

CHAPTER II

APPROACH AND METHODOLOGY

2.1 Objectives

Land Acquisition and Resettlement Plan (LARP) has been updated for the Bhairahawa ICD Sub-project with the main objective to set out the land acquisition and involuntary resettlement requirements based on the impact assessment and to develop plan and procedures to ensure that all LARP requirements and measures will be carried out in the subsequent stages of sub-project implementation.

The basic objectives are to:

- Establish resettlement resource needs;
- Define resettlement guidelines in the context of needs of sub-project;
- Work out a plan of action and means of implementing this plan to meet existing and projected resettlement requirements;
- Establish roles and responsibilities of all parties involved in land acquisition and resettlement management;
- Work out mitigation measures that shall be implemented to avoid or mitigate adverse resettlement impacts;
- Establish implementation, supervision and monitoring framework;
- Ensure the implementation of recommended corrective actions for resettlement implementation management;
- Ensure that the implementation of land acquisition and resettlement meet the needs of affected people as per legal and policy requirements of HMGN and ADB.

2.2 Legal and Policy Requirement

The development of LARP is guided by the Land Acquisition Act of Nepal, 1977; Road Act, 2047; ADB Policy and Guidelines on Involuntary Resettlement; Environmental Acts and Rules, 1967 and other relevant policies and guidelines of government and ADB.

2.3 Approach and Methodology

The approach and methodologies used to develop the updated LARP include:

- Reconnaissance survey along the proposed road alignment;
- Census of affected structures, land, and their owners;
- Land survey and measurements along the alignment;
- Socio-economic survey of the households with the structures and lands; and
- Public consultation with the affected people (AP) and stakeholders at different levels.

Socio-economic forms of a total of 1046 households including 649 in Rupandehi and 397 in Nawalparasi were filled up. The census survey covered 2687 plots and 649 structures.

Questionnaires, checklists and formats were designed for the purpose. Conclusions were derived after analysis of the information collected. The following paragraphs describe the major field activities carried out for updating the LARP.

- The surveyors carried out the road alignment survey. The cadastral maps coming under the proposed alignment were collected. The surveyors from the District Land Revenue Office supported to superimpose the proposed road alignment on the cadastral map. They also helped the technical verification and calculation of the extent of effects on the affected land and structures.
- Reconnaissance survey and walk along the alignment was carried out observing the land and structures to be affected and current situation of the project sites. This helped review the current status and works out and modify the study approach and methodologies as required.
- Hundred percent census of affected land, structures and households of 20 m ROW in Sidharthanagar Municipality and 30 m ROW in all other parts were carried out based on design requirements. The strategic approach of photo documentation of land and structure owners and taking the evidence of land ownership certificate during the census survey encouraged the presence of true property owner helping the sharing of true information during the survey.
- The socio-economic profile of affected households has been assessed along the corridors of proposed alignment of the sub-project area. A census of affected households within 20 and 30 m ROW has been based on the design requirements.
- Consultation with affected land/ structure owners/ encroachers / businesses including other local stakeholder organizations and individuals, political and social leaders, women groups, vulnerable groups, local NGOs/ CBOs/ clubs, DDCs, municipalities, VDCs and government agencies including Land Revenue Office and Land Survey Department Office was carried out in the following locations of proposed road to understand the response of the affected people (AP) and communities on perceived benefits and impacts, road alignment needs, resettlement option and choices.
 - Government agencies in Sidharthanagar and Ramgram Municipalities: LRO, LSDO, DDCs, Municipalities, and NGOs
 - Basantapur
 - Dhakdhai
 - Hakui
 - Chhipagadh
 - Manjhharia
 - Jamuwad
 - Ramnagar

- The affected people, other stakeholders and organizations were informed and disclosed about the project, land and structure acquisition together with the information that the cut-off date for the compensation issue will be the date of completion of census survey, i.e. June 25, 2006. Discussions and consultations focused on the followings.
 - Project objective, activities and likely impacts of:
 - Proposed new alignment bypass section of the road that passes from Parwanipur to Padam road to join ICD at Birgunj, 50 m RoW and proposed road construction width.
 - Widening of Padam Road section near dry port in about 600 meter length with 30 meter road construction width and 30 m. RoW.
 - Widening of Jeetpur section about 1.5 km with 30 meter width, covering a major marketing and industrial area in Jeetpur bazaar north of Parwanipur (from where the bypass starts for the Dry Port).
 - Investment of HMG fund and ADB loan as fund for road construction and compensation.
 - The efforts made during the detailed design to minimize resettlement, impacts on the structures, land acquisition and disruption of livelihood.
 - Land acquisition requirements, process and institutional arrangement for land acquisition and resettlement process including the fixation of replacement value and the amount of compensation considering the criteria for compensation by the CFCs and GRCs in consultation with the SLCs and local people through a process of the Community Consultation Valuation (CCV) method and monitoring provision.
 - Organizational arrangement of the project including the DoR Project Directorate and Sub-Project Level Committee.
 - Preliminary findings:
 - Households that would lose total, more than 50% and portions of their agricultural land and residential and commercial structures.
 - Public structures to be affected including temple, mosque and government structure.
 - Households occupying government land and to be dismantled.
 - Households with business tenants i.e. having shops on another person's land and in return paying rent.
 - Households operating businesses from temporary/ mobile stalls.
 - Criteria and process for compensating agricultural land including compensation at replacement / market value for the portion of land lost crops and trees.
 - Relocation requirement, options and feasibility of relocations in and around the VDCs.
 - Land availability along the road for those occupying government lands to relocate nearby or push back or other arrangement.
 - Business tenants and shops occupying government land and to be compensated for their temporary loss of income.
 - Business tenants requiring to be paid one-time rental assistance to re-establish their businesses in alternate premises.
 - The residential structures belonging to the titleholders but would lose the portions, which they have extended on the government ROW.
 - The titleholder/ encroachers with the extended portions for commercial purposes in the government land.
 - Entire structures to be affected as titleholders to be compensated as per LA act for the portion they own and the extended parts to be compensated at replacement value.
 - The affected households that will re-build their structures within the available land that they will have after losing their extended parts.
 - Acquiring and compensation for economically non-viable remaining portion of land, if the AP chooses so.

- Provision of entitlement of skill training for a productive activity for all agricultural households losing more than 10% of their land, and a onetime economic rehabilitation grant based on the type of productive activity opted by the AP.
- Assistance for agricultural households along with the women-headed households becoming landless for a period of three months.
- Entitlement policy and options including resettlement benefits and relocation and income restoration and assistance provisions for various types of APs, as per the entitlement matrix consisting of nature of loss, application, definition of AF/P, entitlements and result of actions and responsibilities.
- Requirement of acquiring some portions of land for the purpose of carrying out construction activity by the contractors for a temporary period.
- Resettlement entitlement and provision made in Land Acquisition Act, 2034 (1977) regarding acquisition of land and other property.