

Ministry of Commerce
Government of the People's Republic of Bangladesh

Export Competitiveness for Jobs Project

Abbreviated Resettlement Action Plan (ARAP)
For
Design and Technology Centre (DTC), Boro Bhavanipur,
Gazipur Sadar,

2020

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Abbreviation

ARAP	Abbreviated Resettlement Action Plan
ARIPA	Acquisition and requisition of Immoveable property Act
CCS	Consultation and Communication Strategy
CUL	Compensation-Under-Law
CFT	Cubic fit
DC	Deputy Commissioner
DP	Displaced Persons
FGD	Focused Group Discussion
GOB	Government of Bangladesh
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HCG	House Construction Grant
HTG	House Transfer Grant
IDA	International Development Association
IOL	Inventory of Losses
INGO	Implementing non-government organizations
IP	Indigenous People
KII	Key Informants Interview
IPP	Indigenous Peoples Plan
LA	Land Acquisition
LAP	Land Acquisition Proposal
MOC	Ministry of Commerce
OP	Operation Policy
PAVC	Property Assessment and Valuation Committee
PIU	Program Implementation Unit
PCMU	Project Coordination and Monitoring Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RPF	Resettlement Policy Framework
RFT	Running fit
RV	Replacement Value
RC	Replacement Cost
SCM	Stakeholder Consultation Meeting
SFT	Square fit
TOR	Terms of Reference
WB	World Bank

DEFINITION OF TERMS

Compensation	The payment given in cash or in kind to displaced persons (DPs) at replacement cost or at current market value for assets and income sources acquired or adversely affected by the project.
Corridor of impact (COI)	The area that would be cleared of all structures and obstructions.
Cut-off date	Refers to the date after which people will not be considered eligible for compensation i.e. they are not included in the list of DPs as determined by a census of persons displaced from assets and livelihoods. The cut-off-date will be disclosed to residents and local officials of each affected village which coincides with the conduct of the detailed measurement survey (DMS).
Detailed measurement survey (DMS)	With the use of approved detailed engineering drawings, this activity involves the finalization or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs done during the preparation of this land acquisition and resettlement plan (LARP). The final cost of resettlement will be determined after the DMS.
Displaced person (DP) /affected person (AP)	Refers to any person or persons, household, firm, private or public institution who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as result of i) acquisition of land; ii) restriction on land use or on access to legally designated parks and protected areas.
Eminent domain/compulsory Land acquisition	The right of the state using its sovereign power to acquire land for public purposes. National law establishes which public agencies have the prerogative to exercise eminent domain.
Entitlement	Refers to a range of measures of compensation and other forms of assistance provided to DPs/APs in the respective eligibility category.
Income Restoration	This involves re-habilitating the sources of income and productive livelihoods of severely affected and vulnerable DPs to enable income generation equal to or, if possible, better than earned by DPs before resettlement.
Inventory of losses (IOL)	This is the listing of assets as a preliminary record of affected or lost assets during the preparation of the resettlement Action plan (RAP) where all fixed assets (i.e., land used for residence, commerce, agriculture; dwelling units; stalls and shops; secondary structures, such as fences, tombs, wells; standing crops and trees with commercial value; etc.) and sources of

	income and livelihood inside the COI are identified, measured, their owners identified, their exact location pinpointed, and their replacement costs calculated. The severity of impact on the affected assets and the severity of impact on the livelihood and productive capacity of the APs/DPs are likewise determined.
Involuntary resettlement	It is the displacement of people, not of their own volition but involuntarily, from their homes, assets, sources of income and livelihood in the COI in connection with the Project.
Land acquisition	Refers to the process of acquiring all or part of the land and all assets attached in the land to the ownership and possession of the parties in land need for the Project in return for compensation at replacement cost.
Meaningful consultation	A process that begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle. It will provide relevant and adequate information understandable and accessible to APs with a free atmosphere and gender inclusive and enables the incorporation of all relevant views of APs and other stakeholders into decision making.
Relocation	The physical displacement of a DP from his/her pre-project place of residence and/or business.
Relocation assistance	Support provided to persons who are physically displaced by a project. It may include transportation, transitional assistance (food, shelter, and social service) that are provided to the DPs during their relocation.
Replacement cost	Replacing an asset at cost in cash or in kind needed at a cost prevailing at the time of its acquisition. The replacement of the asset in its existing condition, without deduction of transaction costs or depreciation and salvageable materials, at prevailing market value, or its nearest equivalent, at the time of compensation payment.
Resettlement	Refers to various measures provided to DPs or AHs to mitigate any and all adverse social impacts of the project, including compensation, relocation (where relevant), and rehabilitation as needed.
Resettlement Action plan	A time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring, and resettlement evaluation.
Severely APs	This refers to APs/DPs who will (i) lose 10% or more of their total productive assets, (ii) have to relocate, and/or (iii) lose 10% or more of their total income sources due to the project.

Voluntary resettlement

Refers to any resettlement not attributable to forms of land acquisition backed by power of state. Important principles in voluntary resettlement are informed consent and power of choice. The persons involved are knowledgeable about a project and its implications and freely agree to participate. The persons also have the option to agree or disagree with the land acquisition, without adverse consequences being imposed by the state.

Vulnerable groups

These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized due to the project and specifically include: (i) households that are headed by women with dependents, (ii) household heads with disabilities, (iii) households falling under the generally accepted indicator for poverty, (iv) elderly households who are landless and with no other means of support, and (v) landless households.

1. Background of the project

The Ministry of Commerce has initiated an Export Competitiveness for Jobs (EC4J) Project with financed from World Bank Group to diversify its export volume and markets for attaining a resilience economy. For the purpose, the project is establishing three General and a Design Technological Centres (GTCs and a DTC) is one of the Key sub-components of the Project and also a Project Development Objective (PDO) to build four world standard TCs with proximity to industry clusters of four target sectors. The GoB has identified the leather, footwear, plastics and light engineering sectors as high potential priority sectors. Rationale of establishment of these TCs are remediation of technological gaps with demand led business services and developing human resources of those sectors. The proposed three GETCs are also expected to provide services related to testing, certification, productivity enhancement, skills development, improvement of product quality, and environmental and social compliance. On the other hand the proposed DTC will be developed to meet particular need of leather and footwear sector with aiming to fill the lacks of producing high value added leather and footwear's for export market. To establish the DTC around 5.0 acre of private is required. There are only two land owners are affected therefore an Abbreviated Resettlement Action Plan (ARAP) is prepared following the Acquisition and Requisition Immovable Property Act (ARIPA) 2017 and associated World Bank's Policy.

2. Rationale for Preparing this ARAP

This Abbreviated Resettlement Action Plan (ARAP) has been prepared to deal with social safeguard impacts expected for the proposed DTC. The ARAP is applicable where the project affected persons are less than 200. The ARAP, as proposed here, has addressed the social safeguard issues and impacts that have been identified through census and inventory of losses survey (IOL) undertaken for the project.

The ARAP has been prepared in keeping with the requirements and procedural guidelines adopted under this project. The ARAP contains an account of the area on the ground and ownership status of lands and the impacts associated with displacement, stakeholder consultations, a budget for implementation of the impact mitigation measures; and a time-schedule for ARAP implementation.

2.1. Scope of Involuntary Resettlement

The project will construct multi storied building with having facilities for virtual training, business and advisory services particularly for Footwear and Leather sector, Production of high quality Di and Mold, lab and testing facilities, dormitory and convention Centre. The facilities will be taking into account the Gender and Disability inclusive development construction in its design. In addition energy savings and green building construction facilities are also included in its construction and design. Location of the DTC site and Mouza information are shown in the figure 1 and 2.

Figure 1. LOCATION OF DESIGN TECHNOLOGICAL CENTER (DTC)

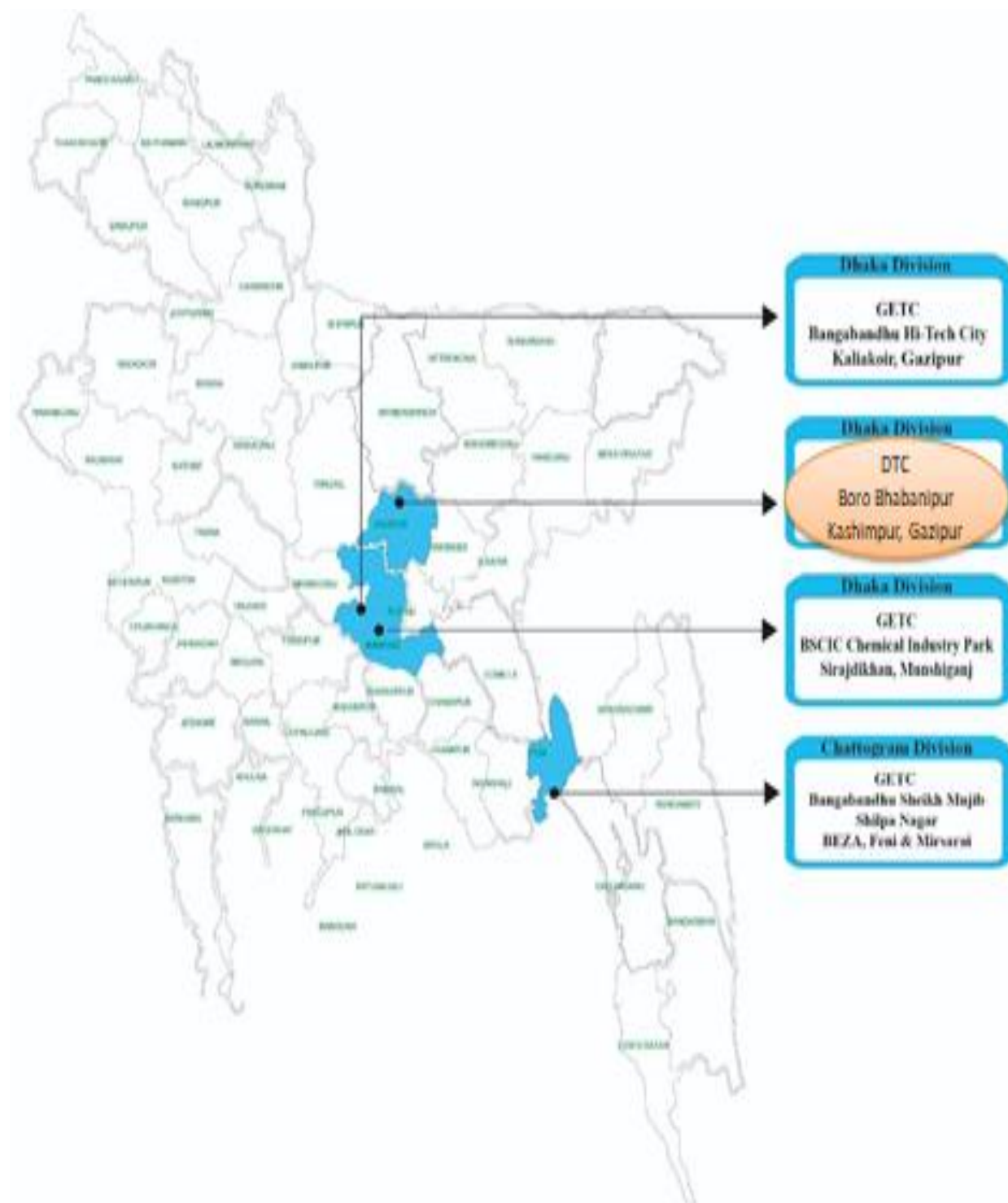
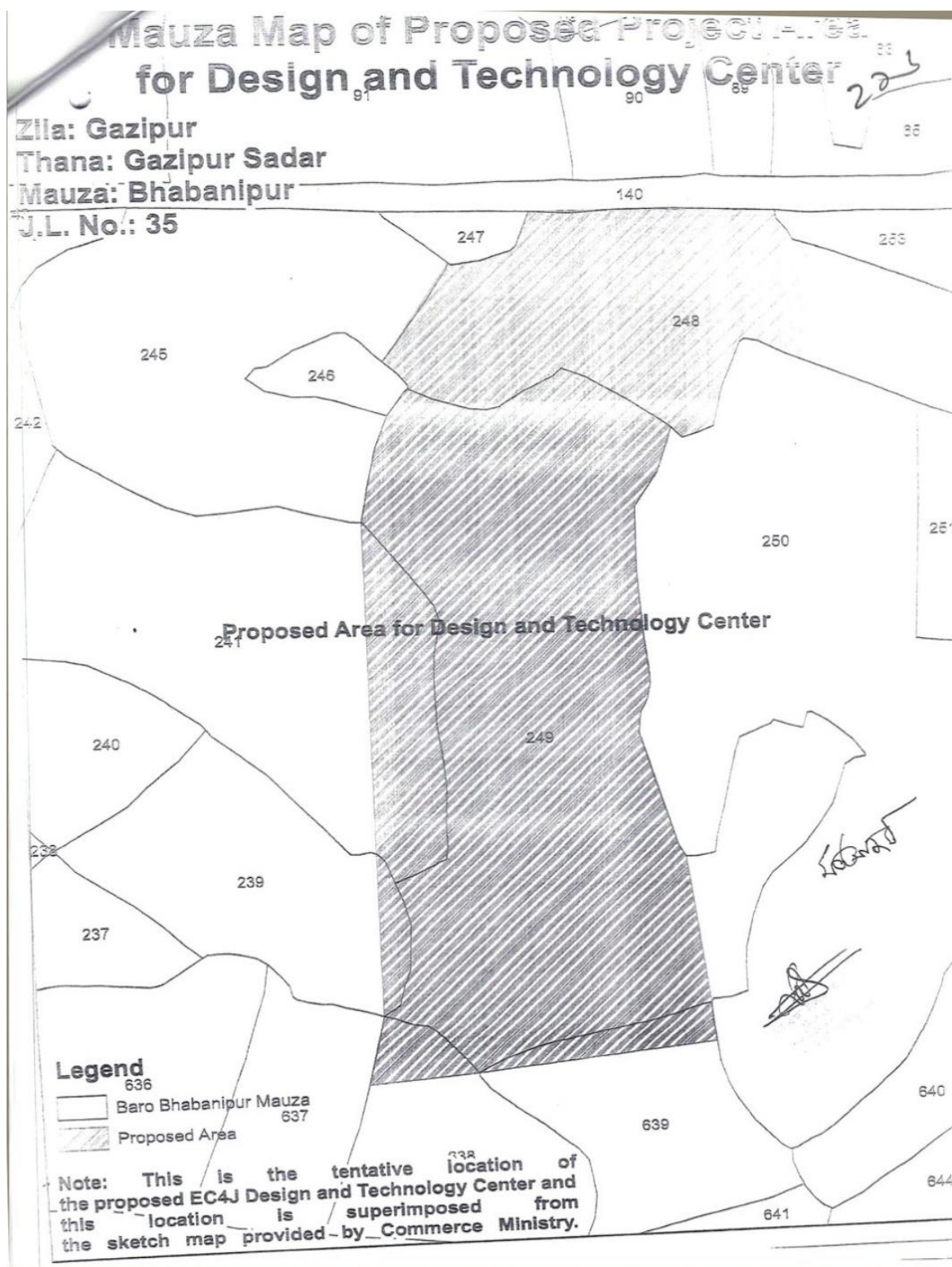


Figure 2. Proposed Area for Design and Technology Center. Boro Bhabanipur, Gazipur



3. Social Safeguards Impacts

3.1 Impact by acquisition of land

The DTC will be established at Boro Bhabanipur (Mouza), Kashimpur, Gazipur Sadar in Dhaka Division. Detailed land information in the Mouza is shown in the table-1.

Table 1. Detailed land information in the Mouza

SL NO.	Name of the police station	Name of the Mouza	J,L No	Sheet No	RS Plot No.	Amount of land	Full/Partial plot
01	Joydebpur	Boro Bhabanipur	35	01	248, 249, 239, 241	4.83	Partial
02	Joydebpur	Boro Bhabanipur	35	02	636, 639	0.17	partial
Total						5.00	

Source: LA plan of this project

According to the land acquisition plan, DTC is required around 5.0 acre of land which is barren and cultivable in nature. Of the total land, all are private land including Baid and Tak category, details of the affected land in the table- 2. Acquisition of both private and government will follow ARIPA 2017.

Table 2. Category of affected land

SL No.	Name of the District	Name of the Mouza	Khatian No (RS)	Plot No (RS)	Total land in the plot (acre)	Category of land	Amount of Proposed land (acre)
01	Gazipur	Boro Bhabanipur	81	239	0.9800	Baid	0.1200
02			68	241	2.0600	Tak	0.4200
03			48	248	1.6000	Baid	1.2200
04			7	249	3.4000	Baid	3.0700
05			44	638	0.7000	Tak	0.0900
06			7	639	7900	Baid	0.0800
			Total land = 5.00 acre				

Source: LA plan of this project

3.2 Impact by the Affected Structure

According to the census and Inventory of Losses (IoL) survey, total **120** sft primary structures will be affected by the project. Table-3 below shows that quantity of the structure to be affected by the sub-project.

Table 3. Affected Primary structures

Structure Type	No. of Structure	Area (sft.)
Pucca	1	120
Total	1	120

Source: Census and IOL, 2020

Apart from that the project will affected some secondary structures. Detail of the secondary structure is given in the table below.

Table 4. Affected Secondary structures

Structure Type	No. of Structure	Area (no/sft/cft)
Deep tube well (Number)/motor	1	4
Sanitary Toilet (Number)	1	2
Septic Tank (Cft)	1	30
Slab Toilet (Number)	2	2
Stair (Sft)	1	36
Varonda (Sft)	1	30
RCC Pillar(Number)	1	6
Grand Total	8	110

Source: Census and IOL, 2020

3.3 Impact on Common Property Resources and Community

The proposed site for the DTC land is vacant mostly where larger part of this land is barren. There is no any common property resources found. In addition, there is no tenant or renter belongs in the DTC area. It is assumed that project's zone of influence and project induced enhancement may increase over population on the existing community property resources especially schools, mosque and trample or other social properties.

4. Socio-economic Information and Profile

4.1. Demographic information

Bangladesh is a small but highly populous country. The current population is 165.4 million (165,491,971 estimated) and ranks on 8th position by the population and presents highest density in the world¹. The population scenario of the DTC area is almost same as the country i.e., highly populous. According to the census, total 02 HHs including 10 members will be affected along the proposed DTC area, of them 6 are male and 4 are female. The average HH member size is 5. There is no indigenous person found.

Table 5. Demography of the HHs

Total HHs	Male	Female	Total	Ave. person
02	6	4	10	5

Source: Census and IOL, 2020

4.2. Educational qualification

Education level of the affected people in DTC area is found much higher than the national average education level. According to Bangladesh Economic Review 2018, the average literacy rate of the country is about 76% .As per the census, among the members no one is found illiterate and everyone can sign. Under SSC holds 20% while the highest percentage on the up to SSC and HSC or equivalent around 60 and graduate or equal level is 20% respectively.

Table 6. Education Level of Affected Family Members

Education Level	Number family Members	%
No Schooling	0	0
Sign Only	0	0
Under SSC	2	20
Up to SSC	3	30
HSC or equivalent	3	30
Graduate or EQ	2	20
Grand Total	10	100

Source: Census and IOL, 2020

4.3. Poverty Line, Income and Expenditure of HHs

Poverty can be earmarked by income level of the households. The concept of absolute poverty is the minimum level of income that is needed for physical survival. According to ‘SDGs: Bangladesh Progress Report-2018’ the country’s poverty rate is 21.8² and incidence of extreme poverty is 11.3. According

¹ UN population estimation on 29 December, 2020. <https://www.worldometers.info/world-population/bangladesh-population/>

² Bangladesh Bureau of Statistics (BBS) 2011.

² Bangladesh Economic Review- 2019, Ministry of Finance, GoB, Chapter 13- Poverty Alleviation, page No.224.

to the Bangladesh Economic Review of 2019, yearly per capita national income is BDT 160,060 or 13,338 per month (page xxxiii). The survey on the affected HHs in DTC area found that 100% household's income is more than BDT 160,060. Measuring the HH average income, there will be no vulnerable assistance needed. Generationally, many people from DTC area have been living in outside particularly in Dhaka City however many worker (garments) living in this area (nearby). The residents of this area are doing different occupations and mostly involved in small business for their daily earnings. It is seemed that substantial number of people belongs to middle income group and most of the local people are well off.

Table 7: Income level of the HHs

Income level	No. of People	%
Less than Equal to 160,060	0	00.00
More than Equal to 160,060	2	100.00
Grand Total	2	100.00

Source: Census and IOL, 2020

4.4. Access to various civic amenities

Affected people enjoy various civic facilities including access to safe drinking water, access to sanitary toilet and supply of electricity. In case of fuel for cooking, people mostly use fire wood, Gas and electricity. It is good sign that everyone has drinking water access, of the affected people use Piped/Supply water from the local government. Including use deep tub well. Health and hygiene condition among the affected people is significantly high. All HHs use sanitary latrine. Electricity coverage in the project area is about 100% through Power Development Board (PDB) and Rural Electrification Board (REB).

5. Information Disclosure, Consultation, and Participation

One stakeholder/ community consultation was conducted with local level stakeholders as a part of ARP preparation. The Stakeholders Consultation Meeting (SCM) involved stakeholders, such as affected persons, Ward Member, businessmen, house and other host community along the roads religious leaders, etc.

The consultants disclose the project and its objectives to the stakeholders and also disclose the probable resettlement impacts by the project. It was also disclosed the policy under this RP/ARAP will follow "Acquisition and Requisition of Immoveable Property Act, 2017" (ARIPA), and other development partner's guideline to meet the resettlement impacts of under this project. The consultant heard the comments and feedback of the stakeholders and affected parties as well. It was assured that their comments and recommendations will be taken into concern in designing of the project and also meet the resettlement impacts.

Ministry of commerce will disclose this ARAP to the public in Bangladesh by posting it on its website. Ministry of commerce will also ensure that copies are made available at its headquarters and site offices, local government offices and other places accessible to the general public.

6. Grievance Redress Mechanisms

The ministry of commerce will establish a GRM to address grievances and complaints that may come from local communities / individuals during the course of implementing the ARAP and other civil works. The primary objective is to resolve them amicably and quickly through negotiations, in order to avoid disruptions in construction works. For the purpose ministry of commerce will constitute one or more Grievance Redress Committees (GRCs), depending on location of the work sites.

There is a two-tier bottom up GRC system in this Project. First, there is a GRCs at the local level, hereafter called Local GRC (union/municipality level or sub project); and second, GRC at the PIU level to give room for grievances to be fairly reviewed. The APs will be informed through public consultation that they have a right to have their grievances redressed by the local committees as well as by the project management.

Generally, grievances are compensation-related. To provide a more structured local level GRM, project-level grievance redress mechanism, a grievance redress committee (GRC) will be formed as soon as the funding of the project becomes effective and will continue until project completion. Deputy Project Director -2 has been nominated as the Focal Point of the GRC at PIU level. In the PIU level GRC consist of seven members while of the GRC of the local level may consist of the representative from the factory, chair/ representative of the of the Union Council or a responsible person of the sub project and a local leader or respectable community leader like teacher , religion leader where the project is located, a witness for the AP, and a representative from a local group (i.e. religious, teacher, etc.).

Both online and offline Grievance Redress System has been developed. Each complain of any grieved person will be recorded and notify timely through available web based digital tracking system. Reported complain will be dissolved within 30 (Thirty) working days.

The record will include the contact details of the complainant, date the complaint was received and the nature of the complaint, agreement on corrective actions and the date it was enforced, and the final outcome. Complaints received, with appropriate documentation, will become part of the environmental and social monitoring reports submitted to WB.

If the project component will not involve compensation on entitlements, the current GRS will deal with project-specific environmental and social concerns/issues. PIU will ensure that the grievance redress mechanism maintains a transparent process that is gender and special needs-responsive, culturally-appropriate and easily accessible to all project affected people at no costs and without retribution. The proposed mechanism does not impede access to the country's judicial or administrative remedies.

All decisions given by the GRC, and accepted by the aggrieved persons, will be binding on ministry of commerce. Ministry of commerce will document the grievances in appropriate details, as well as the decisions given by the GRC.

7. Legal Framework

7.1. Bangladesh Laws

The principal legal instrument governing land acquisition in Bangladesh was the Acquisition and Requisition of Immovable Property Ordinance 1982. This ordinance was repealed by the newly passed act under the name of Acquisition and Requisition of Immovable Property Act (ARIPA) of 2017. The ARIPA 2017 Act requires that compensation be paid for (i) land and assets permanently acquired (including standing crops, trees, houses); and (ii) any other damages caused by such acquisition. The Act also provides for the acquisition of properties belonging to religious organizations like mosques, temples, pagodas and graveyards if they are acquired for public interest.

The Ministry of Land (MOL) has the overall responsibility to enforce land acquisition. The MOL delegates some of its authority to the Commissioner at the Divisional level and to the Deputy Commissioner at the District level. The Deputy Commissioners are empowered by the MOL to process land acquisition and pay compensation to the legal owners of the acquired property. The burden to establish his/her legal rights to the acquired property in order to be eligible for compensation under the law is on the landowner. The Deputy Commissioner is empowered to acquire a maximum of 50 standard bigha (16.50 acres) of land without any litigation for which he would obtain the approval of the Divisional Commissioner. Acquisition of land exceeding 16.50 acres has to be approved from the central land allocation committee (CLAC) headed by the prime minister of the Government of Bangladesh. In the case of acquiring Khas land (government owned land), the land will be transferred through an inter-ministerial meeting following an acquisition proposal submitted to DC or MOL.

Under the ARIPA 2017, The Deputy Commissioner (DC) determines the value of the acquired assets as at the date of issuing the notice of acquisition under section 4(1) of the Act. The DCs thereafter enhance the assessed value by 200% and another 100% premium for loss of standing crops, structures and income due to compulsory nature of the acquisition. The compensation such determined is called the Cash Compensation under Law (CCL). If the land acquired has standing crops cultivated by a tenant (Bargadar) under a legally constituted written agreement, the law requires that compensation money be paid in cash to the tenants as per the agreement. The previous ARIPO of 1982 did not prescribe the acquisition of officially registered places of worship, graveyards and cremation grounds for any purpose. However, the new Act of ARIPA 2017 under section 4 (13) permits the acquisition of those properties if it is for a public purpose provided the project for which the land is acquired provides for similar types of assets in some other appropriate place. Households and assets moved from land already acquired in the past for project purposes and/or government khas land are not included in the acquisition proposal and therefore excluded for considerations for compensation under the law. Lands acquired for a particular public purpose cannot be used for any other purpose. The new Act under section 4 (2) also facilitates the private organizations to request from the government to acquire the land for their development activities. Furthermore, the new Act under its section 15 provides for the acquisition of entire houses/buildings if their owners request to acquire the entire house or building against partial acquisition. The government is obliged to pay compensation for the assets acquired. The previous Ordinance of 1982 did not address social and economic impacts resulting from land

acquisition such as compensation and other assistance for non-titleholder project-displaced persons such as informal settlers (squatters), occupiers, and informal tenants and lease-holders without registration document. Furthermore, the Ordinance did not provide for compensation for loss of livelihoods and incomes.

Table 8. Land Acquisition Process under ARIPA, 2017

Relevant Section under ARIPA, 2017	Steps in the process	Responsibility
Section 4(1)	Publication of preliminary notice of acquisition of property for a public purpose	Deputy Commissioner
Section 4 (3) (1)	Prior to the publication of section 4(1) notice; <ul style="list-style-type: none"> Identify the present status of the land, structures and trees through videography, still pictures or appropriate technology. 	Deputy Commissioner
	After the publication of the section 4(1) notice a joint verification should be conducted with potentially affected households and relevant organizations.	Deputy Commissioner
Section 4 (7)	After publication of preliminary notice under the section 4(1), if any household has changed the status of the land for beneficial purposes, changed status will not be added to the joint verification notice.	Deputy Commissioner
Section 4 (8)	If the affected person is not happy with the joint verification assessment, he/she can complain to Deputy Commissioner within 7 days of issuing sec 4(1) notice.	Affected Person
Section 4 (9)	Hearing by Deputy Commissioner within 15 working days after receiving the complaints. In case of government priority projects, hearing will be within 10 working days.	Deputy Commissioner
Section 5 (1)	Objections to acquisition by interested parties, within 15 days of the issue of section 4 (1) Notice	Affected Person
Section 5 (2)	Deputy Commissioner submits hearing report within 30 working days after the date of the sec 5(1) notice. In the case of government priority projects, it will be within 15 working days.	Deputy Commissioner
Section 5 (3)	DC submits his report to the (i) Government (for properties that exceed 16.50 acres; (ii) Divisional Commissioner for properties that do not exceed 50 standard bighas. Deputy Commissioner makes the final decision If no objections were raised within 30 days of inquiry. In case of government priority project, it will be 15 days	Deputy Commissioner
Section 6 (1) (1)	Government makes the final decision on acquisition within 60 working days after receiving report from the Deputy Commissioner under sec 5(3) notice.	Government

Relevant Section under ARIPA, 2017	Steps in the process	Responsibility
Section 6 (1) (2)	Divisional Commissioner makes the decision within 15 days or with reasons within 30 days since the submission of the report by Deputy Commissioner under sec 5(3) notice.	Divisional Commissioner
Section 7 (1)	Publication of the Notice of final decision to acquire the property and notifying the interested parties to submit their claims for compensation	Deputy Commissioner
Section 7 (2)	Interested parties submit their interests in the property and claims for compensation within 15 working days (in case of priority project 7 days).	Affected Person
Section 7 (3)	Individual notices have to be served to all interested persons including the shareholders within 15 days of issuing Section 7(1) notice	Deputy Commissioner
Section 8 (1)	Deputy Commissioner makes a valuation of the property to be acquired as at the date of issuing Section 4 Notice; determine the compensation; and apportionment of compensation among parties interested.	Deputy Commissioner
Section 8 (3)	DC informs the award of compensation to the interested parties and sends the estimate of compensation to the requiring agency/person within 7 days of making the compensation decision	Deputy Commissioner
Section 8 (4)	The requiring agency/person deposits the estimated award of compensation with the Deputy Commissioner within 120 days of receiving the estimate.	Deputy Commissioner
Section 9 (1)	During valuation of assets, Deputy Commissioner will consider the following: (i) Average market price of land of the same category in the last 12 months; (ii) Impact on existing crops and trees; (iii) Impact on other remaining adjacent properties; (iv) Impact on properties and income; and (v) Relocation cost for businesses, residential dwellings etc.	Deputy Commissioner
Section 9 (2)	Additional 200% compensation on current mouza rate is added to the estimated value. If private organizations acquire, added compensation will be 300%.	Deputy Commissioner
Section 9 (3)	Additional 100% compensation on top of the current market price for impacts mentioned under sec 9(1) and (2)	Deputy Commissioner
Section 9 (4)	Appropriate action should be taken for relocation on top of the above mentioned sub-sections.	
Section 11 (1)	Deputy Commissioner awards the compensation to entitled parties within 60 days of receiving the deposit from the requiring agency/person.	Deputy Commissioner

Relevant Section under ARIPA, 2017	Steps in the process	Responsibility
Section 10 (2)	If an entitled person does not consent to receive compensation, or if there is no competent person to receive compensation, or in the case of any dispute with the title to receive compensation, Deputy Commissioner deposits the compensation amount in a deposit account in the Public Account of the Republic and Deputy Commissioner acquires the land. But if any person complains about the ownership of the land, with appeal, he/she will be able to collect the amount from Deputy Commissioner. There is no fixed time for this.	Deputy Commissioner
Section 12	When the property acquired contains standing crops cultivated by bargadar (shareholders), such portion of the compensation will be determined by the Deputy Commissioner and will be paid to the bargadar in cash.	Deputy Commissioner

7.2. World Bank OP 4.12

The objectives of OP 4.12 with regard to involuntary resettlement are: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups. The OP 4.12 covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers displaced persons whether such losses and involuntary restrictions are full or partial, permanent or temporary.

For any WB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, from the early stages of the project cycle, taking into account the following basic principles:

- (i) Involuntary resettlement (IR) will be avoided or minimized as much as possible and where IR is unavoidable, displaced persons (DPs) will be compensated full replacement close for their losses;
- (ii) Improve, or at least restore, the livelihoods of all DPs and provide physically and economically displaced persons with needed assistance.
- (iii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.

- (iv) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (v) Prepare and disclosure a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (vi) Consider and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring.
- (vii) Disclose monitoring reports.

8. Entitlements, Assistance and Benefits

All DPs who are identified in the project-impacted areas on the cut-off date³ will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels.

The entitlement matrix (Table-9) summarizes the main types of losses and the corresponding nature and scope of entitlements in accordance with the government and WB policies. Where the entitlement matrix does not cover a particular impact it can be enhanced in the resettlement plans based on the findings of the socio-economic assessment and detailed census survey. Standards described will not be lowered but can be enhanced in the sub-project RAPs as required.

Table 9. Entitlement Matrix

Category of Losses	Persons Entitled	Entitlements
Loss of Agricultural Land	Legal owner/title holders as identified by Deputy Commissioner (DC)	<p>CCL by DC as per 2017 LA Act</p> <p>The difference between CCL and Replacement Value (RV) of land (to be determined by PVAC) paid by the Project as additional payments.</p> <p>Replacement Value includes Stamp duty and registration cost at the rate of 15% of Current Market Price to be assessed by PVAC.</p>

³ The cut-off date for title holders is decided according to the formal government notification, and for non-titleholders the date of the census survey during the detailed design stage. Those who encroach into the project area after the cut-off date will not be entitled to compensation or any other assistance. The EA/IA will take video and photo documentation to ensure documentation of entitled persons on the cut-off date.

Category of Losses	Persons Entitled	Entitlements
Loss of Homestead, Commercial, Industrial land and Common Property Resources	Legal owner/title holders as identified by DC	<p>CCL by DC as per 2017 LA Act</p> <p>The difference between CCL and Replacement Value (RV) of land (to be determined by PVAC) paid by the Project as additional payments.</p> <p>Replacement Value includes Stamp duty and registration cost at the rate of 15% of current Market Price to be assessed by PVAC.</p>
Loss of Water bodies (ponds, both cultivated and non-cultivated)	Legal owner/title holders as identified by DC	<p>CCL by DC as per 2017 LA Act</p> <p>The difference between CCL and Replacement Value (RV) of land (to be determined by PVAC) paid by the Project as additional payments.</p> <p>Replacement Value includes Stamp duty and registration cost at the rate of 15% of current Market Price to be assessed by PVAC.</p>
Loss of Residential Structures with title to Land	Legal owner/title holders as identified by DC	<p>CCL by DC for residential structures as per 2017 LA Act</p> <p>The difference between CCL and Replacement Value (RV) for structures as determined by PVAC</p> <p>Transfer and reconstruction grants respectively @ 10% and 15 % of RV of the structure</p> <p>Owner allowed taking away all salvageable materials free of cost.</p>
Loss of Commercial/Industrial Structures with title to Land	Legal owner/title holders as identified by DC	<p>CCL by DC for commercial/industrial structures as per 2017 LA Act</p> <p>The difference between CCL and Replacement Cost (RC) for structures as determined by PVAC</p> <p>Transfer and Reconstruction grants respectively @ 10% and 15 % of RV of the structure</p> <p>Owner allowed to take all salvageable materials free of cost</p>
Loss of Residential And other Physical Structures without title to land	Socially recognized owners of structures	Compensation for the structures based on PWD rates to be determined by PVAC at replacement value

Category of Losses	Persons Entitled	Entitlements
(squatters/informal settlers)		Transfer and reconstruction grants respectively @ 10% and 15 % of RV of the structure Owner will be allowed to take all salvageable materials free of cost within the given time by concern ministry/department
Loss of Physical& Cultural Resources (PCR) and Common Property Resources (CPRs) structures(a) with or(b)without title to land	(a)Legal owners (or registered committees) identified by DC in the process of CCL payment. (b) Socially recognized owners of structures identified during census and verified by JVC	(a) CCL by DC to legal owners, plus the difference between CCL and RV of structure as determined by PVAC. Transfer and reconstruction grants respectively @ 10% and 15 % of RV of the structure Owner(s) allowed to take all salvageable materials free of cost
8.(a)Loss of Trees with title to land; and (b) owner of trees on public land or lessees	Legal owner as identified by DC. Socially recognized owners of trees grown on public or other land, as identified by census. Owners of trees such as Forest Department, Zilla Parishad, Society, Union Parishad, Lessee on public land.	(a)Timber trees and bamboos: CCL by DC for those with title to land and difference between CCL and RV as determined by PVAC. For fruit trees: CCL by DC for those with title to land and difference between CCL and RV as determined by PVAC. Compensation for fruits @30% of the timber value OR (b)Timber trees and bamboos: Compensation for lost trees as per DOF rates to be determined by PVAC at RV for those without title to land. For fruit trees: compensation for lost trees as per DOF rates to be determined by PVAC at RV for those without title to land. Compensation for fruits @30% of the timber value Owner of trees (in both cases) will be allowed to fell and take the trees free of cost
Loss of Standing Crops/Fish stock with (a)title to land and(b)without title to land.	(a)Legal owner/ cultivators as identified in joint verification by DC and MINISTRY OF COMMERCE. (b)socially recognized users of land identified during census and validated by JVC	(a)CCL for crops by DC for those with titles and difference between CCL and RV as determined by PVAC; OR (b) Compensations for crops/fish stock at RV to be determined by PVAC for those without title. Owners/Users will be allowed to take crops and fish stock(within project declared deadline)

Category of Losses	Persons Entitled	Entitlements
Loss of Leased or mortgaged agricultural land or ponds and commercial land	Agricultural and commercial plot owner(s) on the Project area Titled and non-titled leaseholders/ licensees/sharecroppers	CCL as per law for those with registered contracts/lease OR Cash grant @ BDT 400.00 per decimal with maximum of BDT 40,000.00 will be paid to the non-titled sharecroppers, licensees and lessees of agricultural land, and pond by the Project through INGO/Consulting Firm. In both cases, the cultivator will be allowed to take the crops/fish free of costs within the BR declared deadline.
Loss of Income from dismantled commercial and business premises	Any proprietor or businessman or artisan operating in premises, at the time of issuance of notice and/or identified by census.	Small and Medium Business: Cash grant of BDT18, 000 for loss of business income by affected trader (based on average monthly income of BDT 6,000 for 3 months). Large Scale Business (Having Trade License and IT certificate):Cash grant of BDT60,000 for loss of large business income by affected trader (based on average monthly income of BDT20,000 for 3 months)
Loss of Income (wage earners in agricultural, small business and industry; excluding owners or employers)	Regular employees/wage earners affected by the acquisition as identified by census.	Cash grant of BDT15,000 (equivalent to 2 months average income).
Assistance to Vulnerable households	Households under the Poverty level	BDT 10,000.00 as one time grant in addition to other compensations
Loss of Income from rented-out Residential and commercial premises	Owner of the rented-out premises as identified by census.	Grant for loss of rental income for rented-out residential and commercial structures equivalent to three (3) months rental income not exceeding BDT12, 000.00.
Rental assistance For tenants in order to support them finding alternative place to rent	Tenants in rented structures as identified by census.	Rental assistance for both residential and commercial tenants equivalent to two (2) months' rent not exceeding BDT8,000.00. In addition, Moving grant of BDT 4,000.00.

Category of Losses	Persons Entitled	Entitlements
Unforeseen Adverse impacts	Households/persons Affected by any unforeseen impact identified during RP implementation– for instance, any Project Induced impacts	Compensations/allowance and assistance depending on type of loss will follow entitlement matrix
Temporary impact during construction	Households/persons and/or community affected by construction impacts	The contractor shall bear the cost of any impact on structure or land due to movement of machinery and in connection with collection and transportation of borrow materials as per entitlement matrix (see entitlementmeasure#1). All temporary use of lands outside proposed site to be through written approval of the land owner and contractor. Land will be returned to owner rehabilitated to original preferably better standard.

9. Property Valuation and Assessment Committee (PAVC)

A Property Assessment and Valuation Committee (PAVC), constituting of 03 (three) members will be formed headed by General Manger/Joint Secretary or equivalent officer to be nominated by the Project Director from ministry of commerce. They will identify all impacts along the project right of way and ascertain unit rates of affected properties. They will also (i) provide guidance for assessment of valuation for affected properties, and (ii) recommend the cash assistance to the PMU for approval. The PAVC will be comprised of the following members-

- i. General Manger/Joint Secretary or equivalent officer as nominated by Project Director : Convener;
- ii. Representative of the Deputy Commissioner –Member
- iii. A representative from local NGO/CBO /INGO - Member Secretary

10. Relocation of Housing and Settlements

All land is belonging to the two land owners. One of them is an association or Cooperative and another one is a single owner. A small portion of this land is cultivable but only a single crop is produced. Moreover, both of the owners are willing to sale their land as the sake of their own interest as currently to compensation cost is three times of present Mouza's price. They PAPs are preferred self-relocation mode.

10.1. Income Restoration and Rehabilitation

During field observation found a diverse occupation pattern in the project area. More than 15 occupational groups have found. Business, service, garments worker, day laboring, expatriate, agriculture, and service are the main occupations. Female persons are mostly garments worker and housewife, although some female were found engaged in business, day laboring, service and domestic maid for their livelihood. Unemployment rate in the project area is significantly low. However, it is assumed that project's zone of influence and project induced enhancement may stimulate the others local people who are living in this area. Though the Affected HHs are well off however livelihood restoration program can be taken for vulnerable host community for ensuring the holistic development. So, income and livelihood restoration program can be taken for whom, especially for the vulnerable people i.e female headed HHs, disables, needy women and poor HHs etc. This Income Generating Activities (IGA) would inspire for such people particularly female and vulnerable people for doing more income generating activities to align them in the mainstreaming economic development.

There are various modes of Income Generating Alternatives (IGA) are preferred by the local people. Most of them preferred to receive technical training from the project authority. They assumed that these training opportunities would help to manage job in the DTC. Besides, Small business, computer, tailoring, agriculture, driving, poultry rearing etc. are demanded

11. Resettlement Budget and Financing Plan

The total estimated budget for land acquisition and resettlement budget (LAR) comes up BDT **408,843,991**. Of the total budget BDT **382,640,109** to be paid by DC while BDT **26,203,882** be determined by PAVC and paid by ministry of commerce. The respective budget of LAR is present as follows. The budget is prepared following the resettlement entitlement matrix adopted under this project.

Table 10. Summary of Resettlement budget

Item of Cost	BDT	To be paid by DC	To be paid by Ministry of Commerce
Cost for land acquisition	374,364,639	374,364,639	0
Cost for primary structure	353,040	353,040	0
Cost for Secondary structure	280,486	280,486	0
Resettlement Benefits / allowance/assistance	7,099,023	0	7,099,023
Initial Total	382,097,188	374,998,165	7,099,023
Administrative cost for LA process @ 2% of DC budget	7,641,944	7,641,944	0
Contingency @ 5% the total budget	19,104,859		19,104,859
Grand total	408,843,991	382,640,109	26,203,882

The cost of land acquisition is BDT 374,364,639 as per the initial approval. However, breakdown of other supplementary costs are shown the under math tables;

Table 11: Estimated cost for primary structures

Total primary structure cost is required is BDT 353,040 only.

Structure Type	No. of Structure	Area (SFT)	Rate of Structure	Amount (BDT)
Pucca	1	120	2,942	353,040
Grand Total	1	120	2,942	353,040

Table 12: Estimated Cost for secondary structure

Total secondary structural cost is required BDT 280,486 only.

Structure Type	No. of Structure	Area/Sft/cft/	Rate	Amount (BDT)
Deep tube well (Number)/motor	1	4	6,667	26,668
Sanitary Toilet (Number)	1	2	60,003	120,006
Septic Tank (Cft)	1	30	300	9,000
Slab Toilet (Number)	2	2	4,452	8,904
Stair (Sft)	1	36	2,200	79,200
Varonda (Sft)	1	30	957	28,710
RCC Pillar(Number)	1	6	1,333	7,998
Grand Total	8	828		280,486

Table 13. Resettlement Benefits/Assistance

Total resettlement and associated cost is BDT 7,099,023 only.

SL.	Area of Resettlement and Associated task	Quantity/ Rate/No	Rate in BDT	Amount in BDT
1	Stamp Duty and Registration Cost @ 15% of replacement cost of land	(estimated)	LS	1,500,000
2	Structure Transfer Grant (STG) @ 10% of the replacement cost of structures	(estimated)	LS	359,609
3	Structure Construction Grant (SCG) @ 15% of the replacement value of structures	(estimated)	LS	839,414
4	Special Assistance to vulnerable HHs @ Tk. 10,000/- as one time grant.	(estimated)	LS	300,000
5	Grant for IGA	(estimated)	LS	2,000,000
6	INGO support	(estimated)	LS	2,000,000
7	Other costs	(estimated)	LS	100,000
	Total			7,099,023

12. Institutional Arrangements

As the number of PAPs is very small, Ministry of commerce itself or by the assistance of Implementing Non-government (INGO) or consulting firm will implement the ARAP. The Project Management Unit (PMU) of ministry of commerce will designate an appropriate official (or can appoint a resettlement consultant) who will undertake all necessary tasks required for ARAP implementation and ensure monitoring of INGO/consulting firm's activities in field level. If ministry of commerce is engaged any firm, then it would expedite the RP implementation activities.

13. ARAP Implementation Schedule

The implementation is scheduled for a year due to having acquisition of private and administrative procedure of DC offices. NGO/relevant consulting firm can assist Ministry of Commerce to expedite LA activities and other resettlement benefits disbursement. ARAP implementation will begin with constitution of the GRC, preparation of the entitlement file for each Project affected person (PAP), disbursement of the compensation, and removal of the structures, as well as removal of the trees. It is to be noted that civil works can begin only after payment of the compensation to the individual PAPs. The following is a tentative time-schedule for ARAP implementation

Table 14: ARAP implementation schedule

No.	Task	Year 1			
		1	2	3	4
	Yearly Quarters				
1	Land Acquisition Processing by DC				
2	Notice u/s 4, Joint Verification, Notice u/s 7				
3	LA Estimate and Fund Placement with DC				
4	Notice under section 8 by DC				
5	Formation of GRC Committee, with the suggested memberships				
6	Preparation of the individual Compensation Schedule or Entitlement File.				
7	Disclose the compensation package to PAHs				
8	Compensation disbursement				
9	Notification for removal of the structures				
10	Clear lands and relocate affected households				

14. Monitoring and Reporting

As to ARAP implementation, monitoring will primarily include completion of the tasks that will allow civil the works. These are:

- Formation of the GRC and monitoring its activities, recording the grievances /complaints, as well as the measures taken to resolve them.
- Preparing the compensation schedule for the individual PAPs as might be required for official recordkeeping.
- Disbursing the compensation to the PAPs
- Notifying the PAPs by when they will have to vacate the land they are occupying, in view of commencement of the civil works.

Ministry of commerce will prepare a brief evaluation report, at completion of the above tasks, focusing on (i) whether or not, or the extent to which the measures were effective to mitigate the impacts; (ii) whether the process undertaken to implement the ARAP was appropriate; and (iii) the lessons that have been learned, and how they could be used to improve a similar resettlement program.