

# Resettlement Planning Document

Resettlement Plan for Galchhi –Trishuli – Syaphrubesi Subproject

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## Road Connectivity Sector I Project

Prepared by Ministry of Physical Planning and Works, Department of Roads

The resettlement plan is a document of the grant recipient. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

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## Glossary of Terms

Chief District Officer	Chief Administrator of the district having overall responsibilities for looking for the district administration and law and security
<i>Dalit</i> (Schedule Caste Group)	Dalit is commonly known as untouchable in Nepalese society. They are from the so called lowest caste in the Hindu caste hierarchy. Basically, they belong to occupational and artisan group. Dalit Commission has defined dalit as, “ the community discriminated on the basis of caste and marginalized in terms of social, economic, educational, political and religious sectors.” The Dalit caste has further been divided into different groupings in accordance with the type of work the groups are limited too. For example, communities engaged in tailoring, or playing musical instruments, or communities involved in washing clothes, or in making clay pots, or working with metal will be given different family names in accordance to the type of work they do.
District Development Committee	District level development unit to be chaired by district level elected leader
Feeder Road	Feeder roads are of secondary nature in the hierarchy of the road network in Nepal.
<i>Janajati</i> (Ethnic/Indigenous People)	<p>Indigenous people have been synonymously taken with the nationalities. In Nepal, nationalities/tribal people are also called as ethnic groups or indigenous ethnic groups because these groups are outside of hierarchical caste structure. Basically, Nepal's indigenous population consists of two major groups, the Indo-Nepalese, whose ancestors migrated into the country from the south and the Tibeto-Nepalese, whose ancestors entered Nepal from the north. Although intermingling between the two groups has occurred, cultural, linguistic, and religious differences exist both between and within the two groups. Differences within the Indo-Nepalese grouped are marked more by caste (a system of social hierarchy) than by ethnicity. The Tibeto-Nepalese group comprises several different ethnic groups including Bhutia, Sherpa, Gurung, Magar, Tamang, Rai, and Limbu people. Basically, the Tibeto-Nepalese are concentrated in hill and mountain and the Indo-Nepalese are concentrated in the Terai plain and inner Terai.</p> <p>As defined by Nepal Federation for Nationalities, those people having their own mother tongue, distinct traditional values, cultural identities, social structure and written/non-written lineage history are Indigenous and nationalities population and coming under the caste of tribal group defined as indigenous and nationalities population.</p>

Land Acquisition and Compensation Fixation Committee	The committee to be formed under the chairmanship of CDO for acquiring and compensating land and properties based on Land Acquisition Act of Nepal (2034) 1977.
Public Road Directives	<p>The Public Work Directives (PWD), 2002 is prepared by the Ministry of Physical Planning and Works under the Asian Development Bank Technical Assistance No. 3306-NEP for Strengthening of Project Implementation Practices.</p> <p>The PWD are intended for use of GON agencies in the implementation of central-level projects and district-level projects carried out by the regional/divisional/district offices of GON. The PWD also incorporate procedures and procurement documents for implementing small projects and thus local bodies may benefit from adopting many of the contents of the PWD</p>
Vikram Sambat (V.S.)	Name of the year followed as the national year in Nepal. VS is approximately 57 years ahead of AD year
Village Development Committee	Local level administrative unit represented by locally elected politicians.

## LIST OF ABBREVIATIONS

ADB	Asian Development Bank
AP	Affected Person
BPL	Below Poverty Level
CCV	Community Consensus Valuation
CDO	Chief District Officer
CFC	Compensation Fixation Committee
CPR	Common Property Resource
CRO	Chief Resettlement Officer
DDCs	District Development Committees
DHQ	District Headquarters
DoR	Department of Road
DSC	Design Supervision Consultants
EA	Executing Agency
GDI	Gender Development Index
GEU	Geo-environment Unit
GON	Government of Nepal
GRC	Grievance Redress Committee
HDI	Human Development Index HHs -Households
HPI	Human Poverty Index
IA	Implementing Agency Km -Kilometres
LACFC	Land Acquisition and Compensation Fixation Committee
IR	Involuntary Resettlement
MoPPW	Ministry of Physical Planning and Works
MRM	Midterm Review Meeting
NGO/s	Non Government Organizations
NRs	Nepalese Rupees
PD	Project Director
PIU	Project Implementation Unit
PM	Project Managers PPTA -Project Preparation Technical Assistance
PWD	Public Works Directives
Qty.	Quantity
RBC	Rod Brick Concrete
RCC	Rod Cement Concrete
RCSP1	Road Connectivity Sector I Project
RNDP	Road Network Development Project
RP	Resettlement Plan
SLCs	Subproject Level Committees
Sq.m.	Square Meters
SRN	Strategic Road Networks
SRS	Social / Resettlement Specialist
ToR	Terms of Reference
VDC	Village Development Committee
Yrs	Years

## Executive Summary of the Resettlement Plan

### 1. DESCRIPTION OF THE PROJECT

1. Government of Nepal (GON) has formulated a 20 Year Road Plan. One of the main objectives of the plan is development of the Strategic Road Networks (SRN). The implementing strategies of the plan include all weather road connection to the District Headquarters (DHQ) and provision of road linkages from the DHQ to the adjacent road network of the neighboring countries. The strategy adopted by the 20 Year Road Plan is aligned with the priorities set out in the Tenth Five Year Plan (2002-2007) as that plan also gives priority to constructing feeder roads and strategic roads connecting north to south.

2. The proposed Project funded by ADB under 'sector grant' envisages construction/up gradation of about 600-700 km of roads in all regions of Nepal. Out of this, a total of three roads have been identified as 'sample' Subprojects under the Road Connectivity Sector 1 Project (RCSP 1). The sample Subproject will be used as "model" for Subproject preparation for the remainder of the roads. These three sample subproject roads comprise of namely (i) Galchhi –Trishuli -Syaphrubesi (ii) Tamakoshi –Manthali -Khurkot and (iii) Phidim -Taplejung. The Department of Roads (DoR) is the primary agency responsible for Project implementation. In addition, the DoR is also responsible for preparing Resettlement Plans (RP) for the subsequent Subprojects under the grant. This RP has been prepared for Galchhi-Trishuli-Syaphrubesi Subproject under the RCSP1. The brief description of the road is given in Table 1.

**Table 1 Details of Galchhi – Trishuli – Syaphrubesi Subproject**

Districts Covered	Length (km)	Construction Details
Dhading, Nuwakot and Rasuwa	89.68	Additional roadside structures, slope protection works, bioengineering works, drainage / cross drainage works, pavement construction with DBST sealing

Source: Detailed Design, 2008

### A. PROJECT AREA AND IMPACTS

3. The road passes mostly through the rural areas and markets. Except for district headquarters and some traditional market centres (especially in Trishuli-Syaphrubesi road section where urban and semi-urban markets and settlements are present), all other settlements lying along the road are less dense and are of rural dwellings.

4. The road is aligned along the existing road. An average available width of existing road is 5.5 meters. The detail design requires a footprint width of 6 – 12 meters in different sections of the road. A land area of 8135 sq.m (0.81 ha) will be additionally required for widening the existing road to design width. A total of 369 land parcels will be affected by this acquisition. As per land survey initial finding, the number of plot owners of 369 parcels are 331, one encroacher. Of them, 250 households were interviewed and 82 were absentees at the time of survey.

5. Of the total 369 land parcels, lands plots without structures are 363 and with structures 7 including 1 encroaching staircase. The numbers of land parcels with the landowners in contact at the time of survey were 287 owned by 250 households. There are total of 2,158 affected people in 332 households.



**Table 2 Number of Affected Land Parcels**

Types of Affected Assets	Land Parcels		Land Area to be acquired (sq.m)	
	Detail Design 2008	PPTA, 2005	Detail Design 2008	PPTA, 2005
Land only	363	7	8135.82	812
Land with Structures	6	120*		
<b>Total Land Parcels</b>	<b>369</b>	<b>129</b>		

Note: \*1. This figure is reported as number of households in PPTA resettlement report and not as number of parcels. There is no record of number of land parcels with structures in PPTA report.

\*2. It can be seen that there is a large difference between both the numbers of land parcels and the area of land to be acquired (sq.m.) between the 2005 PPTA Report and the Detailed Design Report 2008. We understand this is because the PPTA Consultant estimated the affected number of land parcels based on a preliminary design. It is also understood that their estimated number of parcels required is based on an assumed 8 metre corridor width and not on detailed cadastral information. The Land and Property acquisition quantities shown in Tables 2 and 3 have been certified by the GoN Cadastral Surveyors.

6. Of the total 369 plots, 287 plot owners were identified during detail survey. Eighty Two (82) plot owners could not be met at the time of survey and taken as absentees. Consequently out of 82 absentees 7 land owners are public institutions/GoN offices. According to the census data, a total of 332 households and 2158 persons will be affected in this Subproject. The affected families and people (APs) are shown in Table 3.

**Table 3 Affected Households and APs as a Result of Land Acquisition**

Type of Asset Affected	No. of Affected HHs		No. of APs	
	PPTA, 2005	Detailed Design, 2008	PPTA, 2005	Detailed Design, 2008
Land only	7*	325*	39	2113
Land with residential structures	61	2	46	13
Land with residential cum commercial structures	41	1	20	6
Land with temporary commercial structures	18	1	5	7
Compound wall with land	0	2	0	13
Encroached with stair	0	1	0	6
Tenants of residential structures	1	0	5	0
Tenants of residential cum commercial structures	1	0	5	0
<b>Total</b>	<b>129</b>	<b>332</b>	<b>584</b>	<b>2,158</b>

Source: Affected Persons Surveys, May-June 2008

\* 82 affected land owners were absentee

7. Out of 7 affected households structures, 6 plots are plots with residential, residential cum commercial, and temporary commercial structures of 7 households including one encroaching stair case. In addition, a total of 7 common property resources (CPRs) namely

public taps will be affected. All these losses will be compensated at replacement value and/or re-established in consultation with the stakeholders.

8. The RCSP1 has the objective of avoiding involuntary resettlement wherever possible, by means of adopting an appropriate technical design, which leads to minimization of the resettlement impact. In keeping with this objective, the detailed technical design aimed at minimization of the resettlement impact by means of best utilization of the available space (i.e. an average available width of 5.5 to 6.6 meters) by avoiding private and public structures and land acquisition as far as possible. However, the Subproject construction necessitates minor acquisition, where existing alignment is insufficient to meet the requirement of new design. Specifically the land will be affected at Ratmate, Jilling, Bidur, Gerkhu and Duipipal VDCs of Nuwakot District and Laharepauwa, Dhaibung, Ramchhe, Dhunchhe and Syrubesi VDC of Rasuwa District. The extent of land requirement for the Subproject comprises of 8135.82 sq. mtrs (0.81 ha). The land to be acquired mostly comprises small strips of uncultivated land on either side of the existing road foot print. Therefore there is no major impact on the income of the affected households.

9. Of a total of 7 structures from 7 households affected as a result of the Subproject, no any annex structure will incur significant impact on the main structure but will suffer loss of only frontage and extended portion. In case of temporary commercial structure/kiosks, an attempt will be made to shift them to the end of the RoW limit to minimize impact on incomes. The details of the type and extent of losses and the discussions held with each of the affected groups is presented in Chapter 2 of the main text.

10. The updated RP is based on detailed design. This updated RP is prepared for implementation purposes by the Implementing Agency. The ADB will need to approve this report prior to the award of the contract.

## **B. RESETTLEMENT PRINCIPLES AND POLICY FRAMEWORK**

11. The resettlement principles adopted for this Subproject recognize the Land Acquisition Act, 2034 (1977) and the requirements of the Asian Development Bank (ADB) policy on Involuntary Resettlement. In addition to the Land Acquisition Act 2034 (1977). There are also other relevant acts, like; Public Road Act 2031 (1974) and other guidelines, policies and plans related to land acquisition and resettlement for the road which were also reviewed while preparing this RP.

12. The primary objective of the RP is to identify impacts and to plan measures to mitigate various losses due to of the Subproject. The RP is based on the general findings of the Affected Persons Survey, social survey, field visits, and meetings with various Subproject affected persons in the Subproject area. The principles adopted establish eligibility and provisions for all types of losses (land, structures, business/employment, and work days wages). Taking into account the various losses, the Entitlement Matrix provides for compensation and resettlement assistance to all affected persons and businesses, including the informal dwellers/squatters in the Subproject corridor of impact. Under the RP, compensation for lost assets will be paid at full replacement costs based upon the GON norms and in compliance with ADB guidelines. In addition to payments from the Chief District Officer (CDO), the APs will receive other cash grants and resettlement assistance such as shifting allowance, compensation for loss of workdays / income due to dislocation and income restoration assistance. Female-headed households and other vulnerable groups will be eligible for additional assistance.

### **C. STAKEHOLDERS' PARTICIPATION AND DISCLOSURE OF RP**

13. Local level stakeholders were consulted at different sections of the Subproject road while conducting social and poverty assessment and social impact assessment. Similarly, due consideration was also given for stakeholder consultations and community participation at different levels in the process of preparation of this Resettlement Plan. In this process, interactions with the local people were carried out during field reconnaissance surveys and Affected Persons surveys in different sections of the Subproject. At least one meeting was held in each VDC with VDC representatives. Local people's awareness about the Subproject, perceptions, advantages and disadvantages of the Subproject as perceived by them as well as their suggestions for successful implementation of the Subproject were some of the major themes of discussion in the consultations. Likewise, consultations were also carried out within the affected households about the Subproject's activities and likely resettlement impact during the course of the Affected Persons survey.

14. A summary Resettlement Plan (RP) has been translated into Nepali and has been made available to the affected people by the Department of Roads (DoR) through respective District Development Committees (DDCs) during PPTA. Nevertheless, the summary of the updated Resettlement Plan will be translated into Nepali to distribute to the APs during implementation. The Implementing Agency (IA) will further conduct public consultations during the implementation of RP throughout the Subproject implementation period. The approved RP will also be disclosed on the ADB website.

### **D. IMPLEMENTATION FRAMEWORK AND BUDGET**

15. The Ministry of Physical Planning and Works (MoPPW) will be the Executing Agency (EA) and Department of Roads (DoR) will be the Implementing Agency (IA) for this Subproject. A Project Implementation Unit (PIU) headed by the Project Director (PD) will be responsible for the overall execution of the Subproject. The PD will engage local NGO/s for implementation of resettlement plan and activities. The IA will depute an officer in charge of the land acquisition and resettlement operations, who will report to the Project Director. He/she will work in close coordination with the respective Divisional Offices under DoR, Subproject offices/ field-based offices and Project NGO/s on the day-to-day activities of the resettlement plan implementation. It may not be possible to recruit an Officer in Charge of Land Operations because there is a severe shortage of competent qualified staff in Nepal for these positions.

16. Therefore it may be necessary to entrust these responsibilities to the DoR (ADB) Project Manager for the Subproject, who has the rank of Senior Divisional Engineer.

17. A Social Development/Resettlement Specialist from the Design Supervision Consultants (DSC) will support the IA Project Officer in further minimizing the resettlement impacts and updating the RPs based on detailed design and assist in supervision and coordination of all activities related to resettlement implementation.

18. The IA will establish Subproject level offices for the sample roads headed by officers with the rank of Senior Divisional Engineer. At the Subproject level, Subproject Level Committees (SLCs) will also be established with representations from APs, political parties, vulnerable groups, business community and local NGOs. These SLCs will assist the Subproject Office and NGOs in informing people about the likely resettlement impact and solicit views of the affected people regarding compensation and relocation options.

19. The Subproject Office/field offices, Subproject level committees, Chief District Officers of the respective districts and Project NGO will execute and monitor the progress of the work. He will ensure coordination between the relevant departments, NGOs, the

Grievance Redress Committee (GRC) and the Affected Persons (APs). The concerned staff at the headquarters and in the Subproject Office / field offices related to the Subproject's resettlement activities, including PM, Revenue Department officials and NGO staff will undergo a week-long orientation and training in resettlement policy and management prior to the implementation of resettlement activities.

20. The Grievance Redress Committee (GRC) will be constituted as per the legislative provision made in Clauses 11 and 13 under Land Acquisition Act of Nepal 2034 (1977). The act assigns CDO as the solely responsible person to chair land acquisition activities and to address the grievances related to the RP implementation activities. The other members of the committee are VDC Chairpersons, two representatives from APs (one man and one woman), local representatives, NGOs and representatives from DoR in the rank of Divisional Engineer. The Project Officer or his nominee, a field-based Engineer will be the member-secretary of the committee and shall act as the Project's Grievance Officer. Normally, all the efforts are made to address the grievances at the local level in close consultation with the APs.

21. The estimated resettlement budget for the implementation of this RP is NRs. **19,013,016.7** (US\$ **279,603.18**@ NRs 68). This includes all costs related to compensation for structures, land and other benefits as per the entitlement benefits, plus RP administration costs, and trainings/capacity buildings.

## **E. MONITORING & EVALUATION**

22. The RP will have both internal and external monitoring. Internal Monitoring will be a regular activity for PIU and it will oversee the timely implementation of R&R activities through their Sub-project Office /field offices and NGOs. The Department of Roads will establish a quarterly monitoring system and prepare progress reports on all aspects of land acquisition and resettlement activities. Quarterly report of RP implementation will be submitted by DoR to ADB. The RP implementation activities will be monitored internally by DoR, and evaluated externally once in six months through an independently appointed agency, which will provide feedback on RP implementation to both EA/IA and to ADB. External monitors will be hired by the DoR with ADB concurrence.

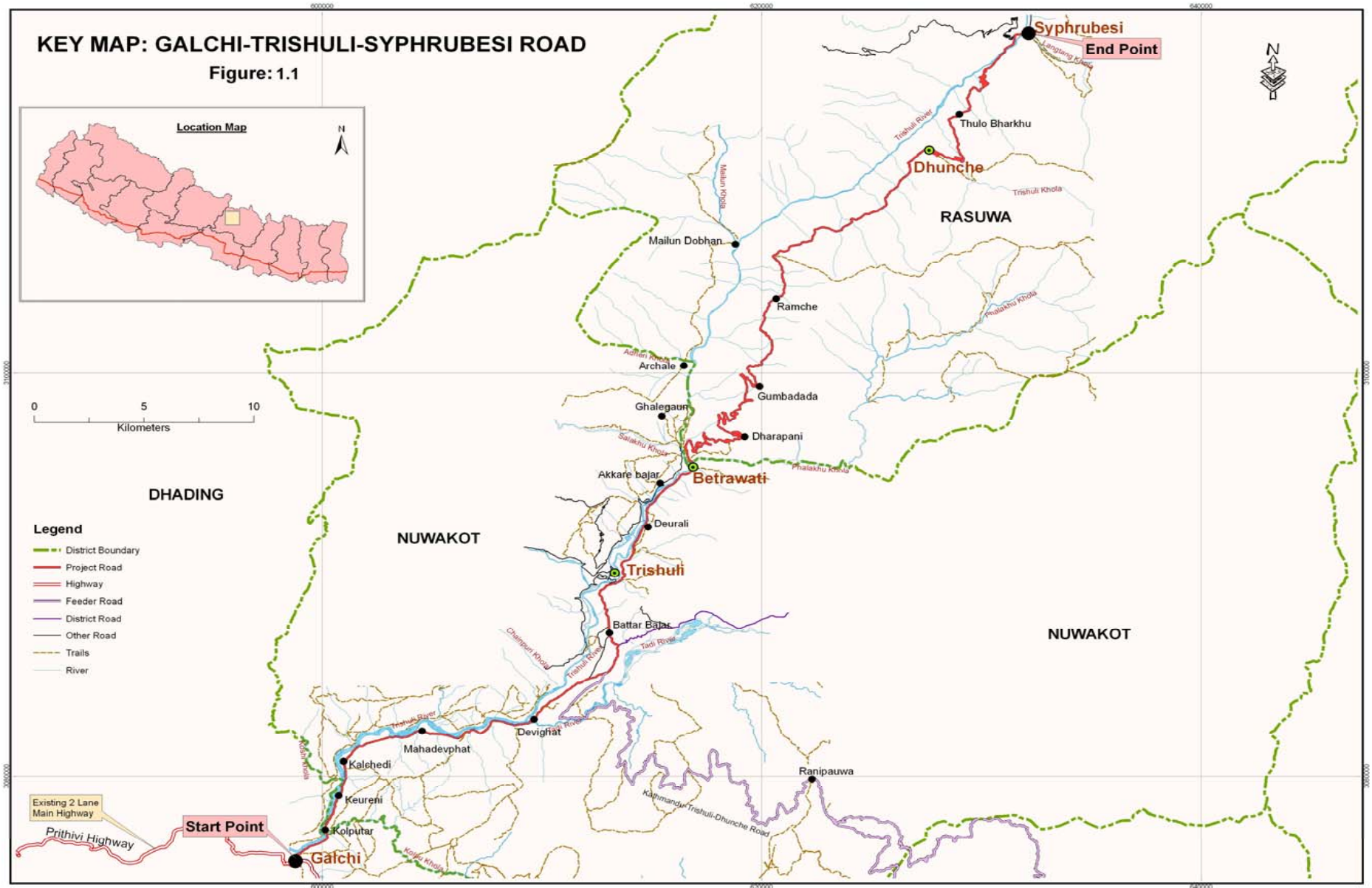
## **1. THE PROJECT BACKGROUND**

### **1.1. Project Description**

23. Government of Nepal (GON) has formulated a 20-Year Road Plan with the main objective of developing Strategic Road Network (SRN). Some of the specific objectives of the 20-Year Road Plan also include (i) strengthening political and administrative linkages (ii) poverty alleviation (iii) development and utilization of social, economic and cultural potentials (iv) minimization of total transportation cost and (v) minimization of adverse effects on the environment. The implementing strategies of the Plan also include connecting the District Headquarters (DHQ) and providing road linkage to the DHQ with adjunct road networks of neighboring countries. The strategy adopted by the 20-Year Road Plan aligns with the priority set-forth by the Tenth Five Year Plan (2002-2007) and gives attention to the construction of low cost feeder roads and strategic roads connecting North to South.

24. The objective of the Road Connectivity Sector I Project- Nepal (RCSPI) is to provide assistance to GON for improvement of feeder roads connectivity to rural areas and to increase the capacity and efficiency of the road network in the country. The Project funded by ADB under 'sector grant' envisages construction/up gradation of about 600-700 km in all regions of Nepal. Out of this, a total of three roads have been identified as 'sample' subprojects under the RCSPN Project Preparation Technical Assistance (PPTA) which will be used as "model" for project preparation for the remainder of the roads. These three sample subproject roads comprise of namely (i) Galchhi – Trishuli -Syaphrubesi (ii) Tamakoshi –Manthali -Khurkot and (iii) Phidim -Taplejung. The Department of Roads (DoR) is the primary agency responsible for Project implementation. In addition, the DoR is also responsible for preparing Resettlement Plans (RP) for the subsequent subprojects under the grant. This RP has been prepared for Galchhi-Trishuli-Syaphrubesi Subproject under the RCSP1. Figure 1.1 below provides a map of the Subproject area showing the Subproject road.

Figure 1.1 Location Map



25. This Resettlement Plan (RP) has been prepared for the improvement of Galchhi - Trishuli - Syaphrubesi Subproject with a total length of 89.68 km. The major activities to be carried out under RCSP1 comprise of - (i) drainage improvement, (ii) minor realignment of the Subproject road, and (iii) pavement improvement and minor widening. A description of the sample Subproject road is provided in Table 1.1 below. The existing road centerline has been generally maintained in the detailed design, which minimizes resettlement and still meeting the minimum geometric standards of the feeder roads. The possible to shift the road centerline to one or other side to minimize resettlement, particularly at locations where the affected structures fall along one side only has been considered. Further reduction of corridor of impact is received through modification of wall and drain sections adopting the types that require least width in plan.

**Table 1.1 Details of Galchhi – Trishuli – Syaphrubesi Subproject**

District	Length (km)	Construction Details
Dhading, Nuwakot and Rasuwa	89.682	Additional roadside structures, slope protection works, bioengineering works, drainage / cross drainage works, pavement construction / sealing with DBST

Source: Detailed Design - June 2008

## 1.2. Project Benefits and Impacts

26. The Subproject road traverses through the three districts namely, Dhading, Nuwakot and Rasuwa, providing access to the National Highway (NH) named Prithvi Rajmarg at Galchhi of Dhading District (approximately 47 km west from the national capital - Kathmandu). Reductions in traveling time due to improvement of the Subproject and direct linkage with National Highway are two of the major benefits of the Subproject. In addition, it is also anticipated that implementation of this Subproject may bring several positive impacts in the socio-economic scenario of the Subproject districts thereby contributing towards poverty reduction in the area. Employment opportunity during construction period, scope of emerging several economic activities, like; development of market center, tourist center, easy transport facilities to export and import goods from and to the Subproject districts, increase in land price along the road in the Subproject districts, scope of developing other infrastructure development and economic diversification activities are some of the apparent beneficial impacts of the Subproject. The Subproject is anticipated to bring immediate market area development and socio-economic changes in Galchhi in Dhading District located at 0+000 chainage of the road section since Galchhi is situated at the junction of a national highway which connects most of the districts in both eastern and western regions of the country. In addition, the Subproject construction will enhance the scope for developing the pilgrimage center at Devighat of Nuwakot located at km 16+000. Likewise, the improvement of the Subproject is also expected to increase the number of tourists visiting Langtang snow peak for trekking and Gosaikunda Lake of religious significance thereby contributing to tourism development and employment creation for the local population in Dhunche of Rasuwa District.

27. The road is aligned along the existing road. An average available width of existing road is 5.5 meters. The detail design requires a footprint width of 6 – 12 meters in different sections of the road. The acquisition of 8135.82 sq.mtrs (0.81 ha) will be required for widening the existing road to design width in different sections of the alignment. However, the Subproject construction necessitates minor acquisition, where existing alignment is insufficient to meet the requirement of new design. Specifically the land will be affected in Ratmate, Jillig, Bidur, Gerkhu and Duipipal VDCs of Nuwakot District and Laharepauwa, Dhaibung, Ramchhe, Dhunchhe and Syprubesi VDC of Rasuwa District. The PPTA estimated the extent of land requirement 812.59 sq. metres of uncultivated land only in the

landslide area (chainage 64+900 to 65+100) and not in other sections of the alignment. The detailed design RP survey measured the land acquisition requirement in different sections along the alignment. A total of 369 land parcels (with and without structures) will be affected. The nature of other resettlement impacts identified in the Subproject comprise of impact on land with residential structures, residential cum commercial structures and loss of their businesses, temporary structures, and common property resources including public taps. The RCSP1 has its objective of avoiding involuntary resettlement wherever feasible by means of adopting an appropriate technical design, which leads to minimization of the resettlement impact. The number of structures has been accordingly substantially decreased in comparison to PPTA. However the technical design required strips of land at most of the alignment to widen the road to feeder road standard. Hence the number of land parcels has increased.

28. Of the total 369 affected land parcels, the number of parcels without structures are 363 and with structures 6. Total numbers of affected households are 332 (i.e. 331 official land owner and one encroaching HHs). Interviewed households were 250 and absentees 82.

**Table 1.2 Number of Affected Land Parcels**

Types of Assets Affected	Land Parcels		Land Area to be acquired (sq.m)	
	Detailed Design, 2008	PPTA, 2005	Detailed Design, 2008	PPTA, 2005
Land only	263	7	8135.82	812
Land with Structures	6	120*		
<b>Total Land Parcels</b>	<b>369</b>	<b>129</b>		

Note: \*This figure is reported as number of households in PPTA resettlement report and not as number of parcels.

29. The total population in 250 interviewed households was 1625. The household size is 6.5. The population of absentee land owners is estimated as 533 by the household size of 6.5. The total affected people in 332 household are 2,158. The affected families and affected people (APs) are shown in Table 1.3.

**Table 1.3 Affected Households and APs**

Type of Asset Affected	No. of Affected HHs		No. of APs	
	PPTA, 2005	Detailed Design, 2008	PPTA, 2005	Detailed Design, 2008
Land only	7*	363*	39	2113
Land with residential structures	61	2	46	6
Land with residential cum commercial structures	41	1	20	7
Land with temporary commercial structures	18	1	5	6
Compound wall with land	0	2	0	13
Encroached with stairs	0	1	0	6
Tenants of residential structures	1	0	5	0
Tenants of residential cum commercial structures	1	0	5	0
<b>Total</b>	<b>129</b>	<b>369</b>	<b>584</b>	<b>2158</b>

Source: Affected Persons Survey, May-June 2008

- 82 affected land owners were absentees



30. The impacts of the Subproject include the loss of a portion of land of each of 369 plots of 331 households. Of the total affected plots, 363 are agricultural lands of 325 households with 2,113 people. 6 plots are plots with residential, residential cum commercial, and temporary commercial structures of 6 households, remaining one is encroach staircase. In addition, a total of 7 common property resources (CPRs) namely public taps will be affected. All these losses will be compensated at replacement value and/or re-established in consultation with the stakeholders.

31. The Subproject construction necessitates minor acquisition, where the existing alignment is insufficient to meet the requirement of the new design. Specifically minor land acquisition is necessary through out the alignment. The extent of land requirement for the subproject comprises of 8135 sq. metres (0.81ha). The land to be acquired mostly comprises small strips of uncultivated lands in either side of the existing road foot print thereby having no major impact on the income of the affected households. Of a total of 7 structures from 7 households getting affected as a result of the Subproject, no any structures will impose a significant impact. In case of temporary commercial structures, attempts will be made to shift them to the end of the RoW to minimize impact on incomes. The details of the type and extent of losses and discussions held with each of the affected groups is presented in Chapter 2 of the main text.

### **1.3. Measures to Minimize Impact**

32. As an approach to reduce resettlement impact, the detailed design has taken primarily 6.5 meters width for the single lane carriageway including hard shoulders and side drain. The detailed design width ranged from 6 - 12 meters in different sections of road alignment as technically required. Principally, the Design Standards of Feeder Roads (Third Revision, GON, DOR, 1997) has been followed as the basis for the technical design of this Subproject. Based on the design standards, an average width of formation, carriageway and shoulders was estimated as 8 m in the 2005 PPTA for low trafficked Feeder Roads. However the numbers of plots (369) affected as per the new detailed design has increased against the 127 number of affected estimated by the PPTA, 2005.

33. The other resettlement impacts identified in the Subproject comprise of impact on land with residential structures, residential cum commercial structures and loss of their businesses, temporary structures and common property resources. The detailed design minimized the resettlement impact to 7 structures against the 120 identified by the PPTA, 2005. The impacts on the tenants of the structures are also accordingly reduced. None of the tenants were identified at the time of survey.

### **1.4. Objective of the Resettlement Plan**

34. The Resettlement Plan (RP) is guided by the ADB Policy on Involuntary Resettlement, Land Acquisition Act of Nepal 2034 (1977) and other relevant policies and guidelines related to feeder roads. The main objective of the Plan is to identify impacts and to plan measures to mitigate various losses due to the Subproject. The Plan also aims to provide effective guidelines to the GON for RCSP1 Implementation Management, to address the identified resettlement impacts as per the Plan and to ensure that the households and people affected due to the Subproject are compensated under the prevailing legal norms of GON in keeping with the ADB guidelines. The RP has been prepared taking into account the general findings of the field reconnaissance survey, 100 percent Census of Subproject affected households and socio-economic survey of 20 percent of the population in the Subproject road area, meetings with line agencies and consultation with various stakeholders in the Subproject area at district and local levels. The RP identified:

- Type and extent of losses;

- Principles and legal framework applicable for mitigation of losses;
- Entitlement matrix, based on the inventory of loss,
- Provisions for relocation assistance and restoration of businesses/income;
- Budget and institutional framework for the implementation of the Plan
- Monitoring of the RP measures.

## 2. THE PROJECT AREA: SOCIO-ECONOMIC PROFILE AND SURVEY

35. This chapter presents an overview of the Subproject area and an analysis of the impacts based on the Census conducted in the Subproject area. The main objective of the impact analysis is to develop the profiles of APs and communities affected by the Subproject along with identification of the nature and types of losses to prepare inventory of the affected assets.

### 2.1 The Subproject Area

36. The proposed Subproject road passes through the three districts - Dhading, Nuwakot and Rasuwa. The majority of the road sections pass through Nuwakot and Rasuwa Districts with the exception of only a small section traversing through Dhading District. The Subproject includes improvement and upgrading of 89.68 km of road connecting Galchhi of Dhading District to Syaphrubesi of Rasuwa District. The 0+000 chainage of the road starts at Galchhi of Dhading District located at a distance 47 km west of Kathmandu and linking the starting point with the Prithvi Rajmarg (National Highway). As per the existing alignment, about 4 km of road section from Devighat to Trishuli is bituminous. The rest of the section is graveled/fair-weather road.

37. The Subproject road passes through river valleys which are agricultural areas. The Subproject road is a critical link between highland and lowland facilitating the movement of food, goods and other services. As a result of it, the settlements in and around the roadsides are increasing because of accessibility and other opportunities along the Subproject road leading to the gradual development of various market centers along the road.

38. The major ethnic IP groups present along the Subproject area comprise of Tamang and Newars (advanced IP). Other major caste groups are Brahmin and Chettri. Agriculture, dairy and small enterprises such as hotels and restaurants are some of the major economic activities in the Subproject area.

39. The Municipalities and VDCs coming under the Subproject Districts are provided for in Box-1.

**Box-1:**  
**VDCs & Municipalities in Galchhi-Trishuli-Syaphrubesi Subproject**

- a. **Dhading District:** *Baireni, Gaganpani VDCs*
- b. **Nuwakot District:** *Jiling, Ratmate, Dui Pipal, Gerkhu VDCs and Bidur Municipality*
- c. **Rasuwa District:** *Laharepauwa, Dhaibung, Ramche, Dhunche, and Syapru VDCs.*

40. The Subproject entails - (i) improvement of carriageway of 3.5 m. width (ii) upgrading of hard shoulders of 0.5 m on each side (iii) construction of drains with an average 1 m. width or as required and construction of retaining walls in some sections to prevent land slides in the Subproject. In some locations a further 2.5 meters is required for passing bays.

## 2.2 Socio-Demographic Profile

41. The average family size in the Subproject area is relatively high at 6.49 against the national average of 5.48. A brief population profile of the project districts is given in Table 2.1.

**Table 2.1 Social-Demographic Profile of the Subproject Area Districts**

Districts	Population Number			%	No. of HHs	Average HH Size	Area in Sq. Km.	Population Density
	Total	Male	Female					
<b>A. All-Nepal</b>	26,966,581	13,515,938	11,563,921	-	4,919,666	5.48	147,181	183.46
<b>Rasuwa</b>	51,276	26,772	24,504	0.19	9968	5.14	1,544	33
<b>Nuwakot</b>	322,825	159,725	163,100	1.25	59,499	5.42	1,121	288
<b>Dhading</b>	38,8211	190,134	198,078	1.46	71,942	5.40	1,926	202

Source: 2008 Estimate based on National Census, 2001

## 2.3 Economic Profile

42. The economy of the Subproject districts is primarily based on subsistence agriculture with small presence of commercial enterprises to earn small cash income. Agriculture is basically concentrated to meet the food requirements of the family. Generally, cash income is also generated from dairy, vegetable production, fruit production, and small cottage industries. Dhading and Nuwakot Districts have various river valleys where paddy is produced. The economy of these two districts is based on agriculture, but households are also involved in other sources of income, vegetable production for instance. Rasuwa is located on high altitude and thus it cannot produce sufficient amount of paddy. Maize and millet are the staple crops of this district. Animal husbandry, dairy product and tourism are other major sources of income of this district.

## 2.4 Poverty Status

43. Based on National Census, 2001 and Nepal Human Development Indicators, 2004, poverty status of the Subproject districts is lower than the national level. Table 2.2 provides a synopsis on the development indicators including poverty index in the Subproject Districts.

**Table 2.2 Development Indicators of the Subproject Area Districts**

Location	HDI (Rank)	HPI (Rank)	GDI (Rank)
<b>All-Nepal</b>	<b>0.471</b>	<b>39.6</b>	<b>0.452</b>
<b>Rasuwa</b>	0.394 (62)	54.4 (67)	0.376 (60)
<b>Nuwakot</b>	0.463 (38)	43.8 (41)	0.445 (37)
<b>Dhading</b>	0.410 (55)	47.7 (51)	0.394 (53)

Source: National Census (2001) report; Nepal Human Development Report 2004 by UNDP: 141-170

## 2.5 Survey

44. A survey of the Subproject affected households was carried out along the road in the months of May and June 2008. The census was carried out based upon the detailed design drawings prepared by the technical team. Samples of typical Cross Sections are shown in Annex III. The affected families were interviewed in the Subproject corridor by using structured questionnaire and discussions with the APs and other local people.

45. The main objective of the survey was to prepare an inventory of all the affected assets and affected households. Another objective of the survey was to estimate the extent of resettlement impacts due to the Subproject implementation and to prepare a Resettlement Plan accordingly for compensating and providing necessary assistance to the eligible affected people based on ADB guidelines and prevailing law of Nepal. All the affected assets and families were identified and head of the affected households or representatives were interviewed through the structured questionnaire followed by preparation of inventory of all the affected assets during the census survey. In this Subproject, a total of 348 affected families were identified as having impact caused by the acquisition of residential structures, residential cum commercial structures, land, and shifting of temporary movable kiosks. Except for 98 absentee families suffering from impact on their land all of the 250 households were interviewed during the census.

46. The Summary of the total affected households and affected persons by the Subproject is presented in Table 2.3.

**Table 2.3 Summary of Affected Households and Affected Families**

Subproject	Total Affected Households	Total Affected Persons
Galchhi-Trishuli-Syaphrubesi Road	332	2158

Source: Affected Persons Survey, May – June 2008

47. Of 250 interviewed affected households in the Subproject area, 115 were identified as ethnic/ indigenous people. Other occupational caste groups, *Dalits* were 7 and others including *Brahman*, *Chhetris* were 128 households. Based on the census and field observation the households belonging to *Janajati* and *Dalit* will have an insignificant impact due to the Subproject. Such minority groups are also found assimilated and absorbed with other caste groups sharing common social values, norms and culture. Table 2.4 provides the distribution of affected households by ethnic and caste group categories.

**Table 2.4 Affected Households by Ethnic and Caste Group Categories**

Affected Households Type	No. of Affected HHS	Percentage
Janajati/ IPs including Advanced IP Newar (24 hhs)	115	34
Dalit	7	2
Other Caste Group	128	39
Absentee	82	25
<b>Total</b>	<b>332</b>	<b>100</b>

Source: Affected Person Surveys, May-June 2008

\* Absentee households having effect on agriculture land

## 2.6 Social Profile of the Affected Households

### 2.6.1 Literacy and Education

48. Out of a total 250 interviewed affected households, 45 percent respondents comprised of illiterates, followed by 29 percent functionally literate (can read and write) respondents. Remaining 26 percent comprised of a mixed group of those with primary, lower secondary, secondary, SLC level and above. Table 2.5 provides proportionate distributions of literacy and educational status of the respondents of affected households.

**Table 2.5 Educational Status of the Respondents of Affected Households**

Educational Status	No.	Percent
Illiterate	113	45
Literate (can read and write)	72	29
Primary	7	3
Lower Secondary	18	7
Secondary	13	5
SLC	13	5
Above SLC	14	6
Total Reported	<b>250</b>	<b>100</b>
Not Known/Reported	82*	-
<b>Total</b>	<b>332</b>	

Source: Affected Persons Survey, May – June 2008

\* Absentee land owners

49. The male literacy status in the Subproject area was 57 whereas it was reported 43 percent in the case of female respondents. Table 2.6 indicates the distribution of male / female literacy status in the Subproject area.

**Table 2.6 Literacy Status of the Family Members of the Households**

Reported HHs No.	Total Literate Family Members	Male Literate		Female		Not Reported (HHs)
		No.	Percent	No.	Percent	
250	889	507	57	382	43	82*

Source: Affected Persons Survey, May - June 2008

\* Absentee land owners

### 2.6.2 Age Group of Household Population

50. With regard to average distribution of households by age group in the Subproject area, about 61 percent population comes under the category of 15 - 60 years age group. It is 29 percent among below 15 years age group and 10 percent above 60 years age group. Distribution of reported family members of the Subproject by age group is given in Table 2.7.

**Table 2.7 Average Family Size Age Group in the Subproject Area Reported HHs**

Reported HHs	Not Reported HHs	Total Family Members	HH Population by Age Group					
			Below 15 Yrs.		15-60 Yrs.		Above 60 Yrs	
			No.	%	No.	%	No.	%
250	82	1625	471	29	991	61	163	10

Affected Persons Survey, May – June 2008

\* Absentee land owners

## 2.7 Economic Profile

### 2.7.1 Occupational Background of the Households

51. The survey of Affected Persons revealed that a majority of the affected households are by and large dependent on more than one source of income for the fulfillment of their livelihood needs. Agriculture with other allied subjects and business enterprises were identified as the main source of livelihood. Major occupations amongst the Subproject affected households were agriculture with other livelihood support job 66.8%, followed by businesses 18.2%. Other sources include service pension 8.3% and wage labour 2.2%. Collectively, agriculture, including livestock, cottage industry and small business have been reported to be the main sources of income of all the affected households. There is an overlapping with respect to main sources of income amongst the affected households. The distribution of interviewed household in terms of main sources of household income is given in Table 2.8.

**Table 2.8 Main Sources of Income of Interviewed Households**

Sources of Income	Affected Households Reported	
	In No.	In Percentage
Agriculture	12	4.5
Agriculture & Livestock	19	7.6
Agriculture, Livestock, Service/ Pension & Wage Labor	54	21.6
Agriculture & Cottage Industry	0	0.00
Agriculture & Business	7	2.7
Agriculture, Business & Rental of Commercial Structures	6	2.3
Agriculture, Business & Service/ Pension	7	3.0
Agriculture, Business & Wage Labor	5	1.9
Agriculture & Rental of Commercial Structures	1	0.4
Agriculture, Rental of Commercial Structures & Service/ Pension	2	0.8
Agriculture & Service/ Pension	11	4.2
Agriculture, Service/ Pension & Wage Labor	1	0.4
Agriculture & Agriculture Labor	11	4.2
Agriculture & Wage Labor	30	12.1
Agriculture & Other( small business, seasonal migration)	2	0.8
Cottage Industry	1	0.4
Cottage Industry & Other	4	1.5
Business	4	1.5
Business & Rental of Commercial Structures	3	1.1
Business, Rental of Commercial Structures & Service/ Pension	5	1.9
Business & Service/ Pension	9	3.8
Business & Other	9	4.9
Rental of Commercial Structures	7	2.7
Rental of Commercial Structures & Service/ Pension	1	0.4
Service/ Pension	21	8.3
Wage Labor	6	2.2
Total HHs Not Reporting Sources of Income	12	4.9
Total Affected Households	250	100

Source: Affected Persons Survey, May – June 2005

52. Out of total 1625 APs, 934 persons are found to be economically active in the Subproject area. Among them 46% females reported of being economically active against the males 54% indicating that the females in the Subproject area are also playing a prominent role in the income-generation sphere. Table 2.9 provides breakdown of the economically active population of the Subproject area by sex. While age-factor is taken as economically active population, 61% of the population are of the age-group 15 – 60 and taken as economically active.

**Table 2.9 Breakdown of Economically Active Population by Sex**

Total Number of Female Involved in Income Generation		Total Number of Male Involved in Income Generation		Total number of APs Involved in Income Generation	
No.	Percent	No.	Percent	No.	Percent
432	46	502	54	934	100

Source: Affected Persons Survey, May – June 2008

### 2.7.2 Average Annual Income and Poverty Status

53. As an approach to assess the poverty status of the interviewed households the respondents were also asked about the average annual income of their family from different sources. As per the government poverty line, minimum per capita required to secure above poverty level in the Subproject districts is NRs. 8069.60. On this basis, the minimum household income above poverty level was determined by multiplying the per capita amount by the average family size of Subproject districts, which is 6.49. According to this, the minimum household income was fixed to be NRs. 52,372 to be above the poverty level in the Subproject area.

54. Based on this calculation, 48 households in the Subproject area were identified to be Below Poverty Level (BPL) in terms of their average annual household income. Table 2.10 provides breakdown of the affected households as per the average annual income range.

**Table 2.10 Average Annual Income of the Affected Households (NRs)**

Income Range	Affected Households	
	In No.	In Percent
BPL (<NRs 52,372)	48	19
Above BPL Up to 55,000	22	9
> 55,000 – 100,000	105	42
> 100,000 – 150,000	40	16
> 150,000	35	14
Total Interviewed HHs	<b>250</b>	<b>37</b>
<b>Not Reported HHs</b>	<b>82</b>	<b>100</b>
<b>Total</b>	<b>332</b>	

Source: Affected Persons Survey, May – June 2008

\* 82absentee land owners

55. The poverty status of Subproject VDCs is given in the Table 2.11. The poverty incidence is higher (43.9) at project VDCs level than the poverty level (19) at the direct impact zone of road alignment.



**Table 2.11 Poverty Incidence in Project VDCs**

Project VDCs by Districts	Ilaka Code	Poverty Incidence
<b>Dhading (43.3)</b>		
Baireni	3012	47.2
Gaganpani	3008	39.1
<b>Nuwakot (37.4)</b>		
Jiling	2804	37.7
Ratmate	2804	37.7
Dui Pipal	2804	37.7
Gerkhu	2809	36.1
Bidur Municipality	2814	14.3
<b>Rasuwa (50.9)</b>		
Laharepauwa	2904	50.3
Dhaibung		
Ramche	2904	50.3
Dhunche	2901	54.0
Syapru	2909	36.9

56. In the Subproject area, of the 250 respondent households, 133 (53%) come under the ethnic/ indigenous people. Other caste groups are 47%. Of the total IPs, 10% have been reported of falling under Below Poverty Level (BPL). In other castes 9% are below poverty level. Table 2.12 provides breakdown on poverty status of the affected households by ethnic/indigenous/occupational and other caste groups.

**Table 2.12 Poverty Status by Ethnic/Indigenous & Other Caste Groups**

Affected Households Type	Ethnic/Indigenous/ Occupational Caste Groups		Other Caste Groups		Total	
	Number	Percent	Number	Percent	Number	Percent
BPL HHS	25	10	23	9	48	19
Above BPL HHs	108	43	94	38	213	81
<b>Total</b>	133 (100%)	53	117 (100%)	47	<b>250</b>	<b>100</b>
Not Reported	-	-	-	-	82*	-
<b>Total</b>	-	-	-	-	<b>331</b>	

Source: Affected Persons Survey, May-June 2008

\* Absentee households having effect on agriculture land

57. The above table indicates that 19% of the affected people comprise of BPL households thereby necessitating assistance and appropriate measures for them.

### 2.7.3 Main Income Earners

58. In the Subproject area, both male and female were reported to be active earners of the affected households. Of the total interviewed 250 affected households, 70 percent reported that there is equal involvement of both male and female in earning activities. In terms of comparative distribution of male-female involvement in such activities, female's involvement in main income earning was reported to be 2% against the males 28% in the Subproject area. This can be primarily attributed to higher proportion of female's involvement in agriculture sector as in most of the districts of the country. Table 2.13 presents distribution of main income earners according to sex.

**Table 2.13 Main Earners in the Subproject Area**

Main Income Earners				Equal Involvement of both Male & Female		Not Known		Total	
Male		Female		No.	Percent	No.	Percent	No.	Percent
No.	Percent	No.	Percent						
70	28	5	2	175	70	-	-	250	100

Source: Affected Persons Survey, May – June 2008

## 2.8 Gender Impacts of the Subproject

59. Illiteracy, lack of ownership of property, lack of decision making authority, extensive involvement in household activities are some of the basic indicators of female's socio-economic status in the Subproject area. With a view to assess different gender related issues and impacts associated with the Subproject, special focus was made during the social impact analysis in the subproject to look into the gender status in the Subproject districts. Based on literature review and the findings of focus group discussions during Social Impact Assessment, some of the key gender indicators and status is discussed below:

### 2.8.1 Gender Status

60. All the three Subproject districts have lower Gender Development Index (GDI) than the national average. The national average is calculated as 0.452. The GDI is calculated based on life expectancy, educational attainment and income in accordance with the disparity in achievement between women and men, and reflects the status of women in the society. The overall GDI of the country is at lower scale indicating various gender related discriminations in development achievements. Table 2.14 shows the position of different Subproject districts in terms of GDI.

**Table 2.14 Gender Development Index (GDI) in Subproject Districts**

District	Gender Development Indicator
Rasuwa	0.376 (60)
Nuwakot	0.445 (37)
Dhading	0.394 (53)
<b>All-Nepal</b>	<b>0.452</b>

Source: National Census (2001) Report; Nepal Human Development Report 2004 by UNDP: 141-170.

## 2.8.2 Education Status of Women

61. Female illiteracy has also been identified to be higher in all Subproject districts. Amongst the three Subproject districts, female illiteracy has been identified as highest in Rasuwa District. **Table 2.15** shows comparative illiteracy status between male and female population in the country and Subproject districts.

**Table 2.15 Illiteracy Rate in the Sub-project Districts by Sex**

District	Total	Male (%)	Female (%)
Nuwakot	42.47	30.76	53.92
Rasuwa	60.00	50.94	70.01
Dhading	48.41	37.01	59.21
<b>All Nepal</b>	<b>39.75</b>	<b>28.36</b>	<b>51.06</b>

Source: National Census, CBS, Nepal 2001

## 2.8.3 Ownership of Property

62. As Nepal is basically a patriarchal society, household property is mainly owned by male members. However, there are some variations within the country, which is mainly because of the cultural reasons. For instance, the empowerment of women within the family is considered high among the indigenous people compared to other caste groups.

63. The ownership of various types of property by women is shown in Table 2.16. The table shows that very few women have ownership of household property. For example, at the country level in only 5 percent households' women have ownership of some land and an equal number of households have women having ownership of some livestock. Women's ownership of other properties like house, and a combination of these assets is extremely low reflecting their weak socio-economic status in the society.

**Table 2.16 Households having Women's Ownership on Various Properties**

Ownership	Nepal(%)	Subproject Districts		
		Nuwakot(%)	Rasuwa(%)	Dhading(%)
Houses only	0.78	0.38	0.34	0.27
Land only	5.25	4.41	2.71	3.61
Livestock only	5.42	9.80	7.53	11.57
House and land only	3.86	2.59	1.24	2.25
House and Livestock only	0.09	0.11	0.10	0.13
Land and livestock only	0.94	1.57	0.76	1.45
House, land and Livestock	0.78	1.19	0.76	1.18

Source: National Census, CBS, Nepal 2001

#### **2.8.4 Women's Work Participation**

64. Women in the Subproject area were extensively involved in farming, cattle rearing and household activities. However, few women were reported to be engaged in other activities apart from household and agricultural activities. Such as vegetable farming and dairy products, mobile traders and settled traders, operating tea and other small shops.

#### **2.8.5 Mobility Pattern**

65. In Nepalese society, especially in the rural areas women's mobility is limited to household work, agricultural activities and visiting the relatives. However, the mobility of ethnic (Janajati) and the indigenous group's women are more free primarily due to the higher position of women in these groups. But the recent trend has been that, irrespective of caste and ethnic group, women in the Subproject districts have reported visiting district headquarters and nearby markets to process grain in the mills and to sell fruits, vegetables, dairy products and buy things required in the household. In addition, in the Subproject districts, it has been reported that women's mobility has been gradually increasing due to provision of their involvement in several development and social service related activities, like; to serve as Female Community Health Volunteers for the health centres, for the formation and mobilization of women's user committee like; community forest users' group. The Subproject construction is further being seen as a factor that will also enhance the mobility pattern of women.

#### **2.8.6 Decision-making Status**

66. The interactions and discussions held in the Subprojects area revealed that usually in rural areas, women are given responsibility to take some decisions in farming, trade and household affairs. But, the same needs to be agreed to by the head of household or other male counterparts or senior family members. However, some changes are also seen in recent times as a result of the social organizations of women. With increasing number of women groups being formed, women are slowly gaining a say in community level decision making. The presence of a number of saving and credit groups and self-help groups of women was noticed in the Subproject area which is providing a collective decision-making strength to women.

#### **2.8.7 Subproject's Impact on Women**

67. One of the most important benefits as perceived by women with regard to the Subproject is that the improvement of road will provide easy access to reach health facilities particularly during child-bearing. Besides, discussions among the women revealed that the improved transport facilities will greatly benefit their mobility by reducing the travel time. Similarly, improvement of the road has been as an opportunity by women engaged in small trade for selling and purchasing goods. Likewise, they were also of the opinion that commencement of Subproject may also provide them employment opportunity during construction phase.

68. Some of the possible negative impacts of the Subproject as voiced by women in the Subproject area are - (i) speeding vehicles might lead to traffic accidents (ii) women's mobility may be disturbed due to visit of outsiders in the villages during construction phase. However, the Census brought forth that the Subproject construction will affect 22 female headed households.

## 2.9 Types of Subproject Impacts and APs

69. A total of 348 households were identified to be affected by the Subproject. Out of the total affected households, 338 (93%) households will suffer loss of land, 10 (3%) households will incur impact on land with house and other structures. Of the total land with structures, 5 are residential type structures with 1 residential cum commercial type. One other parcel has land with temporary commercial structures. Two are compound walls and one is a staircase encroaching within the road footprint. Details are given in the Table 2.17.

**Table 2.17 Affected Households and APs in Galchhi-Trishuli-Syaphrubesi Subproject**

Type of Asset Affected	No. of Affected HHs		No. of APs	
	PPTA, 2005	Detailed Design, 2008	PPTA, 2005	Detailed Design, 2008
Land only	7*	325*	39	2113
Land with residential structures	61	2	46	13
Land with residential cum commercial structures	41	1	20	7
Land with temporary commercial structures	18	1	5	6
Compound wall with land	0	2	0	13
Encroached with stair	0	1	0	6
Tenants of residential structures	1	0	5	0
Tenants of residential cum commercial structures	1	0	5	0
<b>Total</b>	<b>129</b>	<b>332</b>	<b>584</b>	<b>2,158</b>

Source: Affected Persons Survey, May-June 2008

\*82 affected land owners were absentees

70. Of the total 369 affected families, interviews were carried out with 250 affected families during the census based on their assets inventory and effects. The remaining 82 families undergoing loss of land were absentees.

71. The Subproject will improve the existing alignment for single lane traffic (within the existing road corridor). Despite the limited nature of Subproject design, the structures will be affected in the subproject sections.

### 2.9.1 Impact on Socially Vulnerable Groups

72. Out of 250 interviewed affected households, a total of 89 households with repeat cases were identified as vulnerable in the Subproject area. The major vulnerability indicators in the Subproject area were dominance of households below the poverty level and female headed households. Table 2.18 presents details on vulnerability categories of the Subproject

73. Although the Subproject has 48 BPL households, none of these households will undergo significant impact due to the Subproject in terms of loss of assets and income. However, none of the structure affected households were found to be IP families and BPL which falls under the above mentioned vulnerability category.

74. The Subproject will not have any significant impact to the minority and endangered IPs. It is pertinent to note that most of the ethnic groups along the road in the Subproject area share common social norms and are integrated into the mainstream.

75. However, based on the government policy and ABD guidelines' focus on considering the ethnic/indigenous groups in the development project, the RP has made provision of additional financial assistance to the vulnerable APs like; female headed households, elderly headed households, households having disabled family members and below poverty level @ NRs. 2,000 per family for the period of three months as a transitional allowance to manage from the likely affect due to the Subproject. The amount was estimated based on consultation made with such APs and local NGOs.

**Table 2.18 Vulnerability Status of the APs of Affected Households**

Vulnerability Category	PPTA, 2005	Detail Design 2008	
		No.	%
Female Headed Households	-	22	9
Having Disabled Members	2	0	0
Having Elderly Members	1	12	5
Below Poverty Level	47	48	19
Schedule Caste/ <i>Dalit</i> (occupational caste groups) <sup>1</sup>	1	7	2
Endangered and Minority IPs	61	-	-
<b>Total Vulnerable Affected Peoples (APs)</b>	<b>112</b>	<b>89</b>	<b>35</b>
Non Vulnerable households	15	63	25
Absentee Land Owners	2	98	39
<b>Total Interviewed Affected households</b>	<b>129</b>	<b>250</b>	<b>100</b>

Source: Affected Persons Survey, May – June 2005 and 2008

## 2.10 Impact on Structures

76. As revealed by census data, a total of 7 structures, 2 residential structures, one residential cum commercial structure, 2 compound walls with land, one moveable kiosk and one encroaching stair case will be affected by the Subproject construction. Hence, altogether 7 structures from 7 households will be affected. The following Table 2.19 provides details of the structures loss and type.

<sup>1</sup> These groups are categorized by GoN, Ministry of Home Affairs and are properly known as Janajatis. Details of these Janajatis are given in Annex IV and are categorized in Attachment 1.

**Table 2.19 Types of assets by loss and structure type**

Type of Asset Affected	No. of Structures, 2008	No. of Affected HHs		No. of APs	
		PPTA(2005)	Detailed Design, (2008)	PPTA (2005)	Detailed Design, (2008)
Residential Structures	2	61	2	323	13
Residential cum Commercial Structures	1	41	1	117	6
Temporary Commercial Structures /Kiosk	1	18	1	95	6
Compound Wall with land	2	0	2	0	13
Encroached Stair	1		1	0	6
<b>Total</b>	<b>7</b>	<b>120</b>	<b>7</b>	<b>535</b>	<b>44</b>

## 2.11 Impact on Residential Structures

77. As revealed by census data, a total of 2 residential structures will be affected by the Subproject construction. The following sub-sections provide details of the extent of loss, structure construction type and ownership pattern of the affected residential structures.

### 2.11.1 Type of Affected Residential Structures

78. In the Subproject area, both affected residential structures are constructed with stone wall with mud and tin roof. Table 2.20 provides a breakdown of the affected structures as per the construction type.

**Table 2.20 Types of Affected Residential Structures**

Types of Structures	Affected Households	
	Number	Percent
Frame Structure/Tinned	-	-
Stone Built/ Tinned	2	1000
Wooden	-	-
<b>Total</b>	<b>2</b>	<b>100</b>

Source: Affected Persons Survey May – June 2008

### 2.11.2 Extent of Loss

As per Table 2.21 below, 2 residential structures affected will lose the frontage/extended part of the main structure.

**Table 2.21 Extent of Loss of Residential Structures**

Extent of Loss	Extent of Loss	
	In numbers	In Percentage
Fence/ Wall	-	-
Frontage / Extended Part	2	100
Main Structures	-	-
Other (cattle shed )	-	-
<b>Total</b>	<b>2</b>	<b>100</b>

Source: Affected Persons Survey, May – June 2008

79. Taking into account the extent of loss, the RP has made adequate provisions for compensating as well as assisting the affected households in overcoming their losses. Detailed discussions were also undertaken with those affected during the census on the various options of resettlement and rehabilitation based on which appropriate entitlements and provisions have been worked out in the entitlement matrix. The residential structures will have a non-significant impact. Nevertheless appropriate measures have been integrated into the RP to compensate the same.

### 2.11.3 Extent of Loss of Residential Structures by Vulnerable Households

80. Out of 2 households losing residential structures, none of the households were reported under the vulnerability category in terms of Below Poverty Level (BPL) and ethnic minority groups.

### 2.11.4 Legal Ownership of the Residential Structures

81. Of the total 2 affected residential structures covered during the Census survey, 100 percent reported having legal ownership to the affected assets. Table 2.23 provides breakdown of the ownership status of the affected residential structures.

**Table 2.22 Ownership Status of the Affected Residential Structures Ownership Status**

Ownership Type	Total Number of Affected Households	
	In Numbers	Percent
Titleholders	2	100
Tenants	0	0
Titleholder Encroachers	0	0
<b>Total</b>	<b>2</b>	<b>100%</b>

*Source: Affected Persons Survey, May – June 2008*

### 2.11.5 Relocation and Rehabilitation Measures for Residential Structures

82. During the Census, discussions were also made with the affected about the options of relocating affected structure, if required. It is to be noted that all of the affected residential structures will not need relocation as they will mainly affect the frontage and extended parts. Appropriate measures have been integrated into the RP to compensate for the same. As per the provision made in the RP, the titleholders will be compensated for the loss of land and structures as well as the expenses of shifting and relocation. None of the households have impact on the main structure and will not require any relocation and those households losing frontage and cattle shed have adequate land to rebuild them in their own land.

## 2.12 Residential cum Commercial Structures

83. The Census identified 5 residential cum commercial structures affect in the Subproject area which includes one residential cum commercial structures, 2 compound walls, one encroach staircase and one temporary kiosk, wherein the households operate shops in the front or ground floor and stay at the back or upper floors of the same structure. These structures have been classified under the category of residential cum commercial structure. These structures will be affected as a result of the Subproject construction.



### 2.12.1 Construction Type of Affected Residential cum Commercial Structures

84. Out of 5, one is made of cement mortar/RCC/RBC, two cement/mud mortar compound walls, one stone built encroaching staircase and one wooden movable kiosk. Table 2.24 lists the types of affected residential cum business structures.

**Table 2.23 Construction Type of Affected Residential cum Commercial Structures**

Type of Structure	Total Number of Affected Structure	
	In No.	In Percent
Cement Mortar/ RCC/RBC	1	20
Cement/Brick Mortar Compound Wall	2	40
Stone Built Encroaching Staircase in Cement Mortar	1	20
Wooden Moveable Kiosk	1	20
<b>Total</b>	<b>5</b>	<b>100</b>

Source: Census, May – June 2008

### 2.12.2 Extent of Loss

85. None of the structure will have a significant impact on the main structure. The impact in residential cum commercial includes one residential cum commercial structure, two compound walls, one wooden moveable kiosk and one encroaching staircase. Table 2.25 provides breakdown of the extent of loss of the affected residential cum commercial structures.

**Table 2.24 Extent of Loss of the Affected Structures**

Type of Structure	Total Number of Affected Structure	
	No.	Percent
Compound Wall	2	29
Residential cum Commercial	1	14
Residential Structure	2	29
Wooden Moveable Kiosk	1	14
Other ( staircase encroaching)	1	14
<b>Total</b>	<b>7</b>	<b>100</b>

Source: Census, May – June 2005

### 2.12.3 Extent of Loss of Residential cum Commercial Structures by Vulnerable Households

86. None of the households have been under the vulnerability category. Out of a total of 7 structures, none of them lose the main structure.

### 2.12.4 Legal Ownership of the Affected Residential cum Commercial Structures

87. Out of 5 residential cum commercial structures, 4 affected residential cum-commercial structure (including 2 compound walls and one temporary moveable kiosk), is reported having legal titles. However one possessing legal title has an attached staircase encroaching into the road footprint. Table 2.26 below provide details on the ownership status of affected residential cum business structures.

**Table 2.25 Ownership Status of Affected Residential cum Business Structures**

Ownership Type	Total Number of Affected Structures	
	No.	Percentage
Titleholders	4	80
Tenants	0	0
Encroachers (Part of Structure)	1	20
<b>Total</b>	<b>5</b>	<b>100</b>

*Source: Affected Persons Survey, May – June 2005*

### 2.12.5 Relocation and Rehabilitation Measures

88. Based on Census data there are only 7 households which will have impacts on their structures. Discussion with affected households brought forth that they need adequate compensation. However, among these 7 households, one stair case in Goganpani VDC Bairani is reported as encroached. In keeping with the RP measures, additional cash assistance of around NRs. 10,000 will be provided in addition to vulnerability grant in the RP to the vulnerable household to help initiate some enterprise to upgrade their livelihood like; goat farming, poultry farming, keeping small shop etc. No household will require relocation.

89. For the structures suffering temporary impacts the RP has made assistance provisions for the temporary loss of business. For those needing shifting, the RP has made provision for a shifting allowance. Provision of financial assistance has also been made for the loss of business due to Subproject impact on a case to case basis.

### 2.12.6 Employees in the Residential cum Commercial Structure

90. No employees have been observed in the affected residential cum commercial structures.

### 2.13 Temporary Movable Kiosk

91. The Census identified only one temporary movable kiosk in Syaphrubesi. The temporary movable kiosk will be pushed back into nearby available land. The temporary kiosk has a wooden body and a galvanized steel roof. The list of a movable temporary kiosk is included in the list of structures. The RP has made provisions for granting a shifting allowance to the kiosk owner.

### 2.14 Loss of Land

92. Based upon the detailed design the Subproject will acquire 8135.82 sq.m of land.

The designed road will utilize the existing road footprint. Only small strips of private land all along the alignment will be acquired. The loss of land will not have any impact on the income of any of the affected households. Based on discussion with the affected plot owners, they are willing to give up their land in exchange for compensation at replacement value. Table 2.27 provides details on the affected land plots in the Subproject.

**Table 2.26 List of Affected Land in the Subproject**

SN	District	Number of Plots	Total Land Area of Affected Plots (sq.m)	Land Area to be Acquired (sq.m)	% of Loss
1	Nuwakot	182	539,494.65	4079.83	0.75
2	Rasuwa	187	1,351,404.78	4055.99	0.30
<b>Total</b>		369	1,890,899.43	8135.82	0.43

Source: Affected Persons Survey, May – June 2008

\*82 Absentee affected land

93. As indicated in the table above, the loss of lands is only 0.43%. The area to be acquired comprises of both cultivable and uncultivable land. It will not have any major impact on the income or livelihood of the particular households.

94. There are 5 fruit trees 49 timber/fodder trees from 24 households have to be removed. The owners will be paid an agreed compensation amount for these trees.

95. 33 trees in community forests that will need to be removed. For each tree removed 25 new trees will be planted in their place. There will be no loss of crops in the Subproject.

## 2.15 Common Property Resources

96. In addition to the above losses, the Census identified a total of 7 community taps in different sections of Galchhi-Trishuli-Syaphrubesi road, which will require relocation during the time of Subproject implementation. Provision will be made to include such component in contractors' Terms of References under the utility costs for relocation and rehabilitation of such community structure during project implementation. The chainagewise location of affected taps is included in Annex 1. Besides this, the survey did not identify any other community structures getting affected as a result of the Subproject construction.

97. No temples, shrines, utility poles, irrigation canals etc will need shifting or reconstruction as a result of Subproject activities.

### **3. RESETTLEMENT POLICY FRAMEWORK AND ENTITLEMENT MATRIX**

#### **3.1 Introduction**

98. The objective of this chapter is to discuss the key national, state and Subproject specific resettlement policies and legal issues involved in land acquisition and compensation. This chapter describes the principles and approach to be followed in minimizing and mitigating negative social and economic impacts by the Subproject. The guidelines are prepared for addressing the issues limited to the RCSP1 for resettlement and rehabilitation of the APs. The Resettlement Plan has been developed based on guidelines of Asian Development Bank on Involuntary Resettlement, Land Acquisition Act, 2034 (1977) and other relevant policies and guidelines related to feeder roads.

99. The RP has been prepared based on the general findings of the census/social survey, field visits, and meetings with various Subproject affected persons in the Subproject area. The principles adopted establish eligibility and provisions for all types of losses (land, crops, structures etc). In addition to this the RP identifies the broad scope of the Subproject and outlines the policy, procedures and institutional requirements for preparing future sub-projects.

#### **3.2 Policy Framework: Review of National Policy and ADB Requirements**

##### **3.2.1 Legal Framework**

###### **I. GoN Laws and ADB Policy Requirements**

100. The Interim constitution of Nepal 2063 (2007) guarantees various socio-economic and political rights to its citizens. Article 17 (1) of the Constitution provides property rights to every citizen whereby they are entitled to earn, use, sell and exercise their right of property under existing rules and regulations. In addition, Article 17 (2) states that except for public interest the state will not acquire, obtain or exercise authority over individual property. Furthermore, Article 17 (3) illustrates that the State will compensate for the loss of property, if the states acquires or establishes its right over individual property for public interest.

101. Apart from the constitutional safeguards, Land Acquisition Act, 2034 (1977) is the core legal document to guide tasks related to land acquisition and resettlement activities in Nepal. There is provision in Clause 3 of the Act to acquire land for any public purpose, subject to the award of compensation. Besides, any institutions seeking land acquisition may also request GON to acquire the land under the regularity provisions subject to be compensated by such institutions' resources. As per the prevailing government rules, the compensation to be provided for land acquisition should generally be in cash as per current market value. However, there is also a provision under Clause 14 of the Land Acquisition Act 2034 (1977) to compensate land for land provided government land is available in the area. As per the regulatory provision, while acquiring land, GON forms a Compensation Fixation Committee (CFC) under the chairmanship of Chief District Officer (CDO) of the restrictive districts. The other members to be included in the Committee comprise of - Chief of Land Revenue, an Officer assigned by CDO, representative from District Development Committee (DDC), Concerned Project Manager. While determining the compensation, the Committee has to consider relevant acts and periodic guidelines of GoN in compliance with ADB policy and guidelines.

102. The Act also envisages the possibility of two separate rates of compensation, distinguishing between families who lose all their land and those who lose only some part of their landholdings. In determining the compensation, the Committee must consider the loss incurred by persons due to acquisition of land, shifting of residence or place of business to another place. If the land has to be acquired for institutions other than the VDCs and institutions fully owned by the government, the Committee has to consider the following while fixing the compensation amount:

- Price of land prevailing at the time of notification of land acquisition;
- Price of standing crops and structures, and
- Damage incurred by the AP or by being compelled to shift his or her residence or place of business in consequence of the acquisition of land.

103. In other words, CFC under the Act is formed for actual verification of land to be acquired, reviewing and fixing compensation rate, identification of proper owner(s), distribution of compensation, providing necessary administrative support addressing associated issues. However, formally the implementation process of CFC begins once GON grants formal approval for the land acquisition. After the approval from government side, the Officer concerned of Executing Agency (EA) is entrusted with the task to initiate the process through public notification. The public notification also includes the activities of disseminating details of the land area, structure affected in municipality/VDC coming under the Project.

## **II. Current Resettlement Practice in Nepal**

104. While determining the compensation, the Committee has to consider the relevant acts and periodic guidelines of HMG. The recent trend is the practice of fixing compensation through Community Consensus Valuation (CCV). During the implementation process of the RP, after the submission of the report to the Chief District Officer (CDO) with the details of specific location for the land and other assets to be acquired by the concerned Officer-in-Charge of the Project, the acquisition process is undertaken. The valuation of affected assets is as per the existing legal framework and guidelines. As specified in the LA Act Clause 13, a four-member committee headed by CDO of the concerned district is constituted for fixing up the compensation for lost assets. The other members include Project Chief or his/her representative, and a representative from the DDC. In this process, the Committee issues circular or extensive consultation with representatives of the project affected population, political party's local representatives and relevant district level chiefs of line agencies to finalize and fix the rate of compensation. This integrated approach is in line with ADB policy guidelines. However, the prices set by the land revenue offices are normally lower than the prevailing market price. After finalization of the agreements, formal notification is placed in public places, local and national newspapers identifying the amount of land, owner and ownership related matters of the affected assets. The compensation amounts will be paid to the AP before the Commencement of Construction Works.

### **3.2.2 ADB Resettlement Policy**

105. It is mandatory for all ADB assisted Projects to follow specific ADB safeguard guidelines on environmental and social issues. ADB's Policy on Involuntary Resettlement (1995) and the Handbook on Resettlement: A Guide to Good Practice (1998) is followed to address the resettlement impacts of the Project. The ADB Policy recognizes & addresses the R&R impacts of all the affected persons irrespective of their titles and requires for the preparation of an appropriate RP in case of where involuntary resettlement as per the extent of impact. These ADB policies are the guiding policies to identify impacts and to plan measures to mitigate various losses of the Subproject. ADB's main policy guidelines are:

- Involuntary Resettlement (IR) should be avoided or reduced as much as possible by reviewing alternative alignments for the Subproject;
- Where IR is unavoidable, APs should be assisted to re-establish themselves and improve their quality of life;
- Gender equality and equity should be ensured and adhered to throughout the project cycle;
- Affected people should be fully involved in the selection of relocation sites, livelihood compensation and development options at the earliest opportunity. RPs should also be prepared in full consultation with APs, including disclosure of RP and project related information;
- Replacement of land must be explored as an option for compensation in the case of loss of land. However, in the absence of land for replacement, adequate cash compensation should be provided for to all APs;
- Compensation for loss of land, structures, other assets and income should be based on full replacement cost and be paid promptly. This should include transaction costs such as administrative charges and taxes;
- All compensation payments and related activities must be completed prior to the commencement of civil works;
- The RP to be planned and implemented with full participation of local authorities;
- Assistance to APs to become economically and socially integrated into the host communities by means of design and implementation of participatory measures;
- Provision for and replacement of Common Property Resources and community/public services to the APs;
- Resettlement to be planned as a development opportunity for the APs;
- Lack of legal titles will not be a bar to resettlement assistance;
- Special attention to vulnerable people/groups, namely households below the recognized poverty line, Indigenous People, disabled, elderly persons and female headed households

### 3.3 Difference between ADB Policy on Resettlement and GON Legal Framework

106. Both the GON legal frameworks and ADB guidelines related to resettlement aim at achieving the following overall goals:

- Involuntary resettlement shall be avoided to the extent possible or minimized where feasible, exploring all viable alternative project designs.
- Where displacement is unavoidable, people losing assets, livelihood or other resources shall be assisted in improving or at a minimum regaining their former status of living at no cost to themselves.

107. However, there exist certain key differences between ADB guidelines and GON legal frameworks which are summarized below in Table 3-1.

**Table 3.1 Some Difference between ADB Policy and GON Legal Framework**

ADB Policy	GON Legal Framework
<p>⊙ Encroachers will be compensated for structures (but not for land) at replacement cost to the vulnerable person only</p>	<p>⊙ Encroachers are not entitled for Compensation.</p>
<p>⊙ Compensation for affected assets as per prevailing market rate.</p>	<p>⊙ To be determined by Compensation Fixation Committee (CFC) to be formed under CDO.</p>

### **3.4 Resettlement Principles & Assistance**

108. Despite the differences between ADB guidelines and GON legal frameworks mentioned in Table 3.1, the resettlement principles adopted in this Subproject will provide compensation and resettlement assistance to all affected persons and businesses, irrespective of titles, in accordance with ADB's Policy on Involuntary Resettlement. Based on the above policy features, the broad principles of R&R for this Subproject will entail the following:

- The negative impact on persons affected by the Subproject would be avoided or minimized as much as possible;
- Where the negative impacts are unavoidable, the project-affected persons will be assisted in improving or regaining their standard of living. Vulnerable groups will be identified and assisted to improve their standard of living;
- Replacement land/or cash compensation at replacement costs to households affected by the loss of land.
- Cash compensation will be paid for structures (residential/commercial/residential-cum-commercial) affected by the Subproject at replacement cost
- Provision of relocation on the edge of the available ROW (if possible for temporary structures), to avoid severe social distress to the AP.
- Provision of multiple options for resettlement of the affected residential structures, including non-titleholders.
- Assistance should be provided to owners of residential structures and non-titleholders, who may incur loss of ability to maintain livelihood during relocation and resettlement
- Rehabilitation assistance i.e., compensation for lost business and workdays (including employees) due to relocation and disruption of business enterprise.
- Before taking possession of the acquired land and properties, compensation and R&R assistance will be made in accordance with this policy.
- Appropriate grievance redress mechanism will be established at the district level to ensure speedy resolution of disputes.
- All activities related to resettlement planning, implementation, and monitoring would ensure involvement of women. Efforts will also be made to ensure that vulnerable groups are included.

### **3.5 Acquisition of Land/Properties and Valuation**

#### **3.5.1 Disposal of Acquired Properties**

109. As stipulated in the Clause 10 of Land Acquisition Act 2034 (1977) there is a provision for the affected households to take the crops, trees and plants from the land and salvageables from the structures. Clause 39 of Land Acquisition Act 2034 (1977) indicates options to allow the affected households to take all salvageables without deduction of any

costs from the affected households. However, in cases wherein the affected households are reluctant to or do not take such items within the time frame it will be responsibility of the Project to dispose off such items.

### **3.6 The Entitlement Matrix**

110. For this Subproject, the entitlements are derived from the Land Acquisition Act, 2034 (1977) and ADB Policy on Involuntary Resettlement (1995). The principles adopted establish eligibility and provisions for all types of losses (land, structures, business / employment, and work day wages). All affected persons will be compensated at full replacement costs. In addition to the payments from the Chief District Officer (CDO), the APs will receive other cash grants and resettlement assistance such as shifting allowance, compensation for loss of workdays / income due to dislocation and income restoration assistance. The Resettlement principles adopted in this Subproject will provide compensation and resettlement assistance to all affected persons based upon the GON norms and ADB guidelines. Cut-off date for titleholders will be the date of notification under the Land Acquisition Act and for the non-titleholders will be the census date i.e. June 2008.

111. The compensation and assistance have been designed to cover compensation for lost assets and restore or enhance the livelihoods of all categories of affected people. Table 3.2 (Entitlement Matrix) provides further details regarding application of the principles, definition of entitled persons, entitlements and indicates results of actions. As revealed in Clause 9 Sub-clause 3, the duration of compensation days will be determined by Land Acquisition and Compensation Fixation Committee (LACFC). Furthermore, Clause 37 of the Act illustrates that the Committee may extend the period of additional three months, if compensation are not collected by those affected. After termination of extended three months period the amount will be deposited to the Government account. Any grievances and objections will be referred to the Grievances Redress Committee (GRC). A detailed description of each compensation measure is provided below.

#### **3.6.1 Compensation for Loss of Land**

112. Following provisions are made for compensating loss of land -

- Cash compensation for land based on current market rate/replacement value or government rate, whichever is higher to the titleholders. In case of current market rate / replacement value is higher than the government value assessed by the CFC; the difference will be paid by DOR.
- In case of presence of agricultural crops, cash compensation for loss of crops at current market value of mature crops based on average production.
- Compensation for loss of fruit trees, if any for an average fruit production for the next 15 years to be computed at the current market value, in cases wherein such trees are getting affected.
- Compensation for loss of wood trees at current market value of wood (timber of firewood, as the case may be) if such trees are getting affected.
- Advance notice of 1 month to be provided to APs to harvest their crops.

113. In cases of disputes such as where land records are not updated or where the APs are unable to produce the desired documents, then the compensation amount will be deposited with the competent authority till the case is disposed. All fees, taxes and other



charges, as applicable under the relevant laws, incurred in the relocation and resource establishment will be borne by the DOR.

114. In addition, under the Land Acquisition Act 2034 (1977) the acquiring body (DOR) will need to bear all the land acquisition and resettlement related cost.

### **3.6.2 Compensation for Structures (residential/ residential-cum-commercial) and Other Immovable Assets**

115. The RP has made following provisions for compensating residential and residential cum commercial structures:

- Cash compensation for loss of built-up structures at full replacement costs to titleholders. Transfer/shifting allowance to cover the cost of moving structures (transport plus loading and unloading) and materials will be paid on actual cost basis or on current market rates.
- The squatters/encroachers, if vulnerable, will be eligible for assistance for the loss of structures/assets at full replacement costs, and entitled to transfer/shifting allowance/s, but are not eligible for compensation for loss of land.
- Owners of affected structures will be allowed to take/reuse all the salvageable materials for rebuilding/rehabilitation of the structures without any deduction from the compensation amount

### **3.6.3 Assistance for Tenants**

116. In addition, there will also be provision for assistance for housing/business tenants, one time cash assistance equivalent to two months rent to the tenants for moving to alternatives premise for re-establishing house/business.

### **3.6.4 Income Restoration Assistance**

117. The RP has made provision for providing income restoration assistance to the affected families.

- Agricultural titleholders losing more than 10 percent of the total land or income holding will be considered as Severely Affected Persons 9 such titleholders will be entitled to income restoration assistance in the form of cash for any productive activity at the rate of NRs 10,000.00.
- One-time lump sum grant to owner of business/business tenants; minimum one month's income based on the nature of business and type of losses assessed on a case-to-case basis.
- One time financial assistance to hired employees equivalent to 30 days wage to be computed on the basis of local wage for respective district for respective categories.
- One time lump-sum grant to movable temporary kiosks for minimum one months income based on the nature of business and type of losses assessed on a case-to-case basis, plus shifting allowance on actual basis.
- APs, who are eligible (one who will have major loss on their employment due to the

project) for semi-skilled labor, will be given preference in employment opportunities in the Subproject's implementation work.

- Special assistance of NRs. 2,000 for a period of three months to vulnerable affected households, such as female-headed households, disabled or elderly persons and the poor, for re-establishing and /or enhancing livelihood.
- Non-titled squatter households will be entitled to shifting assistance at actual costs and move their belongings if they decide to “self-relocate” away from the Corridor of Impact; those who prefer to move back and re-establish their structures will be allowed to do so until they find permanent alternative sites.
- Temporary movable kiosks requiring relocation will be provided one time financial assistance for shifting and loss of business on case to case basis.

### **3.6.5 Re-building / Restoration of Community Resources/Facilities**

118. The Subproject will provide complete restoration work or cash compensation for rehabilitation/re-building of affected common property resources and cultural/community structures/installations.

**Table 3.2 Project Compensation Principles and Entitlements**

Nature of Loss	Application	Definition of AP	Entitlements	Result of Action	Responsibility
<b>A. Land Acquisition</b>					
Loss of agricultural /residential /commercial land by landowners	Additional land and other assets acquired for construction and improvement works beyond the existing road and land temporarily	Person(s) with land records verifying ownership	Cash compensation based on current market rate/ replacement value.  In case the replacement value is higher than the value assessed by CFC, the difference will be borne by DOR.  All fees, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and resource establishment, are to be borne by the Subproject.	Compensation for lost assets.	DoR and CDO
Loss of land temporarily for the use of contractors during construction	acquired by contractors	Person(s) with land records verifying ownership	Contractor to negotiate a contract agreement on the rental rate with the owner for temporary acquisition of land.  Subproject and the contractor to ensure that persons other than the owner affected as a result of temporary acquisition are compensated for the temporary period.  Land should be returned to the owner at the end of temporary acquisition period, returned to its original condition or improved as agreed with the APs.	Compensation for temporary loss of assets.	DoR and Contractor
<b>B. Loss of Income Generating Assets</b>					
Loss of income by structure owner / tenants for conducting business	Business affected by road construction	Owner of business / business tenants	One-time lump sum grant; minimum one-month's income based on the nature of business and type of losses assessed on a case-to-case basis.	Short-term compensation for loss of income.	DoR , CDO and NGO
Loss of business premise by owners / renters	Structure on acquired land and/or legally confirmed ownership rights	Owner /renter of business	One-time cash assistance equivalent to 2-month rent for moving to alternative premise for re-establishing the businesses.  Shifting allowance (transport plus loading/unloading charges) will be paid to affected businessmen (if applicable), on actual cost basis.  The amount of deposit or advance payment paid by the business tenant to the landlord will be deducted from the payment to the landlord.	Removal /relocation assistance.	DoR , CDO and NGO
Loss of wages by employees	Income reduced during period of readjustment	Employees of business	One-time financial assistance to hired employees equivalent to 30 days wages.  APs who are eligible for semi-skilled and unskilled labor will be given priority in employment opportunities in the Subproject's implementation works.	Short-term compensation for loss of income.	DoR , CDO and NGO

Nature of Loss	Application	Definition of AP	Entitlements	Result of Action	Responsibility
Loss of income by temporary movable kiosks	Business affected temporarily during road construction.	Movable business structures on footpaths/roadside	One-time cash assistance; minimum one-month's income based on the nature of business and type of losses assessed on a case-to-case basis .  Shifting allowance will be paid to the affected (if applicable), on actual cost basis.	Short-term compensation for loss of income.	DoR , CDO and NGO
Additional assistance to vulnerable groups	Household income affected as a result of road construction	Women-headed households; disabled or elderly persons; ethnic/occupational caste people; APs who live under official poverty line	Special assistance of NRs. 2,000 for a period of three months to the affected vulnerable persons for restoring their livelihoods.	Income restoration assistance.	DoR , CDO and NGO
Livelihood enhancement assistance to the family having complete loss of property and income sources	Severely affected families	Family having more than 10 percent loss of total land or income holding affected by the Subproject and having complete loss of structures; absentee landlords will not eligible for this provision	One time livelihood up-liftment grant per family for any productive activity at the rate of NRs 10,000.	Livelihood enhancement assistance.	DoR , CDO and NGO
<b>C. Loss of Residential/Commercial Property</b>					
Loss of residential structures and commercial structures by owners (including squatters)	Land on which property stands purchased or reclaimed for road purposes	Owners of the structure	Cash compensation for loss of built-up structures at full replacement costs.  Owners of affected structures will be allowed to take/reuse their salvageable materials for rebuilding/rehabilitation of structure without deducting any costs.  In case of relocation, transfer allowance to cover cost of shifting (transport plus loading/unloading) the effects and materials will be paid on actual cost basis or on current market rates.	Restoration of residence / shop.	DoR and CDO
Loss of residential structures and commercial structures by encroachers		Owners of the structure	Compensation for structure (but not for land) at replacement cost to the vulnerable person only.  Encroachers will be notified a time in which to remove their assets to be affected.	Restoration of residence / shop.	DoR , CDO and NGO

Nature of Loss	Application	Definition of AP	Entitlements	Result of Action	Responsibility
Loss of residential structures by tenants (Renters)		Renters of house	<p>One time cash assistance equivalent to 2 months rent moving to alternate premise.</p> <p>Any rental advance paid by the renters to the owner will be deducted from the owner's compensation and refunded to the renters, if the renter has to relocate.</p> <p>Transfer allowance to cover cost of shifting (transport plus loading/unloading) personal effects paid on actual cost basis or on current market rates.</p>	Assistance to make alternative arrangements	DoR , CDO and NGO
Loss of rental income by owners of residential and residential cum commercial structures		Owners of residential and residential cum commercial structures having tenants	One time cash assistance equivalent to 2 months income that can be earned by renting the affected residential and residential cum commercial structures	Short term compensation for the loss of income	DoR , CDO and NGO
Unanticipated adverse impact due to Subproject intervention or associated activity	The EA and project implementation authorities will deal with any unanticipated consequence of the Subproject during and after implementation in the light and spirit of the principles of the entitlement matrix.				

Road Connectivity Sector I Project

## 4. CONSULTATION AND STAKEHOLDER PARTICIPATION

### 4.1 Introduction

119. This Resettlement Plan has been prepared in close consultation with stakeholders at different levels including the local people and Subproject affected households represented by head of the households, family members, local level social workers, representatives of political parties, business men, representatives of vulnerable groups and other resource persons. Some of the basic objectives of such consultation include:

- Assessment of socio-economic information required for the study
- Information dissemination to the people about the Subproject in terms of its activities and scope of work;
- Understanding the perceptions of the local;
- Generate idea regarding the expected demand of the affected people;
- Assess the local people's willingness to get involved with the Subproject; and enumerate the measures to be taken during the implementation of the Subproject.

### 4.2 Methods of Public Consultation

120. The task of public consultation was carried out in different stages during the Subproject preparation. In fact, since the beginning of the field reconnaissance survey to the period of Census, the process of consultation remained continuous varying over different time periods. Table 4.1 gives a description of the type of stakeholders consulted and methods adopted for consultation according to the purposes.

**Table 4.1 Methods Employed During the Course of Consultations**

Stakeholders	Purpose	Method
Department of Roads at central level	To collect government's policy, guidelines priorities on the Subproject, and to seek advise for initiating work.	Frequent individual meetings with the officials of DoR and Project Directorate.
Local Community in the different locations of the Sub-project area (Galchhi, Kulphutar, Mahadev Phant, Devighat, Trishuli, Pipaltar, Betrabati, Kalikasthan, Ramche, Dhunche and Syaphrubesi	To assess overall social perception about the importance of Subproject road and local peoples felt need for improvement	Consultation and discussion with local people at different Subproject locations during reconnaissance survey, social survey and Census survey.
District level line agencies (Divisional Roads Office, Land Revenue Office, Land Measurement Office)	To assess the existing operational status of roads, to verify the land likely to be acquired based on design drawings, to collect cadastral maps and to collect land price fixed by District Land Revenue Office.	Individual meetings with the officials of respective offices.
Project affected people based on the design drawing	To prepare inventory of the affected assets and get measurement and conduct interview with the affected families about the affected assets and on the household matters	Individual interview of the affected households by means of a structured questionnaire

Stakeholders	Purpose	Method
NGOs and other stakeholders at the local level	Assess the level of social willingness to be involved in the Subproject activities	Representatives of local NGOs and other stakeholders including community members were consulted at different sections of the road during field visits by the domestic and international team members in order to assess the overall social perception about the road project and also to assess the level of their willingness to cooperate the study team.

### 4.3 Consultations – Scope and Issues

#### 4.3.1 Scope of Consultations

121. The scope of consultations, especially with the local people and Subproject affected population was focused to inform them about the nature of Subproject and its activities. During the consultations they were also informed about the possibilities of acquisition of private land and other physical assets by the Subproject at replacement/compensation costs. Likewise, the people were also made aware about the acquisition of community properties like public taps at rebuilding or replacing cost. Options of relocating, shifting and loss of employment cost as per need and provision of livelihood support to the vulnerable groups were some of the other issues discussed during consultations. In addition, along with information dissemination the consultations also aimed at taking peoples opinion and suggestions on the Subproject and its benefits and impacts.

#### 4.3.2 Feedback from the Consultations

122. Some of the major feedbacks derived from the consultations of affected and local people are:

- **Involvement of local people in Subproject design finalization:** Being the major stakeholders and the population directly affected by the Subproject, the local people voiced that they must be kept informed and consulted with regard to the Subproject design.
- **Employment opportunity for local people** should be ensured during Subproject construction by hiring of locals as skilled and unskilled labors.
- **Fair and timely compensation rate:** There was complete willingness on the part of the population to cooperate in all matters related to the Subproject. The community was very positive towards the Subproject and had no reservations regarding the Subproject provided they are adequately compensated for all their losses whether partial, complete, agricultural, residential or commercial.
- **Special consideration** should be made either by changing the technical design or through supplementary compensation **for the vulnerable households** affected by the Subproject.

- **Regular monitoring of the Subproject** during implementation by the Subproject Office to ensure the technical quality of work and environmental conservation (land slides); and
- There should be provision of a separate unit in the Subproject to listen to the suggestions and grievances of the local people.

123. Detailed consultation matrix is provided in Table 4.2.

**Table 4.2 Consultation Matrix**

<b>Consultation</b>	<b>Issues</b>	<b>How was it addressed?</b>
Chainage 4+000 Location: Dui Pipal No. of Discussion: 2 Women: 14 Men: 27	- Subproject's impact on land acquisition - Options of involving local people during detailed design	- The Subproject has avoided land acquisition by using the available road alignment
Chainage 8+000 Location: Ratmate No. of Discussion:3 Women: 9 Men: 20	- Provisions of compensations for the affected assets at current market value - Chances of shifting or changing alignment	- The Entitlement Matrix of Resettlement Plan has made provisions of compensations for the affected assets and persons at replacement costs
Chainage 14+000 Location: Jilling No. of Discussion:2 Women: 10 Men:18	-Provisions of compensation to the land likely to be affected -Employment opportunity during construction	- The RP has made provisions of compensation at the replacement costs to the owners of affected plots The RP in its Entitlement Matrix has made provisions for involving non-skilled and semiskilled labours during Subproject implementation
Chainage 20+000 Location: Bidur No. of Discussion: 2 Women: 15 Men: 40	- Options of compensations for the affected residential structures and loss of businesses	The RP has made provision of compensating all residential and residential cum commercial structures to be affected by the project and assistance for loss of business..
Chainage 40+000 Location: Dhaibung No. of Discussion: 2 Women: 8 Men: 15	- Subproject's impact on land acquisition - Options of involving local people - Provisions of compensations for the affected assets at current market value -Employment opportunity during construction - Options of compensations for the affected residential structures and loss of businesses	- The Subproject has avoided land acquisition by using the available road alignment - The Entitlement Matrix of Resettlement Plan has made provisions of compensations for the affected assets at replacement costs - The RP has made provisions of compensation at the replacement costs to the owners of affected plots The RP in its Entitlement Matrix has made provisions for involving non-skilled and semiskilled labours during Subproject implementation The RP has made provisions for compensating all residential and residential cum commercial structures to be affected by the project and assistance for loss of business.
Chainage 50+000 Location: Laharepauwa No. of Discussion: 2 Women: 10 Men: 18	- Subproject's impact on land acquisition - Options of involving local people - Provisions of compensations for the affected assets at current market value	- The Subproject has avoided land acquisition by using the available road alignment - The Entitlement Matrix of Resettlement Plan has made provisions of compensations for the affected



Consultation	Issues	How was it addressed?
	<ul style="list-style-type: none"> <li>-Employment opportunity during construction</li> <li>- Options of compensations for the affected residential structures and loss of businesses</li> </ul>	<p>assets at replacement costs</p> <ul style="list-style-type: none"> <li>- The RP has made provisions of compensation at the replacement costs to the owners of affected plots</li> </ul> <p>The RP in its Entitlement Matrix has made provisions for involving non-skilled and semiskilled labours during project implementation</p> <p>The RP has made provision of compensating all residential and residential cum commercial structures to be affected by the Subproject and assistance for loss of business.</p>
<p>Chainage 60+000 Location: Ramche No. of Discussion: 2 Women: 5 Men: 10</p>	<ul style="list-style-type: none"> <li>- Subproject's impact on land acquisition</li> <li>- Options of involving local people</li> <li>- Provisions of compensations for the affected assets at current market value</li> <li>-Employment opportunity during construction</li> <li>- Options of compensations for the affected residential structures and loss of businesses</li> </ul>	<ul style="list-style-type: none"> <li>- The Subproject has avoided land acquisition by using the available road alignment</li> <li>- The Entitlement Matrix of Resettlement Plan has made provisions of compensations for the affected assets and persons at replacement costs</li> <li>- The RP has made provisions of compensation at the replacement costs to the owners of affected plots</li> </ul> <p>The RP in its Entitlement Matrix has made provisions for involving non-skilled and semiskilled labours during project implementation</p> <p>The RP has made provision of compensating all residential and residential cum commercial structures to be affected by the Subproject and assistance for loss of business..</p>
<p>Chainage 75+000 Location: Dhunche No. of Discussion: 2 Women: 20 Men: 35</p>	<ul style="list-style-type: none"> <li>- Subproject's impact on land acquisition</li> <li>- Options of involving local people</li> <li>- Provisions of compensations for the affected assets at current market value</li> <li>-Employment opportunity during construction</li> <li>- Options of compensations for the affected residential structures and loss of businesses</li> </ul>	<ul style="list-style-type: none"> <li>- The Subproject has avoided land acquisition by using the available road alignment</li> <li>- The Entitlement Matrix of Resettlement Plan has made provisions of compensations for the affected assets and persons at replacement costs</li> <li>- The RP has made provisions of compensation at the replacement costs to the owners of affected plots</li> </ul> <p>The RP in its Entitlement Matrix has made provisions for involving non-skilled and semiskilled labourers during project implementation</p> <p>The RP has made provision of compensating all residential and residential cum commercial structures to be affected by the project and assistance for loss of business.</p>
<p>Chainage 85+000 Location: Syaphrubesi No. of Discussion: 1 Women: 9 Men: 17</p>	<ul style="list-style-type: none"> <li>- Subproject's impact on land acquisition</li> <li>- Options of involving local people</li> <li>- Provisions of compensations for the affected assets at current market value</li> </ul>	<ul style="list-style-type: none"> <li>- The Subproject has avoided land acquisition by using the available road alignment</li> <li>- The Entitlement Matrix of Resettlement Plan has made provisions of compensations for the affected</li> </ul>

Consultation	Issues	How was it addressed?
	-Employment opportunity during construction - Options of compensations for the affected residential structures and loss of businesses	assets and persons at replacement costs - The RP has made provisions of compensation at the replacement costs to the owners of affected plots The RP in its Entitlement Matrix has made provisions for involving non-skilled and semiskilled labourers during project implementation The RP has made provision of compensating all residential and residential cum commercial structures to be affected by the project and assistance for loss of business.

#### 4.4 Disclosure of RP

124. Disclosure of RP is expected to be helpful to the local people to be aware about the Subproject and provisions of compensations and other assistance. A summary Resettlement Plan (RP) will be translated into Nepali and made accessible to the affected people through respective DDCs after finalizing the RP. The translated summary of the Plan will also include the Entitlement Matrix to assure the Subproject affected households about the nature of compensation as per the nature and extent of loss.

#### 4.5 Plans for Further Consultation & Community Participation during Subproject Implementation

125. In order to ensure the effective implementation of the RP, several additional rounds of consultative meetings with the APs need to be carried out during the project implementation. Such consultation should be carried out in collaboration with the NGOs to be hired by the Project to implement the RP. Some of the appropriate plans to be considered while conducting further consultation are as follows:

- Together with the NGO, the EA-PIU will conduct information dissemination sessions in the project area and seek the help of local community/leaders as well as to encourage the participation of APs;
  - Focus Group Discussions will be held with the vulnerable groups such as women, Schedule Casts, ethnic community and so on in order to help them develop a holistic understanding regarding the project as well as the benefits and special consideration that will be given to them throughout the project;
  - The NGO will organize public meetings to inform the community about the payment and assistance paid to the community. Regular update of the program and resettlement component of the project will be placed for public display at the Project offices.

The participation of AP's will be further enhanced through their active involvement in the Sub-project level office's Grievance Redress Committee (GRC). In addition PIU's an implementing NGOs will maintain an ongoing interaction with AP's to identify problems and undertake appropriate remedial measures.

## **5. IMPLEMENTATION FRAMEWORK AND BUDGET**

### **5.1 Institutional Setup**

126. This chapter describes the implementation framework, and the organizations involved – their roles and responsibilities – in the implementation of the plan. It is to be noted that the resettlement implementation framework under the Subproject has been guided by the regulatory provision of Land Acquisition Act 2034 (1977). Broadly, the institutional set-up for implementing RP will be at two levels - (i) central level and (ii) Subproject level. The Executing Agency (EA) and the Project Implementation Unit (PIU) will be stationed at central level whereas there will be a Subproject Office at implementation level. Ministry of Physical Planning and Works (MoPPW) will be the Executing Agency (EA) for the Subproject and Department of Roads (DOR) will be the Implementing Agency (IA).

### **5.2 Project Implementation Unit (PIU)**

127. The Subproject under the RCSP1 will be implemented through Project Directorate (ADB), which will be the Implementation Unit (PIU). The PIU will be stationed at central level and will provide all the policy and administrative support on implementing resettlement activities at Subproject level.

#### **5.2.1 Roles and Responsibilities**

128. A Project Implementation Unit (PIU) headed by the Project Director (PD) will be established, which will be responsible for the overall execution of the Project. The PD will engage local NGO/s for implementation of resettlement plan and activities. The IA will depute an officer as the Social / Resettlement Specialist (SRS) in charge of the land acquisition and resettlement operations, who will report to the Project Director. He/she will work in close coordination with the respective Divisional Offices under DoR, Sub-project offices/ field-based offices and Project NGO/s on the day-to-day activities of the resettlement plan implementation. The Social / Resettlement Specialist can be deputed from Geo-environment Unit (GEU) of DOR to the PIU or any other officer in the rank of divisional engineer or any professional can be engaged on a contractual basis. It may not be possible to recruit an officer as the Social/Resettlement Specialist (SRS) because there is a severe shortage of competent qualified staff in Nepal to fill these positions.

129. Therefore it may be necessary to entrust these responsibilities to the DoR (ADB) Project Manager for the Subproject who has the rank of Senior Divisional Engineer.

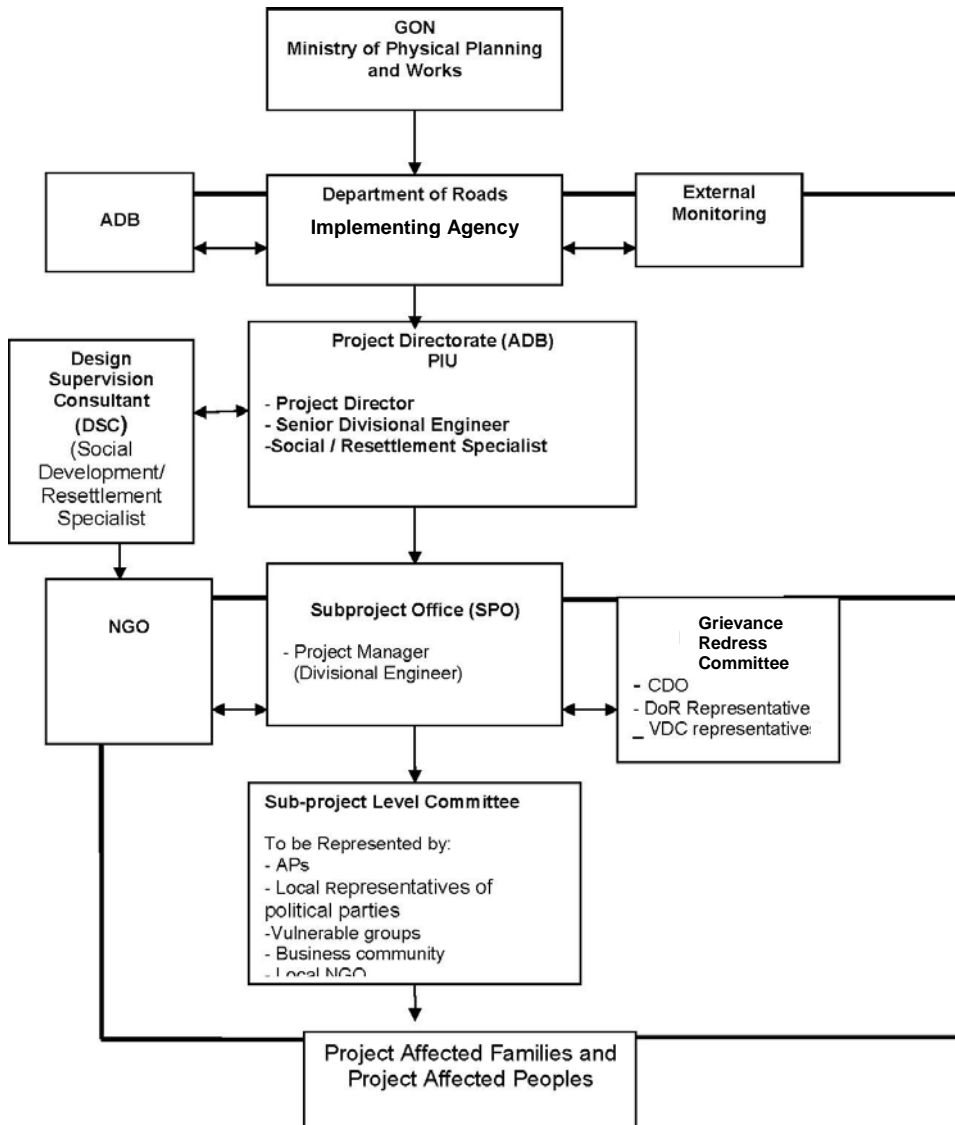
130. A Social Development/Resettlement Specialist from the Design Supervision Consultants (DSC) will support the SRS in further minimizing the resettlement impacts and updating the RPs based on detailed design and assist in supervision and coordination of all activities related to resettlement implementation.

131. The IA will establish Subproject offices/ field offices for the Subproject headed by Project Manager (PM) with officer in the rank of Senior Divisional Engineer. At the Subproject level, Subproject Level Committees (SLCs) will also be established with representations from APs, political parties, vulnerable groups, business community and local NGOs. These SLCs will assist the Subproject office and NGOs in informing people about the likely resettlement impact and solicit views of the affected people regarding compensation and relocation options.

132. The SRS through the Subproject offices / field office, Subproject level committee,

Chief District Officer of the respective district and Project NGO will execute and monitor the progress of the work. He will ensure coordination between the relevant departments, NGO, the Grievance Redress Committee (GRC) and the Affected Persons (APs). The concerned staff at the headquarters and in the Subproject office / field offices related to the Subproject's resettlement activities, including SRS, Revenue Department officials and NGO staff will undergo a week-long orientation and training in resettlement policy and management prior to the implementation of resettlement activities. The institutional framework for implementation of resettlement activities is illustrated as Figure 5.1 below:

**Figure 5.1 Institutional Framework for Resettlement Activities**



133. The PM would be responsible for coordinating with the Chief District Officer (CDO) of the Subproject district with regard to formation and implementation of Land Acquisition and Compensation Fixation Committee (LACFC) by providing necessary documents and assisting the valuation of the assets to be affected. In this regard, the PM will also coordinate with the NGO which will be selected at the Subproject level for the implementation of the RP.

In addition, the PM will play a key role in establishment of a Grievance Redress Committee (GRC) with representation of VDC/Municipality representatives, APs and NGO. As stipulated in Clause 11 of Land Acquisition Act 2034 (1977), the CDO will chair the GRC. Lastly, the PM will regularly update the PIU on the implementation of the resettlement activities at Subproject level.

### **5.3 Non-Government Organizations (NGOs)**

134. Non Government Organizations (NGOs) will be recruited and appointed by the PD, at the Subproject level, to implement and undertake the resettlement activities.

#### **5.3.1 Role and Responsibilities**

135. NGOs will assist the Subproject at sub-project level in informing people about the likely resettlement impact of the Subproject and solicit views of those affected regarding compensation and relocation options and negotiate with the Compensation Fixation Committee (CFC). The NGOs will be responsible for execution and monitoring the progress of the work related to implementation of RP. In addition, the NGOs will assist the Subproject office of DoR on the other regular activities of resettlement. The TOR for the NGO's and the External Monitor are enclosed in Annex V.

#### **5.3.2 Grievance Redress Committee (GRC)**

136. There are provisions under the Land Acquisition Act of Nepal – 2034 (1977) to allow interested persons (i.e. APs) during land acquisition process to file or represent their cases to the CDO and raise objection against acquisition by a notice to Ministry of Home Affairs and get redressal under the LA Act Clause 11 Section 1,2 and 3.

137. In order to address such Subproject related grievances, as per Clause 11 of Land Acquisition Act 2034 (1977) a Grievance Redress Committee shall be established with CDO responsible to play the role of its Chairperson. The other members of the Committee will include VDC Chairpersons, two representatives from APs and representatives from DoR.

#### **5.3.3 Role and Responsibilities**

138. As enumerated above, the legal basis of GRC for RP activities is Land Acquisition Act of Nepal 2034 (1977). The Act has assigned CDO the sole responsibility to chair land acquisition activities and to address the grievances related to the RP implementation activities.

139. In case of any grievances while implementing RP there are some legal provisions made in the LA Act 2034 (1977). Some of the major steps that are supposed to be taken for addressing the grievances are stipulated in the Act (Clause 11 sub-clause a,b,c). In keeping with the legal provision mentioned in the Act, the basic process of grievances redressal to be undertaken under the Subproject will be as follows:

- i. Normally, decisions should be given within fifteen days after receiving the grievances.
- ii. Further processing of the grievances or any decision should be taken only after the consultation with the CDO concerned and also the Project Officer, if deemed necessary;
- iii. The Ministry of Home Affairs can exercise any sort of legal authority as of District

Court while investigating in the matter of such grievances;

140. The various queries, complaints and problems that are likely to be generated among the APs and that might require mitigation, include the following: -

- ⑨ APs not enlisted;
- ⑨ Losses not identified correctly;
- ⑨ Compensation/assistance inadequate or not as per Entitlement Matrix;
- ⑨ Dispute about ownership;
- ⑨ Delay in disbursement of compensation/assistance; and
- ⑨ Improper distribution of compensation/ assistance in case of joint ownership.

141. Through public consultations, the APs will be informed that they have a right to grievance redress. The APs can call upon the support of the NGO to assist them in presenting their grievances or queries to the GRC.

#### **5.4 Design Supervision Consultant (DSC)**

142. In addition, the Social/ Resettlement Specialist from the Design Supervision Consultant will be responsible for assisting SRS at the central level for coordinating land acquisition and resettlement activities through the Subproject level offices. S/he will also assist SRS in updating resettlement data for implementation and keeping record in an efficient manner.

#### **5.5 Resettlement Implementation Schedule**

143. The RP is expected to be implemented immediately after finalizing the RP. Advance action will be taken by DoR to initiate RP implementation such as: establishment of the Project Implementation Unit (PIU), Sub-project Office, initiatives for formation of Land Acquisition and Compensation Fixation Committee (LACFC) under the CDOs and hiring of NGO for resettlement implementation following loan negotiations. The Subproject will provide adequate advance notification to the APs and will pay their due resettlement benefits, including relocation and income restoration/assistance at least three months prior to start of construction work. The major activities to be carried out during the period include; i) payment of compensation and other assistances and (ii) handing over of site to the contractor and (iii) Income restoration assistance. All activities related to land acquisition and resettlement will be completed prior to award of civil works contract.

144. Department of Roads will initiate the process of land acquisition for upgrading the proposed road. Generally, land acquisition is a lengthy process in Nepal. Need of verification of the land /property record from different sources (files, cadastral map and land revenue office), conventional practice of land measurement, lack of uniformity on the map scale, old record keeping system, lack of accurate prevailing official record on land value, fragmented land ownership, difficulties on negotiations etc are some of the reasons behind the issue.

145. Public Works Directives (PWD) has been developed by the DoR under the technical assistance of ADB and has also been approved through cabinet decision to use as a procedural manual while implementing development projects. Public Works Directives is based on the prevailing laws of Nepal in order to assure the compliance of such laws while implementing development works. As per the prevailing practices, there is a mandatory provision of adopting PWD while implementing development works with GoN funds.

146. In addition to several project guidelines, PWD has also mentioned about the time frame in accordance to each step of land acquisition and resettlement process. The time frame as stipulated in the PWD seems helpful on supplementing the regulatory provision of

land acquisition and resettlement activities mentioned in the Land Acquisition Act 2034 (1977). The detailed schedule of RP has been prepared based on the timeframe as given in the PWD. The overall land acquisition and resettlement implementation schedule and the stepwise land acquisition process according to Land Acquisition Act 2034 (1977) and Public Work Directive (PWD). This schedule is given in Annex VI.

## **5.6 Staff Training in Resettlement Implementation**

147. All the staff at PIU, GEU and in the field offices involved in land acquisition and resettlement activities, Land Revenue Department Officials and NGO staff will undergo a week-long orientation and training in ADB's resettlement policy and management. The training sessions will be repeated in field offices, DDCs and VDCs either by grouping the adjacent districts or individually as per convenience of the field staff. The training session will focus on the following:

- (a) Principles and procedures of land acquisition;
- (b) Public consultation and participation;
- (c) Entitlements and compensation & assistance disbursement mechanisms;
- (d) Grievance redressal; and
- (e) Resettlement data-base management
- (f) Monitoring of resettlement operations.

## **5.7 Resettlement Databank**

148. Based on detailed design, a detailed measurement survey has been carried out to prepare a detailed inventory of losses of affected persons. The information concerning resettlement issues related to land acquisition, socio-economic information of the acquired land and affected structures, inventory of losses by individual APs, compensation and entitlements payments and relocation will be collected by the respective Subproject office / field office and NGOs and computerized by the PIU office. This databank will form the basis of information for implementation, monitoring and reporting purposes and facilitate efficient resettlement management.

## **5.8 Cost Estimate and Budget**

149. The cost for assets to be affected by the Subproject and cost for other financial assistance/support for APs including other associated costs has been estimated to implement the Resettlement Plan. This estimated cost based on consultation with APs hence it could be changed after CFC decision.

150. The overall amount of compensation that will be paid to the AP must be equivalent to the costs of replacing the affected assets. Replacement cost means the method of valuing assets to replace the loss at market value, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration, and titling costs. Where the national law does not meet this standard the replacement cost will be supplemented as necessary. Replacement cost is based on market value before the project or dispossession, whichever is higher.

151. The Government will bear all the costs of land acquisition and resettlement for RCSP1. MoPPW and DoR are committed to set aside and provide the respective amounts of funds for RP implementation in an efficient and timely manner. MoPPW and DOR will guarantee to meet unforeseen obligations in excess of budget estimates.

### 5.8.1 Basis Taken for Estimating Land Cost

152. As per the detailed design, the area of land to be acquired is minimal due to the availability of the adequate width in almost all sections of the Subproject road. In order to estimate land cost, consultations were undertaken with both APs and District Land Revenue Office. However, while calculating the project R&R budget, the compensation rate mentioned by APs and local people has been used as the rate since the rate quoted by the District Land Revenue Office was found quite low in comparison to the market value of the asset. In fact, as clearly stipulated in the land cost evaluation document of District Land Revenue Office, basically the rate is aimed only to assure the minimum revenue from the land owners.

### 5.8.2 Basis Taken for Estimating Structure Cost

153. With regard to structures' cost, normally the rate is determined by Department of Urban Planning and Housing and is taken as the basis for estimation. The Department is the sole authorized government body to estimate the compensation costs for the structures (Nepal Rajpatra, Section IV, Number 50, Date 2045/12/6 (1988)). The Department annually updates the rates based on current market value. The cost calculation details of affected structure is included as Annex 2 and is based on discussions with local authorities and local people.

## 5.9 Cost Calculation

154. Based on the Land Acquisition Act of Nepal, fixation of compensation rate is the responsibility of Compensation Fixation Committee (CFC) to be formed under the Act. As per the prevailing practices, CFC to be formed by the CDO under the Land Acquisition Act of Nepal is responsible for determining the land cost. It is in the sense, that in practice the Committee makes extensive consultation with representatives of the affected populations, local representatives of political parties, and relevant district level chiefs of line agencies to fix the compensation rate as per the prevailing market price. Representatives of the affected households, the local government representatives, the project personnel and other local level representatives of line agencies are brought together to fix the price of land, structures and other asset. The method of Community Consensus Valuation (CCV) for fixing compensation is a commendable approach applied in recent projects. Based on the same process, the DOR will assist the CFC in conducting market survey to evaluate local market rate of structures and land which will be helpful on reducing disparity in the valuation based on prevailing market rate.

155. With a view of coming up with a fair judgment on the cost estimates, the study has adopted several strategies while estimating the cost of land, structure and other resettlement costs. The process adopted include

- Query on prevalent land price in the affected areas during census–survey, Collection of minimum land revenue rate fixed by the Land Offices of respective districts for land transactions during census, and
- Collection of recent updated rate from the Department of Urban Development and Housing to determine compensation for structures.

156. While estimating compensation rate for the affected buildings and structures, all affected structures/buildings were categorized according to the type of structures. The major categories comprise :

- ⑨ Frame structure



- ⑨ Cement mortar RCC/RBC structure
- ⑨ Mud mortar RCC/RBC structure/ Cement mortar with CGI roofed
- ⑨ Mud mortar with CGI roofed
- ⑨ Temporary structure

157. The extent of loss of the buildings/structures were measured and calculated by the technical team. Thereafter the cost of structures and buildings were calculated at current market rates based on recent rates of the Department of Urban Development & Housing.

158. Besides, other resettlement assistance in terms of relocation cost, shifting cost, transitional allowance etc. were estimated based on social consultation, and past project experiences taking into account the local market rates. Table 5.1 provides breakdown of the resettlement and rehabilitation cost estimate for the Subproject.

**Table 5.1 Resettlement Cost Estimate (Galchhi-Trishuli-Syaphrubesi Subproject)**

SN	Descriptions	Unit Cost (NRs/sq.m)	Total Qty (Sq. m /No.)	Amount NRs.
1	Compensation for land	1,900	8135.82	15,458,058
3	Compensation for structures		7	488,000
7	Assistance to Alternative premises to affected business having major effect	2,000	1	2,000
9	Shifting cost for residential and residential cum commercial structures	3,000	-	-
13	Shifting allowances for movable temporary kiosks	1,000	1	1,000
14	Livelihood enhancement allowance to the families loosing more than 10 percent of their plot	10,000	5	50,000
15	Economic rehabilitation grant for the owner of 1 residential cum commercial structures	10,000	-	-
16	Additional assistance to vulnerable APs	2,000 (3 months)	89	534,000
17	<b>Total</b>			16,533,058
18	<b>Contingency 15 %</b>			2,479,958
19	<b>Total Compensation Cost (NRs)</b>			<b>19,013,016</b>
23	<b>US\$ @ 68NRs = 1 US \$</b>			<b>279,603</b>

## **6. MONITORING AND EVALUATION**

### **6.1 Need for Monitoring**

159. The Implementation of RP is a crucial part of any development project. In the projects having resettlement impacts, NGOs have to play a catalytic role while implementing the Plan. Community mobilization is a long-term process of capacity building. In this sense they may not be able to tackle the issues in line with the technical requirement and administrative process. On the other hand, it is also quite natural that more powerful individuals may dominate the organization and decision-making process and so on. Therefore, monitoring is required as the back-up support for implementing the RP. Monitoring is a major part of the resettlement management system. Thus, RP implementation will be monitored both internally and externally.

### **6.2 Types of Monitoring**

160. Broadly, two types of monitoring are practiced in the development projects. They are internal and external monitoring. Generally, internal monitoring is conducted by PIU and independent consultants undertake the task of external monitoring.

#### **6.2.1 Internal Monitoring**

161. The Project Implementation Unit (PIU) and NGO will be responsible for internal monitoring. The SRS and Social/Resettlement Specialist of Design Supervision Consultants (DSC) will provide necessary technical assistance and monitor the RP implementation and will prepare monthly reports on the progress of RP implementation. Reporting is mandatory on a quarterly basis to DoR and ADB on the progress of resettlement activities.

162. The PIU will maintain a record of all transactions in their resettlement database, followed by entitlement records signed by AP and survey based monitoring of resettlement / land acquisition progress on a monthly basis. Monitoring will ensure:

- i. Verification that there are no outstanding or unresolved land acquisition issues with respect to the Subproject and that property valuation and economic rehabilitation has been carried out in accordance with the provisions of the Plan;
- ii. Information campaign and consultation has been carried out with APs;
- iii. Status of land acquisition and payments on land compensation;
- iv. Value of entitlement received is equal to that of original structure or land acquired;
- v. Use of entitlement and check its misuse.
- vi. Compensation for affected structures and other assets;
- vii. Relocation of APs; if applicable
- viii. Payments for loss of income and
- ix. That all economic rehabilitation measures are implemented, as approved;
- x. Effective operation of both the Grievance Committees and Sub-project level Committees
- xi. Funds for implementing land acquisition and economic rehabilitation activities are available in a timely manner, are sufficient for the purposes, and are spent in accordance with the Plan.

163. The SRS through its resettlement team will be required to submit reports on a monthly basis documenting the progress of resettlement implementation.

164. Subproject offices / field offices will be responsible for monitoring the day-to-day resettlement activities of the Subproject. Baseline, socio-economic, census and land acquisition data provide the necessary benchmark for field level monitoring. Field level monitoring will be carried out through:

- Review of census information for all APs;
- Consultation and informal interviews with APs;
- In-depth case studies;
- Informal sample survey of APs;
- Key informant interviews; and
- Community public meetings.

165. A performance data sheet will be developed to monitor at the field level. Quarterly reports will be received from the field offices and SRS will be responsible for overall Subproject level monitoring. SRS and DSC Social/Resettlement Specialist will monitor the RP implementation and will report on a quarterly basis to PIU / DoR, and ADB on the progress of all aspects of resettlement activities.

### 6.2.2 Second Tier Monitoring: External or Independent Monitoring

166. An external monitoring agency will be engaged by DoR who will carry out independent bi-annual review of resettlement implementation as well as post Subproject evaluation. An external monitor will be assigned to carry out external monitoring and evaluation works. External evaluation can be done by an outside researcher or consulting agency, university department or development NGOs. The external monitoring will be focused on:

- Evaluating the social and economic impact of land acquisition and economic rehabilitation of the APs;
- Verifying the objective of enhancement or at least restoration of income levels and standard of living of the APs has been met;
- Suggesting modifications in land acquisition and economic rehabilitation, where necessary, to achieve the principles and objectives as set before; and
- Making final ex-post evaluation to ensure all resettlement and land acquisition activities have been completed; any problem issues identified are followed-up (including recommendation of mitigation measures for the budget); and learning lesson from such Subproject must be recorded.

167. More specifically the following activities will be required to be performed by the External Monitoring Agency:

- **Verification of internal monitoring** – to ensure the appropriateness of activities being carried out by PIU and the field offices;
- **Demographic Baseline and Biannual Household Surveys** – to monitor progress from a pre-Subproject, pre-resettlement benchmark.
- **Evaluation of Delivery and Impacts of Entitlements** – to determine if they are as per the approved Resettlement Plan.
- **Evaluation of Consultation and Grievance Procedures** - especially levels of public awareness of grievance procedures, access by AP's and households to information and rapid conflict resolution.

- **Evaluation of Actual Operations of Grievance Committee** - assisting APs as required and acting as observers.
- **Declaration of Successful Implementation** – summing up the outcome of activities on completion of all entitlements distribution and resettlement activities.
- **Recommend Follow-up Actions for the EA** - relating to outstanding actions required to complete achievement of objectives of the RP and resettlement policies, additional mitigation measures for APs, if required, and timing and budget for these additional measures.
- **Describe Lessons Learnt** for future projects.

168. Such external monitoring will be carried out on a biannual basis throughout the Subproject period. The external agency will directly report their findings both to DOR and ADB.

### 6.3 Stages of Monitoring

169. Based on the different Subproject units involved in the RP activities, responsibility of monitoring is given at different stages. They are:

- The SRS and Resettlement Specialist of Design Supervision Consultants (PSC) will provide supervision support throughout the Subproject period as per requirement.
- The external monitoring support will be carried out on a biannual basis throughout the Subproject cycle on the quarterly basis

### 6.4 Reporting Requirements

170. The SRS responsible for supervision and implementation of RP will prepare monthly progress reports on resettlement activities and submit to the IA. DSC will also monitor RP implementation and submit quarterly reports to PIU and ADB. The external monitoring agency will submit bi-annual reviews directly to ADB and determine whether or not resettlement goals have been achieved, more importantly analysis of whether livelihoods and living standards have been restored/enhanced is mandatory and suggestion of suitable recommendations for improvement must be made. The external monitoring agency will also carry out a final ex-post evaluation to ensure that all resettlement and land acquisition activities have been completed. Any problems or issues identified are followed-up (including recommendation of mitigation measures and supplementary budget); and learning from such issues must be recorded which would help to deal with issues such as these more effectively.

