

Resettlement Action Plan (RAP)

***Sirajganj Economic Zone
Limited, Sirajganj***

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List of Acronyms and Abbreviations

ADB	Asian Development Bank
AH	Affected Household
AP	Affected Person
BDT	Bangladesh Taka
BEZA	Bangladesh Economic Zone Authority
BSCIC	Bangladesh Small and Cottage Industries Corporation
CBEs	Commercial and Business Enterprises
CCL	Cash Compensation under Law
CPRs	Common Property Resources
DC	Deputy Commissioner
EA	Executing Agencies
EZs	Economic Zones
FDI	Foreign Direct Investment
FGDs	Focus Group Discussions
GRC	Grievance Redress Committee
GRM	Grievance Redressal Mechanism
HIES	Household Income and Expenditure Survey
LARAP	Land Acquisition & Resettlement Action Plan
LAP	Land Acquisition Proposal
LIRP	Livelihood and Income Restoration Program
LGRC	Local Level Grievance Redress Committee
M & E	Monitoring & Evaluation
NGOs	Non-Government Organizations
OP	Operation Policy
PAP	Project Affected Person
PAU	Project Affected Unit
PCRs	Physical and Cultural Resources
PGRC	Project Level Grievance Redress Committee
PMU	Project Management Unit
PSDSP	Private Sector Development Support Project
RAP	Resettlement Action Plan
RP	Resettlement Plan
RSMF	Resettlement and Social Management Framework
RV	Replacement Value
SEZL	Sirajganj Economic Zone Limited
SME	Small and Middle Enterprise
SMOs	Sub-project Management Office
TA	Transition allowance
TG	Transfer Grants
TREE	Training for Rural Economic Empowerment
WASH	Water, Sanitation & Hygiene
WB	World Bank

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Glossary of Terms

Affected Person (AP): includes any person, affected households (AHs), firms or private institutions who, on account of changes that result from the project will have their (i) standard of living adversely affected; (ii) right, title, or interest in any house, land (including residential, commercial, agricultural, forest, and/or grazing land), water resources, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement.

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

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

Cut-off date: means the date after which eligibility for compensation or resettlement assistance will not be considered is the cut-off date. Date of service of notice under Section 3 of Land Acquisition Ordinance is considered to be the cut-off date for recognition of legal compensation and the start date of carrying out the census/inventory of losses is considered as the cut-off date for eligibility of resettlement benefit.

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

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

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

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

Project: means the Sirajganj Economic Zone funded by Sirajganj Economic Zone Limited. area of approximately 415 acres for 1st phase land has allotted for development an Economic Zone at Rajapur Union of Belkuchi Upazila and Saidabad Union of Sirajganj Sadar Upazila of Sirajganj District.

Project Affected Unit (PAU): combines residential households (HHs), commercial and business enterprises (CBEs), common property resources (CPRs) and other affected entities as a whole.

Project Affected Family: includes residential households and commercial & business enterprises except CPRs.

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

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

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

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

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

Executive Summary

Introduction

Since 1980s, Bangladesh has made effort to promote investment and industrial diversification by establishing —Export Processing Zones (EPZs) under Bangladesh EPZ authority (BEPZA), and currently eight (8) EPZs are operating in Dhaka, Chittagong and other locations. However, most of the businesses (about 70% out of 300 companies) within these EPZs are mainly Labor intensive industries that rely on imported raw material and processing them with low Labor cost. This kind of processing industry, however, has a limited impact on backward linkage within the country, and less likely to induce other downstream or upstream manufacturing businesses. As a result, the government of Bangladesh has announced that no new EPZ is needed, but instead, it has launched a new policy to establish —Economic Zones (EZs) to reinforce enter-industrial relationship of export industry and domestic industry, and to optimize the domestic market.

For supporting such arrangement, Bangladesh Economic Zones Authority (BEZA) has been emerged by the Bangladesh Economic Zones Act, 2010. The Bangladesh Economic Zones Authority (BEZA) was officially instituted by the government on 9 November 2010. BEZA aims to establish economic zones in all potential areas in Bangladesh including backward and underdeveloped regions with a view to encouraging rapid economic development through increase and diversification of industry, employment, production and export. Main objective of BEZA is to establish 100 Economic Zones on 30000 hectares of land in the next 15 years with an employment generation for 10 million people. BEZA has till now got approval to establish 88 economic zones countrywide comprising 59 Government and 29 Private Ezs. Among these 29 private economic zones, Sirajganj Economic Zone is one which has been established to support decentralized economic activity specially closed to the marginalized people. A consortium comprised of 9 renowned business groups like Knit Asia Ltd., Rising Holdings Ltd. Mahmud Fashion Ltd., Ratul Knitwear Ltd., S.M Industrial Holdings, Paragon Feed, Texttown Ltd., Manami Fashions, Change Bangladesh and two renowned business personality Dr. Mohammad Kamruzzaman from Total Quality Resources and Mr. Ehsanul Habib from Esquire Group was formed in the name of Sirajganj Economic Zone Limited (SEZL) to develop the largest private economic zone in Sirajganj. SEZL will be heart of production activity and employment generation of northern part of Bangladesh. SEZL is committed to create best in class facility for the prospective global/local investors to create employment opportunity for 50,000 people, generate export revenue and ensure significant contribution in the GDP. BEZA issued the final license to SEZL for the purpose of establishment, development, operation, maintenance and promotion of Sirajganj Economic Zone on 1041.43 acres of land in different mouza of Sirajganj Sadar and Belkuchi Upazila of Sirajganj district with a view to encouraging rapid economic development through increase and diversification of industry, employment, production and export. The phase 1 will be covered 415 acres of land where the 1st phase activity will go on for the development of land and also for further construction work.

Introduction

Encouraging rapid economic development, creation of employment opportunities through attracting Foreign Direct Investment (FDI) and transfer of advanced technology are the main policy directives from the government of Bangladesh. This will provide immense economic opportunities for all sections of the society in Bangladesh. The Bangladesh Economic Zones Act, 2010 (Amendment 2015) aims to promote Economic Zones (EZ) in the Private sector, Government led EZs or EZs through public and private partnership, G2G and specialized EZs. The long term objectives of BEZA is to establish and develop Economic Zones in all potential areas including backward and underdeveloped regions for the purpose of encouraging rapid economic development through industrialization, employment generation, production and increase diversification of export.

The objectives of this project is to establish an 'Economic Zone' in Sirajganj District to attract foreign & local investment to industrialize the country for export promotion and to meet the requirements of local areas that leads to employment generation and economic development of the country.

Description of the Project

The Sirajganj Economic Zone Ltd. (SEZL) has been identified as an Early Bird Project with Jamuna Bridge Approach Road towards the south. It is at an aerial distance of ~12 km north of the Sirajganj District Headquarter. The delineated region for SEZL comprises of an area of approximately 415 acres for 1st phase land, spread over 3 villages of 2 upazilas, in the Sirajganj District. The project aims for industrial development and seeks to double the employment potential, triple the industrial output and quadruple exports from the region over every five years.

Table 3 : The Key Features of the Project Area

Parameters	Details
District	Sirajganj
Upazila	Sirajganj Sadar & Belkuchi Upazila
Development Areas	approximately 415 acres
Population Size	521
Total Affected Households	106 households (out of 439 households)
Trees to be felled	36,004 (of various sizes of 67 species)
Direct Employment	2,00,000
Land Acquisition Cost	BDT. 1,31,14,00,000

Project Area and Study Area

Project Area – Based on availability of land considering economic projections and presence of existing environmentally sensitive features, an area of approximately 415 acres has been identified as developable area/ project area. The local District Office and BEZA played key roles in the process of land acquisition, and compensation for homestead, trees, roads and other lands. A Resettlement Action Plan (RAP) has been developed for providing compensation and relocation of the project affected persons (PAPs). The distribution of the project land is presented in the following table.

Table 4 : Distribution of the Project Land Area

Land Types	Area (in acres)
Agriculture	172.88
Char land (sand-bed)	76.15
Garden	20.31
Homestead	58.97
Ditch	85.80
Road	0.89
Total	415

Study Area – The study area refers to the delineated SEZL and surrounding 10 km radius around its boundary, which is considered for the environment and social impact assessment.

Project Location

The delineated SEZL located towards the south of Sirajganj District Headquarter, is strategically positioned with good connectivity through major state, national highways and rail network. SEZL is located Saidabad, Baro Shimul Panchashona, Khash Baro Shimul, Birhati and Chackboyra Mauzas of Saidabad Union of Sirajganj Sadar Upazila and Boyra Masum, and Boro Berakharua mauzas of Rajapur Union of Belkuchi Upazila under Sirajganj District of Northern Bangladesh along Dhaka-Rajshahi/Rangpur Divisional Highway. EZ site covers the area of approximately 415 acres of land with elevation of less than 1.5m above mean sea level (MSL). There is a branch of Jamuna River passes within the zone with an area of about 35 acres found as own land of the Proponents, which will be retained and will not be disturbed for natural water flow of the river.

The proposed SEZL has been planned as a mixed land use development, comprising of residential, commercial, social amenities and industrial land uses and will be spread across approximately 415 acres of land. The geographical coordinates of the SEZL project site are provided in following Table and Figure.

Table 5 : Geographical Co-ordinates Outlining the Site

Points	Latitude	Longitude
A	24°23'03.22"N	89°44'57.68"E
B	24°23'33.37"N	89°45'12.48"E
C	24°23'23.85"N	89°43'4.90"E
D	24°23'03.22"N	89°44'57.68"E
E	24°23'33.37"N	89°45'12.48"E
F	24°23'23.85"N	89°43'4.90"E
G	24°23'03.22"N	89°44'57.68"E
H	24°23'33.37"N	89°45'12.48"E
E	24°23'23.85"N	89°43'4.90"E

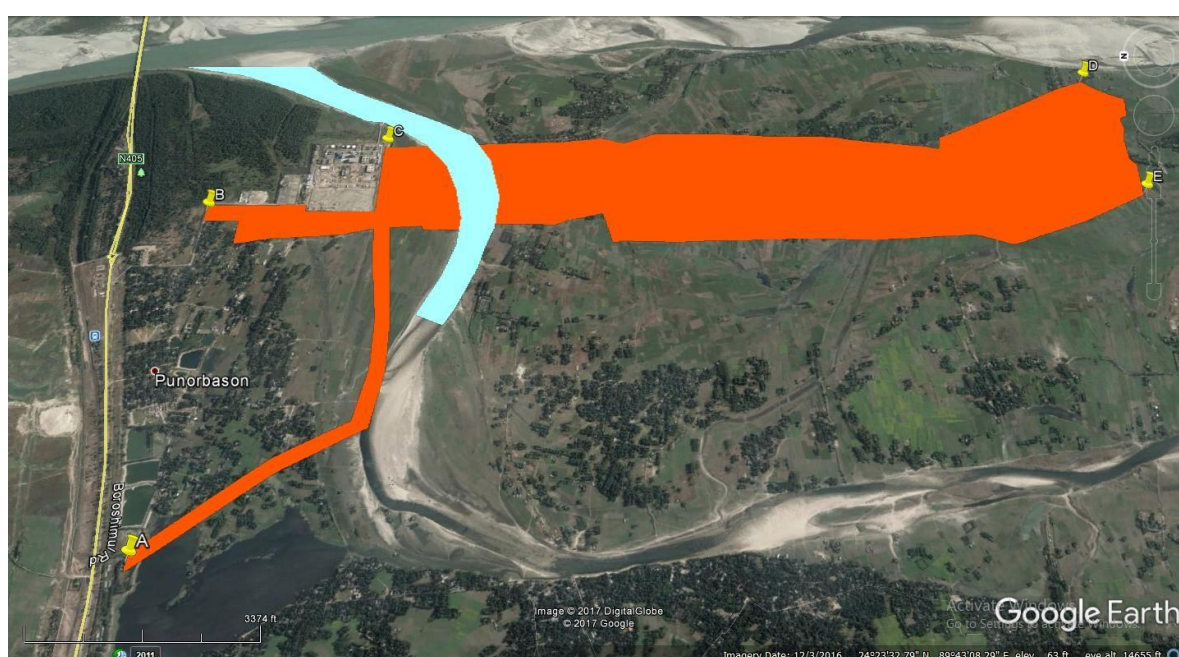


Figure 1 Geographical Co-ordinates of the Delineated SEZL

The delineated SEZL comprises mostly of rural settings which includes predominantly of agriculture land which remain fallow for most part of the year especially rainy season. The east of the project site consists of vast water body (namely Jamuna River). Bangabandhu Jamuna Eco-park is reportedly present north-eastern part of the zone (within 300m radius). The site and surroundings of the zone is described in the following table.

Table 6 : Co-ordinates and Surroundings of the Site

Side	Object	GPS Points	Coordinate	Distance
North	Dhaka-Rajshahi/Rangpur Divisional Highway, Jamuna Bridge Punorbason Area	NE Corner	24°23'32.56"N 89°44'32.18"E	Adjacent to Highway, Jamuna Eco-Park, Power Substation
South	Agriculture land, Rural Settlements	SW Corner	24°20'38.72"N 89°44'38.20"E	Adjacent to Rural Settlements

East	Char Land, Jamuna River	SE Corner	24°20'43.01"N 89°45'11.11"E	Adjacent to Jamuna River
West	Agriculture land, Rural Settlements, Jamuna Branch River	NW Corner	24°23'29.84"N 89°43'18.07"E	Adjacent to Rural Settlements

Accessibility to Site

SEZL is connected with all the major locations of Bangladesh by road, rail and waterway network. The site abuts the Dhaka–Rajshahi/Rangpur Division National Highway. It is spread on both sides of the 2 lane highway and is presently below the road level. Currently this highway is catering to passenger buses and trucks destined for northern Bangladesh.

- **Road Connectivity:** The zone well connected with Dhaka–Rajshahi/Rangpur Division National Highway. The zone also connected with Dhaka Division through Jamuna Multipurpose Bridge passes over Jamuna River (east part falls at Tangail District and west side Sirajganj District). The Government of Bangladesh (GoB) implementing a project titled ‘South Asia Subregional Economic Cooperation (SASEC) aimed to improve Joydevpur- Chandra-Tangail-Elenga Road (east part of Jamuna Bridge) to a 4-lane Highway;
- **Air Connectivity:** Hazrat Shahjalal International Airport about 110 km away from the site;
- **Railway Connectivity:** Jamuna Bridge West Railway Station about 1km away from the site;
- **Sea Port Connectivity:** Chittagong Sea Port about 378km; Mongla Sea Port about 302 km; and Payra Sea Port about 357 km away from the site;
- **Land Port Connectivity:** Hili Land Port about 160km; Akhaura Land Port about 224km; and Bibir Bazar Land Port about 228km away from the site.

Purposes of Resettlement Action Plan

This Land Acquisition & Resettlement Action Plan (LARAP) is being prepared for a large-scale land acquisition and resettlement under the construction of economic zone at Rajapur Union of Belkuchi Upazila and Saidabad Union of Sirajganj Sadar Upazila of Sirajganj District. It aims to clarifying resettlement principles, organizational arrangements, and design criteria to be applied to the Project. In response to the above principle, involuntary resettlement should be an important consideration in project identification. Thus, the RAP approach incorporates (i) land acquisition and resettlement issues; (ii) impact mitigation with special attention to the women and vulnerable groups and (iii) income generation support to the eligible members of the AP families and (iv) poverty reduction assistance to the poorest section of the people. The LARAP will be translated into Bengali language and disclosed for the reference of Project Affected Peoples (PAPs) as well as other interested groups.

Objectives

The objective of the RAP is to provide a strategy for providing PAUs with replacement of lost structures, compensation for lost land, and restoration of income levels/living standards either through a compensation and rehabilitation package that ensures that PAUs are not left in a position where they are worse off with the project than without it.

The specific objectives are-

- i) To acquire land and develop on-site and off-site infrastructure for the establishment of the Sirajganj Economic Zone;
- ii) To appoint a developer for operate the Sirajganj EZ;
- iii) To resettle the affected people;
- iv) To promote development and create multiproduct Industries within the EZ;
- v) To create a favorable business environment to attract International and local companies to develop and operate in industrial units;
- vi) To generate employment opportunities for sustainable economic development through establishment of Small and Middle Enterprise (SME) units in the zone and expansion of forward and backward linkage industries of other economic zones within the country.

In this regards, Govt. puts high priority on establishment of SEZL. The Project also contributes to create 500,000 job creations, environment friendly development to fulfill the Sustainable Development Goals.

Methodology for Preparing the Resettlement Action Plan

Both the primary and secondary sources of information are used to prepare the Resettlement Action Plan (RAP). The data furnished in this report were collected directly from all the owners of structures through Census and socio-economic survey, asset inventory, households' survey and market survey of land, trees and structures. Focus Group Discussion (FGDs) conducted to gather primary information and develop a comprehensive socio-economic profile of AHs which contributed to provide primary data for preparation of the RAP. A group of trained Field Investigators collected data from all PAPs during the month of **May-October, 2019**. The data gathered during the survey has been entered into an electronic database which identified each affected household (AH) and the way they are impacted and losses they will incur. The surveys also serve as a benchmark for monitoring and evaluation.

The study of "Best Practices" in resettlement of affected persons in Jamuna Multi-Purpose Bridge Project and Padma Multi-Purpose Bridge Project and related reports, documents, Resettlement Frame Works, Land Acquisition, Resettlement Action Plans, Social Action Plans for Involuntary Resettlement of Affected Persons and Environmental and Social Impact Assessment Report have also contributed to the preparation of this document. In order to enrich the socio-economic profile of the affected household of the project is developed largely based on information drawn from Census Report 2011 and Household

Income and Expenditure Survey (HIES), 2010 prepared by Bangladesh Bureau of Statistics has been utilized.

This RAP has been prepared based on the land acquisition laws of the Government. The RAP establishes the provisions for resettlement of AHs by providing relocation, resettlement, and income restoration assistance to the poor and vulnerable households and compensation under law where applicable; provides a description of socio-economic characteristics of AHs; sets out the implementation schedule; and, provides the budget and cost estimate of implementing this RAP.

Land Acquisition and Displacement

The project will displace 521 HHs and 12 Common Property Resources. In addition, total 220 tree owners may be affected due to land acquisition of 415 acres for the project under the provision of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982, amended up to 1994). The total Number of PAUs is shown in below table-

Table 7:- Number of PAUs

SL	Mauza Name	Household	House	Tree	Common Property
1.	Borobera Kharuya			8915	
2.	Chakboyra			5697	
3.	Boyra Masum			9769	
4.	Khas Boroshimul			11623	
Total				36004	

Significance of Impacts

Of the total number of PAUs, 521 PAUs will experience significant impacts, as a result of either displacement or loss of 10% or more of income generating assets including small businesses and loss of productive/arable land. Mitigation of all impacts, including the significant resettlement impacts, will be undertaken through implementation of this full resettlement action plan (RAP).

Indigenous People

There is no indigenous person (tribal or ethnic minority) among the affected population in the project area.

Resettlement and Social Management Framework

Law and Policy on Land Acquisition in Bangladesh

The current legislations governing land acquisition for Bangladesh is the Acquisition and Requisition of Immovable Property Ordinance 1982 (hereinafter, “the Ordinance”) and subsequent amendments (1989, 1993, 1994 and 2004). The Ordinance provides safeguards for landowners and has provisions for payment of ‘fair value’ for the property acquired. Besides, the 1994 amendment made provisions for payment of crop compensation to tenant cultivators. However, it does not cover project-affected persons without titles or ownership record and does not ensure replacement value of the property acquired. It does not permit the affected persons to take the salvageable materials for which compensation have been paid by the Deputy Commissioner (DC). It has no provision of resettlement assistance and transitional allowances for restoration of livelihoods of the non-titled affected persons.

In all cases, the DC determines (i) market value of acquired assets on the date of notice of acquisition (based on the registered value of similar property bought and/or sold in the area over the preceding 12 months); and (ii) 50% premium on the assessed value (other than crops) due to compulsory acquisition. The DC payments or “awarded” to owners is called Cash Compensation under Law (CCL). The value thus paid is invariably less than the “market value” as owners customarily report undervalued land transaction prices in order to pay lower stamp duty and registration fees. As a result, compensation for land paid by DC, including premium, remains less than the real market price or Replacement Value (RV).

Table 8 : Comparison of GOB’s Ordinance and World Bank (WB) Policy

Gaps between WB OP 4.12 and GOB 1982 Ordinance II	Recommendation to bridge the gaps
Gaps with regard to avoidance and minimized project impacts	The project designs including that of the associated facilities should aim to minimize impacts.
Existing GOB laws recognize title owners only; informal settlers are not covered	All affected persons irrespective of titles will need to be identified for compensation and assistance
Existing laws and methods of assessments do not ensure full replacement costs	Provisions should be adopted for additional top up payments to ensure replacement costs at current market price
Consultation with affected community not legally required under GOB 1982 Ordinance II	Extensive consultations will need to be carried out during the preparatory phase; similar consultation will continue during project implementation
The affected land owners can object to the acquisition in the beginning but once hearing is	There will be a provision of two-tier grievance redress mechanism in the project. One local

Gaps between WB OP 4.12 and GOB 1982 Ordinance II	Recommendation to bridge the gaps
done and settled, there is no scope of further complaint during the acquisition process.	level GRC (LGRC) and another project level GRC (PGRC).
No relocation assistance or support under 1982 Ordinance II	Affected households and businesses will receive relocation assistance and support from the project
No support or program for income and livelihood restoration	The project benefits will include income and livelihood restoration
No provision for reconstruction of common property resources	The project will reconstruct all physical and cultural resources (PCRs) and common property resources if affected by the project.

Resettlement and Social Management Framework

A Resettlement and Social Management Framework (RSMF) has been prepared by the Bangladesh Economic Zone Authority (BEZA), Government of Bangladesh to bridge the gaps with the Land Ordinance of 1982 and to ensure that the projects are compliant with the WB's OP 4.12. The objective of the RSMF is to mitigate the social safeguard issues and impacts that may arise during implementation of the Private Sector Development Support Project (PSDSP). The provisions adopted in the RSMF are in accord with the World Bank's project financing policy that requires the borrowers to assess potential social safeguard issues and impacts in project preparation, and adopt and implement appropriate measures to mitigate them, in compliance with its specified policies.

Objectives and Scope

This framework has been formulated to lay down the principles and procedures for management of social impacts caused by the project and guide the social impact assessment and preparation of mitigation plans including Resettlement Action Plan. Overall objective of this framework is to guide the preparation and implementation of Economic Zones based on the following principles:

- Take due precautions to minimize disturbance to human habitations and places of cultural significance.
- Take due care of Project Affected Person (PAP)
- Involve affected people from inception stage to operation and maintenance.
- Consult affected people in issues of land acquisition or loss of livelihood
- Encourage consultation with communities in identifying environmental and social implications of projects.
- Pay special attention to marginalized and vulnerable groups and secure their inclusion in overall public participation.
- Guarantee entitlements and compensation to affected people as per its R&R policy.
- Share information with local communities about environmental and social implications.

- Take due precautions to minimize disturbance to human habitations and places of cultural significance.
- Take due care of Project Affected Person (PAP)

Eligibility for Compensation and Assistance

The RSMF provides for the compensation and assistance to the following project affected persons and ensure steps to mitigate the impacts-

Table 9 : Entities for Compensation and Assistance

Private Landowners	Persons who have legal rights to the acquired lands and other assets, such as houses/structures, trees, etc., built and grown on them.
Non-titled holders	Socio-economically vulnerable persons/households who do not have legal rights to the affected lands, but use them for residential, commercial and livelihood purposes
Owners of Displaced Businesses	Compensation for income loss from businesses that are (a) displaced from private lands and khas/public lands; and (b) required to temporarily close down during construction period. In both cases, compensation/assistance will apply to the actual owners of the affected businesses
Employees of Affected Businesses	Employees who are employed in the above two types of affected businesses for at least six months up to the cut-off dates on which censuses are taken.
Rental Income Earners	Rental Income Earners from built premises situated on the private lands
Vested and Non-resident Property Owners/Users.	Current users of the acquired lands and other properties designated 'vested and non-resident properties' during acquisition for the individual EZs.
Leaseholders	Owners of affected business, agricultural, fisheries and other activities on formally leased-in khas or other public lands, where leases stipulate compensatory conditions if the lands are taken back or acquired before lease expiration.
Community and Groups	Where local communities and groups are likely to lose income earning opportunities or access to crucial common property resources used for livelihood purposes.

Entitlement Matrix

The entitlement matrix as detailed in the RSMF is represented in the below table:

Table 10 : Entitlement Matrix

Ownership Type	Entitled Person	Entitlement	Responsibility
Private	Legal Owners as determined by the District Commissioner (DC) or by courts in cases of legal disputes	Compensation-under-law (CUL) or replacement costs, whichever is greater. If applicable: • Top-up equal to the difference between CUL and replacement cost. • Transition allowance (TA) for income loss	CUL paid by DC Top-up and TA paid by project
Khas and Other Public Lands under lease	Leaseholders	• Contractual obligations with the public agencies as determined by DC and/or; • Contractual obligations with other GOB agencies.	Paid by DC and / or project
Vested Non-Resident	Current Owners/Users	Transition allowance for income loss	Paid by the project
2. Loss of Homestead Lands			
Homesteads on private lands	Legal owners as determined by the DC or by courts in cases of legal disputes	In addition to CUL and applicable top-ups: • Assistance to move and rebuild the house in the same homesteads in case of partial acquisition; • Relocation assistance, including land development, where PAPs choose to relocate on their own or developed plots if they choose to relocate in public lands to be arranged by BEZA where acquisitions require relocations elsewhere; • Provision for pre-acquisition level basic utilities (water supply, sanitation, electricity etc.)	By Project
Homesteads on Khas Land and other	Vulnerable Non-Titled Persons	• Relocation assistance, including developed plots in	By Project

Public Lands		their own or other public lands to be arranged by BEZA; • Provision of water supply and sanitation facilities	
Homesteads on VNR Lands	Present Owners/Users	• Assistance to move and rebuild the houses in the same homesteads in case of partial acquisitions; • Assistance to settle in developed plots in public lands arranged by BEZA or 6 months' rent for comparable living accommodations where acquisitions requires relocation elsewhere; • Provisions of water supply and sanitation facilities.	By Project
3. Loss of Houses/Structures used for living, business and others			
All houses/structures on acquired private lands	Legal owners as determined by DC or by courts in case of legal disputes.	CUL or replacement cost, whichever is greater	CUL paid by the DC
		• Transfer Grants (TG) to cover the carrying costs of households goods and one-eighth of the replacement costs of the affected structures; • Allowed to keep the salvageable materials	TG paid by Project
Shiftable and non-shiftable structures on Khas Land and other Public Land	Vulnerable non-titled persons	• <i>Shiftable Structures</i> : House Transfer Grant (HTG) and House Construction Grant (HCG) @ BDT 50 per square feet, with a minimum of BDT 3500 and maximum of BDT 5000; • <i>Non-Shiftable Structures</i> : HCG @ BDT 70 per square feet of floor area with a minimum of BDT 4000 and maximum of BDT 6000.	HTG and HCG paid by the project
Houses/Structures	Current	HTG and HCG (amounts are to be	HTG and HCG

on VNR Lands	owners/users	determined in consultation with the current owners/users) Allowed to keep the salvageable materials	paid by the project
4. Loss of Trees on Acquired Private and Public Lands			
On Private Lands	Legal Owners and determined by the DC or by courts in case of legal disputes	- Current market values of trees based on species, size and maturity; - Current harvest prices of fruits on trees if they are felled before the harvest; - Owners are allowed to fell the trees and keep them	By BEZA (included in the CUL) and/or by the project (included in the top-up)
On Khas and other public lands	- Non-titled persons, encroachers; - Private groups, Non-Government Organizations (NGOs) etc.	All those stipulated above for trees and fruit and trees, on private lands	By project
On VNR lands	Present Owner/User	As those stipulated above for trees and fruits on trees on private lands	By Project
5. Loss of agricultural, business, employment and rental income			
Agricultural Income: If acquisition amounts to 20% or more of the total productive area	Legal Owners, as determined by DC or by courts in case of legal disputes	Transition allowance equal to three times the harvest prices of one year's crops produced in the acquired parts of the lands	By Project
If acquired VNR lands are agricultural	Present owners/users	Transition allowance equal to three times the harvest prices of one year's crops produced in the acquired parts of the lands	By Project
Business Income: Temporary closure of business in existing premises	Business Owners (premises/land owners and tenants)	Compensation based on 30 days average daily net income for the actual number of days the business remain closed or complete the civil works	By Project
Partially Affected businesses	Business Owners (premises/land owners and tenants)	Compensation calculated as above for smaller of the number of days needed to repair and reopen the individual business premises or complete the civil works	By Project
Businesses requiring	Business Owners	Relocation in Khas/public land	By Project

removal from the existing premises and spots	(premises/land owners and tenants)	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 an alternative locations themselves, but for a maximum period of 90 days	
Loss of Employment Income	Business Employees	Compensation at current daily wage rates for the period needed to reopen the businesses or for a maximum of 30 days	By Project
Loss of income from rented-out premises on private and VNR lands	Legal Owners and current owners/users of VNR lands	• 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 of VNR lands	By Project
6. Unforeseen Losses			
As may be identified during subproject preparations and implementations	As Identified	• As determined in consultation with World Bank and the stakeholders	By Project

Preparation of Impact Mitigation Instruments

Availability of Khas and other public lands for EZ itself and any required off-site support infrastructure will basically determine the location of an EZ. Once a decision is finalised about the EZ site and land requirements for off-site infrastructure in view of the basic principles and guidelines stipulated to minimize adverse impacts. The major preparation tasks will comprise of-

- **Preparing the land acquisition proposal (LAPs):** Where lands from private and public ownership are to be acquired, LAPs will be prepared as per the standard requirement of the acquiring body
- **Taking the PAP census and fixing the cut-off dates:** To prepare RPs and ARPs, census will assess details of the impacts and impacted households/persons with respect, but not limited to the impact categories and compensation/assistance eligibility criteria proposed in this RSMF. The dates on which censuses are taken will constitute the cut-offs dates for non-titled persons and the dates on which the acquisition notice is served.
- **Identifying the developing the relocation sites for homesteads losers:** The relocation sites will be selected well in advance and will be as close as possible to the EZs wherein they currently live and know all about the income and livelihood sources around them.
- **Conducting the market price survey:** To determine the replacement costs of lands, houses/structures and other replaceable and market price of irreplaceable affected assets which are all required to prepare the land acquisition and resettlement budget.

Cut-off-date of Eligibility

The cut-off-date of eligibility refers to the date prior to which the occupation or use of the Project area makes residents/users of the same eligible to be categorized as PAPs and be eligible to the Project entitlements. In the Project, the cut-off-date was determined as the date when census survey is started on 12th April 2018. This date has been disclosed to each affected community by the relevant local governments and the communities have disclosed to their populations. The establishment of the eligibility cut-off date is intended to prevent the influx of ineligible non-residents who might take advantage of the Project entitlements.

3.0. Socio- Economic Environment of the Project Area

The key parameters that are required to establish a baseline socio-economic profile of population within the project's area of influence includes gender, social structure, employment patterns, sources of income, local tenure and property rights arrangements, use of community and natural resources. Primary information gathered from the surveys, FGD's and other stakeholder interaction along with the secondary information has been analyzed to establish the socio-economic survey. The following sections present socio-economic profile of Sirajganj and also for the project area of influence-

The age and sex structure of the respondents of the SEZ area has given in the below table (Table-9). There were 52.00% male and remaining 48.00% were female population. The mean age of the respondents was found 42 years which is shown in the Table-9.

Table 11 : Age and Sex of the Respondent in the Project Area

Mean Age	Sex	Frequency	Percent
69 years	Male	271	52.00
	Female	250	48.00
	Total	521	100.0

The types of dwelling in the study area were given in Figure-2. It was revealed that, there were two major categories of houses where highest 98% of households lived in Kacha houses and only 2% of the houses were Semi-Pucca. It was observed that, there were no Pucca houses in the study area (Figure-2).

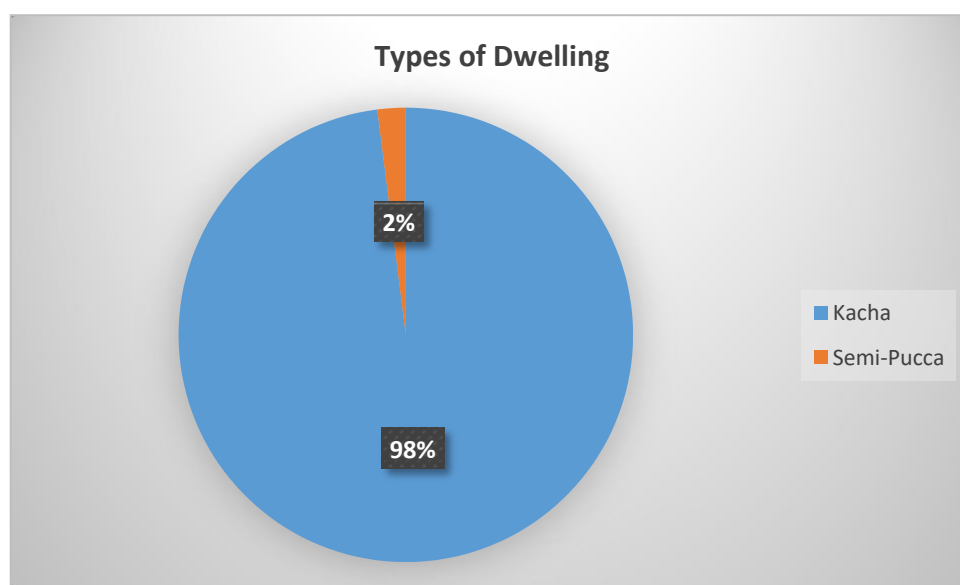


Figure 2 Type of the Dwelling in the Study Area

Table-10 illustrated the data on number of dwelling of the households in the study area. The highest percentages of dwelling is 31.21% which has 2 houses followed by 27.09% (3 houses), 17.39% (4 houses), 15.41 % (1 house), 7.04% (5 houses) and 1.86% (6 houses), respectively (Table-10).

Table 12 : Number of Dwelling in the Study Area

No. of Dwelling	Frequency	Percent
1.00	68	15.41
2.00	137	31.21
3.00	119	27.09
4.00	76	17.39
5.00	31	7.04
6.00	8	1.86
Total	439	100.0

Information regarding the family member of each household of the study area has shown in Table-11. It is observed that, 23.11%, of the households having 4 members followed by 22.18% of having 5 members, 16.20% of 3 members, 12.08 % of 6 members, 6.68 % of households having 7 members, 7.70% of having 2 members, 5.58 % of 8 members and 3.32 % of 9 members respectively. Meanwhile, the average family size of the households was around 5. According to Population and Housing Census Report of BBS (2011), the national average family size is 4.35 (Table-11).

Table 13 : Total Member of the Family in the Study Area

Family Size	Nos	Frequency	Percent
4.9/HH	1.00	6	1.20
	2.00	40	7.70
	3.00	84	16.20
	4.00	120	23.11
	5.00	116	22.18
	6.00	63	12.08
	7.00	45	8.63
	8.00	30	5.58
	9.00	17	3.32
	Total	521	100.0

The family members of the study area were different age groups belonging below 1 to above 51 years which has shown in Figure-3. The highest percentages (38%) of family member was found in the age group of 19-40 followed by 0-18 (36%), 41-50 (14%) and 51+ years (12%) respectively (Figure-3).

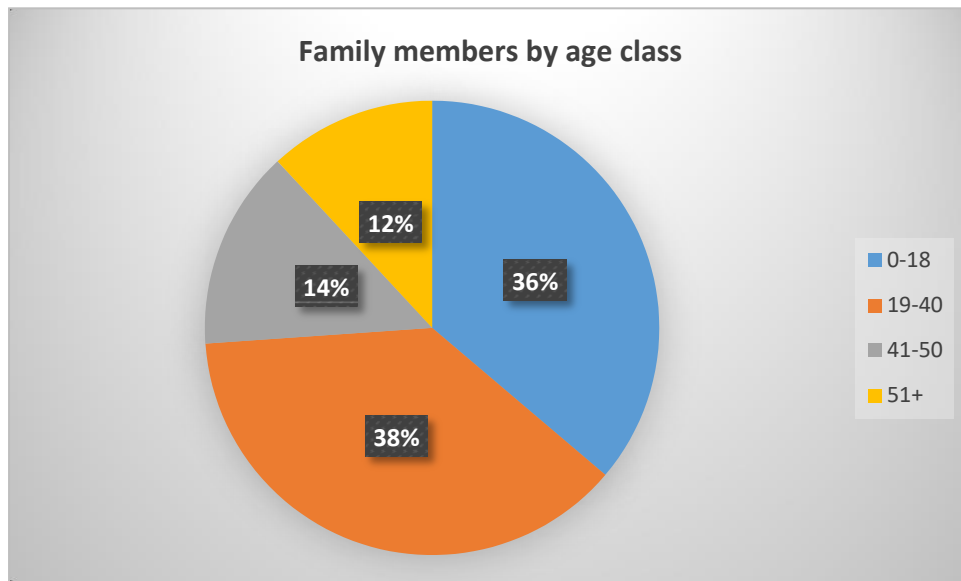


Figure 3 Family Members by Age Class in the Study Area

The study showed that highest literacy rate 36.2% was found in primary education followed by 17.2% in secondary education, 6.6% in infant education and 5.7% in higher secondary level as well (Figure 4). It is revealed that, the percentage of higher education was found negligible among the households. Furthermore, the illiteracy rate was 34.4% in the study area. In 2010, the literacy rate is estimated at 57.91% at national level which is 61.12% for the male and 54.80% for the female population. In rural area, literacy rates of total, male and female population are 53.37%, 56.67 % and 50.21% respectively. In urban area, the literacy rates of total, male and female population are 70.38%, 73.10% and 67.67% respectively (HIES, 2010).

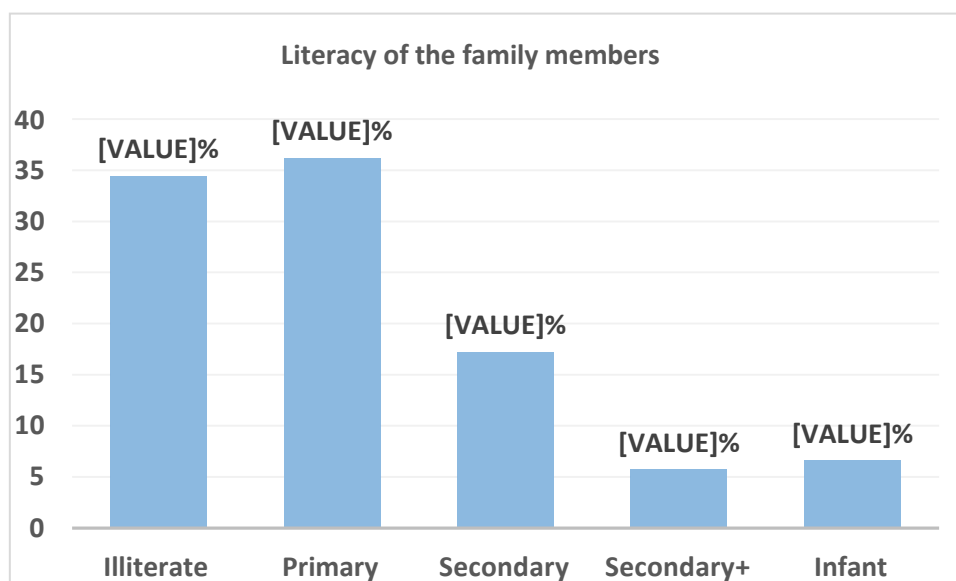


Figure 4 Literacy of the Family Members in the Project Area

The information about total earning member of the family of the study area has shown in Table-12. It was found that 75.83% of the households having 1 earning member followed by 18.33% of having 2 members, 3.85% of 3 earning members, and 1.99% of having 4 earning members respectively (Table-12).

At the national level, among the population 5 years and over, 45.21% did not pass class I, 21.84 % passed class I-V, 20.27% passed class VI-IX, 9.49% passed SSC, HSC or equivalent, 1.75% passed graduate or equivalent levels, 0.98% passed postgraduate level, 0.12% obtained engineering and medical degrees, 0.09 % obtained diploma and vocational certificate and 0.26% obtained other educational qualification. (HEIS-2010).

Table 14 : Total Earning Member of the Family in the Study Area

No. of earning member	Frequency	Percent
1.00	395	75.83
2.00	95	18.33
3.00	21	3.85
4.00	10	1.99
Total	521	100.0

The occupation status of the earning members of the study area is presented in Figure-5. The occupants of the study area were engaged themselves in different types of occupations like agriculture, fisheries, service, business, day labor, loom labor etc. However, the maximum (39.6 %) occupants were involved in agricultural activities followed by minimum (2.7%) in fishery. Furthermore, in the study area the order of occupants were loom labor (20.3%)> service holder (13.9%), day labor (13.6%)> businessman (9.9%). (Figure 5).

In 2010, the highest 36.1% of the head of household was engaged in agriculture, animal husbandry, forestry and fisheries, 16.9% were engaged in production & related works and transport works, 11.6% in the sales occupation and 2.9% were in clerical and related workers and government executives (HEIS-2010).

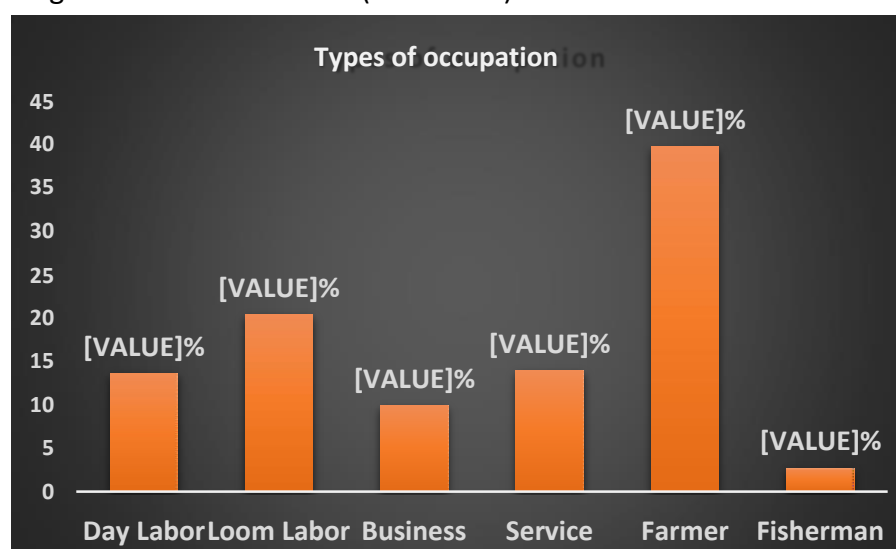


Figure 5 Occupation of the Earning Members in the Project Area

The following table (Table-13) revealed the income characteristics of the households of study area. It was found that among the households 50.7% fall within the income class of BDT. 1001.00 - 6000.00 followed by 26.2% for BDT. 6001.00-11000.00, 11.1% for BDT. 11001.00-16000.00 and 7% for BDT. 16001.00-21000.00, 1.9% for BDT 26001.00-31000.00. It is notable that, only 1.6% of the households has income more than BDT. 46001.00 Whereas 0.1% of the households has income below BDT. 1000.00. However, the mean income has found BDT. 9725 in the project area (Table-13).

It was found that the average monthly income per household at current price was estimated at taka 11479 at the national level in 2010 (HIES, 2010). Per capita monthly income increased by Tk. 1068 (71.92%) in 2010 compared to 2005 and increased by BDT. 1723 (207.59%) over the year 1995-96. It is notable that in 2010, rural income increased at a higher rate than that of urban income. In 2010, rural income increased by 58.29% whereas urban income increased by 57.45% . This increase of income in both urban and rural areas accelerated the process of poverty reduction in both urban and rural areas (HIES, 2010).

Table 15 : Total Monthly Income of the Family in the Study Area

Income Groups	Frequency	Percent	Mean
<= 1000.00	1	.1	9725
1001.00 - 6000.00	264	50.7	
6001.00 - 11000.00	136	26.2	
11001.00 - 16000.00	58	11.1	
16001.00 - 21000.00	36	7.0	
21001.00 - 26000.00	5	.9	
26001.00 - 31000.00	10	1.9	
31001.00 - 36000.00	2	.4	
41001.00 - 46000.00	1	.1	
46001.00+	8	1.6	
Total	521	100.0	

Different types of trees were found in the study area like guava, mango, jackfruit, papaya, banana, coconut, wood apple, custard-apple, pomegranate, lemon, litchi, date palm, etc. However, total 36004 fruit trees were found in the study area. Furthermore, the major trees were banana (24870)> mango (3468)>papaya (2464) >jackfruit (1626)>guava (1445)> jujube/chinese date (740)> lemon (478)>blackpeper (213)>bullockhert (317)>betel nut (65)>wood apple (78)> coconut (23)> litchi (77)> hog plum (42)> pomegranate (172) >tamarind (102) etc. which has given in below table (Table-14).

Table 16 : Status of the Fruit Tree in the Project Area

Mouza	Boroberakharua	Chakboyra	Boyra Masum	Khas boroshimul	Total
Guava	442	363	267	373	1445
Chinese date	320	78	96	246	740
Mango	1241	651	1234	342	3468
Jackfruit	918	271	324	113	1626
Papaya	1332	378	288	426	2424
Banana	4113	3642	7200	9915	24870
Hog plum	13	17	5	7	42
Wood apple	22	17	26	13	78
Bullockhert	174	19	78	46	317
Blackpeper	43	68	90	12	213
Lemon	139	129	113	97	478
Pomegranate	26	2	08	0	36
Litchi	52	7	9	9	77
Tamarind	53	30	15	4	102
Coconut	2	5	9	7	23
Betel nut	25	20	7	13	65

Tree types of bamboo trees were found in the study area like melocanna bambusodia (big bamboo) (17303)> polymorph (15115)> bambusa nutans (makla) (1128) (Table-15). Meanwhile, different types of trees such as eucalyptus, jhaga, silk cotton, babla, neem, pitrag, mahogany, banyan tree, debdaru, teak, koroi, palm tree, paiya, drumstick tree, orjun, paiya, crape jasmine, shishu, khoksha, giant crape-myrtle, ipil ipil trees, cluster fig tree, alstonia scholaris etc. were found in the area which total number were 33546.

Table 17 : Status of the Timber Trees in the Project Area

Mouza	Polymorph	Melocanna Bambusodia (Big Bamboo)	Bambusa Nutans
Boroberakharua	7256	9642	637
Chakboyra	645	2378	271
Boyra Masum	3876	3652	202
Khas boroshimul	3338	1631	18
Total	15115	17303	1128

Introduction

Community participation always plays a key role for sustainable development. According to the guidelines of the DOE and the development partners, people's participation in planning and implementation phases of category A & B Projects (usually red category) is essential to take necessary actions for minimizing any undue socio-cultural, political or any other conflicts and to address environmental issues. People have the right to know about what is going to happen in their surroundings. They must be informed about the positive and negative impacts for obtaining their perceptions, views and feedbacks on the probable changes likely to happen within the study area. Therefore, a series of public consultation meetings (PCMs) and public disclosure (PD) were undertaken with community stakeholders in accordance with the World Bank's Environmental Guidelines.

Objectives of Public Consultation and Disclosure Meeting

The primary objective of the PCMs and PD is to incorporate the opinions and suggestions of the public and all other stakeholders at the Project planning stage to ensure wider acceptability of the Project. The key objectives are as follows:

- 1) To provide information on the economic, environmental, and social benefits as well as potential negative impacts from the Project;
- 2) To ensure that the potential project affected persons (PAPs), stakeholders, and local communities are engaged in a meaningful dialogue and are well informed prior to the decision of the Project Proponent as to the nature and extent of social and environmental impacts attributable to the proposed Project with respect to planning;
- 3) To ensure that the concerns of, and issues raised by the PAPs, stakeholders, and local communities are incorporated and adequately addressed in the EIA study;
- 4) To engage in a participative exercise with PAPs, stakeholders, and local communities and obtain expertise and local, traditional wisdom and knowledge from them in order to plan the mitigation measures; and
- 5) To facilitate periodic opportunities to the principal stakeholders to offer their inputs on all key components of the Project.

Approach and Methodology of Public Consultation and Disclosure Meeting

Approach of PCM and PD for EIA

PCM and PD offer an opportunity for people to participate in the decision making process for design, development, and implementation of the Project. It provides a platform for project-affected persons and different stakeholders to express their views on possible impacts of the proposed intervention on environmental and social parameters.

PCM and PD for EIA are planned at two different stages (EIA scoping stage and draft EIA report stage) in order to collect opinions and feedback of the public and to disseminate information on the Project and EIA Study.

a) EIA Scoping Stage

The first stage of the PCM and PD for EIA is conducted at the time of environmental scoping in the initial stage of the EIA study. Information on the Project and scope of the EIA study is disseminated to the public and then comments and opinions are collected to incorporate into the report.

b) Draft EIA Report Stage

The second stage of the PCM and PD for EIA is conducted at the time of preparation of draft EIA report. Information about findings of draft environmental and social impact assessment study and proposed mitigation measures are disseminated to the general public that are directly or indirectly affected by the Project. In addition, their feedback and opinions are obtained which are reflected in the EIA report together with their comments and request on the environmental and social mitigation measures, environmental management plan (EMP) and environmental monitoring plan (EMoP).

Methodology of PCM and PD for EIA

The consultant team prepared a checklist for the consultation meetings. The issues on the overall study, planning as well as project interventions and probable impacts of project on the environment, socio-economic condition and institution were incorporated in the checklist. The issues of discussion were also shared with the implementing authority for obtaining their responses and suggestions. The probable places of meeting were selected in consultation with the SEZL officials and local knowledgeable persons of the study area.

A Socio-environmentalist from the multi-disciplinary EIA consultant team facilitated the consultation process with instantly available local people separately to collect/record opinions and views from their own perspectives. The other members of the EIA team also attended and assisted as necessary. The team used maps of the study area during discussion to share about the interventions for the participants of the consultation meetings. The facilitators explained all relevant points and issues in order to enable the participants to comprehend the proposed interventions/ activities properly and to respond accordingly. The team took utmost care in recording opinions and views of the participants relevant to the EIA study.

Stakeholder Engagement Plan

In order to ensure effective engagement and open, frequent and honest dialogue with local communities and other key stakeholders, a stakeholder engagement plan is designed throughout the life of the Project. This plan is to be developed and implemented in order to identify stakeholder and their issues of concern, establishes the methods for

consultation, and provides a specific action plan for stakeholder engagement throughout the life of the Project.

Table 18: Stakeholder Engagement Plan

Key Stakeholders		
Project Proponent	:	Sirajganj Economic Zone Limited (SEZL)
Related organizations/ Local government	:	Union Parishad (UP member-male and female)
Local people	:	Land owners, Businessmen, Fishermen, Day Labor, Teacher, Religious people, women etc.
Private business	:	Private companies/ factories around the zone
Non-Governmental Organizations	:	Community Based Organizations (CBOs)
Engagement methods		
EIA phase	:	– Organizing consultation meetings inviting key stakeholders above at draft scoping report and draft EIA report
Pre-construction/ Construction phase/ Regular operation Phase	:	– Regular communication with local community through personal contact; – Meeting with the representative of village on the quarterly basis; – Participatory meeting with villagers; – Interview survey with villagers;
Information disclosure		
EIA phase: Pre-construction/ Construction phase/ Regular operation Phase	:	– Disclosures of draft scoping report and draft EIA report.
– Grievance mechanism process and complaints register		
All phase	:	– Receiving complaints and opinions from the public on regular basis through the engagement method; – Meeting with the representative of villages – Participatory meeting with villagers

Source: EIA Study Team, 2017

Public Consultation Meetings (PCMs)

Participatory Rapid Assessment (PRA) and Focused Group Discussions (FGDs) were held in major settlement areas of the Project site to inform people about the objectives of the Project. In each of the consultation, participants were encouraged to share their observations, suggestions, and experiences on various environmental and safety issues and suitable mitigation and enhancement measures. Issues discussed were:

1. Awareness and extent of the Project and development components;
2. Resettlement and compensation of project affected peoples (PAPs);
3. Benefits of the Project for the economic and social advancement of the community;

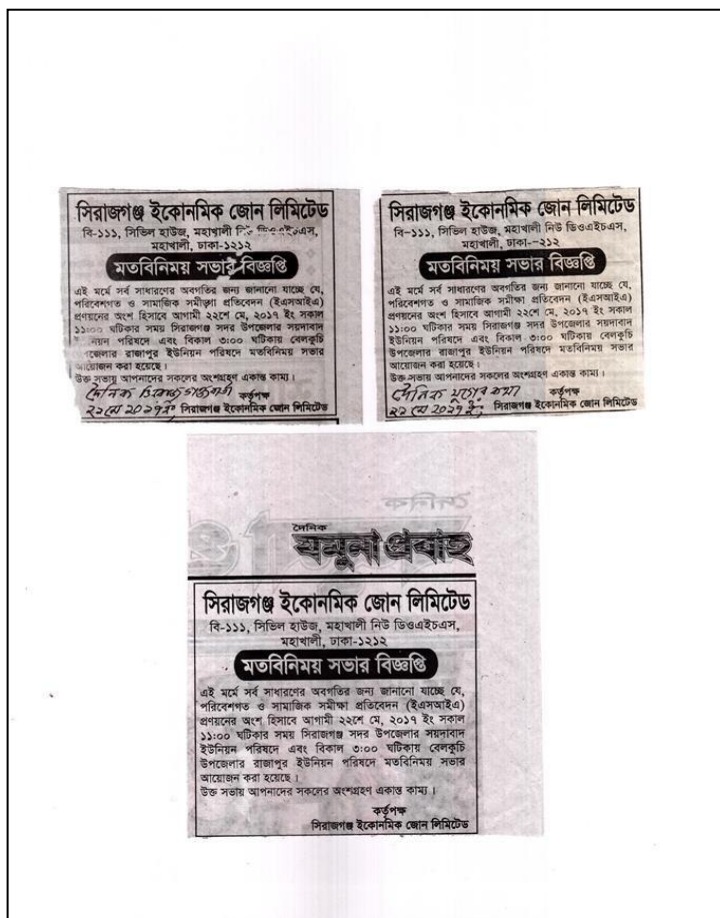
4. Labor availability in the Project area or requirement of outside labor involvement;
5. Local disturbances due to dust, noise generation during construction activities;
6. Necessity of cutting trees and the degree of clearing vegetation at project sites;
7. Water logging and drainage problem, if any;
8. Discharge of polluted water into the River;
9. Earth filling to develop the SEZL.
10. Possible negative environmental consequences of the project like air quality, Water pollution, and human health impacts etc.

The meetings were aimed to:

1. Ensure that the public was provided with opportunities to participate in the decision making process and to influence decisions that would affect them;
2. Identify the widest range of potential issues about the Project as early as possible and in some cases, have those resolved;
3. Ensure that government departments were notified and consulted early in the process; and
4. Ensure a broad range of perspectives were considered in any decision.

Proceedings of Public Hearing

The public hearing for the development of proposed SEZL was conducted on 22 May 2017 at 11:00 am in the premises of Saidabad Union and Rajapur Union of Sirajganj Sadar and Belkuchi Upazilla, respectively in Sirajganj District. The notice for public hearing was published in three dailies, The Daily Sirajganj Barta, The Daily Juger Kotha and the daily Jamuna Prabaho dated 21 May, 2017. The copies of these notices are illustrated in the following Figure. Thereafter the SEZL authority requesting the stakeholders to attend the public hearing, the same is presented in the following Figures. The public hearing was attended by the Union Parishad (UP) members of Saidabd and Rajapur, project relevant stakeholders and representative of



Notice of Public Hearing Published on 21 May, 2017

Shahidul Consultant.

UP member of Saidabd and Rajapur initiated the proceedings and welcomed the gathering. He narrated the procedure to be followed for obtaining Environmental Clearance (EC) and explained purpose and usefulness of this public hearing. He requested the public to express their views and ask queries and also to specify their name and name of the village before asking questions / raising any concerns. He also requested public to write their name with signature in the attendance register. Thereafter he invited representatives of Shahidul Consultant to explain in detail the proposed project.

Representative of Shahidul Consultant, Professor Dr. Khabir Uddin (Team Leader) and Mr. Muhammad Abul Foysal (Socio-environmental Expert) explained the proposed project and the environmental assessment of the region which included project background; introduction of the project proponent; institutional and legal framework for the project specifying role of Shahidul Consultant; project description with brief of project location, its connectivity, land use plan, and other aspects like sources and consumption of water, management of wastewater, source and consumption of electricity, solid waste generation and disposal, development of green belt, and other social and economic development that would emanate from this industrial area. Potential impacts of the development, suggested mitigation measures to mitigate them, environmental and social monitoring programme was also explained to the public. Thereafter the UP members requested the attending public to convey their suggestions/ comments/ concerns about the proposed project. Concerns raised during Public Hearing conducted for Sirajganj Economic Zone Limited (SEZL) and their response by concerned authorities are presented in the following Table.

Table 19: Major Comments of Stakeholder Consultations

SN.	Name of Participant	Concern/ Objection	Response/Solution
1.	Md. Abdur Rashid Service holder, Rajapur Union	He pointed out that resettlement of the households needed to be emphasized which will be displaced due to establishment of SEZL.	- Affected people would be compensated as per Bangladesh Laws (Ordinance 1982) through the district administration. Payment of compensation at market value before the commencement of the pre-construction phase of the project - Total 33 acres land will be provided for resettlement along with all types of modern amenities such as mosque, madrasa, road, community center, school etc. - Alternative land for shelter shall be provided for homesteads
2.	Hafizul Islam	He asked for appropriate price of	Compensations for land,

SN.	Name of Participant	Concern/ Objection	Response/Solution
	Lawyer, Rajapur Union	land and the compensation within proposed time. Moreover, he hoped an ordinance will be enacted by local government/government regarding compensation of project affected peoples (PAP).	structures, and trees to the private land owners will be provided on the basis of the current rates. The compensation will be provided before the commencement of the construction.
3.	Md. Anwar Farmer, Rajapur Union	He asked about the effects on common crops, fishes etc. on which they depends. Especially reduction of local resource availability could increase livelihood cost of local people.	• Provision of income restoration plan and skill development training to the PAP's • Adequate livelihood support and income restoration to the affected persons will be provided
4.	Mrs. Rokeya UP member, Rajapur Union	She discussed about the women empowerment which is not noticed significantly in the project area and hoped women will gradually be engaged in different economic and development activities.	• Local women will be given priority as per their skill. In addition, involvement of women in construction and operation activities will be made for the welfare of women and children. SEZL authority will provide necessary set of trainings to women and to aid them to develop their skills.
5.	Md. Abdul Aziz Teacher, Saidabad Union	He mentioned about the common diseases faced by the local people are Diarrhea, Cold fever etc. and worry about chronic diseases like diabetes, cancer and other life threatening diseases due to the development of SEZL. He also expected that health facilities will be developed in locally and not only for project related people.	• As a measure to reduce unethical practices during the construction strong protocols will be built as part of contractual obligations around zero tolerance of child labour or harassment of women workers and even health and safety aspects. These will also be monitored by supervision and monitoring team.
6.	Md. Asad Ali Businessman, Saidabad Union	He mentioned severe electricity need especially in the Saidabad Union. At present, only solar power is available on that area which was not satisfactory.	• SEZL responded that the surrounding area of the EZ would certainly get electricity extended there, and the electricity would be as per standard rates fixed by the government.
7.	Md. Jwuel Rana student, Saidabad Union	Infrastructural development activities related with project work took his attraction.	• Regarding the construction of schools, madrasha and roads outside the EZ the SEZL authority said that sincere cooperation would be extended with other development agencies to construct the above facilities. However, schools/colleges, roads

SN.	Name of Participant	Concern/ Objection	Response/Solution
			etc., would be constructed in the EZ area for the EZ employees. They gave assurance that the above facilities would be accessible to the public residing around the EZ
8.	Md. Lal Mia Worker, Saidabad Union	He was interested about new employment opportunities. In that case, local people especially project affected people must get priority based on their capability.	• Lists of affected people will be populated during the RAP implementation and the affected people will be prioritized for employment opportunities. • Employment opportunities for the affected youths shall be provided on a priority basis. • Interest specific trainings shall be provided to all the youths affected by the development of this project • The training modules will vary based on the requirement and the interest of the stakeholders.

Consultation Outcomes

Though the stakeholders consulted were enthusiastic on the project, they also expressed apprehensions on the compensation that will be provided due to the private land acquisition and the timelines for the provision of the compensation. The stakeholders expressed that the development of the Economic Zone will bring social and economic development in the region providing permanent source of income for the PAPs and also to other nearby residential settlements. There is paucity of employment opportunities and health facilities in the region and villagers tend to travel long distances to Dhaka for better medical facilities which is affecting overall social and economic development. Agriculture is the main economic activity in the project area. The land owners were apprehensive regarding the acquisition of their owned property which will invariably cause loss of their lone source of livelihood. The land owners were inquisitive of the proposed plan, land acquisition process, whether proper compensation will be provided and whether local residents whose agricultural lands will be impacted be provided any alternative means of employment. The stakeholders sought that the payment of compensation and other rehabilitation measures be completed before the start of any work. They also expressed their desire to hold consultations across the project lifecycle and not just at the initiation phase.

The community perceives that the project will help in increasing better connectivity, promote better and sustained employment opportunities, better service facilities, and better conveyance. Apprehensions raised by the community include loss of agricultural

lands, loss of house and settlement options for few people putting up within the site area, amount and time for the compensations, factors which will determine the compensation, if resettlement happens what would be the likely location. The likely outcome from the FGDs related with the compensations came out to be compensation should be paid at market rate and before the beginning of the pre-construction phase of the project.

Further, the analysis of the key positive impacts, apprehensions and perceived negative impacts and the suggestions/recommendations as documented during stakeholder consultations are detailed in below table.

Table 20: Positive Impacts perceived by the Stakeholders

Positive impacts perceived by the stakeholders
Increase in direct and indirect employment opportunities for both the genders
Provision of enhanced basic amenities
Facilitate improved access to market centres, educational institutions, healthcare facilities, and offices located in Sirajganj districts
The cumulative positive impacts of the project will result in increased mobility, employment generation, and above all better economic integration of the area with the major market and trade centers within and outside the districts

Table 21: Negative Impacts perceived by the Stakeholders

Negative impacts perceived by the stakeholders
Loss of primary source of livelihood
Apprehension of the delay in providing the compensation

Table 22: Suggestions/Recommendation of Stakeholder Consultations

Suggestions/Recommendations perceived by the stakeholders
Payment of compensation and other rehabilitation measures should to paid at market rate before the beginning of the pre-construction phase of the project
Alternative means of employment will be provided to the AHHs by imparting skill development training in alternate areas of interest or by providing training in agricultural practices.
Youth generation should be given preferential access to knowledge related to foreign markets and technologies that may generate novel insights into unexploited opportunities for new businesses.
Women involvement in construction and operation activities should to ensure and organize necessary trainings to aid them to develop their skills
All types of modern infrastructural facilities should be ensured for the community and the new facilities would be better quality than the previous one

Table 23: Photograph of Stakeholder Consultations



Section 5

Livelihood Restoration and Income Generation Strategy

Mitigation of loss of assets and livelihood is the main focus of this resettlement action plan. Appropriate support should be taken to the livelihood restoration aspects of 753 HHs in the project area. According to the baseline study, 39.6% HHs are engaged in agricultural activities, 20.3% as labor & 13.6% as day laborer, 9.9% in business and 2.7% are engaged in fisheries activities. Considering the extent of impact associated with land acquisition, appropriate mitigation measures should be adopted either by imparting skill development training in alternate areas of interest or by providing training in agricultural practices. There are also 13.9% service holders who should get preference for employment in pre & post construction works. Almost 11.69% women will lose their lands which will affect their household economy. As a result, they have to give priority in construction and operation activities as well as women empowerment in the project area should be encouraged by engaging them in different economic and development activities. Meanwhile, 36% HHs family members are belonging to the age group 19-40 followed by 14% to the age group of 41-50 years. The authority should give priority for employment generation of these age groups as per their skill and education in pre and post construction and industrial works. Furthermore, the SEZL authorities have to incorporate the following measures into livelihood and income restoration program-

- Local people whose livelihood is impacted by the project will get preference in jobs associated with the project construction. Affected persons will get preferential employment in project civil works based on their eligibility. The jobs, in the semi-skilled and unskilled category, shall be offered to the APs in preference to the other;
- Enrolment of income generation opportunities by way of skill development training and linkage with the on-going government schemes for youth generation. The SEZL authority will be evaluated the possibility to impart vocational training to the unskilled youth in the project area of influence through collaborating with institutions like Department of Youth Development and BEZA to provide dedicated trainings in the required fields. Mainly, to create new skill manpower and improve the existing skills training on latest technologies/technical training, skill development training and on job training program will be organized in the project area;
- Local women will be more prioritized if they require skilled meet and wives of those men who lose their land or jobs and their children may suffer from adverse effects on

their household economy. In addition, involvement of women in construction and operation activities will be made for the welfare of women and children. SEZL along with the support of BEZA to provide necessary set of trainings to women and to aid them to develop their skills;

- Various income restoration options such as dairy, poultry, goat & sheep rearing, piggery, etc. can be discussed with the PAP's. To provide the training imparted through collaboration with the Govt. TREE programme or Bangladesh Small and Cottage Industries Corporation (BSCIC)'s Skill Development training programme.

The short term livelihood generation assistance and long term income generation program will be organized as follows for the project area-

1. Eligible members of poor households to be relocated from the project right of way.	Short-term: Compensation for structure, shifting allowance, reconstruction assistance, alternative site or homestead development assistance, cash assistance for loss of workdays due to relocation, and priority in employment in construction. Long-term: Needs and capacity identification, human development and skill training, institutional and credit (micro-credit) support under the LIRP.
2. Eligible members from poor female headed households having no adult male members to shoulder household responsibility.	Short-term: In addition to support as 1.1, additional subsistence allowance. Long-term: As 1.2 above.
3. Poor and vulnerable employees of affected businesses.	Short-term: Subsistence for loss of income and employment Long-term: As 1.2 above.
4. Eligible members of poor households losing access to agriculture land including sharecropper, and leaseholders.	Short-term: Compensation for crops Long-term: As 1.2 above.
5. Eligible members of poor households losing access to commercial land including business proprietorship.	Short-term: Compensation for loss of business income, shifting and reconstruction assistance, alternative site development assistance or developed relocation site Long-term: As per need, credit support will be provided for strengthening business capital.
6. Eligible members of poor households losing more than 10% of their agricultural land.	Short-term: Compensation for crops, replacement value of land, assistance for land purchase, and employment in construction. Long-term: As 1.2 above

Section 6

Land Distribution and Cost Estimation

According to information of DC, Sirajganj total 521 AHHs will lose their living status due to acquisition of 415 acres of land. The SEZL authority will resettle these AHHs in total 33 acres of land. According to the standard procedure, total 17.5 acres of land will be required for 500 HHs which has having below 5 members and for 253 HHs of having 5 or above 5 members will be required 10.12 acres of land. However, total 2.5 acres of land will require for 4 internal roads construction, 1.15 acres for playground, 40 decimal or 0.4 acre for primary school construction, 30 decimal or 0.3 acre for graveyard, 30 decimal or 0.3 acre for local market, 20 decimal or 0.2 acres for 2 mosques, 20 decimal or 0.2 acre for community center, 10 decimal or 0.1 acre for madrasa and 23 decimal or 0.23 acre land will be required for commercial area respectively. The details of head-wise land distribution is given below-

Table 24: Land Distribution

Component	Unit	Land Distribution (Decimal)	Total	%
HHs(Family size below 5)	500	3.5	1750	53.03030303
HHs(Family Size 5 and 5 above)	253	4	1012	30.66666667
Internal Road	4	62.5	250	7.575757576
Play Ground	1	115	115	3.484848485
Mosques	2	10	20	0.606060606
Primary School	1	40	40	1.212121212
Madrasa	1	10	10	0.303030303
Graveyard	1	30	30	0.909090909
Community Center	1	20	20	0.606060606
Local Market	1	30	30	0.909090909
Commercial Area	1	23	23	0.696969697
Total			3300	100

The SEZL has already provided the land acquisition cost to the DC, Sirajganj to distribute the compensation of land and other physical assets, payment of additional grants & resettlement benefits and costs associated with establishment of resettlement sites for the residential structure losing households and commercial & business enterprises. In resettlement site, all types of modern amenities will be provided like mosque, madrasa, commercial area, playground, primary school, community center, local market, graveyard, internal roads etc. The total land acquisition estimated cost is BDT-2,971,976,974 and BDT. 312,941,713 will require to resettle the affected HHs which has shown below-

Table 25: Budget for implementation of Resettlement Plan

SL	Particulars	Unit	Unit cost	Total
1.	Land Cost for Resettlement (Acres)	33	2,553,203	84255713
2.	Land Development Cost (per acres)	33	4,000,000	132000000
3.	Latrine Installation Cost (Ring and slabs)	753	10,000	7530000
4.	Tube-well Installation cost	150	25,000	3750000
5.	Boundary Wall including gate	1	6000000	6000000
6.	Internal Road Construction (HBB Road)	1	30,000,000	30000000
7.	Plantation Cost	753	2000	1506000
8.	Construction of Mosque	2	2000000	4000000
9.	Construction of Madrasha	1	2000000	2000000
10.	Construction of Graveyard	1	200000	200000
11.	Play Ground	1	200000	200000
12.	Primary School	1	5000000	5000000
13.	Community Center	1	3000000	3000000
14.	Local Market	1	500000	500000
15.	Commercial Area	1	3000000	3000000
16.	Skill Development Training to AHs	1500	20,000	30000000
17.	Others			10,00,000
	Total			312941713

Section 7

Resettlement Plan (RP) Implementation Arrangement

Sirajganj Economic Zone Limited, the executing agency (EA), will be responsible for implementing the Resettlement Plan (RP). SEZL, through its Project Management Unit (PMU), established under Sirajganj Economic Zone Project, headed by the Director, will be responsible for the overall execution of the Project. The EA should set up a Sub-project Management Office (SMOs) headed by a concerned officer from the office. The Director will also take the leading role in negotiation process with the land owners through involvement of District Administration, Sirajganj and Bangladesh Economic Zones Authority.

An Implementing Agency may engaged by consultancy firm to assist to carry out a range of activities including implementing and monitoring the RP. The Director of the project will be responsible for arranging or carrying out the activities of preparation/updating/finalizing the RPs for the subprojects with IR impacts based on information. The Director will also oversee and monitor RP Implementation in close liaison with the PMU.

The SMOs, under the overall responsibility of the Director, will undertake day-to-day activities with the appointed implementing agency. The SMOs will coordinate and manage resettlement and rehabilitation of the PAPs, disburse resettlement benefits, and ensure PAP's access to development programmes. The SMOs, with assistance from BEZA, will carry out the following specific tasks relating to RP implementation;

- i. Liaison with DC office to support RP implementation activities,
- ii. Discharge overall responsibility of planning, management, monitoring and implementation of the resettlement and rehabilitation programme;
- iii. Ensure availability of budget for all activities;
- iv. Synchronize resettlement activities and handover the encumbrance free land to the contractor within the construction schedule;
- v. Develop Resettlement Action Plan implementation tools and form necessary committees;
- vi. Monitor the effectiveness of entitlement packages and the payment modality.
- vii. Implementation of Resettlement Plan

The project will carry out an information campaign and involve affected persons including women in the implementation process. The project will collect, computerize and process data for identification of eligible persons correctly for resettlement benefits and assess their entitlements as per RP policy. However, the SMOs will make payments after necessary scrutiny. The Director of the SMOs in charge of the resettlement management will report to the Director. He will work in close coordination with the respective field-based offices and MCA on the day-to-day activities of the resettlement implementation.

a. *Grievance Mechanism*

SEZL may establish a Grievance Redressal Mechanism (GRM) to answer to queries and address complaints and grievances about any irregularities in using the guidelines adopted in the RSMF and for implementation of this RP. SEZL may form a Grievance Redressal Committee (GRC) for the EZ consisting of memberships to ensure proper presentation of complaints and grievances, as well as impartial hearings and transparent decisions. As suggested in the RSMF, the GRC will have the following memberships-

- A SEZL Representative (Convener)
- A Representative from BEZA
- A Representative from District Administration
- A Representative from Upazila Administration
- An elected member of the Union Parishad or Upazila Parishad
- A female member of the Union or Upazila Parishad
- A representative of the PAPs in the EZ/subproject
- Headmaster of local Primary/Higher secondary school
- An Area Representative of an NGO working in the area

Based on consensus, the procedure will help to resolve issues/conflicts amicably and quickly, saving the aggrieved persons resorting to expensive, time-consuming legal actions. The RSMF contains certain procedural conditions, which BEZA will observe to safeguard integrity of the GRM. The GRM will however not pre-empt an aggrieved person's right to go to the courts of law.

b. *Monitoring & Evaluation (M &E)*

The M&E will be carried out through collecting, analyzing, reporting and using information about resettlement progress as per scope of the RP and the process adopted for achieving the progress. It will ensure that inputs are provided, procedures are followed, and outputs are monitored and verified as per approved plan and schedule of actions. Identifying lapses and failures at implementation process, SEZL will undertake timely management actions with the support of district administration and BEZA. A benchmark database will be developed for the purpose of ongoing monitoring and periodic and ex-post evaluations of the RP targets.

SEZL field offices will conduct field level monitoring and assess the daily operation of land acquisition, payment of compensation, identification of entitled persons physically, and processing their entitlements, relocation and resettlement. Monitoring during the relocation and resettlement phase will cover the following issues:

- i. Delivery of entitlement;
- ii. Grievance redressing;

- iii. Consultations;
- iv. Relocation;
- v. Payment of resettlement benefit.

c. Project Implementation Unit (PIU)

SEZL will form a project implementation Unit (PIU) where representative from SEZL, BEZA, DC office, UNO administration, Union Chairman, Female UP member from UP and representative from affected HHs. The role and responsibility of this unit will be:

- 1. Organize a coordination meeting
- 2. Identification of problem and solve
- 3. Grievances Redress Mechanism Handling
- 4. House transfer grant calculation and ensure house transfer grant to affected HHs
- 5. Resettlement Site selection and finalization
- 6. Construction of Internal Road for Resettlement Area
- 7. Construction materials ring and slab provide to Affected HHs
- 8. Selection of tub -well construction place and ensure installation of tub-well construction place
- 9. PIC formation for construction of community mosque, madrasha, boundary wall and community center
- 10. Ensure skill development training based on requirement

Section 8

Resettlement Plan Implementation Schedule

The overall schedule of implementation will be based on the principle that (i) all displaced persons and families are paid their due compensation and other benefits/allowances prior to relocation; and (ii) relocation of the families/businesses will be synchronised with the schedule.

SEZL will prepare the Entitlement Files with the help of district administration for the individual PAHs who are eligible for compensation and resettlement assistance. These files will contain name, address, telephone number (if available) of PAHs; description of affected assets and the amount of compensation; as well as any other assistance due to them. The following is a tentative RP implementation schedule where the timeline may have to be revised in view of the schedule for civil works.

All entitlements are to be paid prior to displacement. Construction works can then begin on cleared spaces where compensation has been paid. The proposed schedule for the implementation is given in Table.

Table 26: Tentative RP Implementation Schedule

Activity	Responsibility	Expected Timeline
Formation of Grievance Redress Committees	SEZL	Within one month after the approval of Resettlement Plan and cash compensation provided by the DC, Sirajganj
Preparation of entitlement files	SEZL	Within one month after the approval of Resettlement Plan and cash compensation provided by the DC, Sirajganj
Establishment of SPMO	SEZL	Within two months after the approval of Resettlement Plan & cash compensation provided by the DC, Sirajganj
Disclose the compensation package to PAHs	SEZL	Within two months after the approval of Resettlement Plan & cash compensation provided by the DC, Sirajganj
Consult PAHs on schedule for clearing lands	SEZL	Within two months after the approval of RP & cash compensation provided by the DC, Sirajganj
Clear lands and relocate households if necessary	SEZL	Within three months after the approval of RP & cash compensation provided by the DC, Sirajganj
Release of funds for compensation	SEZL	Within Eight months after the approval of RP & cash compensation provided by the DC, Sirajganj
Construction of Internal Road and Drainage	SEZL	Within Eight months after the approval of RP & cash compensation provided by the DC, Sirajganj
Identify the land for affected HHs	SEZL	Within Nine months after the approval of RP & cash compensation provided by the DC, Sirajganj
Installation of Tube-well	SEZL	Within Ten months after the approval of RP & cash

Activity	Responsibility	Expected Timeline
		compensation provided by the DC, Sirajganj
Latrine slab and ring materials distribution	SEZL	Within Ten months after the approval of RP & cash compensation provided by the DC, Sirajganj
Plot allotment based on selected area	SEZL	Within Ten months after the approval of RP
Final Reporting	SEZL	Within Ten months after the approval of RP

Section 9

Recommendations

- The SEZL authority has submitted total BDT. 2,972,976,974 to the DC, Sirajganj for land acquisition dated on 17.04.2017 by check. The DC office should take necessary action for proper distribution of compensation as prompt. Otherwise, the affected person may create disturbance due to delay of compensation distribution.
- As indicated in the socio-economic profile of the project affected persons, significant (38%) proportion of the PAP's are categorized as youths in the age group of 19-40 years.
The SEZL authority should to give priority to create employment as per their skill with preferential access to knowledge related to foreign markets and technologies that may generate new business opportunities.
- In the project area, most of the HHs (39.6%) are engaged in agriculture, 20.3% loom labor & 13.9% day laborer activities. Due to acquire of land their livelihood will be affected vulnerably and most of them become jobless. Considering the extent of impact associated with land acquisition, appropriate mitigation measures should be adopted either by imparting skill development training in alternate areas of interest or by providing training in agricultural practices. They can be also engaged in pre and post

construction works whereas 13.9% service holders should to get chance to work in industry.

- In the project area, the highest literacy rate 36.2% was found in primary education followed by 17.2% in secondary education and 5.7% in higher secondary level as well. The SEZL authority should to promote skill development training to enhance their skill based on their education. Furthermore, various income restoration options (diary, poultry, goat & sheep rearing, piggery) should to introduce through collaboration with the Govt. TREE programme & Bangladesh Small and Cottage Industries Corporation (BSCIC)'s Skill Development training programme. In addition, local vulnerable women also need to give priority and their involvement in construction and operation activities should to ensure.
- To ensure quality education for all within the community the authority should to collaborate with the Non-Formal primary education of Govt. The focus of the program will include enrolment of children in primary schools, empowerment of women, providing assistance to poor and needy women etc.
- 2 mosques will be affected within the area which is very much sensitive religious institution and Muslims are used to pray five times in a day in the mosque. Before shifting of the existing mosque a new one will have to be established so that people can continue praying without interruption. These have to relocate by the authority. It should be ensured that the new facilities would be of better quality than the previous one.
- Total 113 toilets and 118 tube-wells will be displaced due to loss of homesteads in the project area. The authority have to provide safe water and sanitation facilities for the affected HHs. They may collaborate with the Govt. different projects on WASH (Water, Sanitation & Hygiene) for safe water and adequate sanitation.

Annexures

Annex-1

List of Anticipated Affected Households

Annex-2

Land Acquisition Ordinance, Bangladesh 1982

The ACQUISITION AND REQUISITION OF IMMOVABLE PROPERTY ORDINANCE, 1982
(ORDINANCE NO. II OF 1982).

The Law/Ordinance is not applicable in Chittagong Hill Tracts, which now comprise the districts of Rangamati, Khagrachhari and Bandarban

[13th April, 1982]

An Ordinance to consolidate and amend the law relating to acquisition and requisition of immovable property.

WHEREAS it is expedient to consolidate and amend the law relating to acquisition and requisition of immovable property and to provide for matters connected therewith and ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the twenty-fourth day of March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

PART I

PRELIMINARY

Short title

1. This Ordinance may be called the Acquisition and Requisition of Immovable Property Ordinance, 1982.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) “Arbitrator” means an Arbitrator appointed under section 27;

1[(b) “Deputy Commissioner” includes an Additional Deputy Commissioner and any other officer authorised by the Deputy Commissioner to exercise any power conferred, or perform any duty imposed, on the Deputy Commissioner by or under this Ordinance;]

(c) “owner” includes the occupier;

(d) “person interested”, in relation to any property, includes all persons claiming, or entitled to claim, an interest in the compensation payable on account of the acquisition or requisition of that property under this Ordinance;

(e) “prescribed” means prescribed by rules made under this Ordinance;

(f) “property” means immovable property and includes any right in or over such property; and

(g) “requiring person” means any person for whom any property is, or is proposed to be, acquired under this Ordinance.

PART II

ACQUISITION

Publication of preliminary notice of acquisition of property

3. Whenever it appears to the Deputy Commissioner that any property in any locality is needed or is likely to be needed for any public purpose or in the public interest, he shall cause a notice to be published at convenient places on or near the property in the prescribed form and manner stating that the property is proposed to be acquired:

Provided that no property used by the public for the purpose of religious worship, graveyard and cremation ground shall be acquired.

Objections against acquisition

4. (1) Any person interested in any property which has been notified under section 3 as being needed or likely to be needed for a public purpose or in the public interest may, within fifteen days after the publication of the notice, object to the acquisition of the property.

(2) Every objection under sub-section (1) shall be made to the Deputy Commissioner in writing, and the Deputy Commissioner shall give the objector an opportunity of being heard either in person or by an agent and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, prepare a report 2[within thirty days following the expiry of the period specified under sub-section (1)] containing his opinion on the objections.

3[(3) The Deputy Commissioner shall then-

(a) if the property exceeds 4[fifty] standard bighas of land, submit the record of the proceedings held by him, together with his report, for the decision of the Government; and

(b) if the property does not exceed 5[fifty] standard bighas of land, submit the record of the proceedings held by him, together with his report, for the decision of the Divisional Commissioner 6[:

Provided that if no objection is raised within the period specified in sub-section (1), the Deputy Commissioner shall, instead of submitting the records of the proceedings to the Divisional Commissioner, make a decision 7[within ten days of the expiry of the aforesaid period, or within such further period but not exceeding thirty days, as the Divisional Commissioner permits on the request of the Deputy Commissioner in writing] about the acquisition of the property and such decision of the Deputy Commissioner shall be final.]]

Final decision regarding acquisition

5. (1) The 8[Government or, as the case may be, the Divisional Commissioner], after considering the report submitted by the Deputy Commissioner under section 4(3), shall make a decision about the acquisition of the property and such decision of the 9[Government or, as the case may be, the Divisional Commissioner] shall be final 10[:

Provided that-

(a) where the decision is to be made by the Divisional Commissioner, it shall be made within fifteen days from the date of submission of the report, or within such further time but not exceeding one month, as he may think fit for reasons to be recorded by him in this behalf;

(b) where decision is to be made by the Government, it shall be made within a period not exceeding ninety days from the date of submission of the report.]

11[(2) When the Government, the Divisional Commissioner or the Deputy Commissioner, as the case may be, makes a decision for acquisition of the property under sub-section (1) or the proviso to section 4(3)(b), as the case may be, such decision shall be conclusive evidence that the property is needed for a public purpose or in the public interest.]

Notice to persons interested

6. (1) When the 12[Government, the Divisional Commissioner or the Deputy Commissioner, as the case may be, has made a decision for acquisition of any property under section 5 or the proviso to section 4(3)(b), as the case may be], the Deputy Commissioner shall cause public notice to be given in the prescribed manner at convenient places on or near such property stating that the Government 13[, the Divisional Commissioner or the Deputy Commissioner, as the case may be,] has decided to acquire the property and intends to take possession thereof and that claims to compensation for all interests in such property may be made to him.

(2) Such notice shall state the particulars of the property to be acquired and taken possession of, and shall require all persons interested in the property to appear personally or by agent before the Deputy Commissioner at a time, not being earlier than fifteen days after the date of publication of the notice, and place mentioned therein and to state the nature of their respective interests in the property and the amount and particulars of their claims to compensation for such interests.

(3) The Deputy Commissioner shall also serve notice to the same effect in the prescribed form on the occupier, if any, of such property and on all persons known or believed to be interested therein.

(4) The Deputy Commissioner may also, by notice, require any such person to make or deliver to him at a time, not being earlier than fifteen days after the date of service of the notice, and place mentioned therein a statement containing, so far as may be practicable, the name of every other person possessing any interest in the property or any part thereof as co-sharer, mortgagee or

otherwise, and of the nature of such interest and profits, if any, received or receivable on account thereof.

(5) Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Penal Code (XLV of 1860).

Award of compensation by Deputy Commissioner

7. (1) On the date so fixed, or on any other date to which the enquiry has been adjourned, the Deputy Commissioner shall proceed to enquire into the statement, if any, which any person has made pursuant to a notice given under section 6 and into the value of the property at the date of the publication of the notice under section 3, and into the respective interests of the persons claiming the compensation and shall make an award of -

(a) the compensation which, in his opinion, shall be allowed for the property; and

(b) the apportionment of the said compensation among all the persons known or believed to be interested in the property, of whom, or of whose claims, he has information.

(2) The award made by the Deputy Commissioner shall, except as hereinafter provided, be final.

14[(3) The Deputy Commissioner shall, within seven days from the date of making award of compensation,-

(a) give notice of his award to the person interested;

(b) send the estimate of the award of compensation to the requiring person.

(4) The requiring person shall deposit the estimated amount of the award of compensation with the Deputy Commissioner in the prescribed manner within sixty days from the date of receipt of the estimate.]

Matters to be considered in determining compensation

8. (1) In determining the amount of compensation to be awarded for any property to be acquired under this Part, the Deputy Commissioner shall take into consideration-

(a) the market value of the property at the date of publication of the notice under section 3:

Provided that in determining such market value, the Deputy Commissioner shall take into account the average value, to be calculated in the prescribed manner, of the properties of similar description and with similar advantages in the vicinity during the twelve months preceding the date of publication of the notice under section 3;

(b) the damage that may be sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the property at the time of taking possession thereof by the Deputy Commissioner;

(c) the damage that may be sustained by the person interested, at the time of taking possession of the property by the Deputy Commissioner, by reason of severing such property from his other property;

(d) the damage that may be sustained by the person interested, at the time of taking possession of the property by the Deputy Commissioner, by reason of the acquisition injuriously affecting his other properties, movable or immovable, in any other manner, or his earnings;

(e) if in consequence of the acquisition of the property, the person interested is likely to be compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and

(f) the damage that may be resulting from diminution of the profits of the property between the date of service of notice under section 6 and the date of taking possession of the property by the Deputy Commissioner.

(2) In addition to the market value of the property as provided in sub-section (1), the Deputy Commissioner shall, in every case award a sum of 15[fifty per centum] on such market value in consideration of the compulsory nature of the acquisition.

Matters not to be considered in determining compensation

9. In determining the amount of compensation to be awarded for any property to be acquired under this Part, the Deputy Commissioner shall not take into consideration-

(a) the degree of urgency which has led to the acquisition;

(b) any disinclination of the person interested to part with the property to be acquired;

(c) any damage that may be sustained by him which, if caused by a private person, would not render such person liable to a suit;

(d) any damage which is likely to be caused to the property to be acquired, after the date of service of notice under section 6, by or in consequence of the use to which it will be put;

(e) any increase to the value of the property to be acquired likely to accrue from the use to which it will be put when acquired; or

(f) any alteration or improvement in, or disposal of, the property to be acquired, made or effected without the sanction of the Deputy Commissioner after the date of publication of the notice under section 3.

Payment of compensation

10. (1) On making an award under section 7, the Deputy Commissioner shall, before taking possession of the property, tender payment of the compensation awarded by him to the persons

entitled thereto according to the award, and 16[shall, unless prevented by some-one or more of the contingencies mentioned in sub-section (2), pay it to them within sixty days from the date of deposit by the requiring person of the estimated amount of compensation under section 7(3)].

(2) If the persons entitled to compensation do not consent to receive it, or if there be no person competent to receive the compensation, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Deputy Commissioner shall keep the amount of the compensation in a deposit account in the Public Account of the Republic which shall be deemed payment for the purpose of taking over possession of the property without any prejudice to the claim of the parties to be determined by the Arbitrator:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 28:

Provided further that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Part, to pay the same to the person lawfully entitled thereto.

Payment of compensation to bargadar

17[10A. Notwithstanding anything contained in this Ordinance, when the property acquired under this Part contains standing crops cultivated by bargadar, such portion of the compensation as may be determined by the Deputy Commissioner for the crops shall be paid to the bargadar in cash.

Explanation.- In this section “bargadar” means a person who under the system generally known as adhi, barga or bhag cultivates the land of another person on condition of delivering a share of produce of such land to that person.]

Acquisition and possession

11. (1) When the compensation mentioned in the award has been paid or is deemed to have been paid in pursuance of section 10, the property shall stand acquired and vest absolutely in the Government free from all encumbrances, and the Deputy Commissioner shall thereupon take possession of the property.

(2) Immediately after the acquisition of the property under sub-section (1), a declaration by the Deputy Commissioner in the prescribed form to that effect shall be published in the official Gazette.

Abatement or revocation of acquisition proceedings

12. 18[(1) Notwithstanding anything contained in this Ordinance, where in any case the estimated amount of the award of compensation has not been deposited by the requiring person for acquisition of any property under section 5 within the period specified in section 7(4), all

proceedings in respect of such acquisition shall, on the expiry of that period, stand abated and a declaration by the Deputy Commissioner to that effect shall be published in the official Gazette.

(2) The Deputy Commissioner may, with the prior approval of the Government, by notification in the official Gazette, revoke all proceedings in respect of acquisition of any property at anytime before the payment of compensation.]

(3) When any proceedings stand abated or are revoked, the Deputy Commissioner shall make an award determining the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder and the costs reasonably incurred by him in the prosecution of the proceedings under this Part relating to the said property and shall pay the compensation accordingly.

Acquisition of part of a house or buildings

13. The provisions of this Part shall not be applied for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desires that the whole of such house, manufactory or building should be so acquired:

Provided that the owner may, at any time, before the Deputy Commissioner has made his award under section 7, by notice in writing withdraw or modify his expressed desire that the whole of such house, manufactory or building should be so acquired:

Provided further that, if any question arises as to whether any property proposed to be taken under this Part does or does not form part of a house, manufactory or building within the meaning of this section, the decision of the Deputy Commissioner shall be final.

Acquisition of property at the cost of a person other than the Government

14. Where the provisions of this Part are applied for acquiring any property at the cost of any fund controlled or managed by a person other than the Government, the charges of an incidental to such acquisition shall be defrayed from or by such fund or person.

Transfer of acquired land to the requiring person other than the Government

15. (1) When any property is proposed to be acquired for any person other than the Government, such person shall enter into an agreement with the Government in such form as may be prescribed before a notice under section 3 is published.

(2) When the property in respect of which an agreement has been entered into with a person under sub-section (1) is acquired under section 11, the Government shall, on the performance by such person of his part of the agreement, transfer the property to the person by executing a deed in such form as may be prescribed and in accordance with the law for the time being in force.

Recovery of compensation in certain cases

16. When any compensation paid is in excess of the amount payable or when any compensation is paid to a person other than the rightful owner, the amount of such excess or wrong payment shall be recoverable as a public demand.

Use of acquired property

17. (1) No property acquired under this Part shall, without the prior approval of the Government, be used for any purpose other than the purpose for which it is acquired.

(2) If any requiring person uses any acquired property in contravention of the provision of sub-section (1), or does not use it for the purpose for which it is acquired, he shall be liable to surrender the property to the Deputy Commissioner on being directed by him to do so.

PART III

REQUISITION

Requisition of property

18. (1) When any property is required temporarily for a public purpose or in the public interest, the Deputy Commissioner may, with the prior approval of the Government, by order in writing, requisition it:

Provided that no such approval shall be necessary in the case of emergency requirement of any property:

Provided further that, save in the case of emergency requirement for the purpose of maintenance of transport or communication system, no property which is bona fide used by the owner thereof as the residence of himself or his family or which is used either for religious worship by the public or as an educational institution or orphanage or as a hospital, public library, graveyard or cremation ground shall be requisitioned.

(2) Where an order made under sub-section (1) has been served, the Deputy Commissioner may take possession of the requisitioned property-

(a) in the case of emergency requirement for the purpose of maintenance of transport or communication system, at any time after the date of service of the order;

(b) in any other case, after the expiry of thirty days from the date of service of the order, and may use the property for the purpose for which it has been requisitioned.

(3) Except with the prior approval of the Government, no property shall be kept under requisition for a period exceeding two years from the date of taking over possession of such property.

Revision

19. The Government may, of its own motion or on application filed by an aggrieved person, revise an order made under section 18 (1):

Provided that no such application shall be entertained unless it is filed within thirty days from the date of service of the order.

Award of compensation by Deputy Commissioner

20. (1) Where any property is requisitioned under this Part, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles set out in this section.

(2) The Deputy Commissioner shall, after giving the persons interested an opportunity of being heard in respect of their respective interests in the property and the amount and particulars of their claims to compensation for such interests and having regard to the provisions of sub-section (5), make an award of -

(a) the compensation in the manner as may be prescribed; and

(b) the apportionment of the said compensation among all the persons known or believed to be interested in the property, of whom, or of whose claims, he has information.

(3) The award made by the Deputy Commissioner shall, except as hereinafter provided, be final.

(4) The Deputy Commissioner shall give immediate notice of his award to the persons interested.

(5) The amount of compensation payable for the requisition of any property shall consist of -

(a) a recurring payment, in respect of the period of requisition, of a sum equal to the rent which would have been payable for the use and occupation of the property, if it had been taken on lease for that period; and

(b) such sum, if any, as may be found necessary to compensate the persons interested for all or any of the following matters, namely:-

(i) expenses on account of vacating the requisitioned property;

(ii) expenses on account of re-occupying the property upon release from requisitioned; and

(iii) damages, other than normal wear and tear, caused to the property during the period of requisition, including the expenses that may have to be incurred for restoring the property to the condition in which it was at the time of requisition.

(6) Where any property is kept under requisition for more than two years, the Deputy Commissioner shall revise his award regarding the amount payable as compensation under sub-section (5)(a).

Payment of compensation

21. (1) On making an award under section 20, the Deputy Commissioner shall tender payment of the compensation awarded by him to the persons entitled thereto according to the award, and shall pay it to them unless prevented by someone or more of the contingencies mentioned in sub-section (2).

(2) If the persons entitled to compensation do not consent to receive or if there be no person competent to receive the compensation, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Deputy Commissioner shall keep the amount of the compensation in a deposit account in the Public Account of the Republic which shall be deemed payment of the compensation for the requisitioned property without any prejudice to the claim of the parties to be determined by the Arbitrator:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 28:

Provided further that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Part, to pay the same to the person lawfully entitled thereto.

Recovery of money from allottees of requisitioned property

22. Where any requisitioned property is allotted to, and placed in possession of, any person, the Deputy Commissioner may recover from such person such amount of money and in such manner as may be prescribed.

Repair of requisitioned property

23. (1) During the period of requisition, the Deputy Commissioner shall be responsible for the proper maintenance of a requisitioned property.

(2) If the Deputy Commissioner is satisfied that repairs are necessary to prevent deterioration of the property, he may, after giving the owner an opportunity of making the repairs himself, cause the repairs to be made at a cost not exceeding one-sixth of the compensation payable to the owner and such cost shall be recovered out of such compensation.

Release from requisition

24. (1) Where any requisitioned property is to be released from requisition, the Deputy Commissioner may restore it to the person from whom the property was requisitioned or to his successor-in-interest or to such other person as may appear to the Deputy Commissioner to be entitled to such restoration.

(2) The delivery of possession of the requisitioned property to the person referred to in sub-section (1) shall be a full discharge of the Deputy Commissioner from all liability in respect of such delivery, but shall not prejudice any right in respect of the property which any other person may be entitled by the process of law to enforce against the person to whom possession of the property is so delivered:

Provided that when the person to whom the requisitioned property is to be restored on release from requisition wilfully neglects or refuses to take delivery of the requisitioned property on being directed in writing to take possession of such requisitioned property by the Deputy Commissioner, such requisitioned property shall be deemed to have been restored to such person within the meaning of this sub-section with effect from the date and time specified in the aforesaid direction.

(3) Where the person to whom possession of any requisitioned property is to be delivered cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Deputy Commissioner shall cause a notice declaring that the property is released from requisition to be affixed on some conspicuous part of the property and shall also publish the notice in the official Gazette.

(4) When a notice referred to in sub-section (3) is published in the official Gazette, the property specified in such notice shall cease to be subject to requisition from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof ; and the Deputy Commissioner shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

Eviction of allottees

25. Notwithstanding anything contained in any other law for the time being in force, if any property under requisition, which has been allotted to any person or is in unauthorised occupation of any person, is required by the Deputy Commissioner for any other use or purpose during the period of requisition or for restoring the property under section 24 on its release from requisition or if the allottee of such property has defaulted in payment of any sum due from him in respect of such property, the Deputy Commissioner, may, at any time, by order in writing, direct such person or allottee to vacate the property by such date as may be specified in such order, and if such person or allottee does not vacate the property by the date so specified, the Deputy Commissioner may evict such person or allottee from such property and may use or cause to be used such force for the purpose as may be necessary.

Part not to apply to Cantonment

26. Nothing in this Part shall apply to any property within the limits of a Cantonment.

PART IV

ARBITRATION

Appointment of Arbitrator

27. For the purposes of this 19[Ordinance], the Government shall, by notification in the official Gazette, appoint a Judicial Officer, not below the rank of Subordinate Judge, to be Arbitrator for such area as may be specified therein.

Application to Arbitrator

28. (1) Any person interested who has not accepted any award made by the Deputy Commissioner under this Ordinance may, within forty-five days from the date of service of notice of the award, make an application to the Arbitrator for revision of the award.

(2) The application shall state the grounds on which objection to the award is taken.

20[(3) The requiring person shall be made a necessary party in the application made under subsection (1), along with the Deputy Commissioner.]

Notice for hearing-

29. The Arbitrator shall, on receipt of an application under section 28, cause a notice specifying the date on which he will proceed to hear the application, and directing their appearance before him on that day, to be served on the following persons, namely:-

- (a) the applicant;
- (b) all persons interested in the objection;
- (c) the Deputy Commissioner; and
- (d) the requiring person.

Scope of proceedings

30. The scope of the enquiry in every proceeding before the Arbitrator shall be restricted to a consideration of the interests of the persons affected by the objection.

Arbitrator to be guided by sections 8, 9 and 20

31. In determining the amount of compensation to be awarded for any property acquired or requisitioned under this Act, the Arbitrator shall be guided by the provisions of sections 8 and 9 or 20, as the case may be 21[:

Provided that the compensation determined by the Arbitrator in respect of each owner shall not exceed the amount specified in the award of the Deputy Commissioner by more than ten per centum.]

Form of award of Arbitrator

32. (1) Every award under this Part shall be in writing signed by the Arbitrator, and shall specify the amounts awarded under different clauses of section 8(1) or section 20(5), as the case may be, together with the grounds of awarding each of the said amounts.

(2) Where the amount of compensation determined by an Arbitrator is higher than the amount specified in the award of the Deputy Commissioner, an additional compensation at the rate of ten per cent per annum on such additional amount shall, subject to the decision of an Appellate Arbitration Tribunal, if any, be payable till that amount is paid or offered for payment.

(3) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgment within the meaning of section 2(2) and section 2(9) respectively of the Code of Civil Procedure, 1908 (V of 1908).

Costs

33. Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

Appeal against the award of Arbitrator

34. (1) An appeal shall lie to the Arbitration Appellate Tribunal constituted under sub-section (2), against an award of the Arbitrator.

(2) The Government shall, by notification in the official Gazette, constitute one or more Arbitration Appellate Tribunals for such areas as may be specified therein.

(3) An Arbitration Appellate Tribunal shall consist of a member who shall be appointed by the Government from among persons who are or have been District Judges.

(4) A decision of the Arbitration Appellate Tribunal shall be final.

(5) Where the amount of compensation determined by an Arbitration Appellate Tribunal is higher than the amount specified in the award of the Arbitrator, an additional compensation at the rate of ten per cent per annum on such additional amount shall be payable till that amount is paid or offered for payment 22[:

Provided that the compensation determined by the Arbitration Appellate Tribunal in respect of each land owner shall not exceed the amount specified in the award of the Arbitrator by more than ten per centum.]

Payment of additional compensation

23[34A. Where additional compensation is required to be paid in pursuance of an award under this Part, such compensation shall be paid to the persons entitled thereto immediately after the said additional amount is deposited by the requiring person with the Deputy Commissioner:

Provided that the requiring person shall deposit the additional amount with the Deputy Commissioner within one month from the date of receipt of notice in this behalf from the Deputy Commissioner:

Provided further that the Deputy Commissioner shall send the notice to deposit the amount of additional compensation within one month from the date of the award of the Arbitrator or, as the case may be, decision of the Arbitration Appellate Tribunal.]

Act X of 1940 not to apply

35. Nothing in the Arbitration Act, 1940 (X of 1940), shall apply to arbitrations under this Part.

PART V

MISCELLANEOUS

Deputy Commissioner and Arbitrator to have certain powers of Civil Court

36. The Deputy Commissioner and the Arbitrator, while holding any enquiry or proceedings under this Act, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908) for the purpose of -

- (a) summoning and enforcing the attendance of any person, and examining him on oath;
- (b) compelling the production of any document or record;
- (c) reception of evidence on affidavit;
- (d) issuing commission for examination of witnesses;
- (e) requisitioning any public record from any Court or office.

Power to enter and inspect

37. (1) With a view to acquiring or requisitioning any property or determining the compensation payable in respect thereof or securing compliance with an order made under this Ordinance, the Deputy Commissioner or any officer, generally or specially authorised by the Deputy Commissioner in this behalf, and any of the assistants and workmen may-

- (a) enter upon and survey and take levels of any property;
- (b) inspect any property or anything therein;
- (c) measure and set out the boundaries and prepare a plan of any property and the intended line of the work, if any, proposed to be made thereon;

(d) mark such levels, boundaries and line by placing marks and cutting trenches, and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, cut down and clear away any part of any standing crop, tree or jungle:

Provided that no person shall enter upon any property without the consent of the occupier thereof unless at least twenty-four hours' previous notice in writing of his intention to do so has been given.

(2) The Deputy Commissioner or the officer authorised by him under sub-section (1) shall, at the time of entry upon any property, pay or tender payment for all necessary damage to be done in such property, and, in case of dispute as to the sufficiency of the amount so paid or tendered, the decision of the Deputy Commissioner shall be final.

Power to obtain information

38. With a view to acquiring or requisitioning any property or determining the compensation payable in respect thereof, the Deputy Commissioner may, by order in writing, require any person to furnish to such officer or authority, as may be specified in the order, such information in his possession as may be specified relating to any property which is acquired or requisitioned, or intended to be acquired or requisitioned, under this Ordinance.

Service of notices and orders

39. (1) Save as otherwise expressly provided in this Ordinance and subject to rules made thereunder, every notice or order issued or made under this Ordinance shall be served by delivering or tendering it to the person named therein or the person on whom it is required to be served under this Ordinance.

(2) When such person cannot be found or the notice or order cannot be so delivered or tendered, the service of the notice or order may be made by delivering or tendering it to any officer or such person or to any adult male member of the family of such person residing with him or, if no such officer or member can be found, by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person ordinarily resides or carries on business or personally works for gain, and also by affixing a copy thereof in some conspicuous place in the office of the authority or officer issuing or making it and, where possible, in some conspicuous part of the property to which it relates:

Provided that, if such authority or officer so directs, the notice or order may be sent by registered post in a letter addressed to the person named therein, or on whom it is required to be served, at his last known residence, address or place of business or work.

Penalty

40. Any person who contravenes or attempts to contravene or abets or attempts to abet a contravention of any order made under this Ordinance or who wilfully obstructs any person in doing any of the acts authorised or permitted under this Ordinance or any rule made thereunder

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand Taka, or with both.

Enforcement of surrender

41. If the Deputy Commissioner is opposed or impeded in taking possession of any property under this Ordinance, he shall enforce the surrender of the property to himself, and may use or cause to be used such force for the purpose as may be necessary.

Exemption from stamp duty and fees

42. No award made under this Ordinance shall be chargeable with stamp duty, and no person claiming any interest under any such award shall be liable to pay any fee for a copy of the same.

Indemnity

43. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any order or rule made thereunder.

Bar to jurisdiction of Court

44. Save as otherwise expressly provided in this Ordinance, no Court shall entertain any suit or application against any order passed or any action taken under this Ordinance, and no injunction shall be granted by any Court in respect of any action taken or to be taken in pursuance of any power conferred by or under this Ordinance.

Delegation of powers

45. The Government may, by order notified in the official Gazette, direct that any power conferred or any duty imposed on it by this Ordinance shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by such officer or authority as may be so specified.

Power to make rules

46. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the procedure to be followed in taking possession of any property acquired or requisitioned under this Ordinance;

(b) the procedure to be followed by the Arbitrators and the Arbitration Appellate Tribunals;

(c) the manner of enforcement of surrender of any property under section 41;

(d) any other matter which has to be or may be prescribed.

Special savings relating to expired EB Act XIII of 1948

47. Notwithstanding the cesser of the Emergency Requisition of Property Act, 1948 (E.B. Act XIII of 1948), on the expiry of the period of its operation, all proceedings and matters, including all notices, notifications and orders, relating to requisition or acquisition of any property or compensation or award in respect of any property requisitioned or acquired and all applications and appeals pending before any authority, arbitrator or Court under that Act shall be continued, enforced, heard or disposed of as if that Act had not ceased to have effect and were continuing in operation.

Repeals and savings

48. (1) The Land Acquisition Act, 1894 (I of 1894), is hereby repealed.

(2) Notwithstanding such repeal, all proceedings and matters, including all notices, notifications and orders, relating to requisition or acquisition of any property or compensation or award in respect of any property requisitioned or acquired and all applications and appeals pending before any authority, arbitration or Court under the said Act shall be continued, enforced, heard or disposed of as if this Ordinance had not been made and promulgated.

(3) Subject to the provisions of sub-section (2), the provisions of the General Clauses Act, 1897 (X of 1897), shall apply to the repeal and re-enactment of the said Act by this Ordinance.

1 Clause (b) was substituted by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1984 (Ordinance No. XL of 1984)

2 The words, brackets and figure “within thirty days following the expiry of the period specified under sub-section (1)” were inserted by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1994 (Ordinance No. XX of 1994)

3 Sub-section (3) was substituted by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1983 (Ordinance No. XV of 1983)

4 The word “fifty” was substituted for the word “ten” by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

5 The word “fifty” was substituted for the word “ten” by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

6 The colon (:) was substituted for the full-stop (.) and the proviso were added thereafter by section 2 of the Acquisition and Requisition of Immovable Property (Second Amendment) Ordinance, 1983 (Ordinance No. XXX of 1983)

7 The words and commas “within ten days of the expiry of the aforesaid period, or within such further period but not exceeding thirty days, as the Divisional Commissioner permits on the request of the Deputy Commissioner in writing” were inserted by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

8 The words and commas “Government or, as the case may be, the Divisional Commissioner” were substituted for the word “Government” by section 3 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1983 (Ordinance No. XV of 1983)

9 The words and commas “Government or, as the case may be, the Divisional Commissioner” were substituted for the word “Government” by section 3 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1983 (Ordinance No. XV of 1983)

10 The colon (:) was substituted for the full-stop (.) and the proviso was added thereafter by section 3 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

11 Sub-section (2) was substituted by section 3 of the Acquisition and Requisition of Immovable Property (Second Amendment) Ordinance, 1983 (Ordinance No. XXX of 1983)

12 The words, commas and figure “Government, the Divisional Commissioner or the Deputy Commissioner, as the case may be, has made a decision for acquisition of any property under section 5 or the proviso to section 4(3)(b), as the case may be” were substituted for the words, commas and figure “or, as the case may be, the Divisional Commissioner has made a decision for acquisition of any property under section 5” by section 4 of the Acquisition and Requisition of Immovable Property (Second Amendment) Ordinance, 1983 (Ordinance No. XXX of 1983)

13 The commas and words “, the Divisional Commissioner of the Deputy Commissioner of the Deputy Commissioner, as the case may be,” were inserted by section 4 of the Acquisition and Requisition of Immovable Property (Second Amendment) Ordinance, 1983 (Ordinance No. XXX of 1983)

14 Sub-section (3) and (4) were substituted for former sub-section (3) by section 4 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

15 The words “fifty per centum” were substituted for the words “twenty per centum” by section 2 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1993 (Act No. XXV of 1993)

16 The words, commas, brackets and figures “shall, unless prevented by some-one or more of the contingencies mentioned in sub-section (2), pay it to them within sixty days from the date of deposit by the requiring person of the estimated amount of compensation under section 7(3)” were substituted for the words, brackets and figure “shall pay it to them unless prevented by some-one or more of the contingencies mentioned in sub-section (2)” by section 5 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

17 Section 10A was inserted by section 6 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

18 Sub-sections (1) and (2) were substituted by section 7 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

19 The word “Ordinance” was substituted for the word “Act” by section 6 of the Acquisition and Requisition of Immovable Property (Amendment) Ordinance, 1983 (Ordinance No. XV of 1983)

20 Sub-section (3) was added by section 8 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

21 The colon (:) was substituted for the full-stop (.) and the proviso was added thereafter by section 9 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

22 The colon (:) was substituted for the full-stop (.) and the proviso was added thereafter by section 10 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

23 Section 34A was inserted by section 11 of the Acquisition and Requisition of Immovable Property (Amendment) Act, 1994 (Act No. XX of 1994)

Annex-3

Some Existing Structure Photographs of the Zone



Annex-4

Land Acquisition, Compensation and Rehabilitation Related Documents