



**CLEAN AIR AND SUSTAINABLE  
ENVIRONMENT PROJECT**

**ENVIRONMENTAL AND SOCIAL  
MANAGEMENT FRAMEWORK**

**June 2008**

**GOVERNMENT OF BANGLADESH**



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## ABBREVIATIONS & ACRONYMS

<b>AQC:</b>	Air Quality Cell
<b>AQM:</b>	Air Quality Management
<b>ARP:</b>	Abbreviated Resettlement Plan
<b>BKEM:</b>	Brick Kiln Emission Management
<b>BRTA:</b>	Bangladesh Road Transport Authority
<b>CASE:</b>	Clean Air and Sustainable Environment
<b>CBO:</b>	Community-Based Organization
<b>CUL:</b>	Compensation-Under-Law
<b>DC:</b>	Deputy Commissioner
<b>DCC:</b>	Dhaka City Corporation
<b>DLAC:</b>	District Land Allocation Committee
<b>DMP:</b>	Dhaka Metropolitan Police
<b>DOE:</b>	Department of Environment
<b>DTCB:</b>	Dhaka Transport Coordination Board
<b>DUTP:</b>	Dhaka Urban Transport Project
<b>EA:</b>	Environmental Assessment
<b>EIA:</b>	Environmental Impact Assessment
<b>EMP:</b>	Environmental Management Plan
<b>ESMF:</b>	Environmental and Social Management Framework
<b>GOB:</b>	Government of Bangladesh
<b>GRC:</b>	Grievance Redress Committee
<b>HCG:</b>	House Construction Grant
<b>HTG:</b>	House Transfer Grant
<b>IDA:</b>	International Development Association
<b>IP:</b>	Indigenous People
<b>IPP:</b>	Indigenous Peoples Plan
<b>LAP:</b>	Land Acquisition Proposal
<b>LGD:</b>	Local Government Division
<b>MOC:</b>	Ministry of Communications
<b>MOEF:</b>	Ministry of Environment & Forestry
<b>MOLGRDC:</b>	:Ministry of Local Government, Rural Development & Cooperatives
<b>MSP:</b>	Municipal Services Project
<b>NGO:</b>	Non-Governmental Organization
<b>OP 4.01:</b>	Operational Policy 4.01 (on Environmental Assessment)
<b>OP 4.10:</b>	Operational Policy 4.10 (on Indigenous Peoples)
<b>OP 4.12:</b>	Operational Policy 4.12 (on Involuntary Resettlement)
<b>OPN 11.03:</b>	Operational Policy Note 11.03 (on Management of Physical Cultural Property)
<b>PAH:</b>	Project Affected Household

<b><i>PAP:</i></b>	Project Affected Person
<b><i>PD:</i></b>	Project Director
<b><i>PIA:</i></b>	Project Implementation Agency
<b><i>PMSC:</i></b>	Project Management Supervisory Committee
<b><i>PMT:</i></b>	Project Management Team
<b><i>PPSC:</i></b>	Project Preparation Supervisory Committee
<b><i>PPT:</i></b>	Project Preparation Team
<b><i>RP:</i></b>	Resettlement Pan
<b><i>SA:</i></b>	Social Assessment
<b><i>SIA:</i></b>	Social Impact Assessment
<b><i>SMC:</i></b>	Supervision & Monitoring Consultants
<b><i>TOR:</i></b>	Terms of Reference
<b><i>VNR:</i></b>	Vested Non-Resident
<b><i>WB:</i></b>	World Bank

## DEFINITION OF SELECTED TERMS

**Compensation:** Payment made in cash to the project affected persons/households for the assets acquired for the project, which includes the compensation provided in the *Acquisition and Requisition of Immovable Property Ordinance 1982* and others stipulated in this Social Impact 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 project or subprojects, the framework is prepared to guide the project preparation team about who are to be discussed/consulted about the overall project 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.

**Entitlement:** Refers to mitigation measures, which includes CUL, Implementing Agency's payment (top-up and others), to make up for the replacement costs/market prices of the affected assets, and those that are not provided in the Land Acquisition Ordinance, but stipulated in this ESMF.

**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 project 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 project's goals, objectives, scope and social impact implications to the project beneficiaries, and their 'feed-back' on these issues (and more) to the policymakers and project designers. In addition to seeking feedback on project specific issues, participatory planning approach also serve the

following objectives in all development projects: public relations, information dissemination and conflict resolution.

***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 re-establishing the previous living standards, which may include rebuilding 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 OP 4.12 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 project, such as affected persons/households, shop owners, traders in sidewalks/kitchen markets, squatters, community-based and civil society organizations.

***Top-Up Payment:*** Refers to Implementing Agency’s payment in cases where the compensation-under-law (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 of minority communities 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. The act is known to be controversial and have been widely abused.

## **A. INTRODUCTION: ENVIRONMENTAL & SOCIAL SAFEGUARDS AND MITIGATION ISSUES**

1. This Environmental and Social Management Framework (ESMF) is proposed to deal with environmental and social safeguards issues that may arise under the proposed Clean Air and Sustainable Environment (CASE) Project. A Project Preparation Team (PPT), representing the Ministry of Environment and Forestry (MOEF), Ministry of Local Government, Rural Development & Cooperatives (MOLGRDC), and Ministry of Communications (MOC) of the Government of Bangladesh (GOB), is presently preparing the project activities. The PPT will evolve into Project Management Team (PMT) as the project goes into implementation. A multi-agency Project Preparation Supervision Committee (PPSC), headed by the Director General of the Department of Environment (DOE), is coordinating and overseeing the preparation process, and will act as Project Management Supervisory Committee (PMSC) once the project becomes effective. The project will be implemented with financial support of the World Bank.

2. The provisions of this ESMF are proposed in view of the World Bank's project financing policy that requires the borrowers to assess potential environmental and social safeguard issues and impacts in project preparation and adopt and implement appropriate measures to mitigate them, in compliance with the specified policies. In this regard, since the exact nature and scale of safeguards impacts under the specific subprojects remain to be assessed, the issues and impacts addressed in the ESMF have been largely based on the experience with similar projects implemented in the recent past. Once the subprojects are selected and the scopes of works are determined, the ESMF will provide the basis to assess the environmental and social safeguard issues and impacts, and prepare the necessary adverse impact mitigation plans.

3. The ESMF is divided into three sections. This section introduces the project as a whole with analyses of the potential environmental and social safeguard aspects; outlines the principles and guidelines for selection and design of physical works and the environmental and social screening thereof; implementation arrangement; grievance redress procedure; and other aspects that are applicable to both environmental and social issues. Section B provides specific principles and guidelines to assess and mitigate adverse environmental impacts. The principles and guidelines for land acquisition and resettlement are provided in Section C.

### **Project Objectives & Activities**

4. With a focus on reducing urban air pollution, the project aims to catalyze adoption of sustainable environmental initiatives in urban transport and small-scale industries through pilot initiatives. In this regard, the specific interventions will include: (a) strengthening of regulatory and institutional framework for air pollution control from urban transport and small scale industries; (b) improvement of mobility along pilot corridors (as measured by reduction in average travel time, increase in average travel speed, increase in productivity of bus services, number of competitively contracted bus routes) in Dhaka metropolitan area; and (c) adoption of cleaner technologies/processes in small scale industries (with a focus on brick

making) leading to reduction in emissions as compared to the baseline. These interventions will be designed as subcomponents under the following two major components:

5. ***Environment Component*** (US\$ 15 Million): The component is aimed at strengthening the environmental agency's capacity and capability to effectively address air pollution issues. This component will be prepared and executed by the DOE, in consultation with stakeholders from the key polluting sectors and sub-sectors. It will primarily provide support for the following:

- *Capacity building for AQM:* Infrastructure and technical assistance to the Air Quality Cell (AQC) at the DOE to develop and implement the DOE's air quality management programs and initiatives. The AQC staff will be provided with training and state-of-the-art facilities, so that they can discharge their duties effectively and efficiently. It will also include infrastructure for accommodation of the AQC at the DOE. The AQC will manage the implementation of the project subcomponent. Building on progress made under AQMP, this subcomponent will also support investment for air pollution monitoring (ambient, and emissions), calibration, data analysis, and reporting; also finance strengthening the reporting, and use of AQ information (through the creation of an AQ Information System), outreach (via website and media), stakeholder consultations, and developing public alert systems.
- *Brick Kilns Emissions Management:* This subcomponent will focus on demonstration of a program to reduce local and global air pollution from one of the major polluting sub-sectors in Bangladesh. The long-term objective of this subcomponent is to set up a sustainable institutional mechanism for access to cleaner brick making technologies/processes. As regulations will be tightened and enforced, the demonstration program will provide technical assistance and facilitate access to finance for switching to more energy efficient and less air polluting processes and technologies. It will comprise – the implementation of a package of interlinked activities that will include: (a) review and update of emission standards, with a view to developing action plans with a realistic timeline for enforcing new/tightened emission standards; (b) infrastructure, technical capacity and guidelines for stack emission monitoring necessary for having adequate information about compliance status; (c) enhanced inspection and enforcement strategies (including a more effective use of environmental license issue/renewal for enforcing compliance); (d) technical assistance and outreach for target industries in collaboration with the brick industry association; (e) using public information disclosure and performance rewards as a tool to facilitate compliance; (f) facilitating access to financing for new technology/process, including carbon finance<sup>1</sup>.
- *Media Campaign for Clean Air:* Highlighting the impact of local and global emissions from the key transport and industry sources, this campaign will be rolled out using all available media channels, in English as well as Bangla. It will contain targeted messages for different stakeholders, which will be delivered not only through the print and audio-visual media, but also through personal contact. Social marketing tools will be used to address those issues that have socio-cultural roots. The media campaign will also serve as the tool for the GOB to reach out to different stakeholders and include them in the efforts to achieve the project objectives.

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<sup>1</sup> A World Bank's carbon finance unit is already working with the brick making industry on an industrial energy efficiency improvement project.

6. **Transport Component** (US\$ 27 Million): This component is based on the premise that improving traffic flow, reducing conflict between motorized and non-motorized traffic and improving bus operations can reduce its contribution to air pollution. It is designed to deliver tangible results in the short term, while helping plan for interventions in the long-term. The output of this component is envisaged as the reduction in air pollution from urban buses and improvement in mobility of people through pilot interventions in Dhaka, along the directions recommended by the Strategic Transport Plan (STP) of 2005. The development and execution of this project component will include a number of key stakeholders, which include the Dhaka City Corporation (DCC), the Bangladesh Road Transport Authority (BRTA), the Dhaka Transport Coordination Board (DTCB), the Dhaka Metropolitan Police (DMP), and bus owners and operators. It will comprise the following subcomponents:

- *Physical improvement of traffic flow and pedestrian mobility in the short-term by DCC.* This will include small investments in traffic engineering measures that are aimed at showing quick results in terms of improving traffic flow and movement of pedestrians, particularly where there is significant conflict between traffic and pedestrians movements leading to congestion and poor air quality. Investments will focus on foot over bridges, pedestrian paths, and traffic signals.
- *Bus Route Network Rationalization and Franchising by DTCB.* The objective of this component is to rationalize bus network plan and introduce competitive route contracting on a set of pilot routes. It will include studies related to (a) analysis of alternatives; (b) bus route rationalization and franchising; (c) detailed design and preparation of tender documents for operation of low-polluting (i.e., CNG fuelled) and commuter-friendly (particularly for women) buses on a priority corridor. In order to facilitate bus-priority operations this will include investments in bus bays, junction improvement, bus terminals, and pedestrian facilities. It is envisaged that this will encourage modal shift from existing transport modes to cleaner and safer transport modes on the corridor, and have a demonstration effect for the city in the long-term. In addition, this component will also include a study on other mass rapid transit options for Dhaka in the future, including Bus Rapid Transit (BRT).
- *Institutional and regulatory reform.* This is expected in the long-term to lead to establishment of a unitary authority for urban transport that can plan and coordinate a multi-modal urban transit system. As part of project preparation, it will include a review of the institutional and regulatory framework for public transport with the aim of (a) providing a pivotal role to the DTCB in planning and coordination of urban transport; and (b) enabling bus sector reform, with a focus on route rationalization and franchising.
- *Technical Assistance and Capacity Strengthening.* This will include technical assistance and capacity building for i) public transport regulatory institutions (DTCB); ii) design of traffic engineering and construction supervision (DCC); iii) traffic signal systems operation and maintenance (DCC); d) traffic management (DCC, DMP); and e) management of motor vehicle records (BRTA).

7. **Project management** (US\$ 3 Million): This component will finance the costs of project management (which will be anchored at the DoE), including consulting support, travel, workshops, equipment, and other costs necessary for project implementation, auditing and reporting.

## Environmental Safeguards Implications

8. Broadly and for the purposes of the ESMF, the project activities can be classified into analytical studies and physical investments. The analytical studies include sector analysis reports, surveys, implementation evaluation and audits. These studies will be done both in the industry component and environment component. Wherever relevant, the environmental and social aspects will be integrated with these studies. For instance, in the preparation phase, a technical survey was done for determining the Foot-Over-Bridge (FOB) locations to be chosen under the project. This survey covered environmental and social aspects as well in its scope. PPT/PMT will ensure that the integration of environmental and social aspects in the respective TORs and in the conduct of the studies. If separate environmental and social assessments are required, then PPT/PMT will ensure that these are done. In addition, the Bank's Task Team will oversee that the environmental and social aspects are adequately integrated in the way these studies are executed.

9. With regard to the physical investments, there will be (a) consultancies that are involved with the preparation of the designs, drawings, detailed project reports and bid documents, (b) contractors who will execute the construction activities and (c) project management consultancies that will oversee the effective implementation of these activities. In each of these, adequate care needs to be taken to ensure the environmental and social requirements are adequately addressed in the relevant documents and effectively executed during implementation. The matrix below gives a brief description of the various physical investment activities proposed and also the environmental & social implications.

### Physical investment activities and environmental implications

No.	Type	Description
<b>A. Transport sub-component: Traffic engineering measures</b>		
A1	Project activity:	Construction of Foot-Over-Bridges and Sidewalks
A2	Environmental implications:	Construction-related environmental issues will impact the workers as well as the passer-bys and neighborhood. These include: (i) dust and noise, (ii) tree-cutting, if any, (iii) disposal of debris, and (iv) worker and pedestrian safety.
<b>B. Environment component: Brick sub-component</b>		
B1	Project activity:	Demonstration projects with cleaner technologies and practices
B2	Environmental implications:	Construction-related environmental issues that will impact the workers as well as the passer-bys and neighborhood. These include: (i) dust and noise, (ii) worker safety, (iii) worker health & hygiene (clean water & sanitation facilities), and (iv) waste handling & management practices.

## **Social Safeguards Implications**

10. Most of the activities proposed under the two components concern institutional/regulatory reforms and capacity building in the organizations that are variously responsible for environmental protection, and urban transportation planning and management. Applicability of the Bank's social safeguard policies will largely depend upon the types of land-based physical activities undertaken in a subcomponent. As of now only two subcomponents of the transport component, such as *Improvement of Traffic Flow & Pedestrian Mobility* and *Bus Route Network Rationalization*, seem to have a possibility to trigger the Bank's OP 4.12 on Involuntary Resettlement. Construction of new foot over bridges (FOBs), and development/improvement of bus bays, junctions, bus terminals and other facilities, which are aimed at improved traffic flow and pedestrian mobility, may involve land acquisition and displacement. However, the magnitude of acquisition and the nature and scale of adverse impacts will not be known until specific subproject activities are selected and designed. It is extremely unlikely that the project activities under any subcomponent would trigger the OP 4.10 on Indigenous Peoples.<sup>2</sup>

11. Similar physical works, which were implemented under the Dhaka Urban Transport Project (DUTP -- closed in 2005) may provide some insights into the nature and scale of the potential impacts. DUTP acquired a very small amount of private land, about 0.896 ha, to improve two key intersections at Moghbazaar and Mouchak, and widen a stretch of a road by the Kamalapur Railway station. Only about 0.076 ha of this land was acquired from two private owners and the rest, about 0.82 ha, from the Bangladesh Railway from one of its walled yards. Small frontal portions of a few shops, which encroached into DCC land, were to be dismantled at Moghbazaar to broaden the sidewalks. Other key DUTP activities, such as construction of the Mohakhali flyover, FOBs at various locations, improvement of three bus terminals, as well as reconstruction of sidewalks and the like were all carried out on lands owned by the city. In addition to the two landowners, the project temporarily displaced some 331 small trading activities from the sidewalks and small vacant spots here and there by the roads.<sup>3</sup>

12. Based on the experience of civil works implemented under DUTP and a preliminary investigation of the general situation on the ground, it is assumed that the physical activities envisaged under the project are highly unlikely to have significant social safeguard impacts. Land acquisition from private ownerships, if required, is likely to be quite modest as construction of new facilities like bus terminals would try to avoid heavily built-up private

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<sup>2</sup> The project activities within the Dhaka Metropolitan area are not expected to affect indigenous peoples (IPs) who are too few in number and live among the mainstream communities. There is no possibility that regulatory and institutional reforms, which are aimed at improved environmental protection, would cause any impacts on IPs that would be different than those on the mainstream population. The activities related to brick kilns, which are situated outside the city, are also highly unlikely to have any unique impacts on IPs. They will generally concern technological innovations to reduce environmental pollution to the benefit of all, including the IPs, if any in the vicinities.

<sup>3</sup> These sidewalk vendors generally sold an assortment of goods, such as fruits, vegetables, clothes, tea, and the like. Such business activities were generally conducted in the open without overhead shades. There were some who used the same spot everyday; others had no fixed spots and moved every now and then. Some of those who operated within the bus terminals used flimsy make-shift structures.

lands. The most likely adverse impacts are expected in temporary displacement of vendors from sidewalks and other undeveloped spaces that belong to the city and other public agencies. As seen with the existing ones, construction of FOBs may somewhat constrict movement of pedestrians who do not intend to cross the roads. Under unavoidable circumstances, shops and other establishments at the landings may become somewhat obstructed, but not to the extent to cause loss of businesses.<sup>4</sup> Depending on the situation on the ground, construction and reconstruction of sidewalks may temporarily displace vendors and others during the construction period.<sup>5</sup>

### **ESMF Objectives**

13. In view of the probable impacts, all subprojects involving environmental and social safeguard issues will be designed and implemented by integrating the general policies, guidelines, codes of practice and procedures proposed in this ESMF. The objectives are to ensure that the activities undertaken in the project,

- Enhance positive environmental and social outcomes;
- Prevent negative environmental impacts;
- Identify and mitigate with appropriate measures the adverse impacts that might be caused on people, including protection against loss of livelihood activities; and
- Ensure compliance with the World Bank's environmental and social safeguards policies.

### **Basic Principles**

14. In view of the ESMF objectives and assessment of the nature, selection, design and implementation of the subprojects will be based on the following principles:

- Prior to selection of specific FOBs and other subprojects, the Project Implementation Agency (PIA) will undertake community consultations about their objectives, scopes, and safeguard implications with respect to potential environmental and social issues, including those related to the use of private lands and the associated temporary and permanent dislocations.

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<sup>4</sup> An environmental and social assessment for 30 probable FOBs has been underway to establish criteria to prioritize construction and locations in terms of pedestrian needs, traffic situation and potential environmental and social safeguard impacts. In addition to technical aspects, the exercise has a particular focus on stakeholder consultations involving pedestrians disaggregated in terms of gender, age and occupation; owners of businesses in the vicinities; sidewalk vendors; traffic control police personnel; and the like. The criteria established by this study will be used to select locations of other FOBs that might be built later.

<sup>5</sup> All past attempts, including those under DUTP, failed to keep the sidewalks clear of the vendors and relocate them anywhere in the city. This led DCC, the implementing agency for DUTP, to make an arrangement to move the vendors temporarily to make room for the construction activities in ways so that they could still operate their businesses. At completion of construction, they were free to move back to the previous spots. In some instances, the new and improved sidewalks seemed to have increased the number of vendors. These unauthorized small businesses conducted from the sidewalks and other places are an important part of the urban informal economy which helps an unknown, but very large, number of people to survive in the Dhaka city.

- PIA will not elect to build the FOBs, sidewalks and other pedestrian facilities which will result in significant negative environmental and social impacts.
- PIA will try to avoid or minimize, to the extent feasible, construction of FOBs, sidewalks and other pedestrian facilities that will require private land acquisition and cause large scale displacement of, or severe obstructions to, business and other activities housed in built premises.
- PIA will assess and mitigate all adverse impacts according to the policies and measures proposed in this ESMF.
- PIA will not elect to build FOBs and other pedestrian facilities that will affect mosques, temples and other places/objects of religious, cultural and historical significance.
- All proposed FOBs and other subprojects to be funded by the project will be subjected to environmental and social screening in order to prevent construction of those with significant negative environmental and social impacts that the concerned PIA is unable mitigate.

### **Safeguards Screening & Mitigation Guidelines**

15. In compliance with the above principles, safeguard screening of the individual subprojects will consist of an examination of the scope of the proposed land-based works and the associated environmental and social impacts, as well as the mitigation requirements (a social safeguard screening form is provided in Annex A1). The selected subprojects with safeguards issues will then be designed and implemented as per the following guidelines, practice codes and requirements.

- *Guidelines for Environmental Management.* Principles, policies and codes of practice for the mitigation of potential environmental impacts (Section B); and
- *Guidelines for Land Acquisition and Impact Mitigation.* Principles, policies and guidelines for use of public and private lands and adverse impact mitigation; and implementation and monitoring arrangements (Section C).

### **Community/Stakeholder Consultation**

16. ***Preparation Phase:*** Several studies were done during the preparation phase both under the transport component and environmental component. There was a political and economic study done to cover both the bus operation and brick sector. There was another techno-economic study of the brick sector. There were surveys done to identify suitable locations for FOBs. All of these studies involved stakeholder consultations. A note on the type of stakeholder consultations in these preparatory studies is included in the Annex A2. All the inputs from these stakeholder consultations were fully integrated in the design of these components. As the basic principles require, inputs and feedback received from stakeholder consultations will be a major determinant in the selection and design of specific subprojects, such as FOBs and other pedestrian movement facilities. Where subprojects require private land acquisition and displace people from public lands, stakeholder consultations will be an important part of the process leading to preparation and implementation of resettlement activities (specifics of consultations are provided in paragraphs 24-25 in Section C).

17. **Implementation Phase:** Analytical studies, wherever required, will include stakeholder consultations. The stakeholder inputs will be given due consideration in arriving at the findings, conclusions and recommendations of these studies. With regard to the physical investments in the transport component, these will be implemented by Government agencies through contractors. The implementing agencies and the design/supervision consultants involved in the implementation will ensure that stakeholder consultation is conducted as and when required.

18. In the environment component, the pilot/demonstration initiatives will be done by selected brick kiln enterprises. When an agreement with them on the pilot/demonstration initiative is signed, the provision for stakeholder consultations will be included. Monitoring of the stakeholder consultations and involvement will form a part of the regular implementation monitoring plan.

### **Grievance Redress**

19. The PIA will establish a procedure to answer to subproject-related queries and address complaints and grievances about any irregularities in application of the guidelines adopted for assessment and mitigation of environmental and social safeguards impacts. As to land acquisition, the complaints may range from disputes over ownership and inheritance of the acquired land to the affected assets built and grown on the acquired land. Other likely complaints may relate to lack of arrangements for temporary relocation of trading activities; significant obstructions to businesses and other activities in built premises at the FOB landings; and others that may create severe inconveniences to pedestrian movement during construction. Based on consensus, the procedure will help to resolve issues/conflicts amicably and quickly without resorting to expensive, time-consuming legal actions.

20. For the purpose, a Grievance Redress Committee (GRC) will be formed in each DCC Zone where subprojects are undertaken. To ensure impartial hearings and transparent decisions, the GRC will consist of the following memberships:

Project Director (Transport Component), DCC	Convener
Representative of an NGO working in the ward or city	Member
Representative from a Bangla daily newspaper (national)	Member
Representative from an English daily newspaper (national)	Member
Representative from Zone of DCC	Member
Representative of the project consultants (Environment & Social)	Member-Secretary

*Commissioner of the concerned DCC Ward will be co-opted by the GRC, based on the nature of grievances and complaints. If the aggrieved person is a female, PPT/PMT will designate a female Ward Commissioner to participate in the hearing.*

21. If resolution attempts at the project level fail, the Project Director will refer the complaints to the PPSC/PMSC (Chief Executive Officer/Mayor – in cases where DCC is the PIA) along with the minutes of the hearings. A decision agreed with the aggrieved person at any level of hearing will be binding on the concerned PIA.

22. To ensure impartiality and transparency, hearings on complaints will remain open to the public. The GRC will record the details of the complaints and the reasons that led to acceptance or rejection of the particular cases. The PIA will keep records of all resolved and unresolved complaints and grievances and make them available for review as and when asked for by PPSC/PMSC, IDA and any organizations known to be working with urban development issues.

### **ESMF & Subproject Implementation**

23. The project is being prepared by the multi-agency PPT anchored at the DOE, which will evolve into PMT once the project becomes effective. The multi-agency committee, PPSC, headed by the Director General DOE, is presently coordinating the project activities and overseeing the preparation process. Once the project goes into implementation, the PPSC will evolve into project management supervisory committee or PMSC. If the preparation and implementation activities overlap, the committee will expectedly perform both preparation and management functions simultaneously. The PPSC/PMSC will meet as and when required to provide guidance for project management and facilitate the preparation and implementation activities, including the stipulations adopted in this ESMF. It is also under consideration to set up sector-specific subcommittees to provide input to the respective project subcomponents.

24. The PPT/PMT are being supported by consultants with studies related to the project's preparation tasks. The agencies that will implement the subprojects on the ground will also be supported by services of environment and social safeguards specialists to screen the individual subprojects and, if required, prepare and implement the impact mitigation plans. The Air Quality Cell (AQC) will implement the environment component. While the Dhaka Transport Coordination Board (DTCB), acting on behalf of the Ministry of Communication (MOC) will coordinate, and the Dhaka City Corporation (DCC) which is under the Local Government Division (LGD) of the Ministry of Local Government, Rural Development and Cooperatives (MOLGRDC), will implement the subprojects under the transport component. (In this document, these agencies are referred to as Project Implementation Agency (PIA) for their respective subprojects under the two components.)

### **Training & Capacity Building**

25. To ensure proper understanding and appreciation of the Bank's safeguard policies, the PPT has participated during preparation in the Bank-organized workshops on safeguard policies, and will periodically participate along with the PIAs in those which will be organized during project implementation. Among other environment and social issues, these workshops covered those pertaining to Bangladesh environmental legislations relevant to the project. The proposed ESMF will be one of the important focuses of future workshops, which are expected to have participation of the consultants and PIA personnel who will implement the subprojects on the ground.

26. On their side, the PPT/PMT will organize on a half-yearly basis a training or orientation session on the ESMF for all stakeholders involved in sub-project design and implementation. The stakeholders will include Government officials from other line departments, enterprise owners, planners, design consultants, supervision consultants and

contractors. This training or orientation will focus on those aspects of the ESMF that are relevant to the stakeholders participating in these sessions. This trainer will be from the PPT/PMT who has been involved in the preparation of this ESMF.

### **Monitoring & Reporting**

27. The PPT/PMT will monitor ESMF implementation status during the quarterly meetings for review of overall project implementation. Related to ESMF implementation, the following issues will be reviewed:

- Whether or not subproject selection and design have followed the applicable basic principles adopted in this ESMF, such as stakeholder consultations, environmental and social safeguards screening, etc. (As and when required, IDA will review the filled-in screening forms.)
- Whether or not any subproject requires environmental and social assessment, based on the findings of environmental and social screening, and EMP and/or RP/ARP are to be prepared and implemented.
- Whether or not subproject level EMPs and/or RPs/ARPs are being implemented in line with the requirements wherever these plans are prepared for implementation.
- Whether all GOB clearances (including those from DOE) are required to be obtained or have been obtained for all the subprojects.
- Whether any GOB-posed subproject specific conditions are being met during subproject implementation.
- Implementation status of mitigation measures where RPs/ARPs being implemented under the subprojects.

28. As an outcome of the review, PPT/PMT will prepare a quarterly ESMF monitoring report and share it with the Bank. PPT/PMT will also provide a fully updated report for formal IDA supervision missions.

### **Mid-Term ESMF Audit**

29. After 2 years of project implementation and prior to the mid-term review, an ESMF audit will be done by an independent, third party agency. The PPT/PMT will discuss and agree with the Bank on the terms of reference for this audit. Both ESMF design and implementation issues will form the scope for this audit. Particular subprojects under both the transport and the environment components will be covered during this audit in order to determine the ESMF's effectiveness in achieving ground-level implementation. The audit will identify gaps in the ESMF design and implementation, and make recommendations for further strengthening. On completion of the audit, the PPT/PMT will identify remedial and strengthening actions, vis-à-vis the audit findings, and submit the proposal to the Bank for review and concurrence.

### **Disclosure**

30. The PPT/PMT will disclose this ESMF in Bangla to the public in Bangladesh, and authorize the World Bank to disclose it at its Country Office Information Center and in its

Infoshop. The PPT/PMT will ensure that copies of the document are available at their headquarters, all DCC Zone offices, public libraries, and other places accessible to the general public. They will also inform the public through notification in two newspapers (Bangla and English) about the ESMF and where it could be accessed for review.

## **B. ENVIRONMENTAL SAFEGUARDS**

### **Relevant Environmental Laws and Requirements**

#### ***Bangladesh Environmental Conservation Act (ECA), 1995***

##### Background

This umbrella Act provides for the conservation of the environment, improvement of environmental standards, and control and mitigation of environmental pollution. This Act established the Department of Environment, and empowers its Director General to take measures as he considers necessary which includes conducting inquiries, preventing probable accidents, advising the Government, co-ordinating with other authorities or agencies, and collecting & publishing information about environmental pollution.

##### Relevance to the project

All activities under the CASE project need to adhere to the provisions of this Act. In procedural terms, no industrial unit or project shall be established or undertaken without obtaining, in a manner prescribed by the accompanying Rules, an Environmental Clearance Certificate from the Director General. This procedural requirement needs to be followed.

#### ***Bangladesh Environmental Conservation Rules (ECR), 1997***

##### Background

The Environment Conservation Rules, 1997 were issued by the Government of Bangladesh in exercise of the power conferred under the Environment Conservation Act, 1995. Under these Rules, the following aspects, among others, are covered:

- (i) Declaration of ecologically critical areas;
- (ii) Classification of industries and projects into 4 categories.
- (iii) Procedures for issuing the Environmental Clearance Certificate,
- (iv) Procedures for issuing the Pollution-Under-Control Certificate  
Environmental Clearance Certificate,
- (v) Determination of environmental standards.

##### Relevance to the project

In the transport component, the physical investments are restricted to the construction of Foot-Over-Bridges, improving intersections and related initiatives. These activities are not classified in the 4 categories of these Rules. Only construction of roads and bridges are classified. These urban traffic management measures do not fall under its purview. Therefore, there is no procedural requirement for the transport component. As the ECR 1997 prescribes ambient air and noise standards, these need to be adhered during the project implementation. Annex B1 gives the ambient air and noise standards as per the ECR 1997.

In the environment component, the physical investments – in the form of pilot / demonstration initiatives - are being planned in the brick sector. As per Schedule - 1, bricks / tiles have been classified as Orange-B Category. Environment Clearance Certificates have to be obtained prior to making the investments. The implementing enterprise needs to submit an application along with other documents (Refer Annex B2), and obtain the Clearance Certificate. In addition, as per Schedule II, Standards for Gaseous emission from industries or projects, 1000 mg/Nm<sup>3</sup> is prescribed for the kiln soot and dust in the brick sector. New technologies and practices that does not meet this minimum requirement should not be selected.

### ***Brick Burning Act, 1989***

#### Background

Till 1988, brick making was an unregulated industry in Bangladesh. The government has introduced some measures of control by legislating the “Brick Burning (Control) Act 1989 (Act #8 of 1989) on February 12, 1989. The main goal of the Act was to eliminate the unrestricted and rampant use of wood fuel in brick kilns. As a first step, it was necessary to bring brick kilns within the purview of the law and greater scrutiny. This was done by introducing registration and permitting requirements. The Act was amended in 1992 and again in 2001. Each amendment sought to tighten the regulations and introduce a greater measure of emissions restrictions. The Act forbade establishing a kiln within 3 km from an upazila headquarter (smallest administrative unit) boundary limit or clusters of homesteads numbering more than 50 homes or fruit garden having 50 trees.

According to the act, the Deputy Commissioner is responsible for issuing a license for brick burning after receiving a local committee (Additional Deputy Commissioner, Upazilla Health Administrator, Environment/Forest Official and Union Parishad Chairman) report. The license is issued for three years and the Deputy Commissioner can cancel a license if any violation of act is noticed. However, the brick owner is given opportunity to justify his/her position. This act provides authority to the Deputy Commissioner or his/her representative to inspect the brick fields without prior notice and seize all bricks, equipments etc. if the brickfield uses firewood or operates without license. The act also has provision of imprisonment up to one year, or with a fine up to BD Tk. 50,000, or with both punishments.

#### Relevance to the project

The pilot / demonstration initiatives will be done in particular enterprises. It needs to be ensured that these enterprises are and will continue to be in full compliance to this regulation.

### ***Evolution of laws and requirements relevant to the brick sector***

#### Background

The environmental regulations in the brick sector have been progressively tightened in Bangladesh. The matrix below indicates chronological evolution over the last two decades.

## Evolution of laws in the brick sector

Year	Description
1989	Brick burning act, 1989 - without brick burning license none can burn bricks.
1992	Brick burning act, 1992 – banning of wood burning in brick kiln.
1999	Circular regarding postponement of license for brick kiln due to huge sulfur deposition from coal burning in brick kilns.
2002	A brick field must have 37 meter (120 feet) high chimney
2003	Existing brick kiln within 3km range from the periphery of Upazila main town, forest, city town, municipality, residential area and fruit garden are ordered to shift elsewhere within two months after this order.
2004	Banned the operation of Bull’s Trench Kilns (BTK) and Moveable Chimney Kiln (MCK)
2006	After December 31, 2010 renewal of clearance of existing FCK will be stopped – owners are requested to switch over other clean technology

Source: AQMP / DoE Presentation, Workshop on Greening the Brick Industry, Jan 31, 2008.

### Relevance to the project

Prior to conducting any pilot initiative, PIA-DOE will check that the chosen enterprises are in compliance with all the prevailing specific regulations. If not, the chosen enterprises will not be selected for the pilot. Compliance will form a part of the screening criteria for the selection of the pilot enterprises.

Further development of the regulatory framework in the brick sector is envisaged in this CASE project. This is expected to unfold between 2008 and 2010, and will bring the regulations in line with the needs to the brick sector as well as make it comparable to the regulations in the brick sector.

## **Bank's Environmental Safeguards**

### ***OP 4.01 Environmental Assessment***

#### Background

The Bank requires environmental assessment (EA) of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable, and thus to improve decision making. EA is a process whose breadth, depth, and type of analysis depend on the nature, scale, and potential environmental impact of the proposed project. EA evaluates a project's potential environmental risks and impacts in its area of influence; examines project alternatives; identifies ways of improving project selection, siting, planning, design, and

implementation by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts; and includes the process of mitigating and managing adverse environmental impacts throughout project implementation.

#### Relevance to the project

The investments pertaining to improving traffic management (Transport component) and the pilot / demonstration initiatives in the brick sector (Environment component) are likely to cause minor and reversible environmental impacts, which can be managed through appropriate mitigation measures. Considering the nature and magnitude of potential environmental impacts from relatively limited scale and magnitude of reconstruction works, the project is classified as category 'B' on an overall basis. As the exact nature and location of these investments are not yet fully known at the time of project preparation, this ESMF is presented as the safeguard document adherence to which will mitigate the environmental risks. This includes environmental procedures and requirements. This ESMF includes procedures for ensuring compliance to legislation, simple environmental requirements to be adhered during the construction and also the monitoring & reporting arrangements.

#### ***OP 4.04 on Natural Habitats***

##### Background

The conservation of natural habitats, like other measures that protect and enhance the environment, is essential for long-term sustainable development. The Bank therefore supports the protection, maintenance, and rehabilitation of natural habitats and their functions in its economic and sector work, project financing, and policy dialogue. The Bank supports, and expects borrowers to apply, a precautionary approach to natural resource management to ensure opportunities for environmentally sustainable development. The Bank promotes and supports natural habitat conservation and improved land use by financing projects designed to integrate into national and regional development the conservation of natural habitats and the maintenance of ecological functions. Furthermore, the Bank promotes the rehabilitation of degraded natural habitats. The Bank does not support projects that involve the significant conversion or degradation of critical natural habitats.

##### Relevance to the project

The investments pertaining to improving traffic management (Transport component) will strictly be enhancing the existing assets and will entirely be in the urban context. Therefore, this will not involve the conversion of critical natural habitats such as in Forest Reserves, Wildlife Reserves, National Parks or Sanctuaries. The investments pertaining to the pilot / demonstration initiatives are also largely in the urban or peri-urban areas. Therefore, this will also not involve the conversion of critical natural habitats.

Of the two environmental safeguard policies that are relevant to this project, only OP 4.01 on Environmental Assessment is triggered.

## **Environmental screening**

Screening is necessary to decide whether or not a particular investment should be undertaken from an environmental perspective. In the transport component, there are no screening criteria as there are no legal compliance requirements and, being in the urban context, the minor impacts caused by these activities can be mitigated and are reversible.

On the other hand, the investments proposed through the pilots / demonstration initiatives in the brick sector have screening criteria. All enterprises in which investments are being made need to be in full compliance. The enterprises should have the necessary approvals / permissions / consents in place at the time of entering into an agreement for the pilot / demonstration initiatives. In addition, the enterprises should agree to continue to be in full legal compliance and also be prepared to adhere to the environmental management requirements that form a part of the agreement. If that is not the case, the enterprise should NOT be selected for conducting the pilot / demonstration initiative.

## **Other Environmental Procedures**

Once the environmental screening is done, the only other environmental procedure is to ensure that basic environmental requirements are adhered during project implementation. In the transport component, these environmental requirements pertain to good construction practices (Refer Annex B4) have to be met in undertaking the traffic management measures. These requirements have to be included as special conditions to the contract. Throughout the pre-construction and construction phase, these environmental requirements will have to be met. PIA and their project management consultants should ensure that these requirements are adhered. All of these will ensure environmentally responsible construction.

In the environmental component vis-à-vis the proposed work in the brick sector, the environmental requirements pertain to generally accepted good practices in industrial environmental management (Refer Annex B3). Adherence to these requirements should form a part of the agreement which the kiln owner / enterprise enter into. Here again, these requirements will have to be met during the implementation phase of the pilot / demonstration initiatives.

## ***Transport component – Studies***

PIAs will ensure that all studies – sub-project preparation or analytical studies – include environmental aspects. Environmental requirements will form an integral part of the respective ToRs. For instance, all feasibility studies in relation to the proposed Bus Rapid Transport (BRT) corridor or its variation will necessarily address environmental aspects. Also, the preparation of bid / contract documents for traffic management initiatives such as the FOBs will include the environmental requirements (Refer Annex B4) as special conditions to the bid /contract documents. All of these will ensure environmentally responsible construction.

## **GUIDELINES FOR USING PRIVATE & PUBLIC LANDS AND IMPACT MITIGATION**

### **Land Needs & Mitigation Issues**

1. The need for private land acquisition may arise where PPT/PMT plans to build new or expand the existing facilities like bus terminals and expand/improve others, such as sidewalks, bus bays, intersections, and the like. Except for new bus terminals and others that require large land parcels in a particular location, other facilities may involve acquisitions at strategic spots which are most likely to be in narrow strips. Acquisition from private ownerships, if required, is likely to be quite modest as construction of large new facilities like bus terminals would try to avoid heavily built-up private lands. By and large, the most likely adverse impacts are expected in temporary displacement of vendors from sidewalks and other undeveloped spaces that belong to the city and other public agencies. In addition, widening of intersections and sidewalks may require dismantling of frontal parts of structures that may have encroached into public lands.

2. The impacts due to the new foot-over-bridges (FOBs) are expected to be similar to those of the existing ones. Depending on locations and space availability, they may somewhat constrict movement of pedestrians at the landings. Shops and other establishments may also become somewhat obstructed, but not to the extent to cause loss of business. Construction/reconstruction of sidewalks may temporarily displace vendors and other activities, if any, during the construction period. Based on the experiences with the physical activities implemented under DUTP and a preliminary investigation of the general situation on the ground, it is expected that the physical activities envisaged under the project are highly unlikely to have significant social safeguard impacts.

### **Options for Obtaining Lands**

3. Pending assessment of the actual needs and associated impacts, PIA will use the following options to acquire lands from private ownerships and resume its own and other public lands from authorized and unauthorized private uses.

**Private Lands:** Wherever found absolutely necessary, PIA will use the following means to obtain them:

- **Acquisition:** Will use the present *Acquisition and Requisition of Immovable Property Ordinance, 1982* for acquisition, and mitigate the associated adverse impacts in compliance with the Bank's OP 4.12 on Involuntary Resettlement.
- **Direct Purchase:** PIA can purchase the lands directly from the owners on a 'willing buyer-seller' basis at prices acceptable to the owners.

**Public Lands (Including PIA's own land):**

- **Under Authorized Use:** If the required lands are under lease from PIA or any other GOB agencies, PIA may seek to use them by fulfilling the lease conditions.

- **Under Unauthorized Use:** PIA can take back its own lands and acquire those of other GOB agencies by mitigating the associated adverse impacts on the current users, especially on poor and vulnerable who presently use them for living and/or earning a livelihood, in compliance with the World Bank's OP 4.12.

### **Mitigation Objectives**

4. The principles and guidelines proposed in this framework are aimed at avoiding or minimizing adverse impacts on private landowners and public land users; mitigating the impacts that are unavoidable; and assisting the project affected persons (PAPs) to improve, or at least restore, their living standards and income earning or production capacity to the pre-project levels. The following are more specific mitigation objectives:

- 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 private land acquisition; displacement from public lands; and temporary displacement of business and other activities during implementation of the civil works.

### **Applicability & Impact Mitigation Plans**

5. *The principles and guidelines as proposed in this ESMF will apply to all subproject activities that will involve land acquisition from private ownerships and/or displace people from PIA's own and other public lands, which they may have been using for residential, commercial or other purposes with or without formal authorization.*

The standard instruments for planning and implementation of mitigation activities will vary depending on how widespread the adverse impacts are. Depending on the circumstances, PIA will prepare and implement one of the following:

- *Resettlement Plan (RP).* Where acquisition of private and resumption of public lands, including PIA's own, for a subproject affect 200 or more persons; or
- *Abbreviated Resettlement Plan (ARP).* Where a subproject affects fewer than 200 persons, documenting the affected persons and valuation of affected assets; impact mitigation measures; a 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.*

### **Land Acquisition & Impact Mitigation Principles**

6. In keeping with the current practice, social safeguards issues will be addressed by using the Bangladesh *Acquisition and Requisition of Immovable Property Ordinance, 1982* and the Bank's OP 4.12 together<sup>6</sup>. The ordinance will be used to legalize the acquisitions in

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<sup>6</sup> Provisions of the acquisition ordinance do not fully satisfy the requirements of the OP 4.12. In this respect, the most important inadequacies are: the compensation determined according to the ordinance most often falls

the country's land administration system, and the provisions of the OP 4.12 will provide the bases to define the safeguard policy objectives, and adopt and implement the required impact mitigation measures. In view of the mitigation objectives, PIA will apply the following principles and guidelines to acquire private and take back its own and other public lands from private uses, as well as adopt measures to mitigate any adverse impacts.

### Land Acquisition

7. PIA will select, design and implement the subprojects with an emphasis on avoiding or minimizing use of private and public lands that have been under private uses, and minimizing disruptions to business/trading activities where the works concern construction/repair of existing and new (such as FOBs) facilities.

*Where acquisition and displacement are unavoidable, PIA will consider the following measures to minimize adverse impacts:*

- Minimize acquisition;
- Use as much public lands as possible; and
- Avoid or minimize:
  - Displacement from homesteads,
  - Loss of productive/valued lands,
  - Impacts on business/commercial activities,
  - Dislocation of business/trading activities from its own and other public lands, and
  - Impacts on community facilities, including places of worship, cemeteries, objects/structures of historical and cultural significance, etc.
- *Option to offer residual plots to acquisition:* Where portion of a plot remaining after acquisition becomes economically or otherwise unviable, the landowner will have the option to offer the entire plot to acquisition.

*Where subprojects involve construction of new or reconstruction/renovation of the existing facilities without a need for land acquisition, PIA will,*

- Plan and carry out the construction activities to avoid or minimize disruptions to business, trading and other livelihood activities.
- Arrange alternative temporary locations, or allow the business operators, especially those who use the sidewalks, to use any vacant spaces in the vicinities so that they could still carry on their activities during the construction period.

### Direct Purchase

8. PIA can purchase lands from private landowners according to the following guidelines:

- All purchases will be on a 'willing buyer-seller' basis.

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short of the replacement value of the affected lands; no provisions are there to ensure payment and receipt of compensation before the lands are used for works; complete indifference to the post-acquisition short- and long-term socioeconomic changes that the affected households may face; and no provisions for compensation and assistance for PAPs who do not have legal titles to the acquired lands.

- To ensure fairness and transparency, prices will be negotiated and paid in presence of the Grievance Redress Committee.
- Minutes of the negotiations with names and address of PIA and non-PIA participants, and the records of purchases will be made available for review by IDA and others interested in the matter.

9. *Avoid or minimize adverse impacts on Indigenous Peoples.* The present scope of the project is highly unlikely to affect indigenous peoples (IPs) in any unique manners than the mainstream peoples. However, if a subproject or an activity under any of the project components is found to cause adverse impacts on IPs, the concerned PIA will prepare and implement an Indigenous Peoples Plan (IPP), consistent with the Bank's *OP 4.10 on Indigenous Peoples*.

10. *Avoid impacts on Cultural Resources.* Subprojects will be planned, designed and executed in compliance with the World Bank's *OP 4.11 on Physical Cultural Resources*

#### Impact Mitigation Principles

11. Where adverse impacts are found unavoidable, PIA will adopt measures to mitigate them in accord with the following the principles and guidelines:

- Resettlement of the project affected persons will be planned and implemented as an integral part of the subproject itself.
- Absence of legal title will not be considered a bar to assistance, especially to 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 ESMF.
- Homestead-losers, including the poor and vulnerable households squatting on public lands, will be assisted with physical relocation and provision of basic amenities like water supply, sanitation, etc.
- People, who are economically well-off and use public lands and other properties for free, will not qualify for financial or any other form of assistance<sup>7</sup>.
- No compensation will be paid for facing temporary inconveniences by business operators and traders, unless they are required to completely stop their operations during the construction period<sup>8</sup>.

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<sup>7</sup> It has been seen under many projects that well-off influential people build expensive and durable structures on public lands for their own use or to rent them out to others. They range from local politicians and musclemen to expatriate Bangladeshis. Criteria related to quality of building materials and current uses and users will be used to determine vulnerability and eligibility for resettlement assistance. Structures made of bricks, reinforced cement concrete, steel, GI sheet, etc. will not be considered for compensation. Under CASE project, where the subprojects are small and localized, GRCs can play an effective role in resolving controversial issues.

<sup>8</sup> Some of the construction works under Dhaka Urban Transport Project (DUTP) and Municipal Services Project (MSP) were planned and carried out so that business and trading activities on the sidewalks and kitchen markets remained open without having to lose income. The traders temporarily displaced during construction were allowed to use vacant spaces in the vicinities. Where drainage works were undertaken along the

- Ensure spaces for all temporarily displaced business activities in the vicinity of the construction sites, or allow them to temporarily relocate on their own at spots they find suitable.
- Where subprojects cause community-wide impacts, such as on community facilities, access to common property resources, etc., PIA will rebuild them with its own resources and/or provide alternatives in consultation with the user communities.

### **Eligibility for Compensation/Assistance**

12. Regardless of their tenure status to the lands used for a subproject, the affected persons/households will be eligible for compensation and assistance. The following criteria will be applied to determine eligibility:

- Private Landowners: Persons who have legal rights to the affected lands and other assets, such as houses/structures, trees, 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 and livelihood purposes.
- Owners of Displaced Businesses, which are (i) permanently displaced from built private and PIA or other public premises; and (ii) required to temporarily close down during the construction period. *In both cases, compensation/assistance will apply to businesses operated by both landowners themselves and their tenants.*
- Employees of Displaced 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 from unauthorized premises on public lands will be ineligible for compensation.)
- Vested and Non-resident Property Owners/Users: Current users of the acquired lands and other properties designated ‘vested non-resident properties’ during acquisition for the subprojects implemented under any of the project components.
- Leaseholders: Owners of business and other activities existent on the formally leased-in public lands.
- Community and Groups: Where local communities and groups are likely to lose income earning opportunities or access to crucial common property resources.

### **Compensation Principles & Standards**

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

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storefronts, the inconveniences were overcome by placing wooden platforms over the drains. Sidewalk traders and other business owners faced more inconveniences than the general public, but none had to stop operation as a result of the construction works. The strategy became known as ‘*shared inconvenience and benefits*’.

13. 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., sanitation, drainage, etc) at the current market prices of same building materials, plus the current costs of labor to build them.
- Current market prices of trees and other assets which are irreplaceable.
- If the acquired lands are agricultural and amount to 20% or more of the total productive area, a transition allowance at three times the value of the crops produced in one 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 affected assets are suggested in Annex C1.*

14. Homestead Loss

- Relocation assistance for households displaced from private homesteads either in lands they can personally arrange to buy, or in those arranged by PIA.
- Relocation assistance for socio-economically vulnerable households displaced from lands owned by PIA or other public agencies, in public lands arranged by PIA.
- Provision of pre-acquisition level basic utilities, such as water supply, sanitation, electricity, etc.

15. 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 a period needed to re-open the individual businesses, or for the duration of the civil works.

*Partially Affected Businesses:*

Where business premises are partially dismantled and the remainders are structurally safe and useable, 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 Private Premises:*

- Relocation in PIA's rental premises, or in PIA's own or other public lands, *plus* compensation, calculated as above, for a period of 30 days; or
- Compensation, calculated as above, for the number of days the business owners need to find alternative locations themselves, 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 salary paid by the employers.

*Loss of Income from Rented-out Private Premises:*

Six months' rent at the current rates for loss of rental income from premises affected on private lands.

16. Vested and Non-Resident Properties

Lands and other properties that have not been declared 'vested and non-resident' (previously 'enemy properties' under the *Enemy Properties Act of 1965*)<sup>9</sup> through 1984, and are found to be 'vested and non-resident' during acquisition for any CASE subproject, the following guidelines will apply:

- *Agricultural lands:* Present users/owners will qualify for compensation three times the value of all crops grown on the acquired portion in a year.
- *Acquired business premises:* For *temporarily closed* and *partially affected* businesses, the same measures as proposed for such impacts in the preceding paragraph will apply.
  - For premises that are to be dismantled completely: Relocation in PIA's rental premises in the same general area of the subproject, *plus* compensation based on daily net income for a period needed to reopen the individual businesses, for a maximum of 30 days, or
  - Compensation, calculated as above, for the number of days the business owners need to find alternative locations themselves, for a maximum of 90 days
- *Loss of Income from Rented-out Premises:* Three months' rent at the current rates for loss of rental income from premises affected on VNR lands.
- *Acquired homesteads* (including houses/structures): PIA will make alternative arrangements in consultation with the present users/owners.

*Where acquisitions partially affect lands and other properties, the present owners/users will be allowed to use the remainders.*

17. Unforeseen Impacts

PIA will adopt and implement policies, in consultation with the affected persons/stakeholders and IDA, to mitigate any adverse impacts that may have so far remained unknown and not covered in this ESMF.

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<sup>9</sup> These properties have been left behind by the people of minority communities who migrated to India and other countries since the independence and partition of India in 1947. An investigation through 1984 designated some of such properties as 'vested and nonresident (VNR)'. There still remains an unknown amount of such properties, which are used by people claiming to be legal heirs of the original owners. If the legal documents possessed by the present users are found unsatisfactory during acquisition for the CASE project, DCs would declare them VNR and disqualify them for the compensation-under-the-law. The law is known to be controversial and has been widely abused by the influential persons. PIA will however implement the proposed mitigation measures on the ground that without the subprojects the current users would still be using these properties.

## **Compensation Payment**

18. 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 smaller than their replacement costs and/or market prices, PIA will directly pay the difference or ‘top-up’ to make up for the shortfall.

19. 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 eligible according to this ESMF, will also be directly paid by the subproject implementing agencies.

20. *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*.

21. *Compensation/entitlement due to the PAPs, including those who are not covered by the acquisition ordinance, but eligible according to this ESMF, will be paid in full before they are evicted from the acquired private and public lands.*

22. 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 C2.

## ENTITLEMENT MATRIX

### 1. LOSS OF LANDS (AGRICULTURAL, HOMESTEAD, COMMERCIAL & OTHERS)

Ownership Type	Entitled Person	Entitlement	Responsibility
<i>Private</i>	<i>Legal Owners</i> , as determined by DCs, or by courts in cases of legal disputes	Compensation-under-law (CUL) or replacement costs, whichever is greater. <b><i>If applicable (subject to paragraph 18)</i></b> <ul style="list-style-type: none"> <li>• Top-up equal to the difference between CUL and replacement costs.</li> <li>• Transition allowance (TA) for income loss (see Loss Category 5 below).</li> </ul>	CUL paid by DC  Top-up & TA paid by PIA
<i>Public</i> (including those of PIA) under lease	<i>Leaseholders</i>	<ul style="list-style-type: none"> <li>• Contractual obligations with the public agencies, as determined by DCs, and/or</li> <li>• Contractual obligations with Project Agencies.</li> </ul>	Paid by DC and/or PIA
<i>Vested Non-Resident</i>	<i>Current Owners/Users</i>	Transition allowance for income loss (see Loss Category 5).	Paid by PIA

### 2. LOSS OF HOMESTEAD LANDS

Location	Entitled Person	Entitlement	Responsibility
<i>Homesteads on Private Lands</i>	<i>Legal Owners</i> , as determined by DC, or by courts in cases of legal disputes	<b><i>In addition to CUL &amp; applicable top-up (as for Loss of Lands above):</i></b> <ul style="list-style-type: none"> <li>• Assistance to move and rebuild the houses in the same homesteads, in cases of partial acquisitions</li> <li>• Relocation assistance, including land development, where PAPs choose to relocate on their own, <u>or</u> developed plots if they choose to relocate in public lands to be arranged by PIA, where acquisitions requires relocation elsewhere.</li> <li>• Provision of pre-acquisition level basic utilities (water supply, sanitation, electricity, etc.).</li> </ul>	By PIA
<i>Homesteads on Public Lands</i>	<i>Vulnerable Squatters</i>	<ul style="list-style-type: none"> <li>• Relocation assistance, including developed plots in their own or other public lands, to be arranged by PIA.</li> <li>• Provision of water supply &amp; sanitation facilities.</li> </ul>	By PIA
<i>Homesteads on VNR Lands</i>	<i>Present Owners/Users</i>	<ul style="list-style-type: none"> <li>• Assistance to move and rebuild the houses in the same homestead, in cases of partial acquisitions.</li> <li>• Assistance to settle in developed plots in public lands arranged by PIA, <u>or</u> six months' rent for comparable living accommodations, where acquisition requires relocation elsewhere.</li> <li>• Provision of water supply &amp; sanitation facilities.</li> </ul>	By PIA

### 3. LOSS OF HOUSES/STRUCTURES USED FOR LIVING, BUSINESS & OTHER ACTIVITIES

Type & Location	Entitled Person	Entitlement	Responsibility
<i>All Houses/ Structures on Acquired Private Lands</i>	<i>Legal owners</i> , as determined by DCs, or by courts in cases of legal disputes.	<ul style="list-style-type: none"> <li>• Compensation-under-law (CUL) or replacement cost, whichever is greater.</li> <li>• Transfer Grant (TG) to cover the carrying costs of household goods, at one-eighth of the replacement costs of the affected structures.</li> </ul>	<p>CUL paid by DC</p> <p>TG paid by PIA</p>
<i>Shiftable &amp; Non-shiftable Structures on Acquired Public Lands</i>	<i>Vulnerable Squatters</i>	<ul style="list-style-type: none"> <li>• <i>Shiftable structures</i>: House Transfer Grant (HTG) and House Construction Grant (HCG), @ Tk 30 per sft of floor area, with a minimum of Tk 2500 and maximum of Tk 3500.</li> <li>• <i>Non-shiftable structures</i>: HCG @ Tk 50 per sft of floor area with minimum of Tk 3500 and maximum of Tk 5500.</li> </ul>	HTG & HCG paid by PIA
<i>Houses/ Structures on VNR Lands</i>	<i>Current Owners/Users</i>	HTG and HCG (amounts are to be determined in consultation with the current owners/users).	HTG & HCG paid by PIA

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

Location	Entitled Person	Entitlement	Responsibility
<i>On private Lands</i>	<i>Legal owners</i> as determined by DCs, or by courts in cases of legal disputes*	<ul style="list-style-type: none"> <li>• Current market value of trees, based on species, size and maturity.</li> <li>• Current harvest prices of fruits on trees, if they are felled before harvest.</li> <li>• Owners are allowed to fell the trees and keep them.</li> </ul>	<p>By PIA (included in the CUL) and/or</p> <p>By PIA (included in the top-up)</p>
<i>On public Lands</i>	<ul style="list-style-type: none"> <li>• <i>Squatters</i></li> <li>• <i>Private groups, NGOs, etc.**</i></li> </ul>	As those stipulated above for trees and fruits on trees, on private lands.	By PIA
<i>On VNR Lands</i>	<i>Present Owner/User</i>	As those stipulated above for trees and fruits on trees, on private lands..	By PIA

\* In projects funded by DCC, its Estate Division is mandated to assess certain affected private assets. For consistency in application, all affected assets under the CASE project will be assessed as per the acquisition ordinance, as well as the methods suggested for determination of market prices.

\*\* Public lands, especially along the roads, are sometimes leased out to private groups and NGOs for tree plantation under income generation programs.

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

Impact Type	Entitled Person	Entitlement	Responsibility
<b>Agricultural:</b> <ul style="list-style-type: none"> <li>If acquisition amounts to 20% or more of the total productive area</li> <li>If acquired VNR lands are agricultural</li> </ul>	Legal Owners, as determined by DCs, or by courts in cases of legal disputes.	Transition allowance equivalent to three times the harvest prices of one year's crops produced in the acquired parts of the lands.	By PIA
	Present Owners/Users	Transition allowance equivalent to three times the harvest prices of one year's crops produced in the acquired parts of the lands.	By PIA
<b>Business:</b> <ul style="list-style-type: none"> <li>Temporary closure of businesses in existing premises</li> <li>Partially affected businesses</li> <li>Businesses requiring removal from the existing premises and spots</li> </ul>	Business Owners (premise/land owners & tenants)	Compensation, based on 30 days' average daily net income, for the actual number of days the businesses remain closed <u>or</u> complete the civil works.	By PIA
	Business Owners (premise/land owners & tenants)	Compensation, calculated as above, for <u>smaller</u> of the number of days needed to repair and reopen the individual business premises, <u>or</u> complete the civil works.	By PIA
	Business Owners (premise/land owners & tenants)	<ul style="list-style-type: none"> <li>Relocation in PIA's rental premises, <u>or</u> in PIA's own or other public lands, <i>plus</i> compensation, calculated as above, for a period of 30 days; <u>or</u></li> <li>Compensation, calculated as above, for the number of days the business owners need to find alternative locations themselves, but for a maximum period of 90 days.</li> </ul>	By PIA
<ul style="list-style-type: none"> <li>Loss of employment income</li> </ul>	Business Employees	Compensation at current daily wage rates for the period needed to reopen the businesses, or for a maximum of 30 days.	By PIA
<ul style="list-style-type: none"> <li>Loss of income from rented-out premises on private &amp; VNR lands</li> </ul>	Legal Owners and Current Owners/Users of VNR lands	<ul style="list-style-type: none"> <li>Six months' rent at the current rates to the owners of the premises on <u>private lands</u>.</li> <li>Three months' rent at the current rates to the owners/users of premises on <u>VNR lands</u>.</li> </ul>	By PIA

## 6. UNFORESEEN LOSSES

Impact Type	Entitled Person	Entitlement	Responsibility
As may be identified during subproject preparation & implementation	As identified	As determined in consultation with IDA and the stakeholders.	By PIA

## **Preparation of Mitigation Instruments**

23. The nature and scope of the preservation and improvement works will be determined in accord with the basic principles proposed in paragraph 14 of Section A, which include community and stakeholder consultations, as well as other guidelines (paragraphs 5-10 of Section C) to minimize private land acquisition and displacement from PIA's own and other public lands. Once the improvement 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 PIA itself, are to be acquired, LAPs will be prepared as per the standard requirements of the acquisition authority.
- *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 ESMF (paragraphs 12-16 of Section C). The dates on which censuses are taken will constitute the cut-off dates for squatters, and those on which the acquisition 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 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 C1).

## **Contents of RP & ARP**

24. The RPs or ARPs will be prepared in view of the number of persons affected by the civil works undertaken in a subproject. With the principles and guidelines proposed in this ESMF, the mitigation plans will include the following:

### *Resettlement Plan (RP)*

- Brief description of the locations and works undertaken for the individual FOBs, sidewalks, intersections, bus bays, bus terminals, etc. with details of whatever movable and immovable objects and activities existing on the ground, and the need, if any, for additional lands;
- Details of the adverse impacts associated with the removal of the existing activities/objects, as well as the required additional lands;
- An account of the alternatives considered to avoid and/or minimize the adverse impacts;
- An account of the consultations with the would-be 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 ESMF;
- An account of households made vulnerable by the planned works and the special assistance that are to be provided;

- A resettlement budget with breakdowns by loss categories and the number of persons entitled to compensation/assistance; and
- A RP implementation schedule, coordinated with the civil works schedule.

#### *Abbreviated Resettlement Plan (ARP)*

- Documentation of the private and public lands, including PIA's own, required for the improvement works, 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 ESMF;
- An account of consultations with the displaced persons/households about acceptable alternatives;
- A resettlement budget with breakdowns by loss categories and the number of persons entitled to compensation/assistance; and
- A ARP implementation schedule, coordinated with the civil works schedule.

#### **Community/Stakeholder Consultations**

25. Stakeholder consultations, including those who might be adversely affected, have been underway as a part of the environmental, social and technical feasibility study for 30 FOBs. Similar consultations will be conducted for additional FOBs, if any, and other improvement works that might adversely affect peoples. The following topics, as they relate to project preparation and implementation, will be the primary focus of stakeholder consultations:

- Subproject objectives, scope and implications with respect to their beneficial pedestrian and motorized traffic movement and clean air impacts; and the rights and responsibilities on the parts of the communities themselves and the agencies involved in preparation and implementation, such as GOB, PIA, World Bank, project consultants, etc.
- Potential adverse impacts and their sources relating to the scope of the civil works required for specific improvement works. Once the would-be PAPs are identified, PIA will,
  - Consult and provide information to the PAPs on specifics of the mitigation measures and the processes that will be followed to implement them;
  - Explain the functions and limitations of the Grievance Redress Committees, and how the aggrieved PAPs could lodge their complaints and grievances.

26. Stakeholder consultation will be carried out throughout the preparation and implementation period and PIA will consider stakeholder inputs and feedback to minimize the subproject's adverse impacts at any stage of the project cycle.

#### **Documentation**

27. While RPs/ARPs will include summary of the impacts and impacted persons/households, PIA, assisted by the project consultants, will ensure availability of the following and any other documentations as and when requested by IDA:

- Minutes of stakeholder consultation on selection of FOBs and other improvement works, social safeguards implications of private land acquisition and displacement from public lands, mitigation measures adopted in the ESMF, etc.
- Inventory of different categories of PAPs based on the census of affected persons/households and assets.
- Replacement costs and current market prices of different types of affected assets, as determined through market prices surveys.
- Evidence of CUL payment by DCs, and top-up and any other entitlements payment by PIA.
- Records of complaints and grievances and the decisions given by Grievance Redress Committees, DTCCB, or by the line ministry.

### **Monitoring & Reporting**

28. Monitoring will consist of an array of steps relating to land acquisition, and preparation and implementation of impact mitigation plans. The major tasks that will be monitored are provided in Annex C3. The project consultant will assist PIA to set up and operate a computerized system to monitor and report progress and performance in land acquisition and resettlement activities.

29. PIA will provide IDA with the following information for its review of performance and compliance with the OP 4.12 under the individual subprojects:

- Monthly 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 PIA'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 ESMF, but found later to be affected by the project works.
- Detailed report for IDA supervision missions covering all subprojects, which will include, among other information, the latest status in land acquisition and compensation payment by DC and PIA; implementation of any other stipulations adopted in the RP; accounts of the GRC activities; and any issues that are to be addressed to improve performance of the resettlement program.

30. PIA will conduct an independent review, if necessary, to assess how effectively and efficiently land acquisition has been carried out; impact mitigation plan like RPs or ARPs have been prepared and implemented; and efficacy of the mitigation policies and measures adopted in this ESMF.

### **Land Acquisition & Resettlement Budget**

31. That the land acquisition needs and the associated impacts will be known with the selection of specific subprojects and scope of work therein, a budget for the entire project is not feasible at this stage. Under the circumstances, PIA proposes to ensure the following:

- The RP or ARP prepared for each subproject, which is to be subjected to Bank review and clearance prior to accepting the work packages for IDA 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 (or a batch of) subproject 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.

**Annex A1: SCREENING FORM FOR SOCIAL SAFEGUARDS ISSUES**

*[This form is to be filled in by PIA and the consultants for each subproject. Impacts and mitigation eligibility and requirements should follow the principles adopted in this ESMF. The consultants will include a summary of the impacts and mitigation requirements in each subproject document.]*

**A. IDENTIFICATION**

- 1. *Name & No. of DCC Ward:* .....
- 2. *Name & Location of Subproject:* .....
- 3. *Scope of Subproject (Check any or all that may apply):*
  - New Construction (where facilities, such as FOBs, sidewalks, bus terminals, drains, etc, do not presently exist, and being constructed for the first time)
  - Improvement/Expansion (where existing facilities, like above, are being improved by expanding beyond the present physical limits)
  - Repair/Renovation (when existing facilities, like above, are being repaired or renovated within the present physical limits)
- 4. *Brief description of the physical works:* .....  
.....  
.....  
.....  
.....
- 5. *Screening Date(s):* .....

**B. PARTICIPATION IN SCREENING**

- 6. *Names of consultants' representatives who participated in screening:* .....  
.....
- 7. *Names of PPT/PIA members/representatives participated in screening:*  
.....  
.....  
.....  
.....

8. Names, addresses & telephone numbers of community members participated in screening:

.....  
.....  
.....  
.....  
.....

9. Names, addresses & telephone numbers of would-be affected persons participated in screening:

.....  
.....  
.....  
.....  
.....

**C. LAND REQUIREMENTS & SAFEGUARD ISSUES**

10. Will there be a need for additional lands (beyond the present limits, and irrespective of ownership) to carry out any of the proposed works under this subproject?

Yes  No

11. If 'Yes', the required lands presently belong to (Check any or all that are applicable):

- PIA Amount required (decimal): .....
- Government (Khas & other GOB agencies) Amount required (decimal): .....
- Private citizens Amount required (decimal): .....
- Others (Specify): ..... Amount required (decimal): .....

12. If the required lands belong to PIA and/or other GOB agencies, they are presently used for (Check any or all that are applicable):

- Commercial purposes: No. of persons using them: ..... No. of shops: .....
- Residential purposes: No. of households living on them: ..... No. of houses: .....
- Other uses (Specify): ... ..... No. of users: .....
- Agriculture: No. of persons/households using the lands: .....
- Fallow/not in use

13. How many of the present users have lease agreements with PIA and/or other GOB agencies?

With PIA: ..... With other GOB agencies: .....

14. *If the required lands belong to Private Citizens, they are presently used for (Check any or all that are applicable):*

- Commercial purposes:      No. of landowners: .....      No. of shops: .....
- Residential purposes:      No. of landowners: .....      No of houses: .....
- Other uses (Specify):      .....      No. of users: .....
- Agriculture:      No. of landowners: .....
- Fallow/Not in use

15. *How would the PIA obtain the required lands from the Private Citizens?*

- Acquire as per Land Acquisition Ordinance       Directly purchase from the owner(s)
- Other means (Specify): .....

16. *Does this subproject affect community facilities like schools, cemetery, mosque, temple, or others that are of religious, cultural and historical significance?*

- Yes       No

17. *If 'Yes', brief description of the facilities: .....*

.....

.....

.....

18. *Total number of commercial buildings/structures that are to be dismantled entirely and partially:*

*Entirely: .....      Total number of employees in businesses housed in these buildings: .....*

*Partially: .....      Total number of employees in businesses housed in these buildings: .....*

19. *Total number of residential buildings/structures that are to be dismantled entirely and partially:*

*Entirely: .....      Total number of owners (legal) would be affected: .....*

*Partially: .....      Total number of owners (legal) would be affected: .....*

20. *Total number of squatters who would be displaced permanently and temporarily:*

*Residential:      Displaced permanently: .....      Displaced temporarily: .....*

*Commercial:      Displaced permanently: .....      Displaced temporarily: .....*

21. *Total number of sidewalk vendors who may have to move during construction: .....*

22. *Describe any other impacts that have not been covered in this screening form? .....*

.....

.....

.....

23. Describe alternatives, if any, to avoid or minimize use of additional lands and adverse impacts:

.....  
.....  
.....  
.....

24. Which of the following impact mitigation plans needs to be prepared for this subproject?

- Resettlement Pan       Abbreviated Resettlement Plan       None

Name & designation of the person who has filled in this form:

.....

Name & signature of Participants in Screening:

	Name	Signature	Date
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....
4.	.....	.....	.....
5.	.....	.....	.....
6.	.....	.....	.....
7.	.....	.....	.....
8.	.....	.....	.....
9.	.....	.....	.....
10.	.....	.....	.....
11.	.....	.....	.....
12.	.....	.....	.....

## **Annex A2: STAKEHOLDER CONSULTATIONS – A NOTE**

Stakeholder consultations on the project and its components were done in the various stages of project preparation. These were particularly in those sub-components that included physical investments.

### **Environmental component**

The sub-component that includes physical investments is the brick kilns emissions management. In this sub-component, pilots / demonstration initiatives that introduce cleaner technologies and practices are to be supported. By the very nature of these pilots / demonstration initiatives, there is bound to be an overall positive environmental impact. Nevertheless, there is a need to mitigate minor environmental impacts during the implementation.

In early 2007, the Bank commissioned an overall study in the brick sector. Bangladesh University of Engineering & Technology (BUET) conducted this study, which involved consultations with brick kiln entrepreneurs as well as other stakeholder institutions such as the banks & commercial financial institutions. In June 2007, the Bank organized a workshop in the brick sector in order to discuss the draft / interim outputs of the BUET study. Subsequently, the Bank commissioned an international consultant to carry out an exposure visit to India in order to share the experiences of switching to cleaner technologies. In this exposure visit, both the brick entrepreneurs as well as Government officials participated. The Bank also commissioned a study to determine the feasibility of introducing cleaner technologies in Bangladesh. This study also required the consultants to have one-to-one discussions with the brick entrepreneurs and other stakeholder institutions. With a view to have a wider dissemination of the international experiences, a workshop was organized under the CASE project preparation in January 2008. Here again, representatives from the Government, brick entrepreneurs through the Bangladesh Brick Manufacturers & Owners Association (BBMOA), research & educational institutions and the media participated in this workshop.

Apart from the above stakeholder consultations, the Bank supported a study titled “Political-Economic Analysis of the Brick Sector.” Conducted by an independent consultant, this study included extensive interviews with various stakeholders. The findings from these were used in developing and refining the design of this sub-component.

### **Transport component**

The sub-component that includes physical investments related to traffic management. These include interventions such as the construction of Foot-Over-Bridges (FOBs), intersection improvements and installation of traffic signals. For each of these interventions, surveys, feasibility studies, design studies and bid / contract document preparation will be done as required. Of these, the survey of the FOBs has already been done, and this included public & stakeholder consultations on environmental and social issues. The outcome of these consultations has been incorporated in the design of the FOBs.

Apart from the above stakeholder consultations, the Bank supported a study titled “Political-Economic Analysis of the Brick Sector.” Conducted by an independent consultant, this study included extensive interviews with various stakeholders. The findings from these were used in developing and refining the design of this sub-component.

**Annex B1: ENVIRONMENT CONSERVATION RULES 1997  
– AMBIENT AIR & NOISE STANDARDS**

**Sound / Noise**

As per Schedule - 4, Standards for sound have been established;

No.	Categories of areas	Standards determined at dBA units	
		Day	Night
(a)	Silent zone	45	35
(b)	Residential zone	50	40
(c)	Mixed area	60	50
(d)	Commercial area	70	60
(e)	Industrial area	75	70

**Notes:**

*(1) Day time:6:00-21:00; Night time: 21:00 to 6:00.*

*(2) Areas up to a radius of 100m around hospitals or educational institutions or special institutions / establishment identified by the Government is designated as Silent Zones where use of horns of vehicles or other audio signals and loudspeakers are prohibited.*

## Ambient Air Quality Standards

Pollutant	Standards	Average Time
1	2	3
Carbon Monoxide (CO)	10 mg/m <sup>3</sup> (9 ppm) <sup>(Ka)</sup>	8-hour
	40 mg/m <sup>3</sup> (35 ppm) <sup>(Ka)</sup>	1-hour
Lead (Pb)	0.5 µg/m <sup>3</sup>	Annual
Oxides of Nitrogen (NO <sub>x</sub> )	100 µg/m <sup>3</sup> (0.053 ppm)	Annual
Suspended Particulate Matter (SPM)	200 µg/m <sup>3</sup>	8-hour
PM <sub>10</sub>	50 µg/m <sup>3</sup> <sup>(Kha)</sup>	Annual
	150 µg/m <sup>3</sup> <sup>(Ga)</sup>	24-hour
PM <sub>2.5</sub>	15 µg/m <sup>3</sup>	Annual
	65 µg/m <sup>3</sup>	24-hour
Ozone (O <sub>3</sub> )	235 µg/m <sup>3</sup> (0.12 ppm) <sup>(Gha)</sup>	1-hour
	157 µg/m <sup>3</sup> (0.08 ppm)	8-hour
Sulphur Dioxide (SO <sub>2</sub> )	80 µg/m <sup>3</sup> (0.03 ppm)	Annual
	365 µg/m <sup>3</sup> (0.14 ppm) <sup>(Ka)</sup>	24-hour

Source: Ministry of Environment and Forests, Notification related to Environment Conservation Rules 1997 - Schedule 2, 16 July 2005

### Abbreviation:

*ppm:* Parts Per Million

*(Ka)* Not to be exceeded more than once per year

*(Kha)* Annual average value will be less than or equal to 50 microgram/cubic meter

*(Ga)* Average value of 24 hours will be less or equal to 150 microgram/cubic meter for one day each year.

*(Gha)* Maximum average value for every one hour each year will be equal or less than 0.12 ppm.

## **Annex B2: ENVIRONMENT CONSERVATION RULES 1997 – REGULATORY REQUIREMENTS IN THE BRICK SECTOR**

### **Category of the brick sector**

As per Schedule - 1, bricks / tiles have been classified as Orange-B Category. For the purpose of issuance of the Environmental Clearance Certificate, the industrial units and projects shall - in consideration of their site and impact on the environment - are classified four categories: (a) Green, (b) Orange - A, (c) Orange - B and (d) Red.

### **Procedure for applying for the Environment Clearance Certificate**

As bricks / tiles have been classified as Orange-B Category, the following documents shall be submitted along with the application for the Environmental Clearance Certificate:

- (i) Report on the feasibility of the industrial unit or project
- (ii) Report on the Initial Environmental Examination of the industrial unit or project, and also the process flow diagram, Layout Plan (showing location of ETRP), design of the ETP of the unit or project,
- (iii) report on the Environmental Management Plan (EMP) for the industrial unit or project, and also the Process Flow Diagram, Layout Plan, design of the ETP and information about the effectiveness of the ETP of the unit or project.
- (iv) no objection certificate from the local authority
- (v) emergency plan relating adverse environmental impact and plan for mitigation of the effect of pollution
- (vi) outline of the relocation, rehabilitation plan (where applicable)
- (vii) Other necessary information (To be provided time to time).

### **Standards for gaseous emissions**

As per Schedule II, Standards for Gaseous emission from industries or projects, 1000 mg/Nm<sup>3</sup> is prescribed for the kiln soot and dust in the brick sector.

**Annex B3: ENVIRONMENTAL MANAGEMENT REQUIREMENTS IN THE PILOT  
/ DEMONSTRATION BRICK KILN INITIATIVES**

<b>Sl. No</b>	<b>Issues</b>	<b>Management measures</b>
1.	Environmental clearances / DOE's NOC	Obtaining and keeping upto date all environmental clearances / approvals / consents from the DOE and other Government agencies / bodies.
2.	Dust	Movement of green bricks and the finished bricks in trolleys generated dust; Wherever such movement is required, the paths / routes for moving bricks should be sprinkled with water periodically to reduce dust generation; Sprinkling of water in open areas in order to reduce dust generation from winds; Alternatively, cover open areas with tarpaulins or jute mats or other appropriate material in order to reduce dust generation;
3.	Coal particulates	Ensuring full combustion of coal by measures such as (i) manual crushing and grading to ensure uniform size, (ii)
4.	Worker safety	Provision of personal protection equipment (PPE) such as face masks, helmets and boots; Provision of first aid box with basic items.
5.	Worker health & hygiene (clean water & sanitation facilities)	Basic hygiene and cleanliness in the worker camps, if any. In particular, toilet facilities should be well-maintained with basic provision of soak pits & septic tanks.
6.	Child labour	No use of child labour in the brick kiln activities; No presence of children in the operative areas of the brick kiln as there is a potential for accidents and also long-term health impacts due to prolonged exposure to the dust;
7.	Tree plantation	Wherever land is available, planting of trees should be undertaken. This can particularly be done along the boundary of the kiln if it is feasible.
8.	Transporting soil material	Transporting with adequate safety precautions, e.g. not to use under-sized trucks. Adequate covering of trucks that are used to transport material to the construction site.
9.	Storing construction material	Well-defined area for storage with suitable containment as required. Proper labeling of different items.

**Annex B4: ENVIRONMENTAL MANAGEMENT REQUIREMENTS IN TRAFFIC MANAGEMENT INITIATIVES**

<b>Sl. No</b>	<b>Issues</b>	<b>Management measures</b>
1.	Dust & Cleaning	Regular sprinkling of water in the vicinity of the construction so that dust is not re-suspended; Frequency of the sprinkling to be three times a day or more based on the extent of activity and dryness of the season; Cleaning to be done in a manner that does not generate or re-suspend dust.
2.	Noise	Use of ear plugs / muffs by all construction workers; Wherever feasible, use of noise absorption padding / enclosures surrounding the noise-generating machinery.
3.	Tree-cutting & safeguarding	Compensatory tree plantation in the ratio of 2 trees planted for every tree that had to be cut due to construction activities; Any tree saved from cutting should be barricaded and protected by the contractor.
4.	Debris management	Well-defined onsite area for storing of any debris generated; Transporting debris with proper coverage; Disposal in an approved dump yard / landfill.
5.	Worker safety	Provision of personal protection equipment (PPE) such as helmets, boots and face masks for the workers; Provision of first aid box with basic items.
6.	Pedestrian & traffic safety	Extensive barricading of the construction zone so that pedestrians do not come into direct contact with the machines, tools, material and other accessories; Provision of barricading to be done so that these do not create traffic safety problems; Supplementary aids / tools such as signboards, reflectors and night lighting to be used to avoid possible accidents.
7.	Transporting construction material	Transporting with adequate safety precautions, e.g. not to use under-sized trucks. Adequate covering of trucks that are used to transport material to and from the construction site.
8.	Storing construction material	Well-defined area for storage with suitable containment as required. Proper labeling of different items.
9.	Worker camps	Basic hygiene and cleanliness in the worker camps, if any. In particular, toilet facilities should be well-maintained with basic provision of soak pits & septic tanks. Drinking water should also be provided to the workers.
10.	Monitoring	Air parameter monitoring in the vicinity of the construction every quarter during the non-monsoon season and when the construction activities are being undertaken; Noise level monitoring in the vicinity of the nearest receptor every quarter and when the noise-intensive construction activities are being undertaken; Ensuring compliance to the ECR rules in terms of ambient air and noise monitoring data.

## **Annex C1: SUGGESTED METHODS FOR MARKET PRICE SURVEYS**

In line with the proposed compensation principles, PIA, 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 (residential/commercial, etc.), cropping intensity in cases of agricultural lands, accessibility from the existing roads and to transportation, and any other characteristics that influence the lands' market value. These surveys will be conducted on the following three groups of respondents:

- A random sample of 10-15 landowners in the *mouza* (or area of the city) 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 areas/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 areas/mouzas. (They are to 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 landowners and Grievance Redress Committee.*

*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 the 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, PIA staff, or local construction workers.

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

*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. PIA will document the replacement costs and market prices of various affected assets and make them available as and when asked for review by IDA.

## **Annex C2: APPLICATION GUIDELINES FOR MITIGATION MEASURES**

These guidelines follow the compensation eligibility of PAPs and the mitigation principles and standards, and correspond to the entitlements proposed in the Entitlement Matrix. During implementation and depending on the actual situation on the ground, the PIAs can consult IDA about modifications/refinements of these guidelines for effective implementation of the mitigation policies and measures.

### **1. LOSS OF LANDS (AGRICULTURAL, COMMERCIAL & HOMESTEAD)**

#### **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 PIA through local market price surveys for different types of lands, by using the methods suggested in Annex C1.*

Stamp Duty or Registration Cost: Charged on the price at which the land is being bought or sold.

*Stamp duty 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 the DCs.

- *Top-up will apply only to the landowners who have legal titles (DCs identify 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 in any number of mouzas (see paragraph 20, Section C).*

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 (see paragraph 20 in Section C).*

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 (VITA)**

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 parts of the homestead lands (vita) are acquired and the remainders are adequate to move and rebuild the houses:*

Compensation/assistance will consist of moving and rebuilding costs.

- *Where the affected households can no longer live in the present homesteads (vita), they can either directly purchase replacement lands at locations of their choice, or relocate on public lands that PIA 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; and
  - 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, and consist of:

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

[*Determining vulnerability:* In addition to actual socioeconomic information, quality of building materials can also be used. Structures made of bricks, reinforced cement concrete or RCC, steel, GI sheet, etc. are extremely unlikely to belong to vulnerable squatters. In this project, where the subprojects are small and localized, GRCs can play an effective role in resolving controversial issues.]

Homesteads on VNR Lands: Relocation assistance as follows:

- *Where parts of the homestead lands are acquired and the remainders 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 PIA, with moving and rebuilding costs and provision of water supply and sanitation facilities; OR Six months' rent for living accommodations comparable to the affected ones. The rent will be determined based on the prevailing rates in the present neighborhood.

### 3. LOSS OF HOUSES/STRUCTURES

#### Legal Owners

Compensation-Under-Law: 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 PIA, 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 C1.*
- *Where houses/structures are partially affected and the remainders are structurally safe and useable, replacement costs will be determined on the affected portions.*

#### Vulnerable 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 PIA.

Compensation for Trees: Will be based on the survey of current prices in the local markets by using the methods suggested in Annex C10. 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. However, the owners will not fell the trees unless PIA 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.

*PIA 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 (as suggested in Annex C1).*

## **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 Landowners:* if acquisition amounts to 20% or more of the total productive area; and (b) *VNR Landowners/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.*

*PIA 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 C1).*

***Business Income:*** Applies to the owners of all businesses affected on private and public lands.

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 Removal from Existing Premises: Applies to businesses that are to be removed entirely from the present premises/spots.

- In addition to the business owners' own initiatives to find alternative accommodations, PIA will look for space in their rental premises, or try to relocate them in its own lands or in others owned by other GOB agencies, PLUS compensation, calculated as above, for a period of 30 days; OR

- Compensation, calculated as above, for the number of days the business owners need to find alternative locations themselves, but for a maximum period of 90 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 (i) legal owners of built premises located on private lands, and (ii) owners/users of built premises on VNR lands, which have been rented out to others.

- Six months' rent at the current rates to the owners of the premises on private lands.
- Three months' rent at the current rates to the owners/users of premises on VNR lands.

### **Unforeseen Losses**

PIA will take into account any impacts/losses that are unique to any subprojects and not covered in this SIMF, and consult IDA to adopt measures and application guidelines required to mitigate them.

### **Annex C3: 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 acquisition:

- Preparation of the Land Acquisition Proposals (LAPs), by using standard formats required by the Acquiring Body (land acquisition authority, headed by Deputy Commissioner or DC).
- Dates LAPs submitted to the line ministries for administrative approval.
- Dates LAPs submitted to the concerned DCs.
- Dates LAPs approved by the District Land Allocation Committees (DLACs) and, if required, the Ministry of Land.
- Dates Notice-3 issued by DCs (These dates serve as cut-off dates for the legal owners of the lands and other assets under acquisition).
- Dates Joint Verifications by acquisition officials and PIA completed for each LAP.
- Dates Notice-6 issued by DCs on each LAP.
- Dates Compensation Estimates for each LAP submitted by DCs to PIA.
- Dates PIA sent the Compensation Estimates to respective line ministries.
- Dates the line ministries approved the Compensation Estimates.
- Dates PIA placed the compensation funds with DCs.
- Dates Notice-7 issued by DCs to the landowners included in each LAP.
- Dates DCs started CUL payment process.
- 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 land acquisition ordinance, and top-up for titleholders.
- Preparation and submission of RP/ARP for IDA review and clearance.
- Preparation of the individual entitlement files for different PAP groups, with all applicable entitlements.
- Approval of the Compensation Budgets by PIA.
- 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 planning and implementation resettlement activities will be reported in appropriate formats.