

**COMPARATIVE ANALYSIS OF DMC LEGAL FRAMEWORK AND
ADB SAFEGUARD POLICY STATEMENT
BANGLADESH**

Note: The following is based on the provisions of The Acquisition and Requisition of Immovable Property Ordinance 1982 which is the law that is most widely used by the District Commissioners and The Environment Conservation Rules, 1997. While project specific laws appear to have been enacted i. e. The Dhaka Elevated Expressway Project (Land Acquisition) Act, 2011, The Land Acquisition Law for Padma Bridge, these were not available in English.

(A) <i>ADB Safeguard Policy</i>	(B) <i>Corresponding Provisions in National Policy and Legal Instruments¹</i>	(C) <i>Extent of Equivalence² Review comments</i>	(D) <i>Recommendations</i>
Involuntary Resettlement Safeguards			
Objectives: To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.			
Objectives: To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.			
Key element (1): Avoid involuntary resettlement wherever possible	The Acquisition and Requisition of Immovable Property Ordinance 1982 (ARIP) 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 <u>cause a notice to be published</u> at convenient places on or near the property in the prescribed form and manner stating that the property is proposed to be acquired. 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	Partial Equivalence The provision on objections, hearing and inquiry creates an opportunity to avoid, minimize involuntary resettlement. Specific requirements are contained in the relevant environmental law regulating certain activities from being located in residential areas thus contributing to the avoidance of involuntary Resettlement by these listed activities.	For Full Equivalence the legal framework should include the objective of avoiding involuntary resettlement where possible.

¹Cited text is used to indicate key terms that demonstrate extent of equivalence.

² "Full Equivalence" denotes that the national policy documents and legal instruments are in complete harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element. "Partial Equivalence" denotes that the national policy documents and legal instruments are in partial harmony with the corresponding ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element; and "No Equivalence" denotes that no policy provision or legal requirement can be found that corresponds to the particular ADB Safeguard Objective, Scope and Trigger, Policy Principle or Key Element. In some cases, there may be full equivalence for one issue, but only partial equivalence or no equivalence for one or more of the other issues governed by a legal instrument. In those cases, the degree of equivalence for the issue is indicated.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
	<p>purpose or in the public interest may, within fifteen days after the publication of the notice, <u>object to the acquisition of the property.</u></p> <p>(2) Every objection under sub-section (1) shall be made to the Deputy Commissioner in writing, and the Deputy Commissioner shall give <u>the objector an opportunity of being heard</u> either in person or by an agent and shall, after hearing all such objections and after <u>making such further inquiry</u>, if any, as he thinks necessary, prepare a report within thirty days following the expiry of the period specified under sub-section (1)] containing his opinion on the objections.</p> <p>(3) The Deputy Commissioner shall then-</p> <p>(a) if the property exceeds [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</p> <p>(b) if the property does not exceed [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:</p> <p>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 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.</p> <p>5.(1) The Government or, as the case may be, the Divisional Commissioner], <u>after considering the report</u> submitted by the Deputy Commissioner under section 4(3), shall <u>make a decision about the acquisition of the property</u> and such decision of the Government or, as the case may be, the Divisional Commissioner] shall be final:</p> <p>...</p> <p>17. (1) No property acquired under this Part shall, without the prior approval of the Government, be <u>used for any purpose other than the purpose for which it is acquired.</u></p> <p>(2) If any requiring person uses any acquired property in contravention of the provision of sub-section (1), or does not use it</p>		

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	<p>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.</p> <p>The Environment Conservation Rules, 1997</p> <p><i>Schedule I of the Rules contains the Classification of Industrial Units or Projects based on its Location and Impact on Environment.</i></p> <p><i>Industrial Units or Projects are classified into Green Category, Orange-A Category, Orange-B Category and Red Category.</i></p> <p><i>The Foot Notes set out that industrial units therein referred shall not be allowed to be located in any residential area.</i></p>		
<p>Key element (2):</p> <p>Minimize involuntary resettlement by exploring project and design alternatives</p>	<p>The Environment Conservation Rules, 1997</p> <p><i>7. Procedure for issuing Environmental Clearance Certificate. –</i></p> <p><i>(1) For the purpose of issuance of Environmental Clearance Certificate, the industrial units and projects shall, in consideration of their site and impact on the environment, be classified into the following four categories:-</i></p> <p><i>(a) Green;</i></p> <p><i>(b) Orange – A;</i></p> <p><i>(c) Orange – B; and</i></p> <p><i>(d) Red.</i></p> <p><i>(6) The following documents shall be attached with an application made under sub-rule (5):-</i></p> <p>...</p> <p><i>(c) For Orange – B Category:</i></p> <p><i>(i) ...</i></p> <p><i>(ii) report on the <u>Initial Environmental Examination</u> of the industrial unit or project, ...;</i></p> <p><i>(iii) report on the <u>Environmental Management Plan (EMP)</u> for the industrial unit or project, ...;</i></p>	No Equivalence	For Full Equivalence the legal framework should include specific requirements mandating the minimization of involuntary resettlement by exploring project and design alternatives, Examine the possibility of linking this requirement to the relevant EIA provisions of the law.

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	<p>...</p> <p>(d) For Red Category:</p> <p>(i) ...;</p> <p>(ii) report on the Initial Environmental Examination (IEE) relating to the industrial unit or project, and also the terms of reference for the Environmental Impact Assessment of the unit or the project ...;</p> <p>or</p> <p>Environmental Impact Assessment report prepared on the basis of terms of reference previously approved by the Department of Environment ...;</p> <p>(iii) report on the Environmental Management Plan (EMP) for the industrial unit or project ...;</p> <p>...</p>		
<p>Key element (3):</p> <p>Enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels</p>	<p>ARIP</p> <p>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-</p> <p>(a) the <u>market value of the property</u> at the date of publication of the notice under section 3:</p> <p>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;</p> <p>(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;</p> <p>(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;</p>	<p>Partial Equivalence</p> <p>Livelihoods are compensated but there is no requirement that livelihoods of all displaced persons be enhanced or restored to pre-project levels</p>	<p>For Full Equivalence the legal framework should include the objective of enhancing or restoring the livelihoods of all displaced persons relative to pre-project levels.</p>

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	<p>(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;</p> <p>(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</p> <p>(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.</p> <p>(2) <u>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 fifty per centum on such market value in consideration of the compulsory nature of the acquisition.</u></p>		
<p>Key element (4):</p> <p>Improve the standards of living of the displaced poor and other vulnerable groups.</p>		<p>No Equivalence</p>	<p>For Full Equivalence the legal framework should include the objective of improving the standards of living of the displaced poor and other vulnerable groups</p>
<p>Scope and Triggers: The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.</p>			
<p>Policy Principle 1: Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.</p>			
<p>Key element (1):</p> <p>Screen the project early on</p>	<p>ARIP3. 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 <u>cause a notice to be published</u> at convenient places on or near the property in the prescribed form and manner stating that the property is proposed to</p>	<p>Full Equivalence</p> <p>Early screening is provided for by the provisions for objections, hearing and inquiry and the EIA provisions.</p>	<p>None required</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments ¹	(C) Extent of Equivalence ² Review comments	(D) Recommendations
	<p>be acquired.</p> <p>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, <u>object to the acquisition of the property.</u></p> <p>(2) Every objection under sub-section (1) shall be made to the Deputy Commissioner in writing, and the Deputy Commissioner shall give <u>the objector an opportunity of being heard</u> either in person or by an agent and shall, after hearing all such objections and after <u>making such further inquiry</u>, if any, as he thinks necessary, prepare a report within thirty days following the expiry of the period specified under sub-section (1)] containing his opinion on the objections.</p> <p>(3) The Deputy Commissioner shall then-</p> <p>(a) if the property exceeds [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</p> <p>(b) if the property does not exceed [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:</p> <p>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 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.</p> <p>5.(1) The Government or, as the case may be, the Divisional Commissioner], <u>after considering the report</u> submitted by the Deputy Commissioner under section 4(3), shall <u>make a decision about the acquisition of the property</u> and such decision of the Government or, as the case may be, the Divisional Commissioner] shall be final:</p> <p>...</p> <p>The Environment Conservation Rules, 1997</p>		

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	<p>7. Procedure for issuing Environmental Clearance Certificate. –</p> <p>(1) For the purpose of issuance of Environmental Clearance Certificate, the industrial units and projects shall, in consideration of their site and impact on the environment, be classified into the following four categories:-</p> <p>(a) Green;</p> <p>(b) Orange – A;</p> <p>(c) Orange – B; and</p> <p>(d) Red.</p> <p>(6) The following documents shall be attached with an application made under sub-rule (5):-</p> <p>...</p> <p>(c) For Orange – B Category:</p> <p>(i) ...</p> <p>(ii) report on the <u>Initial Environmental Examination</u> of the industrial unit or project, ...;</p> <p>(iii) report on the <u>Environmental Management Plan (EMP)</u> for the industrial unit or project, ...;</p> <p>...</p> <p>(d) For Red Category:</p> <p>(i) ...;</p> <p>(ii) report on the <u>Initial Environmental Examination (IEE)</u> relating to the industrial unit or project, and also the terms of reference for the <u>Environmental Impact Assessment</u> of the unit or the project ...;</p> <p>or</p> <p><u>Environmental Impact Assessment report prepared on the basis of terms of reference previously approved by the Department of Environment ...;</u></p> <p>(iii) report on the <u>Environmental Management Plan (EMP)</u> for the industrial unit or project ...;</p>		

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	<p>...</p> <p>Schedule I of the Rules contains the Classification of Industrial Units or Projects based on its Location and Impact on Environment.</p>		
<p>Key element (2):</p> <p>Identify past, present, and future involuntary resettlement impacts and risks</p>	<p>(ARIP)</p> <p>3. <i>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 <u>cause a notice to be published</u> at convenient places on or near the property in the prescribed form and manner stating that the property is proposed to be acquired.</i></p> <p>4.(1) <i>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, <u>object to the acquisition of the property.</u></i></p> <p>(2) <i>Every objection under sub-section (1) shall be made to the Deputy Commissioner in writing, and the Deputy Commissioner shall give <u>the objector an opportunity of being heard</u> either in person or by an agent and shall, after hearing all such objections and after <u>making such further inquiry</u>, if any, as he thinks necessary, prepare a report within thirty days following the expiry of the period specified under sub-section (1)] containing his opinion on the objections.</i></p> <p>(3) <i>The Deputy Commissioner shall then-</i></p> <p>(a) <i>if the property exceeds [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</i></p> <p>(b) <i>if the property does not exceed [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:</i></p> <p><i>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 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</i></p>	<p>Partial Equivalence</p> <p>While the provision on objections, hearing and inquiry provide an opportunity for identification of resettlement impacts and risks, there are no specific provisions requiring such identification of resettlement impacts and risks as a result of the screening.</p>	<p>For Full Equivalence the legal framework should include criteria and guidelines for identifying involuntary resettlement impacts and risks either under the acquisition law or the EIA laws as may be appropriate.</p>

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	<p><i>final.</i></p> <p><i>5.(1) The Government or, as the case may be, the Divisional Commissioner], after considering the report submitted by the Deputy Commissioner under section 4(3), shall <u>make a decision about the acquisition of the property</u> and such decision of the Government or, as the case may be, the Divisional Commissioner] shall be final:..</i></p>		
<p>Key element (3):</p> <p>Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.</p>	<p>ARIP</p> <p><i>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.</i></p> <p><i>(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 within thirty days following the expiry of the period specified under sub-section (1)] containing his opinion on the objections.</i></p> <p><i>6. (1) When the 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, 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.</i></p> <p><i>(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</i></p>	<p>Partial Equivalence</p> <p>While there are no provisions directly requiring such survey or census of displaced persons the provisions enable further inquiry and the proper implementation of the provisions require that some form of investigation be carried out.</p>	<p>For Full Equivalence the legal framework should include provisions requiring determination of the scope of resettlement planning. This should be carried out in conjunction with the provision requiring the preparation of a resettlement plan as recommended below.</p>

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	<p>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.</p> <p>(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.</p> <p>(4) The Deputy Commissioner may also, by notice, <u>require any such person to make or deliver to him</u> 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, <u>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.</u></p> <p>(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).</p> <p>The Environment Conservation Rules, 1997</p> <p>7. Procedure for issuing Environmental Clearance Certificate. –</p> <p>(1) For the purpose of issuance of Environmental Clearance Certificate, the industrial units and projects shall, in consideration of their site and impact on the environment, be classified into the following four categories:-</p> <p>(a) Green;</p> <p>(b) Orange – A;</p> <p>(c) Orange – B; and</p> <p>(d) Red.</p> <p>(6) The following documents shall be attached with an application made under sub-rule (5):-</p> <p>...</p>		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
	<p>(c) For Orange – B Category:</p> <p>(i) ...</p> <p>(ii) report on the <u>Initial Environmental Examination</u> of the industrial unit or project, ...;</p> <p>(iii) report on the <u>Environmental Management Plan</u> (EMP) for the industrial unit or project, ...;</p> <p>...</p> <p>(d) For Red Category:</p> <p>(i) ...;</p> <p>(ii) report on the <u>Initial Environmental Examination (IEE)</u> relating to the industrial unit or project, and also the terms of reference for the <u>Environmental Impact Assessment</u> of the unit or the project ...;</p> <p>or</p> <p><u>Environmental Impact Assessment report prepared on the basis of terms of reference previously approved by the Department of Environment ...;</u></p> <p>(iii) report on the <u>Environmental Management Plan (EMP)</u> for the industrial unit or project ...;</p> <p>...</p>		
<p>Policy Principle 2: Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programmes. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.</p>			
<p>Key element (1):</p> <p>Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment</p>	<p>The Acquisition and Requisition of Immovable Property Ordinance 1982</p> <p>3. <i>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 <u>cause a notice to be published</u> at convenient places on or near the property in the prescribed form and manner stating that the property is proposed to</i></p>	<p>Partial Equivalence</p> <p>While there is opportunity for any person interested in any property which has been notified as being needed or likely to be needed for a public purpose or in the public interest, to object to the acquisition and for a hearing thereon there are no provisions to consult host communities and concerned</p>	<p>For Full Equivalence the legal framework should require consultation with host communities and concerned NGOs.</p>

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organizations	<p>be acquired.</p> <p>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, <u>object to the acquisition of the property.</u></p> <p>(2) Every objection under sub-section (1) shall be made to the Deputy Commissioner in writing, and the Deputy Commissioner shall give <u>the objector an opportunity of being heard</u> either in person or by an agent and shall, after hearing all such objections and after <u>making such further inquiry</u>, if any, as he thinks necessary, prepare a report within thirty days following the expiry of the period specified under sub-section (1)] containing his opinion on the objections.</p> <p>(3) The Deputy Commissioner shall then-</p> <p>(a) if the property exceeds [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</p> <p>(b) if the property does not exceed [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:</p> <p>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 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.</p> <p>The Environment Conservation Rules, 1997</p> <p>7. Procedure for issuing Environmental Clearance Certificate. –</p> <p>(1) For the purpose of issuance of Environmental Clearance Certificate, the industrial units and projects shall, in consideration of their site and impact on the environment, be classified into the following four categories:-</p>	NGOs.	

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	<p>(a) Green;</p> <p>(b) Orange – A;</p> <p>(c) Orange – B; and</p> <p>(d) Red.</p> <p>(6) The following documents shall be attached with an application made under sub-rule (5):-</p> <p>...</p> <p>(c) For Orange – B Category:</p> <p>(i) ...</p> <p>(ii) report on the <u>Initial Environmental Examination</u> of the industrial unit or project, ...;</p> <p>(iii) report on the <u>Environmental Management Plan (EMP)</u> for the industrial unit or project, ...;</p> <p>...</p> <p>(d) For Red Category:</p> <p>(i) ...;</p> <p>(ii) report on the <u>Initial Environmental Examination (IEE)</u> relating to the industrial unit or project, and also the terms of reference for the <u>Environmental Impact Assessment</u> of the unit or the project ...;</p> <p>or</p> <p><u>Environmental Impact Assessment report prepared on the basis of terms of reference previously approved by the Department of Environment ...;</u></p> <p>(iii) report on the <u>Environmental Management Plan (EMP)</u> for the industrial unit or project ...;</p> <p>...</p>		
<p>Key element (2):</p> <p>Inform all displaced persons of their entitlements and</p>	<p>ARIP7. (1) ... 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</p>	<p>Partial Equivalence</p> <p>While notice is given of the award relating to compensation, other resettlement options</p>	<p>For Full Equivalence the legal framework should require displaced persons to be informed of all of their entitlements and resettlement</p>

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resettlement options	<p>respective interests of the persons claiming the compensation and shall <u>make an award of</u> –</p> <p>(a) <u>the compensation</u> which, in his opinion, shall be allowed for the property; and</p> <p>(b) the <u>apportionment of the said compensation</u> among all the persons known or believed to be interested in the property, of whom, or of whose claims, he has information.</p> <p>(2) The award made by the Deputy Commissioner shall, except as hereinafter provided, be final.</p> <p>(3) The Deputy Commissioner shall, <u>within seven days from the date of making award of compensation</u>,-</p> <p>(a) <u>give notice of his award</u> to the person interested;</p> <p>(b) send the estimate of the award of compensation to the requiring person.</p> <p>(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.]</p>	are not referred to here.	options, not limited to compensation
Key element (3): Ensure the participation of displaced persons in planning, implementation, and monitoring and evaluation of resettlement programmes		No Equivalence There are no provisions requiring ensuring the participation of displaced persons in planning, implementation, and monitoring and evaluation of resettlement programmes.	For Full Equivalence the legal framework should require ensuring the participation of displaced persons in planning, implementation, and monitoring and evaluation of resettlement programmes.
Key element (4): Ensure the participation in consultations of vulnerable groups,	ARIP 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 <u>cause a notice to be published</u> at convenient places on or near the property in the	Partial Equivalence Although there are general provisions for consultation in terms of the requirement pertaining to objections, hearing and inquiry there are no specific provisions requiring	For Full Equivalence the legal framework should include provisions for ensuring the participation of vulnerable groups in consultations.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
<p>especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land</p>	<p><i>prescribed form and manner stating that the property is proposed to be acquired.</i></p> <p><i>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, <u>object to the acquisition of the property.</u></i></p> <p><i>(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 <u>making such further inquiry</u>, if any, as he thinks necessary, prepare a report within thirty days following the expiry of the period specified under sub-section (1)] containing his opinion on the objections.</i></p> <p><i>(3) The Deputy Commissioner shall then-</i></p> <p><i>(a) if the property exceeds [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</i></p> <p><i>(b) if the property does not exceed [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:</i></p> <p><i>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 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.</i></p> <p><i>5.(1) The Government or, as the case may be, the Divisional Commissioner], <u>after considering the report</u> submitted by the Deputy Commissioner under section 4(3), shall <u>make a decision about the acquisition of the property</u> and such decision of the Government or, as the case may be, the Divisional Commissioner] shall be final:</i></p> <p>...</p>	<p>the participation of vulnerable groups. .</p>	

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
<p>Key element (5):</p> <p>Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns</p>	<p>ARIP</p> <p>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, <u>make an application to the Arbitrator for revision of the award.</u></p> <p>(2) The application shall state the grounds on which objection to the award is taken.</p> <p>(3) The requiring person shall be made a necessary party in the application made under sub-section (1), along with the Deputy Commissioner.</p> <p>30. The scope of the enquiry in every proceeding before the Arbitrator shall be <u>restricted to a consideration of the interests of the persons affected by the objection.</u></p> <p>34. (1) An <u>appeal shall lie to the Arbitration Appellate Tribunal constituted under sub-section (2), against an award of the Arbitrator.</u></p>	<p>Partial Equivalence</p> <p>Although there are provisions to challenge the award of compensation there are no provisions pertaining to the establishment of a general grievance redress mechanism.</p>	<p>For Full Equivalence the legal framework should include provisions pertaining to the establishment of a grievance redress mechanism.</p>
<p>Key element (6):</p> <p>Support the social and cultural institutions of displaced persons and their host population</p>		<p>No Equivalence</p>	<p>For full Equivalence the legal framework should require support of the social and cultural institutions of displaced persons and their host population.</p>
<p>Key element (7):</p> <p>Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.</p>		<p>No Equivalence</p>	<p>For Full Equivalence the legal framework should require that where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
<p>Policy Principle 3: Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p>			
<p>Key element (1): Improve, or at least restore, the livelihoods of all displaced persons through land-based resettlement strategies when affected livelihoods are land based, where possible.</p>		<p>No Equivalence The law provides for livelihood compensation. However, there are no provisions for improving or restoring livelihoods through land-based resettlement strategies, where possible, when affected livelihoods are land based.</p>	<p>For Full Equivalence the legal framework should require land based resettlement strategies when affected livelihoods are land based..</p>
<p>Key element (2): Improve, or at least restore, the livelihoods of all displaced persons through ...cash compensation at replacement value for land when the loss of land does not undermine livelihoods</p>	<p>ARIP <i>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-</i> <i>(a) the <u>market value of the property</u> at the date of publication of the notice under section 3:</i> <i>Provided that in determining such market value, the Deputy Commissioner shall take into account the average value, to be <u>calculated in the prescribed manner</u>, 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;</i> <i>(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;</i> <i>(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;</i> <i>(d) the damage that may be sustained by the person interested, at</i></p>	<p>Partial Equivalence The legal framework provides for livelihood compensation through cash compensation and prescribes the manner in which the market value is to be calculated. However There is also no requirement for compensation at replacement value for land when loss of land does not undermine livelihoods.</p>	<p>For Full Equivalence the legal framework should require cash compensation at replacement value for land when the loss of land does not undermine livelihoods</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
	<p>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;</p> <p>(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</p> <p>(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.</p> <p>(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 <u>sum of fifty per centum on such market value</u> in consideration of the compulsory nature of the acquisition.</p>		
<p>Key element (3):</p> <p>Improve, or at least restore, the livelihoods of all displaced persons through prompt replacement of assets with access to assets of equal or higher value</p>		<p>No Equivalence</p>	<p>For Full Equivalence the legal framework should require improvement or at least restoration of the livelihoods of all displaced persons through prompt replacement of assets with access to assets of equal or higher value</p>
<p>Key element (4):</p> <p>Improve, or at least restore, the livelihoods of all displaced persons through prompt compensation at full replacement cost for assets that cannot be restored</p>	<p>ARIP8. (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-</p> <p>(a) the <u>market value of the property</u> at the date of publication of the notice under section 3:</p> <p>Provided that in determining such market value, the Deputy Commissioner shall take into account the average value, to be <u>calculated in the prescribed manner</u>, 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</p>	<p>Partial Equivalence</p> <p>Although the law provides for cash compensation in respect of livelihoods, and for prompt compensation, there is no reference to replacement cost.</p>	<p>For Full Equivalence, for assets that cannot be restored the legal framework should require improvement or at least restoration of the livelihoods of all displaced persons through prompt compensation at full replacement cost.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments ¹	(C) Extent of Equivalence ² Review comments	(D) Recommendations
	<p>section 3;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(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.</p> <p>(2) <u>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 fifty per centum on such market value in consideration of the compulsory nature of the acquisition.</u></p> <p>10. (1) <u>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 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).</u></p> <p>(2) <u>If the persons entitled to compensation do not consent to receive it, or if there be no person competent to receive the compensation,</u></p>		

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
	<p>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 <u>deemed payment for the purpose of taking over possession of the property</u> without any prejudice to the claim of the parties to be determined by the Arbitrator:</p> <p><u>Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:</u></p> <p><u>Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 28:</u></p>		
<p>Key element (5):</p> <p>Improve, or at least restore, the livelihoods of all displaced persons through additional revenues and services through benefit sharing schemes where possible</p>		No Equivalence	For Full Equivalence the legal framework should provide for benefit sharing schemes that provide additional revenues and services where possible.
<p>Policy Principle 4: Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.</p>			
<p>Key element (1):</p> <p>Provide physically and economically displaced persons, if there is relocation, with secured tenure to relocation land,</p>		No Equivalence	For Full Equivalence the legal framework should provide physically and economically displaced persons, if there is relocation, with secured tenure to relocation land.
<p>Key element (2):</p>		No Equivalence	For Full Equivalence the legal

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
Provide physically and economically displaced persons, if there is relocation, better housing at resettlement sites.			framework should provide physically and economically displaced persons, if there is relocation, with better housing at resettlement sites.
Key element (3): Provide physically and economically displaced persons, if there is relocation, with comparable access to employment and production opportunities,		No Equivalence	For Full Equivalence the legal framework should provide physically and economically displaced persons, if there is relocation, with comparable access to employment and production opportunities
Key element (4): Provide physically and economically displaced persons with transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities	ARIP <i>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-</i> <i>(a) the market value of the property at the date of publication of the notice under section 3:</i> <i>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;</i> <i>(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;</i> <i>(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;</i>	Partial Equivalence The legal framework provides for compensation including reasonable expenses 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. However it does not provide for specific forms of development assistance such as land development, credit facilities, training, or employment opportunities	For Full Equivalence the legal framework should provide for specific forms of development assistance such as land development, credit facilities, training, or employment opportunities.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
	<p>(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;</p> <p>(e) if in consequence of the acquisition of the property, the person interested is <u>likely to be compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and</u></p> <p>(f) the damage that may be resulting from <u>diminution of the profits of the property</u> between the date of service of notice under section 6 and the date of taking possession of the property by the Deputy Commissioner.</p> <p>(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 fifty per centum on such market value in consideration of the compulsory nature of the acquisition.</p>		
<p>Key element (5): Provide physically and economically displaced persons with civic infrastructure and community services</p>		<p>No Equivalence</p>	<p>For Full Equivalence the legal framework should provide physically and economically displaced persons with civic infrastructure and community services.</p>
<p>Policy Principle 5: Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.</p>			
<p>Key element (1): Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at</p>		<p>No Equivalence</p>	<p>For Full Equivalence the legal framework should require improvement of the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
least national minimum standards			
Key element (2): In rural areas provide them with legal and affordable access to land and resources		No Equivalence	For Full Equivalence the legal framework should provide the displaced poor and other vulnerable groups, including women in rural areas with legal and affordable access to land and resources
Key element (3): in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing		No Equivalence	For Full Equivalence the legal framework should provide the displaced poor and other vulnerable groups, including women in urban areas with appropriate income sources and legal and affordable access to adequate housing
Policy Principle 6: Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.			
Key element (1): Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement		No Equivalence	For Full Equivalence the legal framework should develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement..
Key element (2): Ensure that those people who enter into negotiated settlements will maintain the same or better income and		No Equivalence	For Full Equivalence the legal framework should ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
livelihood status			
Policy Principle 7: Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.			
	<p>2. In this Ordinance, unless there is anything repugnant in the subject or context,-</p> <p>...</p> <p>(d) “person interested”, in relation to any property, includes <u>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;</u></p> <p>6. (1) When the 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 <u>cause public notice to be given</u> in the prescribed manner at convenient places on or near such property stating that the Government, 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.</p> <p>(2) <u>Such notice shall</u> state the particulars of the property to be acquired and taken possession of, and shall <u>require all persons interested in the property</u> 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 <u>state the nature of their respective interests in the property</u> and the amount and <u>particulars of their claims</u> to compensation for such interests.</p> <p>(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.</p> <p>(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</p>	<p>Partial Equivalence</p> <p>The law provides for ‘persons interested’ to be notified and to state their interest and claims. It is unclear from the provisions whether those without title or any recognizable legal rights to land are eligible under the definition ‘all persons claiming or entitled to claim an interest’.</p>	<p>For Full Equivalence legal framework should make it explicit that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
	<p>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.</p> <p>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 –</p> <p>(a) the compensation which, in his opinion, shall be allowed for the property; and</p> <p>(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</p>		
Policy Principle 8: Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.			
		No Equivalence	For Full Equivalence the legal framework should require preparation of a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule
Policy Principle 9: Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.			

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
<p>Key element (1):</p> <p>Disclose a draft resettlement plan, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders</p>		<p>No Equivalence</p>	<p>For Full Equivalence the legal framework should require disclosure of a draft resettlement plan, before project appraisal in an accessible place and a form and language(s) understandable to affected persons and other stakeholders.</p>
<p>Key element (2):</p> <p>Disclose the final resettlement plan and its updates to affected persons and other stakeholders.</p>		<p>No Equivalence</p>	<p>For Full Equivalence the legal framework should require disclosure of a final resettlement plan and its updates to affected persons and other stakeholders.</p>
<p>Policy Principle 10: Conceive and execute involuntary resettlement as part of a development project or programme. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.</p>			
<p>Key element (1):</p> <p>Conceive and execute involuntary resettlement as part of a development project or programme</p>	<p>ARIP7. (1) <i>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 -</i></p> <p>(a) <i>the compensation which, in his opinion, shall be allowed for the property; and</i></p> <p>(b) <i>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.</i></p> <p>(2) <i>The award made by the Deputy Commissioner shall, except as hereinafter provided, be final.</i></p> <p>(3) <i>The Deputy Commissioner shall, within seven days from the</i></p>	<p>Partial Equivalence</p> <p>The legal framework requires that the person requiring the acquisition deposit the estimated amount of the award of compensation with the Deputy Commissioner. However, there are no provisions to conceive and execute 'involuntary resettlement' as part of a development project or programme.</p>	<p>For Full Equivalence the legal framework should require that involuntary resettlement be conceived and executed as part of a development project or programme.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
	<p>date of making award of compensation,-</p> <p>(a) give notice of his award to the person interested;</p> <p>(b) send the estimate of the award of compensation to the requiring person.</p> <p>(4) <u>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.</u></p>		
<p>Key element (2):</p> <p>Include the full costs of resettlement in the presentation of project's costs and benefits</p>	<p>ARIP</p> <p>7. (1) <i>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 -</i></p> <p>(a) <i>the compensation which, in his opinion, shall be allowed for the property; and</i></p> <p>(b) <i>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.</i></p> <p>(2) <i>The award made by the Deputy Commissioner shall, except as hereinafter provided, be final.</i></p> <p>(3) <i>The Deputy Commissioner shall, within seven days from the date of making award of compensation,-</i></p> <p>(a) <i>give notice of his award to the person interested;</i></p> <p>(b) <i>send the estimate of the award of compensation to the requiring person.</i></p> <p>(4) <u>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.</u></p>	<p>Partial Equivalence</p> <p>The legal framework requires that the person requiring the acquisition deposit the estimated amount of the award of compensation with the Deputy Commissioner. This could be expanded to include the full costs of resettlement.</p>	<p>For Full Equivalence the legal framework should require the full costs of resettlement to be Included in the presentation of project's costs and benefits.</p>

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
	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 <u>charges of an incidental to such acquisition shall be defrayed from or by such fund or person.</u>		
Key element (3): For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation		Full Equivalence	None required.
Policy Principle 11: Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.			
Key element (1): Pay compensation and provide other resettlement entitlements before physical or economic displacement	ARIP 10. (1) <u>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 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).</u> (2) <u>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:</u> <u>Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:</u>	Full Equivalence	None required

(A) ADB Safeguard Policy	(B) Corresponding Provisions in National Policy and Legal Instruments¹	(C) Extent of Equivalence² Review comments	(D) Recommendations
	<i>Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 28:</i>		
Key element (2): Implement the resettlement plan under close supervision throughout project implementation		No Equivalence	For Full Equivalence the legal framework should require preparation of a resettlement plan and close supervision of its implementation throughout the project cycle.
Policy Principle 12: Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.			
Key element (1): Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring		No Equivalence	For Full Equivalence the legal framework should require the monitoring and assessment of resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring
Key element (2): Disclose monitoring reports		No Equivalence	For Full Equivalence the legal framework should require disclosure of monitoring reports.