

RHD Operational Procedure ■ Zonal Operations

OP/ZF/1.3 - Land Acquisition Estimates
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1 PURPOSE AND SCOPE

This procedure describes the process of preparing land acquisition estimates and its approval for GOB funded projects. This is required to be done well ahead of starting construction of road project, as the formalities involved takes time. The purpose is to get the estimate prepared by the Deputy Commissioner to get approval of RHD/MoC and then to place fund with the Deputy Commissioner to obtain vacant possession of the acquired land. The possession of vacant land is essential for construction of a road project and as such the process is a step towards that end.

2 DEFINITIONS

DLAC ■ stands for District Land Allocation Committee. This committee scrutinizes any proposal of land acquisition within a district outside Dhaka City and clears the proposal for acquisition. For any land acquisition in any district, it is a pre-requisite to obtain clearance of DLAC.

CLAC ■ stands for the Central Land Acquisition Committee headed by the Minister, Ministry of Land. This committee scrutinizes any land acquisition proposal within Dhaka Metropolitan Area (22 thanas) and clears the proposal for land acquisition. For land acquisition in Dhaka City clearance of CLAC is a pre-requisite.

RAJUK ■ means Capital Development Authority (Rajuk is a Bangla Term and acronym of Rajdhanii Unnayon Kartipokko). RAJUK, a part of the Ministry of Works has defined Zones in Dhaka for separate types of activity such as residential or industrial development. It is a development authority for the improvement of Dhaka Metropolitan City to obtain permission for new projects.

ECNEC ■ stands for Executive Committee of National Economic Council. This is the highest National Body to approve procurement proposals.

MoC ■ The Ministry of Communications (MoC) is responsible for administration and management of road and rail transportation system. It provides policy guidelines in the land transport system and also establishes liaison between the Ministry of Land/ Ministry of Environment and MoC on land acquisition purposes of the project.

DC ■ means Deputy Commissioner of a district.

TPD ■ means Town Planning Department is a branch in RAJUK, which scrutinizes land acquisition proposal within Dhaka Metropolitan City to see if it interferes with or hinders development of Dhaka.

Annual Development Plan (ADP) ■ is the operational document of the GOB's 5-Year Plan and includes all types of GOB funded and Foreign Aided Projects, which are ongoing and newly included.

The ADP consists of the main investment programme, technical assistance programme and self-MANAGEMENT MANUAL VOL

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financed programme, which are sub-divided into the different Government sectors. The ADP is published in June and is available to the public.

Project Proforma (PP) ■ following approval of the PCP, the PP is prepared within a specific period of time. The PP is a more detailed version of the PCP, prepared in a prescribed format.

3 RESPONSIBILITIES

The Executive Engineer, Field Division (EE-FD) prepares the proposal for land acquisition. The land acquisition proposal is processed through SE-FC, ACE-Z and CE-RHD (EE-Land Records & Acquisition Division) to get administrative approval by the Ministry of Communications. When EE-FD gets the administrative approval, he takes necessary clearance of DLAC/CLAC/RAJUK/TPD according to specific requirement of the Project. Then, he submits the LA proposal to DC for submitting estimate for the land acquisition. When he receives LA estimate from DC, he processes it through SE-FC/ACE-Z/CE-RHD (initiated by EE-Land Records & Acquisition Division) to get approval according to

Government Rules. DC, in association with RHD and PWD conduct a joint verification survey, making an inventory of affected structures and other compensation worthy properties. DC and PWD jointly do the LA cost estimates exercises. The land acquisition estimate is approved by the CE-RHD or the MoC depending on the financial authorities. Once the EE-FD gets the approval of the estimate, he places fund to DC, gets possession of the land from DC along with mutation certificate and possession certificate and demarcates it by boundary pillars for execution of the construction of the project. The land acquisition plan with estimate, the possession certificate, mutation certificate and the gazette notification for acquisition are kept in original in Executive Engineer-FD's office in his custody and recorded in a register. Copies of these documents are also kept in SDE-FSD's office in their own custody duly recorded in a register. These records are also furnished to MIS & Estates Circle for database.

DC is responsible for acquisition of land for the Roads and Highways Department. He takes measures to acquire land only when he receives proposals duly approved by the concerned Ministry and cleared by DLAC/CLAC/RAJUK/TPD. He is responsible to prepare estimate for land acquisition according to Government Rules. Following approval of the estimate and receipt of fund, he takes steps to acquire land, makes Gazette Notification for change in ownership of land and hands it over to the requiring body along with possession and mutation certificate. MANAGEMENT MANUAL VOLUME 7

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4 METHOD

4.1 PREPARATION OF LAND ACQUISITION PROPOSAL

The EE-FD prepares proposal for land acquisition in prescribed format, for approved project included in approved programme. The land plan is made in Mouza Maps collected from DC's offices, clearly indicating the areas to be acquired and the total land areas for each proposal. The statement of plots to be acquired in part or full with area of each plot and the total area is made in a prescribed form stating the purpose of acquisition. He submits the proposal along with the required documents to SE-FC for seeking administrative approval of MoC. The proposal of land acquisition is supported by an statement describing that the project is included in approved PP and annual programme and budget allocation is available for the particular year.

The resettlement issues as considered in the RAP of foreign aided projects may not be applicable for GOB projects. But, however, compensations for crops trees, homesteads, structures etc. are provided by Government to the PAPS (title-holders) when lands are acquired.

4.2 RECEIVES LAND ACQUISITION PROPOSAL AND FORWARDS FOR OBTAINING ADMINISTRATIVE APPROVAL FROM MOC

The proposal is processed by ACE-Z who forwards it to CE-RHD (EE-Land Records & Acquisition Division) with recommendations; the CE-RHD forwards it to MoC for approval. The MoC approves and returns to CE-RHD. The EE-Land Records & Acquisition Division sends it to SE-FC. As soon as SE-FC receives the approval on the land acquisition proposal, he communicates the approval with all papers to EE-FD for further necessary action.

4.3 RECEIVES THE ADMINISTRATIVE APPROVAL OF THE MINISTRY AND TAKES STEPS TO GET CLEARANCE

The EE-FD receives the administrative approval of MoC for the proposed land acquisition through his SE-FC and takes appropriate steps as follows to get clearance for the proposed land acquisition:

If the land is within Dhaka Metropolitan Area (22 thanas), he takes clearance from RAJUK/Town Planning Department and the Central Land Acquisition Committee (CLAC).

If, however the land is outside Dhaka, he takes clearance from District Land Allocation Committee (DLAC). On getting clearance from the appropriate authority, the EE-FD sends the proposal to DC with all approval and clearance to prepare estimate for acquisition of land. MANAGEMENT MANUAL VOLUME 7

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4.4 RECEIVE THE LAND ACQUISITION PROPOSAL AND PREPARE THE ESTIMATE

The DC receives the land acquisition proposal from EE-FD with all supporting documents, approvals and clearance. He takes steps to prepare the estimate through his staff, observing all required formalities. He checks maps and other related papers to see whether there is any graveyard, mosques, temples, khas land etc. on the proposed land. He issues LA notice under section 3 to the landowners, makes Joint Verification Survey with RHD (EE-FD or his nominee) and PWD and makes assessment of costs for land, structures, trees, standing crop etc. After the assessment of cost, DC/LAO prepares the estimates and submits to EE-FD for approval of the estimate and placing fund for the acquisition. The DC also serves acquisition notice on the landowners.

4.5 RECEIVES THE ESTIMATE FOR LAND ACQUISITION AND VERIFIES

The EE-FD receives the estimate for land acquisition from the DC and verifies it, assisted by his AE, SDE-FSDs, SAE-Fs and Surveyors. If he finds that the estimate is OK, he processes it through his SE-FC for getting approval from the appropriate authority according to financial rules. If he finds that there are errors or anomalies in the estimate, he returns the same to DC for further scrutiny and receives back corrected estimate. On getting the estimate from DC, he verifies and forwards the same to his SE-FC for obtaining approval from the appropriate authority. The EE-FD has no power to approve land acquisition estimate. CE-RHD has some powers as authorised to approve LA estimates. For estimates beyond the powers of CE-RHD, MoC is to be approached very often for approval of Land Acquisition estimate.

4.6 RECEIVES THE ESTIMATE, VERIFIES AND GETS THE ESTIMATE APPROVED

The SE-FC receives the estimate from EE-FD, verifies and gets the estimate approved through appropriate higher authority and returns to EE-FD for necessary action to place fund to DC for acquisition of land. [The SE-FC forwards the estimate to CE-RHD (EE-Land Records & Acquisition Division) for approval. The CE-RHD approves if it is within his financial powers, if not, forwards it to MoC for approval. The MoC approves the estimate and returns to CE-RHD (EE-Land Records & Acquisition Division) for taking necessary action. The CE-RHD (EE-Land Records & Acquisition Division) returns the approved estimate to EE-FD through ACE-Z and SE-FC].

4.7 RECEIVES THE APPROVED ESTIMATE AND PLACES FUND TO DC TO ACQUIRE THE LAND

The EE-FD receives the approved LA estimates from SE-FC, duly approved by competent authority according to Government Rules. He places fund at the disposal of DC according to the approved estimate to acquire the proposed land, and for paying compensation to the land owners/awardees. MANAGEMENT MANUAL V

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4.8 RECEIVES FUND FOR THE PROPOSED LAND ACQUISITION AND HANDS OVER THE LAND

The DC receives the fund for the proposed land acquisition from EE-FD and takes steps to pay compensation to the landowners according to the award statement prepared by his office. After starting payment of compensation, possession of land is handed over to EE-FD and Gazette Notification is made by DC to declare the change of ownership of the land. The DC also issues possession certificate and mutation certificate to the Executive Engineer. Payment of compensation to awardees continues until completion of claims. If additional fund is required for claims under dispute, RHD has to place additional fund to DC.

4.9 POSSESSION OF THE LAND, MUTATION CERTIFICATE AND DEMARCATION OF THE ACQUIRED AREA

The EE-FD gets possession of the land from DC through a possession certificate; mutation certificate and physical hand over in the field. He takes over the possession of land thus handed over and takes measures to demarcate the land without delay for using the land for road construction. EE-FD will keep the land acquisition estimate, gazette notification, mutation certificate, possession certificate and land acquisition plan under his own custody and also keep records in the land acquisition register. Copies of these documents are kept in SDE-FSDs custody. The EE-FD will also furnish MIS & Estates Circle with all these records for storing in the database.

5 REFERENCES

■ OP/ME/6.1 - Land Acquisition

■ RHD Management Manual - Volume 1

6 PROCEDURE FLOWCHART

The procedure flowchart for this procedure is detailed in the next page.

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Start

Prepare Proposal and seeks
administrative approval of MoC
(EE-FD)

Verifies & submits to
SE-FC for financial
approval
(EE-FD)

End

Yes

Receives proposal from EE-FD &
obtains administrative approval of
MoC and sends to EE-FD
(SE-FC)

Receives administrative approval
& obtains clearance DLAC/CLAC
authority and submits to DC (EE-
FD)

No

Receives proposal from EE-FD,
prepares estimates of LA costs &
submits to EE-FD for placing fund
(DC)

LA

Proposal

LA cost

Estimate

Obtains approval from competent
authority and returns to EE-FD
(SE-FC)

Receives approval of estimate
and places fund to DC (EE-FD)

Receives fund, starts payment of
compensation to awardees,
hands over possession of vacant
land and makes Gazettee
Notification (DC)

Gets possession of land, takes
over, demarcates land and hands
over to construction contractors

(EE-FD)

Approved

LA Estimate

Fund should be placed within
the specified time to DC.

Otherwise process repeats

Input for preparing

LA Proposal

Government

Gazettee

Notification

Possession &

Mutation

Certificate/LA Plan