation of displaced families who are affected by the loss of their assets: land and/or structures.

• Ensuring Payment/Receipt of Compensation: The legal process to determine entitlements are too cumbersome and time consuming and do not ensure payment of compensation prior to their displacement. Lands are legally acquired and handed over to the project execution agency as soon as the authority identifies the owners (or 'awardees'), by examining the records, and sends a legal notice advising them to claim the compensation (or 'awards'). The onus is left on the affected land owners to prove, by producing an array of documents, that the acquired lands legally belong to them. As gathering these documents is a long, expensive and cumbersome process, many landowners may be unable to claim their awards. The project in many cases meanwhile starts to use the lands.

• Socio-economic Rehabilitation: Existing legal framework does not have any provisions to mitigate long-term impacts on peoples’ livelihood caused by their displacement. Except for the compensation at the 'market price' for the loss of land, there are no other provisions, in the acquisition or other laws that require the government to mitigate the resultant adverse impacts caused by the acquisition. Socioeconomic rehabilitation of the involuntarily displaced persons is totally absent in the legal regime of the country.

Social Safeguard Requirement:

Safeguard Policies

The primary objective of the World Bank policy on ‘Involuntary Resettlement’ is to explore all alternatives to avoid or at least minimize involuntary resettlement. Where resettlement is unavoidable, the resettlement activities are to be conceived and executed as sustainable development projects, providing sufficient resources to enable affected persons to share in project benefits and assisted in their efforts to improve their livelihood and standard of living, or at least to restore them to pre-project level. The policy also requires that affected people are meaningfully consulted and should have opportunities to participate in planning and implementing resettlement projects. The policy applies to the taking of land and other assets when involuntary resettlement results in the loss of shelter, the loss of all or part of productive assets, or access to them, and the loss of income sources or means of livelihood, with or without physical displacement.

Measures required to ensure that resettlement has a positive outcome include:

- Providing Project-affected persons with options;
- Permitting their participation in planning and selecting these options;
- Prompt compensation at full replacement cost for all types of losses resulting from project interventions;
- Choosing relocation sites that provide, at a minimum, the same benefits as the sites they replace;
Providing allowances and other assistance to make a smooth transition after displacement;  
Identifying vulnerable groups and providing special assistance to these groups; and  
Implementing an institutional structure that supports the process to a successful end.

The World Bank’s policy on Involuntary Resettlement requires payment of compensation and other assistance to project affected people before they are displaced from their existing locations. Further, the policy requires income rehabilitation assistance to those affected severely due to the loss of their productive assets or loss of incomes and livelihood.

Absence of legal title does not exclude individuals from the eligibility to receive compensation and/or other assistance. According to the policy, such affected persons like squatters are however not compensated for the lands that they may have been occupying without authorization, but for the assets (like houses, trees, etc.) which they may have created themselves.

The gaps in the existing legal framework of Bangladesh and the objectives and requirements of the World Bank is well recognized. Therefore, institutional or project specific policies such as the SMF are prepared to address these gaps and to meet the World Bank social safeguards requirements.

**Land Needs, Resettlement Issues:**

The major civil works under the project will consist of constructing/installing tubewells, pump house, pumping machinery, treatment facility, overhead tank, pipe distribution network, house connections etc. As discussed in the preceding section, pending final selection of the sites where civil works will take place and finalization of the engineering designs, it is assumed that potential resettlement issues would be associated with (i) private land acquisition; (ii) displacement of squatters and encroachers\(^2\) from public lands, including those owned by DPHE; and (iii) resumption of leased-out public lands from private citizens. Considering the potential impacts, DPHE will obtain private and public lands, which may have been under authorized and unauthorized private uses, by using the following means:

**Private Lands.** Wherever found absolutely necessary, DPHE will use both the present *Acquisition and Requisition of Immovable Property Ordinance, 1982,* and the World Bank’s policies on Involuntary Resettlement and on Indigenous Peoples to mitigate adverse impacts on project affected people.

**Public Lands (Including DPHE’s Own Lands)**

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\(^2\) Encroacher: Encroachers are those owners of land, adjacent to public property, which have illegally extended their land holdings or structures into the public land for financial gains.
- **Under Authorized Use**: If the required lands are presently under lease from DPHE or any other GOB agencies, DPHE may seek to use them by fulfilling the lease conditions.

- **Under Unauthorized Use**: DPHE will take them back by mitigating the associated adverse impacts in accord with the World Bank’s policies.

**Impact Mitigation Objectives:**

The principles and guidelines proposed in this framework are to avoid or minimize adverse impacts on private landowners and public land users; mitigate the adverse impacts that are unavoidable; and assist the PAPs to improve, or at least to restore, their living standards and income earning and production capacity to the pre-project levels. To achieve these objectives,

DPHE will consistently adhere to the following guidelines:

- Avoid or minimize private land acquisition;
- Avoid or minimize displacement of persons and households who may have been using public lands for residential, commercial and other purposes; and
- Mitigate the adverse impacts associated with and resulting from private land acquisition; displacement from public lands; use of common property resources; and temporary displacement/closure of businesses and livelihood activities during implementation of civil works.

**Applicability and Impact Mitigation Plan :**

The provisions of the SMF are applicable to the activities financed by the World Bank fund. To mitigate adverse impacts once the site has been identified, DPHE will prepare and implement the following instruments:

- **Social Impact Assessment**: During sub-project preparation, BRWSSP will undertake a preliminary Social / Land Acquisition Assessment to identify the types, degree and scale of potential social impacts of the sub-project. To correctly identify the relevant social issues and to assess the type and level of information required during subsequent field investigations, particular attention will be paid to adverse impacts to the affected community, such as loss of land and other fixed assets and the number of persons marginally or severely affected and the types of vulnerable groups affected. The information collected during the preliminary social / land acquisition assessment will provide the basis for determining severity of impacts and the level and depth of subsequent field surveys, investigations and documentation. In cases, where the preliminary assessment indicates that the potential impact of the proposed project will be significant, appropriate preparation will be done for extensive field surveys and consultation with key stakeholders.

- **Resettlement Plan (RP)**: Where land acquisition and resumption of public lands, including DPHE’s own, for a development and construction activity that affect 200 or more persons; or
Abbreviated Resettlement Plan (ARP): Where the development and construction activities displace fewer than 200 persons, documenting the affected persons and valuation of affected assets, impact mitigation measures and budget, and an ARP implementation schedule. The number of project affected persons consists of all affected persons and their household members, irrespective of their tenure status to the lands they use for any purposes.

Guidelines for Land Donation and Direct Purchase:

As seen under the previous project (BWSPP), some of the scheme lands have been built on lands received on voluntary private donations. But there are no guidelines as to who could be approached for donation or to sell his/her land and whether or not the landowners have rights to refuse such requests. It is thus proposed that in cases where DPHE would seek lands on private voluntary donation or on purchase under the project, the following guidelines will apply.

Voluntary Donation: DPHE will accept private lands on donation where landowners agree to donate them without the fear of adverse consequences. Specific guidelines are as follows:

- Donations must be voluntary, and the landowners will have the right to refuse donations without the fear of reprisal.
- Donations should not be sought from small and marginal landowners who might be made impoverished by the action.
- If donations are required, the concerned landowners should be consulted very early in the facility site selection process. Donated lands should be free of legal disputes and claims, and documented with the information required by land administration.
- Land should be free of encumbrances
- In case of loss of vulnerable persons locally devised mitigation measures need to be in place and acceptable to the affectees
- No compensation will be paid for the donated land
- A MOU must be signed by the donor and recipient stating all the conditions and
- The title of the land must be transferred to the recipient in keeping with the laws of the country
- Records of donations should accompany the development and construction activities/work package documents that are sent for Bank clearance. This will apply to both prior and post review contracts.

Direct Purchase: The guidelines for purchasing lands directly from the private landowners are as follows:

- All purchases must be on a ‘willing buyer-seller’ basis. That is, the landowners cannot be forced directly or indirectly to sell at prices that are lower than the current market rates for similar lands.
- Prices should be negotiated and paid transparently in the presence of community leaders and Sponsors, CBOs, and others who are respected for fairness and integrity.
Minutes of negotiations with names and address of the participants, and the purchase and compensation payment records should accompany the development and construction activities/work package documents that are sent for Bank clearance.

This will apply to both prior and post review contracts.

**Land Acquisition & Impact Mitigation Principles:**

In the absence of a resettlement policy, safeguard issues associated with land acquisition and displacement are presently addressed by using the Bangladesh *Acquisition and Requisition of Immovable Property Ordinance, 1982* and the Bank’s OP 4.12 together.

The ordinance is used to legalize acquisition in the country’s land administration system, and the OP 4.12 provides the basis to define resettlement policy objectives, and adopt and implement impact mitigation measures. In keeping with the OP 4.12, DPHE will use the following principles and guidelines to acquire private lands and resume public lands from private uses, and adopt impact mitigation measures.

**Land Acquisition/Use Principles:**

DPHE will select sites and construction activities in consultation with stakeholders and consider alternative designs with an emphasis on avoiding or minimizing adverse impacts on private landowners and those who have been using its own and other public lands with and without authorization. To minimize adverse impacts, DPHE will use the following principles:

- Avoid or minimize acquisition of private lands;
- Use as much public lands as possible;

Avoid or minimize:
- Displacement from homesteads,
- Loss of lands valued higher in terms of productivity and uses,
- Loss of buildings/structures that are used for permanent business/commercial activities.
- Dislocation of squatters/encroachers; and
- Impacts on community facilities, such educational institutions, places of worship, cemeteries, etc., and buildings/structures that are socially and historically important.

*Option to offer residual plots to acquisition:* Where portion of a plot remaining after acquisition becomes economically unviable, the landowner will have the option to offer the entire plot to acquisition and in such cases, the project will consider the entire plot acquired.

*Avoid or minimize adverse impacts on Indigenous Peoples:* Where adverse impacts are found unavoidable, DPHE will adopt appropriate mitigation measures as per the Bank’s *OP 4.10 on Indigenous Peoples* (Section C).
Avoid or mitigate impacts on Physical Cultural Resources: DPHE will plan, design and implement all development and construction activities in compliance with World Bank’s OP 4.11 on Physical Cultural Resources.

Impact Mitigation Principles:

Where adverse impacts are found unavoidable, DPHE will plan to mitigate them in accord with the following principles:

- Resettlement of the project affected persons will be planned and developed as an integral part of the development and construction activity design.

- Absence of legal titles in cases of public land users will not be considered a bar to assistance, especially for the socio-economically vulnerable groups.

- Vulnerability, in terms of socioeconomic characteristics of the affected persons/households will be identified and mitigated according to the provisions adopted in this SMF.

- Homestead-losers, including the poor and vulnerable households squatting on public lands, will be assisted with physical relocation and provision of basic facilities like water supply, sanitation, etc.

- People, who use public lands/properties for free or benefit from them (e.g. collect rent from poor squatters), will not qualify for financial or any other form of assistance. Encroachers will not be eligible for compensation.

- Assets like equipments, machineries or parts/components thereof that can be dismantled and moved away intact will not be eligible for compensation. The owners will however be paid the actual expenses of dismantling and moving them.

- Where development and construction activities cause community-wide impacts, affecting community facilities, access to common property resources, etc., DPHE will rebuild them with its own resources and/or provide alternatives in consultation with the user communities.

Eligibility for Compensation/Assistance:

Regardless of their tenure status to the lands used for a development and construction activity, the affected persons/households will be eligible for compensation and assistance. Pending further investigations during implementation to identify other impacts and impacted persons, DPHE will mitigate impacts on the following:

- **Private Landowners**: Persons who have legal rights to the affected lands and other assets, such as houses/structures, trees, crops, ponds etc, built and grown on them.
- **Squatters**: Socio-economically vulnerable persons/households who do not have legal rights to the affected lands, but use them for residential, commercial and livelihood purposes.

- **Owners of Displaced Businesses**: Compensation for income loss from businesses that are (i) displaced from private lands and those belonging to DPHE and other public agencies; and (ii) required to temporarily close down during implementation of the civil works. In both cases, compensation/assistance will apply to the actual owners of the affected businesses.

- **Employees of Affected Businesses**: who are employed in the above two types of affected businesses.

- **Rental Income Earners**: from built premises situated on private lands. (Those who earn rental income by erecting buildings/structures on DPHE and other public lands will be ineligible for compensation/assistance.)

- **Vested and Non-resident Property Owners/Users**: Current users of the acquired lands and other properties designated ‘vested and non-resident properties’ during acquisition for development and construction activities under BRWSSP.

- **Leaseholders**: Owners of affected business, agricultural, fisheries and other activities on formally leased-in public lands, where leases stipulate compensatory conditions in cases where lands are taken back or acquired before lease expiration.

- **Community and Groups**: Where local communities and groups are likely to lose income earning opportunities or access to crucial common property resources used for livelihood purposes.

**Compensation Principles & Standards** :

The following principles and standards will be used to determine compensation and assistance for persons/households in the different impact categories:

**Acquired Lands and Other Assets**:

- Replacement costs for an equal amount of land of same use and quality, including the registration costs and stamp duties.
- Replacement costs of houses/structures and other immovable built items (e.g. water supply, sanitation, drainage, etc) at current market prices of the same building materials, plus the current costs of labor to build them.
- Depreciation and salvage value will not be deducted
- Current market prices of trees and other assets which are irreplaceable.
- Current market prices of crops in the field or on trees, if the lands are used before harvest.
If the acquired land is agricultural and amounts to 20% or more of the total productive lands owned by the affected household, a transition allowance at three times the value of the crops produced in a year in the acquired land.

*Methods to determine the replacement costs of lands, houses/structures and other replaceable assets, and market prices of trees, crops and other irreplaceable assets are suggested in Annex B1.*

**Displacement from Homesteads:**

- **Displaced from private lands:** Relocation assistance in lands the affected households can personally arrange to buy, or in public lands arranged by DPHE.
- **Displaced from public lands:** Relocation assistance for socio-economically vulnerable households in public lands arranged by DPHE. *Displaced from VNR lands*
- **lands:** Relocation assistance either in lands they can personally arrange to buy, or in public lands arranged by DPHE.
- **Provision of pre-acquisition level basic utilities,** such as water supply, sanitation, electricity, etc.

**Loss of Business, Employment and Rental Income Temporarily Closed Businesses:**
Where business activities come to a complete closure during construction, the owners will be paid for income loss at rates based on average daily net income for smaller of the number of days needed to reopen the individual businesses, or complete the civil works.

**Partially Affected Businesses:**
Where business premises are partially dismantled and the remainders are structurally safe and usable, compensation, calculated as above, for smaller of the number of days needed to repair and reopen the individual businesses, or complete the civil works.

**Businesses Completely Displaced from Present Premises:**

- Relocation site in DPHE’s own and/or other public lands, *plus* compensation for 45 days based on average daily net income, or
- Compensation, calculated as above, for the number of days the business owners need to find alternative locations themselves, which will be paid for a maximum of 90 days.

**Loss of Employment Income from Displaced & Temporarily Closed Businesses:**
Persons who have been continuously employed by the displaced and temporarily closed businesses for at least six months up to the day of PAP census (cut-off date), will be compensated for the period until their employers restart their operations, or for a maximum of 30 days. The daily rates will be based on their monthly/daily salary paid by the employers.

**Loss of Income from Rented-out Premises:**
Three months’ rent at the current rates for loss of rental income from premises affected on private lands.

**Vested and Non-Resident Properties**

Lands and other properties that were not declared ‘vested and non-resident’ (VNR previously ‘enemy properties’ under the *Enemy Properties Act of 1965*) through 1984, and are found to be ‘vested and non-resident’ during acquisition for any development and construction activity under BRWSSP, the following guidelines will apply:

**Agricultural lands:**

- Present users/owners will qualify for compensation three times the value of all crops grown in one year on the acquired lands; Current market prices of crops in the field or on trees, if the lands are used before harvest; and
- Where acquisitions affect the lands partially, the owners/users will be allowed to use the remainders.

**Acquired homesteads (including houses/structures):** To deal with partial and full acquisitions, DPHE will consider the following alternatives in consultation with the present owners/users:

- *Partially acquired homesteads (including houses/structures):* Assistance to the present owners/users to move and rebuild the houses/structures on the remaining land.
- *Fully acquired homesteads (including houses/structures):* Relocation assistance in lands they can personally arrange to buy *Six months’ rent for living accommodations, comparable* to the affected ones, in the nearby towns where such accommodations are available for rental purposes.

**Leasehold Lands:**

- *Formally leased-in from DPHE or other public agencies:* Compensation as stipulated in the lease agreement.
- *Formally leased-in Khas:* Compensation, if any, stipulated in the lease agreement.

- *Livelihood Restoration:* Mitigation of loss of assets and livelihood is the main focus of the mitigation strategy. Even though it is not expected that this project will have major impacts, additional measures will be taken to provide appropriate support to the livelihood restoration aspects of (affected households) Affected Households (Ahs) under the Livelihood and Income Restoration Program (LIRP). The following categories of Ahs may be included under the LIRP.

  i. Vulnerable households having Income level up to BDT 5000 per month.
  ii. Vulnerable households having no adult male members to shoulder household responsibility (women headed households) without having any children capable to take care/ physically handicapped headed households etc. Women heading the household will preferably be the eligible member.

**Unforeseen Impacts**
DPHE will adopt and implement policies, in consultation with the affected persons/stakeholders as well as DPs, to mitigate any adverse impacts that may have so far remained unknown and not covered in this SMF.

**Cut-off Dates and ID Cards**

Cut-off dates will be established to identify the non-land assets that will qualify for compensation and discourage abuse of the mitigation policies by defrauding the project. These are the dates on which census of the affected persons and assets are taken. No person or his/her assets will qualify for compensation unless they are recorded in the census taken on the cut-off dates.

ID Cards: All affected households and other entities will be entitled to have an ID card with photograph and it will be distributed among the PAP’s before initiating the implementation of the Resettlement Action Plan. Furthermore, the ID card will contain demographic information and category of entitlement of the household.

**Compensation Payment:**

In cases of acquisitions, a part of the compensation for lands and other affected assets built or grown thereon will be assessed and paid to the title holding PAPs by the Deputy Commissioners (DCs), the heads of the Acquiring Bodies. If this payment, ‘compensation under-law’ (CUL), is found lower than their replacement costs and/or market prices, DPHE will directly pay the difference as ‘top-up’ to make up for the shortfall, please refer to Annex B1.

With and without acquisition, compensations/assistance due to all other PAPs, such as squatters, business owners and employees and those, who are not covered by the acquisition ordinance, but qualify according to this SMF, will also be directly paid by DPHE.

*Top-up Determination and Payment:* Where an owner loses lands and other assets in more than one mouza or land administration unit, the person will be counted once, and his/her top-up will be paid together. The amount of top-up due to the affected person will be determined by comparing the total amount of CUL paid by the DCs for lands and other assets acquired in all mouzas with the total replacement costs and/or market prices thereof.

*Partial CUL and Top-up Payment:* Where DC’s CUL payment is not made together for all lands and other assets acquired from an owner due to legal disputes or other reasons, DPHE will determine the top-up for the acquisitions as a whole, but pay on the lands and other assets for which CUL has been paid. Top-up for the rest will be paid whenever the CUL payment is made after resolution of the disputes.
Compensations/entitlements due to the PAPs, including those who are not covered by the acquisition ordinance, but eligible according to this SMF, will be paid in full before they are evicted from the acquired private and public lands.

Based on the principles proposed for impact mitigation, the following matrix defines the specific entitlements for different types of losses, entitled persons, and the institutional responsibility to implement them. Further explanations and application guidelines are given in Annex B2.

**Entitlement Matrix:**

[Further explanations and application guidelines are provided in Annex B2. DPHE will consult and clear with the World Bank for any modifications to the guidelines as and when found necessary for better implementation of the mitigation measures.]

### A. LOSS OF AGRICULTURAL & OTHER LANDS

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Private</strong></td>
<td>Legal Owners, as determined by DCs, or by courts in cases of legal disputes</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Public Lands</strong></td>
<td>Leaseholders</td>
<td>Contractual obligations with the public agencies, as determined by DCs, and/or contractual obligations with DPHE</td>
<td>Paid by DCs and/or DPHE</td>
</tr>
<tr>
<td>(including DPHE’s) under lease</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Vested Non-Resident</strong></td>
<td>Current Owners/Users</td>
<td>Transition allowance for income loss (see Loss Category E).</td>
<td>Paid by DPHE</td>
</tr>
</tbody>
</table>

### B. LOSS OF HOMESTEAD LANDS

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Homesteads on Private Lands</strong></td>
<td>Legal owners, with titles as verified by DCs, or by courts in cases of legal disputes.</td>
<td>In addition to CUL &amp; applicable top-up (as for Agricultural &amp; Other Lands): Relocation assistance, including land development, where households choose to relocate on their own Restoration of pre-acquisition level basic utilities (water supply, sanitation, electricity, etc.).</td>
<td>By DPHE</td>
</tr>
<tr>
<td><strong>Homesteads on Public Lands</strong></td>
<td>Vulnerable Squatters</td>
<td>Relocation assistance, Provision of water supply &amp; sanitation facilities.</td>
<td>By DPHE</td>
</tr>
</tbody>
</table>
### C. LOSS OF HOUSES/STRUCTURES USED FOR LIVING, BUSINESS & OTHER ACTIVITIES

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| Homesteads on VNR Lands | Present Owners/Users |  | Assistance to move and rebuild the houses in the same homestead, in cases of partial acquisitions.  
| |  |  | or  
| |  |  | Six months’ rent for comparable living accommodations.  
| |  |  | Provision of water supply & sanitation facilities.  
| |  |  | By DPHE |

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| All Houses/Structures on Acquired Private Lands | Legal owners with titles, as verified by DCs, or by courts in cases of legal disputes. |  | Compensation-under-law (CUL) or replacement cost, whichever is greater.  
| |  |  | Transfer Grant (TG) to cover the carrying costs of household goods, at one-eighth of the replacement costs of the affected structures.  
| |  |  | Allowed to keep the salvageable materials.  
| |  |  | By DPHE |

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
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</thead>
</table>
| Shiftable & Non-shiftable Structures on Acquired Public Lands | Vulnerable Squatters |  | Shiftable structures: House Transfer Grant (HTG) and House Construction Grant (HCG), @ Tk 50 per sft of floor area with a minimum of Tk 4000 and maximum of Tk 6000.  
| |  |  | Non-shiftable structures: HCG @ Tk 100 per sft of floor area with a minimum of Tk 5000 and maximum of Tk 7000.  
| |  |  | Allowed to keep the salvageable materials.  
| |  |  | HTG and HCG paid by DPHE |

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| Houses/Structures on VNR Lands | Current Owners/Users |  | HTG and HCG (Amounts are to be determined in consultation with the current owners/users).  
| |  |  | Allowed to keep the salvageable materials.  
| |  |  | HTG and HCG paid by DPHE |

### D. LOSS OF TREES ON ACQUIRED PRIVATE & PUBLIC LANDS

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| On private Lands | Legal owners as determined by DCs, or by courts in cases of legal disputes |  | Current market value of trees, based on species, size and maturity.  
| |  |  | Current market prices of fruits on trees, if they are felled before harvest.  
| |  |  | Owners are allowed to fell the trees and keep them.  
| |  |  | By DCs (included in the CUL)  
| |  |  | By DPHE (included in the top-up) |

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
</table>
| On public Squatters |  | As those stipulated above for trees and  
<p>| |  |  | By DPHE |</p>
<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
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<tbody>
<tr>
<td>Lands</td>
<td>fruits.</td>
<td></td>
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</tr>
<tr>
<td>On VNR Lands</td>
<td>Present Owner/User</td>
<td>As those stipulated above for trees and fruits.</td>
<td>By DPHE</td>
</tr>
</tbody>
</table>

**E. LOSS OF AGRICULTURAL, BUSINESS, EMPLOYMENT & RENTAL INCOME**

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural:</strong></td>
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<tr>
<td>□ If acquisition amounts to 20% or more of the total productive area</td>
<td>Legal Owners, as determined by DCs, or by courts in cases of legal disputes.</td>
<td>Transition allowance equivalent to three times the harvest prices of one year’s crops produced in the acquired lands.</td>
<td>By DPHE</td>
</tr>
<tr>
<td>□ If acquired VNR lands are agricultural</td>
<td>Present Owners/Users including share croppers</td>
<td>Transition allowance equivalent to three times the harvest prices of one year’s crops produced in the acquired lands.</td>
<td>By DPHE</td>
</tr>
<tr>
<td><strong>Business:</strong></td>
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<td></td>
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</tr>
<tr>
<td>□ Temporary closure of businesses in existing premises</td>
<td>Business Owners (premise/land owners &amp; tenants)</td>
<td>Compensation, based on daily net income, for the actual number of days the businesses remain closed or needed to complete the civil works, whichever is smaller.</td>
<td>By DPHE</td>
</tr>
<tr>
<td>□ Partially affected Businesses</td>
<td>Business Owners (premise/land owners &amp; tenants)</td>
<td>Compensation, calculated as above, for the number of days needed to repair and reopen the individual businesses, or complete the civil works, whichever is smaller.</td>
<td>By DPHE</td>
</tr>
<tr>
<td>□ Businesses requiring removal from the existing premises and spots</td>
<td>Business Owners (premise/land owners &amp; tenants)</td>
<td>Compensation, calculated as above, for the number of days needed to reopen the individual businesses, for a maximum of 45 days, or Compensation, calculated as above, for the number of days the business owners need to find alternative locations themselves, which will be paid for a maximum of 90 days.</td>
<td>By DPHE</td>
</tr>
<tr>
<td>□ Loss of employment income</td>
<td>Business Employees</td>
<td>Compensation at current daily wage rate for the period needed to reopen the businesses, which will be for a maximum of 30 days.</td>
<td>By DPHE</td>
</tr>
<tr>
<td>□ Loss of income</td>
<td>Legal Owners</td>
<td>Three months’ rent at the current rates to the owners of the premises.</td>
<td>By DPHE</td>
</tr>
<tr>
<td>Ownership Type</td>
<td>Entitled Person</td>
<td>Entitlement</td>
<td>Responsibility</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>----------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>from rented-out premises</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**F. UNFORESEEN LOSSES**

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled Person</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>As may be identified during development and construction activities preparation &amp; implementation</td>
<td>As identified</td>
<td>As determined in consultation with the DPs and the stakeholders.</td>
<td>By DPHE</td>
</tr>
</tbody>
</table>

**G. Community Owned Assets**

<table>
<thead>
<tr>
<th>Ownership Type</th>
<th>Entitled</th>
<th>Entitlement</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of community infrastructure (e.g. schools, mosques, tube wells)</td>
<td>Community</td>
<td>As determined in consultation with the DPs and the stakeholders.</td>
<td>By DPHE</td>
</tr>
</tbody>
</table>

**Preparation of Mitigation Instruments:**

Once the required civil works are finalized and land acquisition needs determined, the major preparation tasks will consist of:

- **Land acquisition proposals (LAPs):** Where lands from private and public ownerships, excepting those owned by DPHE itself, are to be acquired, LAPs will be prepared as per the standard requirements of the acquisition authority and the principles of OP 4.12

- **PAP census and fixing the cut-off dates:** To prepare RPs and ARPs, will assess details of the impacts and impacted persons/households with respect, but not limited, to the impact categories and compensation/assistance eligibility criteria proposed in this SMF (paragraphs 18-25 of Section B). The dates on which censuses are taken will constitute the cut-off dates for squatters, and those on which the legal notice under Section 3 of the acquisition ordinance (Notice-3) is served will be the cut-off dates for private landowners. (Private landowners are not allowed to alter appearance of the lands by erecting new structures or otherwise, after the Notice-3 is served.)

- **Market price surveys:** To determine the replacement costs of lands, houses/structures and other replaceable, and market prices of irreplaceable, affected assets (Survey methods suggested in Annex B1).

**Contents of RP and ARP:**
The RPs or ARPs will be prepared in view of the number of the persons affected by the civil works undertaken in development and construction activities. With the principles and guidelines proposed in this SMF, the mitigation plans will include the following:

**Resettlement Plan (RP)**

- Brief description of the new construction/ installation works undertaken on the selected sites
- Results of census survey and summary of impact details (PAP/household level raw data will be computerized to prepare the entitlement files);
- An account of the alternatives considered to avoid and/or minimize the adverse impacts;
- An account of the consultations with the affected persons/households about the mitigation measures and implementation procedure;
- An account of the entitlements and entitled persons/households for different types of losses as per the principles and guidelines adopted in this SMF;
- An account of the households made vulnerable by the improvement works and the special assistance that are to be provided;
- An implementation mechanism for the RAP
- GRM
- Training and capacity building plan for implementing the RAP and
- Resettlement budget with breakdowns by loss categories and the number of persons entitled to compensation/assistance, and a RP implementation schedule.

**Abbreviated Resettlement Plan (ARP)**

- Documentation of the private and public lands, including DPHE’s own, required for the development and construction activities, affected persons, and valuation of the affected assets;
- Description of compensation and other resettlement assistance that will be provided according to the principles and guidelines adopted in this SMF;
- An account of the consultations with the displaced persons/households about the impacts and the mitigation measures adopted in the SMF.; and
- A resettlement budget with breakdowns by loss categories and the number of persons entitled to compensation/assistance, and an ARP implementation schedule.

For convenience of review during implementation, the following from the SMF may be annexed to the Resettlement Plan: Entitlement Matrix; Implementation Arrangement; Market Price Survey Methods; Application Guidelines for Mitigation Measures; and Monitoring Land Acquisition and Preparation and Implementation of Impact Mitigation Plans. These will however, need to be revised based on the SIA and consultations. In addition the sections in the entitlement matrix where amounts are missing will need to be completed once exact location and affectees are known.

**Community/Stakeholder Consultation:**

Consultations will primarily include the following topics as they relate to preparation and implementation of the development and construction activities: objectives, scope, social safeguard implications of BRWSSP and civil work activities; community inputs/feedback on the design of the development and construction activities; and the rights and
responsibilities on the parts of the communities themselves and the agencies involved in project preparation and implementation, such as DPHE, World Bank and other DPs, Supervision & Monitoring consultants, etc. like:

- Identification of stakeholders along with their stakes
- Potential impacts and their sources relating to the scope of the civil works required for the selected development and construction activities. Once the would-be PAPs are identified, DPHE will,
- Consult and provide information to the PAPs on specifics of the mitigation measures and the processes that will be followed to implement them and obtain their feedback prior to finalization of the plans;
- Inform the affected landowners of the legal documents required to claim compensation from DCs, and explain the procedure where the landowners may need to have them processed anew (DPHE will actively assist the landowners procure any documents required for CUL payment); and
- Explain the functions and limitations of the Grievance Redress Committees, and how the aggrieved PAPs could lodge their complaints and grievances.

Stakeholder consultation will be carried out throughout the preparation and implementation of the development and construction activities, and DPHE will consider stakeholder inputs and feedback to minimize the project’s adverse impacts at any stage of the project cycle.

**Documentation:**

While RPs/ARPs will include summary of the impacts and impacted persons/households, DPHE will ensure availability of the following and any other documentations as and when requested by DPs:

- Minutes of stakeholder consultation on matters like selection of particular development and construction activities and civil works, social safeguards implications of private land acquisition and displacement from public lands, mitigation measures adopted in the SMF, etc.
- Inventory of different PAP categories based on the census of affected persons/households and assets.
- Replacement costs and current market prices of different types of assets, as determined through market price surveys.
- Entitlement files of individual PAPs, with the accounts of losses, CUL payment by DCs, and top-up and any other entitlements payment by DPHE.
- Records of complaints and grievances and the decisions given by Grievance Redress Committees and DPHE.

**Monitoring & Reporting:**

Monitoring will consist of an array of steps related to land acquisition, and preparation and implementation of impact mitigation plans. The major tasks that are to be monitored are provided in Annex B3.
For activities to be financed World Bank credit, DPHE will provide World Bank (when required) with the following information for review of performance and compliance with the SMF provisions adopted for involuntary resettlement:

- Quarterly updates indicating progress in land acquisition and CUL payment by DCs, and any issues that are to be addressed to facilitate the acquisitions;

- Monthly updates on DPHE’s part of the payment: (i) top-up and other applicable entitlements to the CUL recipients; (ii) compensation/entitlements to the affected squatters; and (iii) compensation/entitlements to any other persons/groups not covered in this SMF, but found later to be affected by the project activities.

- Detailed report for IDA supervision missions covering the physical facilities development under the project, which will include, among other information, the latest status in land acquisition and compensation payment by DCs and DPHE; implementation of any other applicable stipulations adopted in the RP; accounts of the GRC activities; and any issues that are to be addressed for better implementation of the resettlement activities.

DPHE will conduct independent mid-term and end-term reviews to assess (i) how effectively and efficiently land acquisition has been carried out, and impact mitigation plan policies and measures; and (iii) the extent to which the intended social development outcomes have been achieved. For review, DPHE will share the consultants’ TORs with the World Bank.

### Potential Monitoring Indicators

<table>
<thead>
<tr>
<th>Type of Monitoring</th>
<th>Basis for Indicators</th>
</tr>
</thead>
</table>
| **Budget and Time Frame** | • Have all land acquisition and resettlement staff been appointed and mobilized for the field and office work on schedule?  
• Have capacity building and training activities been completed on schedule?  
• Are resettlement implementation activities being achieved against agreed implementation plan?  
• Are funds for resettlement being allocated to resettlement agencies on time?  
• Have funds been disbursed according to RP?  
• Has all land been acquired and occupied in time for project implementation? |
| Delivery of AP Entitlements | • Have all APs received entitlements according to numbers and categories of loss set out in the entitlement matrix?  
• Have APs received payments on time?  
• Have APs losing from temporary land borrow been compensated?  
• Have all APs received the agreed transport costs, relocation costs, income substitution support and any resettlement allowances, according to schedule?  
• Have all replacement land plots or contracts been provided?  
  Was the land developed as specified? Are measures in train to provide land tittles to APs?  
• How many APs households have received land titles?  
• How many APs have received housing as per relocation options in the RP? |
| -- | • Does house quality meet the standards agreed?  
• Have relocation sites been selected and developed as per agreed standards?  
• Are the APs occupying the new houses?  
• Are assistance measures being implemented as planned for host communities?  
• Is restoration proceeding for social infrastructure and services?  
• Are APs able to access schools, health services, cultural sites and activities?  
• Are income and livelihood restoration activities being implemented as set out in the income restoration plan, for example utilizing replacement land, commencement of production, numbers of APs trained and provided with jobs, micro-credit disbursed, number of income generating activities assisted?  
• Have affected businesses received entitlements including transfer and payments for net losses resulting from lost business and stoppage of production? |
Consultation, Grievance and Special Issues

- Have consultations taken place as scheduled including meetings, groups, community activities? Have resettlement leaflets been prepared and distributed?
- How many APs know their entitlements? How many know if they have been received?
- Have any APs used the grievance redress procedures? What were the outcomes? Have conflicts been resolved?
- Was the social preparation phase implemented?
- Were special measures for indigenous peoples implemented?

The Deputy Project Director is overall responsible for monitoring the resettlement process. He/She will be assisted by the social development specialist as well as the social development officer. The ‘Social Development Specialist’ and the ‘Social Development Officer’ will be assisted by field level DPHE and Union Parishad to carry out overall monitoring.

**Land Acquisition & Resettlement Budget**

Given that the land acquisition needs and the associated impacts will be known with the selection of specific sites and design of the civil works, a land acquisition and resettlement budget for the entire project is not feasible at this stage. Under the circumstances, DPHE proposes to ensure the following:

- The RP or ARP prepared for each development and construction activity, which is to be subjected to Bank review and clearance prior to accepting the work packages for financing, will include a budget for land acquisition and resettlement; and

- The project funding approval process of the GOB, which may involve other ministries, will provide funds to finance land acquisition and resettlement activities that could not be budgeted at this stage of project preparation.

The budget for each phase will be detailed with breakdowns in terms of various types of losses with their replacement costs/market prices and the number of persons entitled to compensation in each loss category.

C. FRAMEWORK FOR INDIGENOUS PEOPLES PLAN

**Introduction**

All of the activities of BRWSSP will be implemented in the selected 383 unions of 72 upazilas of 20 districts.
Impact on indigenous peoples (IPs) would largely vary in terms of the nature of development and construction activities, location and land needs for RPWS and RNPWS systems. In any case, it will remain largely unknown whether or not, or the extent to which, the proposed RPWS and RNPWS construction activities would affect IPs until the sites are selected on the ground.

Applicability of the DPs’ policy on Indigenous Peoples will depend on the existence of IPs in the development and construction activities impact zones where they might be affected in manners that could threaten their culture and way of life, and their present livelihood activities. Since the nature and scale of impacts would remain unknown until the sites of the development and construction activities are actually selected and screened, DPHE has decided to formally adopt this Framework for Indigenous Peoples Plan to address IP issues and concerns. The framework outlines principles, policies, guidelines and procedure to identify impact issues and potential risks and, if required, formulate and execute Indigenous Peoples Plans (IPPs), whenever physical activities are found to affect IPs.

**Objectives of IPP**

The primary objective is to ensure that the construction/installations works funded by the Bank do not adversely affect IPs and if impacted, appropriate culturally accepted mitigation measures are in place, and that they receive culturally compatible social and economic benefits. This will require DPHE to work with the following strategic objectives:

- Screen all development and construction interventions to determine presence of IPs and, if so, ensure their direct participation in selection, design and implementation of the physical works;

- Select development and construction activities and determine their scopes to avoid or minimize, to the extent feasible, adverse impacts; and

- Wherever feasible, adopt special measures – in addition to those for impact mitigation to reinforce and promote any available opportunities for socioeconomic development of the affected IP communities.

**Defining the Indigenous People**

As IPs are found to live in varied and changing contexts, no single definition can capture their diversity. As such, DPHE will use the World Bank’s guidelines to identify IPs in particular geographic areas by examining the following characteristics:

- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;

Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and

An indigenous language, often different from the official language of the country or region.

Indigenous Peoples Plan

In accordance with the Bank’s requirements, BRWSSP proposes the following principles, guidelines and procedure to prepare Indigenous Peoples Plans (IPPs), where development and construction works under the project are found to affect IPs. To avoid or minimize adverse impacts and, at the same time, ensure culturally appropriate benefits, DPHE will apply the following basic principles in selection, design and implementation of the physical works.

IPP Basic Principles

When IPs are present in the impact zones of any development and construction activity and are likely to be affected, DPHE will:

- Ensure that IP communities in general and their organizations are fully included in the selection of particular development and construction activities and design and implementation of the physical works.
- Carefully screen the development and construction works, together with IPs, for a preliminary understanding of the nature and magnitude of potential adverse impacts, and explore alternatives to avoid or minimize them.
- Where alternatives are infeasible and adverse impacts unavoidable, immediately make an assessment of the key impact issues, together with IPs and others knowledgeable of IP culture and concerns.
- Undertake the necessary tasks to identify the impact details and the most appropriate mitigation measures, through intensive consultations with the affected IP communities, IP organizations, civil society organization like NGOs and CBOs, professionals, and the like.

Not undertake a development and construction activity where the IP communities remain unconvinced to offer broad support for the project (see details below).

IP Participation and Consultation

Participation of IPs in selection, design and implementation of the development and construction activities will largely determine the extent to which the IPP objectives would be achieved. Where adverse impacts on IPs are likely, DPHE will undertake free, prior and informed consultations with the affected IP communities and those who work with and/or are knowledgeable of IP development issues and concerns. To facilitate effective participation, DPHE will follow a time-table to consult the would-be affected IP communities at different stages of the project cycle.
The primary objectives are to examine whether there is broad community consensus in support of the development and construction activities and to seek their inputs/feedbacks to avoid or minimize the adverse impacts associated with the chosen physical works; identify the impact mitigation measures; and assess and adopt economic opportunities which DPHE could promote to complement the measures required to mitigate the adverse impacts.

Consultations will be broadly divided into two parts. Prior to selection of a development and construction activities located in an area predominantly inhabited by IPs, DPHE will consult the IP communities about the need for, and the probable positive and negative impacts associated with the proposed physical works. Prior to detailed assessment of the impacts at household and community levels, the main objectives of consultation at this stage would be to ascertain:

(i) how the IP communities in general perceive of the need for undertaking the development and construction activities in question and any inputs/feedbacks they might offer for better outcomes;

(ii) whether or not the communities broadly support the works proposed under the development and construction activities; and

(iii) any conditions based on which the IP communities may have provided broad support to the development and construction activities, which are to be addressed in project design and IPP. To ensure free, prior and informed consultation, DPHE will:

- Ensure widespread participation of IP communities with adequate gender and generational representation; customary/traditional IP organizations; community elders/leaders; civil society organizations like NGOs and CBOs; and groups knowledgeable of IP development issues and concerns.
- Provide them with all relevant information about the nature of development and construction activities, including that on potential adverse impacts, organize and conduct these consultations in manners to ensure full coverage of IPs in the development and construction activities and free expression of their views and preferences.
- Document and share with the Bank the details of all community consultation meetings, with IP perceptions of the proposed works and the associated impacts, especially the adverse ones; any inputs/feedbacks offered by IPs; and the which may have provided the basis for broad base community support for the development and construction activities.

Once broad base community consensus is established in favor of the development and construction activities, DPHE will assess the impact details at the household and community levels, with particular focus on the adverse impacts perceived by the IPs and the probable (and feasible) mitigation and community development measures. To ensure continuing informed participation and more focused discussions, DPHE will provide IPs with the impact details, both positive and adverse, of the proposed physical works and suggested mitigation measures, including those that are technical in nature in a simple manner, consultations will cover topics/areas suggested (below) and those the IPs
consider important. Beginning with those for broad base support for the development and construction activities, community consultations will continue throughout the preparation and implementation period, with increasing focus on the households which would be directly affected. Consultation timing, probable participants, methods, and expected outcomes are suggested in a matrix in Annex C1.

Contents of Indigenous Peoples Plan

The IPP will primarily aim at mitigating adverse impacts, and reinforcing and promoting any existing development opportunities in the area, with particular emphasis on the IPs who would be directly affected. The contents of the IPP will generally consist of the following:

- **Baseline data**, including analysis of cultural characteristics; social structure and economic activities; land tenure; customary and other rights to the use of natural resources; relationship with the local mainstream peoples; and other factors that have been suggested by IPs during consultations and are to be addressed in the IPP and project design. (Key areas of investigation are also suggested below.)
- **Strategy for consultation and local participation**, indicating timing of consultation and the participants, such as affected IP communities, IP organizations, and individuals and entities who are the major stakeholders and can provide useful feedback and inputs.
- **Mitigation measures and activities**, which will generally follow IP preferences and priorities, including those agreed between the IP communities/IP organizations and DPHE during consultations and are in compliance with the safeguards policies.
- **Institutional capacity**, taking into account DPHE’s staff experience, consulting services, and IP and civil society organizations in designing and implementing IPPs.
- **IPP implementation schedule**, taking into consideration least disruption to the livelihood and other activities of IPs.
- **Monitoring and evaluation**, with participation of IP representatives and organizations, as well as other civil society organizations that may have been operating in the area.
- **Financing the IPP.** Budgets and sources of fund needed to implement the mitigation measures and development activities agreed between the IPs and DPHE.

IP Socioeconomic Characteristics & Concerns:

Baseline data and identification of social concerns will primarily focus on the cultural and socioeconomic characteristics of IPs and the potential vulnerability that might be caused by the proposed development and construction activities. Data on the following socioeconomic characteristics are expected to indicate the nature and scale of adverse impacts and provide the essential inputs for IPP.

Social & Cultural Characteristics:

- Relationships with areas where they live -- relating to religious/cultural affinity with the ancestral lands, existence and use of livelihood opportunities, etc.
- Use of any indigenous languages for social interactions and their use in reading materials and for instruction in formal/informal educational institutions in IP localities.
Food habits/items that may differ from non-indigenous peoples and the extents to which they are naturally available for free or can only be grown in the IP territories, and which are considered important sources of protein and other health needs.

Interactions and relationships with other indigenous peoples’ groups in the same and other areas.

Presence of customary social and political organizations – characteristics indicating internal organization and cohesion of the communities, and their interaction with those of the non-indigenous population in the area.

Presence of IP organizations, like community based organizations (CBOs)/NGOs, working with IP development issues, and their relationships with mainstream organizations also engaged in community development activities.

Other cultural aspects likely to be affected or made vulnerable by the proposed development and construction activities.

Socio/economic/demographic and poverty data

Settlement Pattern:

- Physical organization of homesteads – indicating organizational patterns with the existing community facilities, such as schools, places of worship, cremation/burial grounds and others, water supply and sanitation, etc.
- The extent to which the indigenous settlements/neighborhoods are spatially separated from those of the non-indigenous peoples, indicating interactions and mutual tolerance of each other.
- Present distance between the IP settlements/neighborhoods and the selected construction and development works.

Economic Characteristics:

- Prevailing land tenure - indicating legal ownership and other arrangements that allow IPs to reside in and cultivate or otherwise use lands in the area. Access to natural resources - prevailing conditions under which IPs may have been using natural resources like forests, water bodies, and others that are considered important sources of livelihood.
- Occupational structure - indicating relative importance of household’s present economic activities, and the extent to which they might be affected or benefited because of the proposed development and construction activities.
- Level of market participation -- engagement in activities that produce marketable goods and services, and how and to what extent market participation would be affected or enhanced by the development and construction activities.

Impact Mitigation & Development Measures

To use private and public lands and avoid or minimize adverse impacts on IPs, DPHE will apply the same guidelines proposed in Section B for involuntary resettlement. Eligibility and standards for compensation will also use those proposed in the same section and reconfirmed through IP consultations. In addition, particular attention will be paid not to intrude into the IP localities by non-local workers, or resort to actions and behavior that could be construed culturally insensitive and disrespectful by IPs.
Choice of appropriate and culturally compatible development measures will largely depend on preferences and priorities of the affected IPs and their communities. Such measures may include providing credits where IPs are found to engage in the production of marketable goods, such as handicrafts, handlooms, small-scale horticulture; employment in construction and maintenance activities; basic water supply and sanitation facilities; and those, such as schools, that could be used by the communities as a whole. If credit projects are found appropriate, DPHE will call upon civil society organizations like NGOs to organize and administer them.
Gender Action Plan

The National Water Policy of Bangladesh (1999) recognizes that since women are the principal providers and carriers of water, main caretaker of the family’s health and participants in a number of pre and post harvest activities. As a result women have a key stake in issues relating to water management. This Gender Action Plan has been designed in accordance with World Bank Operational Policy 4.20. Since it is women who decide when, where and how much water to collect an action plan that increases their participation will aid in ensure economizing, improve proper use and reduce misuse of water. The nature of project intervention is such that if an action plan is not designed the benefits of the project may not be equitably shared and as a result the existing inequalities between men and women may be exacerbated.

From the perspective of women and other vulnerable sectors of the community, the following factors should be considered when designing specific interventions in BRWSSP:

- Distance of the pipe stand from the house;
- Privacy and convenience;
- Ease of accessibility;
- Location of the standpipe (where and in whose courtyard);
- The time and labour to collect water should be minimized.

Strategy to Promote Gender Empowerment in BRWSSP:

- Involve women in local level project teams as it will motivate and mobilize other women. Using female staff preferably female staff (if available) from DPHE as local facilitators will promote increased participation of women. Furthermore, involvement of women members of Union Parishad will help strengthen women’s participation.
- Consultation and Communication strategy to promote awareness about the benefits to be gained from the project. Raising awareness may in turn lead to greater participation of women. The topics can range from but not limited to women’s involvement in civil works to safe hygiene practices.
- Information campaign for men so that they can be persuaded to support and promote the involvement of their wives and other women.
- Existing women's micro credit help/social mobilization groups would to be involved in the ward committees.
- At least 30% women members in the UWASCO/ward arsenic committee/CBO. The meeting should be convened in a convenient location and time so that all the women members can attend such meeting.
- For the piped schemes in rural, women - as the main customers and decision makers in terms of water use -will be fully involved in the decision making process coordinated by the sponsors. The feasibility studies and the project proposals will include sufficient information to demonstrate the participation of women in the preparation process, as well as a clear description of their role during operation, as defined in the Guidelines to Sponsors.

Monitoring and Evaluation Indicators:
Infrastructure Selection and design: Women`s role in site selection and ensuring that their views are taken into account.

- Amount of time and labor required to collect water
- Number of Jobs as community mobilizes or construction services
- Number of women friendly infrastructure
- Number of women trained by the components
- Number of women speaking in community consultation sessions
- Number of women attending hygiene training
- Health outcomes (Check to see if hygiene has improved and whether there has been any reduction in water borne diseases)
Annex A1

SOCIAL SAFEGUARD SCREENING FORM

*Primary objective of this exercise is to ascertain whether or not there will be a need for additional lands to carry out the proposed civil and how the lands would be or have been obtained.* Please share separately any relevant information that may not have been covered in this form.

**Part A: NEW CONSTRUCTION** (Construction/Implementation Production well, Pump house, electric connection, reservoir, overheat tank, pipeline network, treatment plant, house connection, etc)

1. Contract Package Number: ........................................

2. Site for the facility has been selected: [ ] Yes [ ] No

3. Total land area required (acre/decimal): ............................

4. Required land for the facility belongs to (if more than one owner, indicate the amount from each):

[ ] DPHE Amount: ...............  
[ ] Khas (owned by the Land Ministry) Amount: ...............  
[ ] Private landowners Amount: ...............  
Approximate number of private landowners: ...............  
[ ] Other GOB Ministries/Agencies Amount: ...............  
(Mention other Ministries/Agencies: .................................................................)

5. If the land belongs to DPHE and/or other GOB Ministries/Agencies, it is presently being used by unauthorized private citizens:  
[ ] Yes [ ] No

6. Lands from the PRIVATE ownerships, if needed, will be (or have been) obtained through:

[ ] Acquisition using Land Acquisition Ordinance Amount acquired: ...............  
[ ] Voluntary donation by the landowner(s) Amount donated: ...............  
[ ] Purchase on “willing buyer-seller” basis Amount purchased: ...............  
[ ] Other means (mention) Amount obtained: ...............  
(Mention other means:  
.................................................................)

7. Required land for the facility is already available:  
[ ] Yes [ ] No
8. Where lands are to be obtained on donation and/or purchased, names and addresses and telephone numbers of the donors and sellers.

………………………………………………………………………………………………

…

If lands (or parts thereof) have been already received on donation or purchased, please attach copies of legal instruments that have been executed.

Amount of land to be acquired………..
Number of PAPs on site………
Number of trees/plants………
Gender and Age of Household Head……

Part B. ADDITIONAL INFORMATION ON INDIGENOUS PEOPLES (IPs)

(This section must be filled in if the development/extension/construction activities are located in areas that are also inhabited by indigenous peoples.)

1. Names of IP community members and organizations who participated in screening:
………………………………………………………………………………………………

……

2. Have the IP community and the would-be affected IPs been made aware of the potential positive and negative impacts and consulted for their feedback and inputs? [ ] Yes [ ] No

3. Has there been a broad base community consensus on the proposed works? [ ] Yes [ ] No

4. Total number of would-be affected IP households: ………………..

5. The would-be affected IP households have the following forms of rights to the required lands:

[ ] Legal: # of households: …………
[ ] Customary: # of households: …………
[ ] Lease agreements with DPHE& other GOB agencies: # of households: …………
[ ] Others (Mention): ………………………………………………………………….# of households:

……

6. Does the development/extension/construction activities affect any objects that are of religious and cultural significance to the IPs? [ ] Yes [ ] No

7. If ‘Yes’, description of the objects:
………………………………………………………………………………………

………………………………………………………………………………………

8. The following are the three main economic activities of the would-be affected IP households:
a. ………………………………………………………………………………………
9. Social concerns expressed by IP communities/organizations about the works proposed under the development and construction activities:

10. The IP community and organizations perceive the social outcomes of the development and construction activities:
   [ ] Positive [ ] Negative [ ] Neither positive nor negative

11. In respect of any conditions that may have been agreed for the broad base community consensus, and the social impacts on IPs and their concerns, is there a need to,
   Undertake an in-depth Impact Assessment study? [ ] Yes [ ] No
   Prepare an Indigenous Peoples Plan? [ ] Yes [ ] No

This Screening Form has been Filled in by:
Name: …………………………………………….. Designation: ………………………..
Signature: ………………………………………… Date: ………………………

Annex A2

DEFINITION OF SELECTED TERMS

Compensation: Payment made in cash to the project affected persons/households for the assets acquired for the development and construction activities, which includes the compensation provided in the Acquisition and Requisition of Immovable Property Ordinance 1982 and others stipulated in this Social Management Framework.

Compensation-Under-Law (CUL): Refers to the compensation assessed for the acquired lands and other assets, such as trees, houses/structures, etc., by different government agencies as per the methods provided in the Land Acquisition Ordinance, and paid by the Deputy Commissioners.

Consultation Framework: In view of their stakes and interests in the development and construction works, the framework is prepared to guide the preparation team about who are to be discussed/consulted about the development and construction activities and its positive and negative social impact implications and to seek their inputs and feedback in the different stages of the project cycle.

Cut-off Dates: These are the dates on which censuses of the affected persons and their assets are taken. Assets like houses/structures and others, which are created and the persons or groups claiming to be affected, after the cut-off dates, become ineligible for
compensation and assistance. For private lands, these dates will however not constitute ‘cut-off dates’, if the legal Notice-3 is already issued before the censuses are taken. In such a situation, the Notice-3 dates are considered ‘cut-off dates’, as the acquisition ordinance prohibits changes in the appearance of the lands after issuance of Notice 3.

**Entitlement:** Refers to mitigation measures, which includes cash payments by DCs and DPHE, as well as any non-cash measures stipulated in this SMF (e.g., allowing the affected persons to keep felled trees, salvageable building materials, etc.), for which compensation is already paid.

**Income Restoration:** Refers to re-building the capacity of the project affected households to re-establish income sources at least to restore their living standards to the pre-acquisition levels.

**Indigenous Peoples:** Unless they are already recognized, the Indigenous Peoples are identified in particular geographic areas based on these four characteristics:

(i) self identification as members of a distinct indigenous cultural group and recognition of this identity by others;
(ii) collective attachment to geographically distinct habitats or ancestral territories in the development/construction area and to the natural resources in these habitats and territories;
(iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
(iv) an indigenous language, often different from the official language of the country or region.

**Involuntary Resettlement:** The situation arises where the State’s power of eminent domain requires people to acquiesce their rights to personal properties and re-build their lives and livelihood in the same or new locations.

**Participation/Consultation:** Defined as a continuous two-way communication process consisting of: ‘feed-forward’ the information on the development and construction activities goals, objectives, scope and social impact implications to the beneficiaries, and their ‘feed-back’ on these issues (and more) to the policymakers and project designers. In addition to seeking feedback on development and construction activities specific issues, participatory planning approach also serve the following objectives in all development projects: public relations, information dissemination and conflict resolution.

**Physical Cultural Resources:** Defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above or below ground, or under water. Physical cultural resources are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people’s cultural identity and
practices. Their cultural interest may be at the local, provincial or national level, or within the international community.

**Physical Cultural Property:** Includes monuments, structures, works of art, or sites of “outstanding universal value” from the historical, aesthetic, scientific, ethnological, or anthropological point of view, including unrecorded graveyards and burial sites, and unique natural environmental features like canyons, forests and waterfalls. Within this broader definition, cultural property is defined as sites and structures having archaeological, paleontological, historical, architectural, or religious significance, and natural sites with cultural values.

**Project-Affected Person/Household:** Persons/households whose livelihood and living standards are adversely affected by acquisition of lands, houses and other assets, loss of income sources, and the like.

**Rehabilitation:** Refers to improving the living standards or at least re-establishing the previous living standards, which may include re-building the income earning capacity, physical relocation, rebuilding the social support and economic networks.

**Relocation:** Moving the project-affected households to new locations and providing them with housing, water supply and sanitation facilities, lands, schools and other social and healthcare infrastructure, depending on locations and scale of relocation. [Homestead losers may also relocate on their own in any location they choose.]

**Replacement Cost:** The World Bank’s Policy on Involuntary Resettlement describes “replacement cost” as the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets are not taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard.

**Stakeholder:** Refers to recognizable persons, and formal and informal groups who have direct and indirect stakes in the development and construction activities, such as affected persons/households, shop owners, traders in haats/bazaars/kitchen markets, squatters, community-based and civil society organizations.

**Top-Up Payment:** Refers to DPHE’s payment in cases where the compensation-underlaw (CUL) determined and paid by DCs falls short of the replacement costs/market prices of the affected lands and other assets.

**Vested Non-Resident Properties:** Originally known as “enemy properties”, these have been left behind by the people who migrated to India and other countries since the
independence and partition of India in 1947. Some of these properties have been identified thru 1984, and have since been leased to private citizens or allocated to various government agencies.
Annex B1

SUGGESTED METHODS FOR MARKET PRICE SURVEYS

In line with the proposed compensation principles, DPHE, assisted by the project consultants, will conduct market price surveys to determine replacement costs of the acquired lands, houses/structures and other replaceable assets and market prices of irreplaceable assets by using the methods suggested below.

Lands of All Kinds

The surveys will explicitly take into consideration the quality of the lands under acquisition. Quality will take into account current uses, cropping intensity and value of crops produced, accessibility from the existing roads, and any other characteristics that influence the lands’ market value. The surveys will be conducted on the following three groups of respondents:

- A random sample of 10-15 landowners in the mouza in which the lands under acquisition are located and in those adjacent to it;
- As many of most recent buyers and sellers of similar lands can be found in the same and adjacent mouzas; and
- Deed writers, as many can be found and agree for interviews, at the land registration offices, who recently handled transactions of similar lands in the same or adjacent mouzas. (They will be asked about the actual prices, not those written in the deeds.)

Market value of the lands will be determined in the following manners:

- If variations in average prices reported by the three respondent groups are insignificant (or, are 10% or less), current value of the lands will be fixed at the average of the prices reported by the three groups.
- In cases of significant differences (more than 10%), the current prices will be negotiated in open meetings with the affected and other landowners, community leaders, CBOs/NGOs and the like.

Replacement costs of land will equal the market price, plus the registration cost or stamp duty. The registration cost will be calculated on the current market price.

Houses and Other Built Structures
Replacement costs will be based on the current prices of various building materials, labor and other cost items in the local markets. The costs of building materials, such as bricks, cement, steel, sand, bamboo, timber, GI sheet, roofing materials like straw, golpata, etc, and labor will be based on:

- Survey of current prices of different types of materials with five or so dealers/manufacturers in the local markets.
  
  *The replacement cost of the house/structure will be based on its quality, lowest quoted price for each type of material, plus their carrying costs to the sites*.

- The current costs of labor with different skills will be determined by interviewing local contractors, DPHE staff, or local construction workers.

*Replacement costs of any other replaceable affected assets will also be based on the current prices of materials, transportation and labor costs, etc.*

**Trees & Other Irreplaceable Assets**

Market prices of different varieties of trees will be determined by surveying the prevailing prices paid by five or so lumber and fuel-wood traders in the local markets. *The compensation for trees will be fixed at the highest prices offered by a trader.* Moreover, productivity and present age of tree will also be taken into account while determining compensation. Compensation for all other irreplaceable assets will also be based on survey of their prevailing prices with dealers/traders in the local markets.

**Fruits and Other Crops**

Compensation will be fixed at the harvest prices of the fruits and other crops. Harvest prices of different varieties of fruits and crops will be collected from a sample of 7-10 dealers in the local markets. *The compensation for each type of fruit and crop will be fixed at the highest price offered by a trader.*

The market price surveys will begin as soon as locations of the required acquisitions are identified on the ground. DPHE will document the replacement costs and market prices of various affected assets and make them available as and when asked for review by IDA/DP.
Annex B2

APPLICATION GUIDELINES FOR MITIGATION MEASURES

The following guidelines are based on the compensation eligibility of PAPs and mitigation principles and standards, and correspond to the entitlements proposed in the Entitlement Matrix.

1. LOSS OF AGRICULTURAL & OTHER LANDS

Entitlements for Legal Landowners

**Compensation-Under-Law (CUL):** As per Land Acquisition Ordinance, CUL covers lands and other assets, such as house/structures, trees, and other items of value, that are built and grown on the acquired lands.

*CUL is assessed by the Deputy Commissioners (DCs) and paid only to the persons who have legal titles (and legal agreements in cases of leased-in assets) to the acquired lands and other assets.*

**Replacement Cost:** Current cost of purchasing land of same quality and use, equal to the amount acquired, PLUS the registration cost or stamp duty. *Current cost will be determined by DPHE through local market price surveys for different types of lands, by using the methods suggested in Annex B2.*

**Stamp Duty and Registration Cost:** Charged on the price at which the land is being bought or sold. *Stamp duty and registration cost will be calculated on the current market prices that will be determined through land market surveys.*

**Top-Up:** Equals the positive difference between the total replacement cost and the total CUL paid by DCs.

- Top-up will apply only to the landowners who have legal titles (DCs verify the titleholders) to the affected lands and other assets.

- Top-up will be paid in cases where total CUL paid by DC to an affected property owner is found smaller than the total replacement costs/market prices of all affected assets determined through the market price surveys.

- Individual top-ups will be determined by taking into account all acquired assets (re: paragraph 23, Section B), but will be paid for the parts for which CUL is paid by DCs (re: paragraph 24, Section B). (Partial CUL and top-up payment may occur in situations where lands are acquired from an owner are located in more than one mouza, or are under more than daag, or involve legal disputes.)
Top-up will be determined in the following manner:

*Sum of the replacement costs and market prices (as may apply) of all affected assets, MINUS the total amount of CUL paid by DC to a landowner for lands and other assets affected in any number of mouzas (re: paragraph 23 ‘in Section B).*

**Transition Allowance:** Will apply to certain landowners and ‘vested non-resident (VNR)’ land owners/users. Operational guidelines are provided under Loss Category 5 below.

**Leaseholders of Public Lands**

If such lands come under acquisition, the DCs, who execute the lease agreements, will determine and settle the contractual obligations in the form of CUL.

**2. LOSS OF HOMESTEAD LANDS (VITAA)**

**Homesteads on Private Lands:** For homesteads on private lands, the proposed assistance measures will apply in addition to the compensation for the lands as per provisions described above, and for the houses and other assets as per the provisions described below.

- *Where the affected households can no longer live in the present homesteads (vitaa), they can either directly purchase replacement lands at locations of their choice, or relocate on public lands that DPHE would arrange. Wherever they decide to relocate, additional relocation assistance will consist of:*
  - Development of the lands to the level of other homesteads in the locality and provision of access roads.
  - Restoration of pre-acquisition level basic utilities, such as water supply and sanitation, electricity, etc.

**Homesteads on Public Lands (Squatters):** Relocation assistance will apply to poor and vulnerable households, which will consist of:

*Development, as above, of DPHE’s own or other public lands that DPHE would designate for their relocation, as well as provision of water supply and sanitation facilities.*

**Homesteads on VNR Lands:** Relocation assistance as follows:

- *Where parts are acquired and the remainders of the homestead lands are adequate to move and rebuild the houses: Compensation/assistance will consist of moving and rebuilding costs.*
Where acquisitions require physical relocation elsewhere – Relocation assistance will consist of relocation plot in public lands to be arranged and developed by DPHE, and moving and rebuilding costs; OR

Six months’ rent for living accommodations comparable to the affected ones. The rent will be determined based on the prevailing rates in the nearby towns/urban settlements, including Upazila headquarters and the like.

3. LOSS OF HOUSES/STRUCTURES

Legal Owners

Compensation-Under-Law (CUL): Assessed by the DCs on all houses/structures standing on the acquired private lands at the time of issuance of Notice-3 under the Land Acquisition Ordinance.

Replacement Costs: Assessed by DPHE, will include current costs of the same building materials, labor and any other cost items to rebuild the affected houses/structures.

- Costs of materials, labor and other cost items will be determined by surveying their current prices in the local markets by using the methods suggested in Annex B1.

- Where houses/structures are partially affected and the remainders are structurally safe and useable, replacement costs will be determined on the affected portions.

Squatters

Socio-economically vulnerable squatters are entitled to House Transfer Grant (HTG) and House Construction Grant (HCG) for shiftable and non-shiftable houses.

- HTG and HCG will apply to shiftable houses/structures built with materials/components that can be dismantled without much damage and the materials can be used to rebuild them. Shiftable houses/structures are generally built with bamboo thatch, GI sheets, wood, plastic sheets, and other inexpensive, generally non-breakable materials.

- HCG applies to non-shiftable houses/structures generally built with materials/components that cannot be dismantled intact. These are likely to be built with mud walls, mud-plastered walls of straw/bamboo/jute stalks and similar cheap materials, and straw roofs.

The following exceptions will apply for HTG and HCG:
- Both shiftable and non-shiftable houses/structures will be ineligible for compensation if (a) they are not used by the owners themselves, or (b) rented out to others.

- No affected structures built after the cut-off dates will be eligible for compensation.

**Vested Non-Resident Property Users/Owners**
Are eligible for HTG and/or HCG, which will be determined in consultation with the present users/owners.

- Both HTG and HCG will apply where houses/structures are to be moved and rebuild.
- HCG will apply where houses/structures are partly affected and the remainders are structurally safe and usable.
- Where houses/structures are partly acquired, the current users will be allowed to use the remainder.

**4. LOSS OF TREES ON ACQUIRED PRIVATE & PUBLIC LANDS**

Compensations for trees affected on private lands will be assessed by the District Forestry Department, and those grown on public and VNR lands by DPHE.

**Compensation for Trees:** Will be based on the survey of current prices in the local markets by using the methods suggested in Annex B1. The compensation will take into account the species, size, maturity and other characteristics of the affected trees that influence their market value.

*In addition to the above compensation, the owners will be allowed to fell the trees and keep them. The owners will however not fell the trees unless DPHE asks them to do so after it verifies, as and when necessary, the assessment by the Forestry Department.*

**Compensation for Fruits on Trees:** Will apply if the trees need to be felled before the fruits are harvested.

*DPHE will use the standards of Agriculture Department to estimate the amount of fruits on individual trees, and determine their value based on the survey of current harvest prices in the local markets and also include the life, age and productivity of the trees (as suggested in Annex B1).*

**5. LOSS OF AGRICULTURAL, BUSINESS, EMPLOYMENT & RENTAL INCOME**

**Agricultural Income:** The transition allowance (TA), three times the value of crops grown a year, will be applied as follows: (a) Legal Owners: if acquisition amounts to 20% or more of the total productive area; and (b) VNR Owners/Users: for any amount of land acquired. The TA will be determined as follows:

- **In cases of multiple crops:** Sum of the harvest prices of the crops produced in the acquired land in each cropping season in the year, MULTIPLIED by three.
In cases of single and perennial crops: Total harvest price of the crop, MULTIPLIED by three. DPHE will use the standards of Agriculture Department to determine the amount of various crops produced per unit of land, and the market surveys for harvest prices (as suggested in Annex B1).

Business Income: Applies to the owners of all businesses affected on private and public lands. Unless proper bookkeeping is practiced by the business owners, use of the method suggested for determining loss of business income may become difficult. In order to corroborate the income loss determined based on information given by the owners, DPHE will examine, if available, previous year’s income tax returns and VAT payment records.

Compensation for Temporarily Closed Businesses: Average daily net income, exclusive of expenses like rent, staff salary, utilities, etc., based on a period of 30 days.

Compensation will be paid for the number of days needed to reopen the individual businesses, or complete the civil works, whichever is smaller.

Compensation for Partially Affected Businesses: Applies to those which are affected partially and can still operate from the remainders of the premises.

Compensation, calculated as above, will be paid for the number of days needed to repair and reopen the individual businesses, or complete the civil works, whichever is smaller.

Compensation for Businesses Requiring Physical Relocation: Applies to businesses that are to be removed entirely from the present spots.

- In addition to their own initiatives to find alternative locations, the business owners will be allowed to relocate on DPHE lands, if any in the vicinity, OR

- In public lands arranged by DPHE, in consultations with the affected business owners, and the municipal committees, Union Parishads and the like.

- Compensation based on average daily net income, exclusive of expenses like rent, staff salary, utilities, etc., based on a period of 30 days. Compensation will be paid as follows:

  - Self-relocation: For the number of days needed to reopen the individual businesses in locations the business owners choose, for a maximum of 90 days.

  - Relocation on DPHE/Public Lands: For the number of days needed to reopen the individual businesses, for a maximum of 45 days.

Employment Income Loss: Will apply to persons who would be:
(i) found continuously employed in the affected businesses for at least six months up to the date of PAP census (cut-off date); and

(ii) remain employed in those establishments at the time the businesses are required to vacate the lands.

- Employees of businesses requiring temporary closure during construction will be compensated for the actual number of days needed to reopen the individual businesses, or for a maximum of 30 days.

- Employees of businesses requiring relocation will be compensated for the actual number of days needed to relocate them, or for a maximum of 45 days.

The daily compensation rates will be based on the individual employee’s current monthly salary or daily wages.

**Rental Income Loss**: Applies to the legal owners of the affected built premises located on private lands, which have been rented out to others. The three months’ compensation will be based on monthly rent paid by the current tenants.

**Unforeseen Losses**

DPHE will take into account any impacts/losses that are unique to any development/extension/construction activities not covered in this SMF, and consult IDA to adopt measures and application guidelines required to mitigate them.

**Annex B3**

**MONITORING LAND ACQUISITION, AND PREPARATION & IMPLEMENTATION OF IMPACT MITIGATION PLANS**

The following indicators will be used to monitor status of major tasks involved in land acquisition, and preparation and implementation of resettlement activities.

**A. Land Acquisition.** *Engineering Designs* are a pre-requisite to starting the land acquisition activities. Once the design decisions are finalized determining the acquisition needs and their ground locations, the following tasks will be monitored to assess progress in land acquisition:

- Preparation of the Land Acquisition Proposals (LAPs), by using standard formats required by land acquisition authority.
- Dates LAPs submitted to the DPHE) for administrative approval.
- Dates LAPs submitted to the Deputy Commissioners (DCs).
- Dates LAPs approved by the District Land Allocation Committees (DLACs) and, if required, the Ministry of Land.
- Dates Notice-3 issued by DCs of the project districts (These dates serve as cut-off dates for the legal owners of the lands under acquisition).
- Dates Joint Verifications by acquisition officials and DPHE completed in the individual project districts.
- Dates Notice-6 issued by DCs of project districts.
- Dates Compensation Estimates submitted by DCs to DPHE.
- Dates DPHE sent the Compensation Estimates to MOC.
- Dates MOC approved the Compensation Estimates.
- Dates DPHE placed the compensation funds with DCs.
- Dates Notice-7 issued by DCs in the project districts.
- Dates DCs started CUL payment process in the individual project districts.
- Continuing monitoring of progress in CUL payment by DCs.

**B. Preparation & Implementation of Mitigation Plans.** Preparation process for impact mitigation plans begins, once decision on engineering designs are finalized and ground locations of the acquisitions are identified. The following are the major tasks that will be monitored during preparation and implementation:

- Census of the project affected persons (PAPs) and assets, and fixing of the cut-off dates for squatters.
- Survey of replacement costs and market prices of the affected lands and other assets.
- Consultation and information dissemination with regard to compensation payment procedure and the documents required to claim compensation from the DCs (a continuing activity).
- Formation of the Grievance Redress Committees (GRCs).
- Preparation of Compensation Budgets for squatters and others not covered by the acquisition ordinance, and top-up for titleholders.
- Preparation and submission of RP/ARP for IDA/DP review and clearance.
- Preparation of the individual entitlement files for different PAP groups, with all applicable entitlements.
- Approval of the Compensation Budgets by DPHE.
- Continuing monitoring and reporting progress in payment of CUL, top-up and other applicable entitlements to titleholders and squatters and similar PAPs; and relocation of homestead losers, and displaced businesses and other activities.
- Any other tasks that may have remained unknown will be included in the monitoring system. Progress in land acquisition and resettlement planning and implementation activities will be reported in appropriate formats.
## Annex C1

### INDIGENOUS PEOPLES’ CONSULTATION MATRIX

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<th>Timing</th>
<th>Consultation Method</th>
<th>Participants</th>
<th>Expected Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconnaissance Of facility under consideration</td>
<td>Open meetings &amp; discussions, visit of IP settlements &amp; surroundings</td>
<td>IP Communities, including organizations, community leaders/elders</td>
<td>First-hand assessment of IPs’ perception of potential social risks and benefits, and prospect of achieving broad base support for the project</td>
</tr>
<tr>
<td>Preliminary Screening of the facility</td>
<td>Open meetings, focus group discussions, spot interviews, etc.</td>
<td>IP Communities, including would be affected IPs, IP organizations, community leaders/elders, key informants</td>
<td>Identification of major impact issues, feedback from IP communities and would-be affected persons/households, and establishing broad base community support for the project</td>
</tr>
<tr>
<td>Feasibility Study taking In to consideration, inter alia the conditions that led to community consensus</td>
<td>Formal/informal interviews; focus group discussions; hotspot discussion on specific impacts, alternatives, and mitigation; etc.</td>
<td>Would-be affected IPs, IP organizations, community leaders/elders, key informants</td>
<td>More concrete view of impact issues &amp; risks, and feedback on possible alternatives and mitigation measures; estimates of displacement from homesteads; inventory of common property resources; and information on other key impacts</td>
</tr>
<tr>
<td>Social Assessment</td>
<td>Structured survey questionnaires covering</td>
<td>Adversely affected</td>
<td>Inputs for IPP, and identification of issues that</td>
</tr>
<tr>
<td>Timing</td>
<td>Consultation Project Authority</td>
<td>Participants IP Community</td>
<td>Consultation Method</td>
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<tr>
<td>Detailed Design</td>
<td>(Social Scientists)</td>
<td>individual IPs/households</td>
<td>quantitative &amp; qualitative information</td>
</tr>
<tr>
<td></td>
<td>DPHE, project consultants</td>
<td>IP organizations,</td>
<td>Group consultations, hot spot discussions, etc.</td>
</tr>
<tr>
<td></td>
<td>(Social Scientists) and other stakeholders</td>
<td>community leaders/elders, adversely affected IPs</td>
<td></td>
</tr>
<tr>
<td>Implementation</td>
<td>DPHE, project consultants</td>
<td>Individual IPs, IP</td>
<td>Implementation</td>
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<td></td>
<td>(Social Scientists) &amp; other</td>
<td>organizations, community</td>
<td>monitoring committees (formal or informal)</td>
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<td></td>
<td>stakeholders</td>
<td>leaders/elders &amp; other</td>
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<td>stakeholders</td>
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<tr>
<td>Monitoring &amp; Evaluation</td>
<td>DPHE, IDA/DP, project consultants (Social Scientists), UPs &amp; CBOs</td>
<td>IP organizations/ groups and individuals</td>
<td>Participation in review and monitoring</td>
</tr>
</tbody>
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Annex C2

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Annex C3

The Land Acquisition Procedure (LAP)3:

Land Acquisition Procedure (LAP) will follow the standard Government procedure upon receipt of the LAPs, the DCs will register the cases, and organize a physical verification to make sure that the information provided in the documents are correct. The PMU and DPHE Officials, supported by the ‘Consultants and Officers’, will answer to any queries from the DC offices and assist to resolve any issues and problems with the LAPs.

Physical verification will then be followed by the following steps in the acquisition process:

The DCs will issue the legal Notice-3 (under Section 3 of the law), which will contain the plot numbers from which lands will be acquired and its purposes. The notice, which will be displayed in public places, will give the concerned landowners a fixed period of 15 days to lodge objections to the acquisition, and another 30 days (maximum, if Divisional Commissioner allows) for the DCs to hear them.

Upon resolution of the objections, if any, the DCs will then submit the cases to the District Land Acquisition Committee (DLAC) for approval.

Following the issuance of Notice-3, and while the approval is being processed, an On-Site Inventory and Verification will be carried out jointly by the acquisition officials and DPHE and PMU staff, in the presence of the concerned PAPs, to classify and document the assets that will be acquired and compensated for.

- While the district acquisition officials will themselves assess, according to the legal method, the compensation for the land, other assets, such as houses and other built structures, trees, standing crops, etc. will be assessed by the representatives of the concerned GOB departments, such as Public Works, Agriculture, Forestry, etc, by using departmental standards. The compensation so determined is the compensation-under-law or CUL, which may or may not be the replacement values/current market prices of the acquired assets.

- Upon receipt of the Divisional Commissioner’s approval, hearing of any objections by DCs, and completion of the Joint On-Site Inventory and Verification (JIV), the DCs will issue Notice-6 to the individual property owners stating that the inventoried assets will be acquired and taken possession of, and that all claims for compensation be made to the concerned DCs. The claims will be made and reviewed on the basis of this On-Site Inventory and Verification.

- Once valuation of all assets is completed, the DCs will prepare the compensation assessment rolls or compensation budgets for the individual acquisition cases and submit them to DPHE requesting the funds within a maximum of 60 days. After its review, DPHE will send them for approval of the Ministry of Local Governments, Rural Development and Cooperatives (MoLGRD & C).

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3 To be followed as per Government Procedure.
On MOLGRD&C’s approval, DPHE will place the funds with the DCs who will in turn issue Notice-7 indicating the amount of compensation, and advising the landowners to make the compensation claims, with the evidence that they are the legal owners or have an interest in the lands.

The following evidence are required:
- Record of Right (ROR) or Porcha as proof of ownership to the lands
- Rent Receipt (RR), commonly known as Dakhila provided that the affected person owns lands.

The claims for compensation are accepted if the ownership evidence are found satisfactory. The CUL is then paid by checks drawn on the GOB treasury at the district headquarters. If a landowner loses lands in more than one mouza (land administration unit) or acquisition case, CUL payments are made by as many checks.

DPHE, assisted by the PMU consultants and Officers, will play a critical role by liaising with the DCs and acquisition officials, including those of the Public Works, Agriculture, Forestry and other departments, and by following through every step of the process and monitoring the progress. DPHE will also remain prepared to provide any logistical support considered essential by the acquiring bodies.

Land Acquisition: The following are the major and time-consuming steps:

Engineering Designs: Once the engineering designs are finalized determining the acquisition requirements and their locations on the ground, the activities which are to be monitored are:

- Preparation of the land acquisition proposals (LAPs)
- Dates LAPs submitted to the LGRD&C Ministry for administrative approval
- Dates administrative approval received from the LGRD&C Ministry
- Dates LAPs submitted to the Deputy Commissioners
- Dates LAPs approved by the District Land Acquisition Committees (DLACs)
- Dates LAPs approval by the Ministry of Land
- Dates Notice-3 issued by the DCs
- Dates Notice-6 issued by the DCs
- Dates Notice-7 issued by the DCs
- Dates Compensation Budgets submitted by the DCs to DPHE
- Dates DPHE forwarded the Compensation Budgets to the LGRD&C Ministry for approval
- Dates LGRD&C Ministry approved the Compensation Budgets
- Dates DPHE placed the Compensation funds with the DCs
- Dates the DCs start the payment of the compensation under the law (CUL)
- Continuing monitoring of progress in CUL payment