
CHAPTER V

PUBLIC CONSULTATION, COMMUNITY RESPONSE & PARTICIPATION

5.1 Introduction

Public consultation and mobilization of participation of affected people (AP) and other stakeholders is a continuous process initiated during the feasibility study, continued throughout the detail design study and planning, and planned throughout the implementation and monitoring of the project process, results and impacts aiming to address the followings:

- Ensure that the affected population and other stakeholders are informed, consulted, and allowed to participate actively in the land acquisition and resettlement process, and road development, and use and maintenance process.
- Maintain a continuous two way process of communication among the stakeholders promoting the understanding of the issues of all including affected peoples, seriously affected people, government, ADB and other stakeholders.
- Ensure peoples' participation in all the phases of the project.
- Address the problems and prospects of land acquisition and resettlement and other stakeholders.
- Address the local needs of PAPs, SAFs, road users and other stakeholders.
- Explore the public views on options and alternative design and road alignment.
- Achieve the peoples' involvement, cooperation and participation in the resettlement, and road development, use and maintenance.

5.2 Methods of Public Consultation

Public consultations in the project area were held at district, municipal, VDCs, village, and tole levels. Group discussions were conducted primarily in settlements with problems of traffic congestion, intense squatting, and multiple intersections closely located, major road intersections and with high concentration of APs. The following methodology has been used for carrying out public consultations:

- The publics have been consulted at individual, groups and mass levels through focus group discussions, individual and group interviews, group discussions, public meetings and mass interactions.
- Individual household level consultation was carried out as a part of land census and socio-economic survey.
- Public consultations were held at strategic locations of each municipality, VDC, and clusters communities of affected areas by involving all sections of the society including group discussions with shopkeepers/traders, squatters, residential affected persons, land affected persons, local leaders and stakeholder government and non-government organizations.

- Women's groups were separately consulted in two places Hakui and Suilihawa apart from the co-group consultations.
- The affected and stakeholder people and organizations were informed and disclosed about the project, land and structure acquisition, and discussed and consulted on the resettlement issues. The information on road design, alignment, ROWs, and other characteristics as well as the land acquisition requirement and resettlement issues have been shared, disseminated and discussed with the project affected people and other stakeholders including Chief District Offices, District Development Committees, VDCs, Municipalities, District Land Revenue Offices, District Land Survey Department Office, Chamber of Commerce and Industries, and others.
- The opinions and preferences of APs were shared on land acquisition and resettlement issues, and the implementation of RP.

Number of consultation meetings by location, method and participants are given in the following table 5.2.1.

Table 5.2.1: No. of consultation meetings by location, method and participants

S.N.	Location and no. of meetings	Method	No. of participants
1.	Bhairahawa: 13 • CDO • DDC • LRO • LSO • NGOs • SCCI • Municipality • AFs	• Information dissemination, exchange and interaction • Individual and small group discussions and interviews. • Individual interviews	53
2.	Basantapur VDC: 4 • ICD Office: 3 • Padam Road APs: 3	• Information dissemination, exchange and interaction • Group interaction • Mass interaction • Individual interviews	145
3.	Dhakdhai: 2	• Information dissemination, exchange and interaction • Group interaction • Mass interaction • Individual interviews	65
4.	Suilihawa: 2	• Information dissemination, exchange and interaction • Group interaction • Mass interaction • Individual interviews	36
5	Hakui VDC: 2	• Information dissemination, exchange and interaction • Group interaction • Mass interaction • Individual interviews	96
6.	Pakaganwa: 1	• Information dissemination, exchange and interaction	46

		• Group interaction • Mass interaction • Individual interviews	
7.	Chhapaligadh: 1	• Information dissemination, exchange and interaction • Group interaction • Mass interaction • Individual interviews	36
8.	Manjhharia: 1	• Information dissemination, exchange and interaction • Group interaction • Mass interaction • Individual interviews	28
9	Ramgram Municipality: 17 • Municipality • LRO • LSO • NGOs • Hospital • AFs • CDO • DDC	• Information dissemination, exchange and interaction • Group interaction • Mass interaction • Individual interviews	85
10.	Jamuwad: 2	• Information dissemination, exchange and interaction • Group interaction • Mass interaction • Individual interviews	96
11.	Ramnagar: 2	• Information dissemination, exchange and interaction • Group interaction • Mass interaction • Individual interviews	56

During the consultations, efforts were made to:

- Understand the views of the people affected, with reference to acquisition of land and selection of alignments, bypasses, land acquisition, and resettlement and rehabilitation options and issues.
- Identify and assess major economic and sociological characteristics of the project sites to enable effective planning and implementation.
- Resolve issues related to impacts on affected people, community property and their relocation; Examine APs' opinions on road safety issues.
- Perception of the community on social, environmental and highway related issues.
- Identify and discuss levels and extent of community participation in project implementation and monitoring.
- Establish an understanding for identification of overall developmental goals and benefits of the road project.

5.3 Findings

Major findings of public consultations are presented below:

- 1) People were convinced about the importance of road. The participants are aware that the road will enhance their economic opportunities, livelihood conditions, and social status.
- 2) The public consultation participants appreciated that the government has rightly decided to upgrade the existing Hulaki road in the place of feasibility of constructing new bypass road. Many participants expressed that it has been many years that they have been waiting in the hope that the Hulaki road would be upgraded and the economic growth and livelihood opportunities of the communities along the route will be promoted. They recalled that the survey has been done a number of times without materializing the implementation. They said "We'll whole-heartedly participate the project to materialize the successful implementation of this project". Communities in the sub-project areas have been positive on the proposed road as they felt that the road will directly and indirectly enhance and promote their socio-economic development.
- 3) The road design and alignment is appreciated except the comments by few landowners with major portion of land to be affected. The people accepted that the adverse impact of current alignment to APs will be limited. Many affected families are those who purchased the land along the existing Hulaki road expecting that the land value will increase in the lapse of time once the road will be upgraded. They possess adequate other lands.
- 4) The people appreciated that the efforts have been made to the possible extent during the detailed design to minimize the resettlement, adverse impacts on the structures, land acquisition, and avoid settlement displacement and disruption of livelihood.
- 5) Generally people did not oppose their relocation. Most affected landowners have other lands apart from the affected lands and structures. They preferred to relocate in their own land in such cases. They preferred to resettle near their previous place of business and residence to avoid social and economic distress. On site relocation for small business were suggested. Small businesses are not interested to relocate at far-off locations. They perceive low business perspective at such locations.
- 6) The affected people preferred cash compensation for the lands and structures acquired for the purpose of the road. The option of land and structure replacement for land and structure acquired was least preferred.
- 7) The participants in all public consultation sessions from Bhumahi to Bhairahawa except the participants in Basantapur agreed and expressed that the project should have the following varying strategic provision of compensation and resettlement assistance to affected persons and businesses:
 - Compensation should be provided at the current market value for seriously affected families, vulnerable families and landowners with the lands being affected in the range of 75 – 100% with the provision of additional assistance for the livelihood improvement of seriously affected and vulnerable families.

- The compensation should be at the rate fixed by the land revenue office, government for families with the land being affected in the ranges of 25 – 75% provided that the adequate and prospective large sizes of land plots in touch with the proposed road alignment remains balance with the affected families. The recommendations of the public consultation participants also include that the compensation for the landowners with the less landholding and with the lands being affected more than 50% should receive the compensation of the land at the current market value.
 - Compensation should be at the rate lower than the rate fixed by the government for the lands being affected in the range of 10 – 25%.
 - Majorities of public consultation participants viewed that there should be no compensation to the landowners of the lands being affected lesser than 10% and the landlords with a large number of land plots.
 - The squatters and vendors being illegal encroacher, the DOR can not be officially involved in their relocation. The squatters and vendors are aware of this. During consultation, they said that they will voluntarily relocate and resettle to other government lands and beyond the construction width in the nearby areas on their own.
- 8) Provision of multiple options is preferred for resettlement including self-relocation and assisted restoration of the affected residential structures.
- Assistance to owners of residential structures and encroachers/squatters households, who may incur loss of ability to maintain livelihood during relocation and resettlement
 - Rehabilitation assistance for lost business and workdays (including employee) due to relocation.
 - Self-relocation of slum and squatter households and commercial structures with compensation for their structures at replacement value.
 - Compensation for the temporary loss of income by the business tenants and shops occupying government land.
 - Consideration of land tenants rights while providing the compensation of land.
 - Minimization of political interference.
 - Serious implementation of commitment made as per entitlement matrix.
 - Protection of religious and cultural sites and plants.
 - Re-confirmation and verification of affected properties.
 - Direct dealing between/among the land and structure owners and relevant committees/offices without involving the mediator between them.

- 9) The participants in Basantapur expressed that they will willingly provide the land and structure for 20m RoW without claiming the compensation, provided that they would be allowed to stay beyond 20m RoW. The number of households in Basantapur is 140 and population 1109. Basantapur has 593 plots and 142 structures to be affected by 30m ROW. The number of structures in Basantapur to be affected will be 30 in the case of 20m ROW. They have their own structures and lands beyond 20m ROW. A total of 103 people have sent an application to the Ministry of Physical Planning and Works requesting that the central line of existing road should be taken as the central line of the proposed road and that the ROW in Basantapur should be set at 20m against the designed ROW of 30m. The public consultation was repeatedly carried out for 3 times on the issues of central line, ROW and possibility of alternatives to minimize the structure demolition.

Finally it was agreed that wherever applicable, the structure demolition will be minimized and avoided by adjusting and minimizing the width size of walkways; and that the central line of the existing road will be taken as applicable without major deviation from the design of the road.

- 10) The participants suggested that there should be extensive consultation with the political parties, local leaders, communities, religious leaders and stakeholder organizations before dismantling the public structures for road purpose.
- 11) Some participants suggested that the vulnerable groups including the women headed households should be provided with the additional income restoration mechanisms to restore their livelihoods.
- 12) Females are exploited, dominated and lacks the participation in the local development, although they are the major contributors in the households and agricultural activities. The women are less involved in decision making in all aspects related to asset ownership, child's education, property transaction, investments and other economic activities. The women said that gender program should be integrated into the project activities.

Suggestions and comments of APs have been incorporated in the project design and entitlements as far as possible keeping in view the technical feasibility. The applicable issues raised during the public consultation have been dealt with and incorporated in relevant chapters.

5.4 Continuation of Public Consultation, Participation and Disclosure

The information dissemination and public consultation will be a continuous process throughout the project during the implementation and monitoring of project implementation process, results and impacts. Both the consultants and NGOs will be involved in the process. Consultations with APs have been planned in the action plan through the partner NGO during RP implementation to involve the affected people and their agreements on compensation, assistance options, entitlement package, income restoration, road construction and maintenance. The next rounds of consultations will occur on fixing the rate of compensation and entitlement package to be followed by the assistance options and income restoration.

The final LARP will be made available to the ADB for uploading it on ADB website. The publicity of availability of report in the ADB website will be publicized during the process of public consultation and information disclosure. The executive summary of translated LARP will be made

available at DDC, VDC, PIU, GRC, CFC, and other relevant offices. For continued consultations, the following steps are envisaged:

- The NGOs to be involved in implementation of the RP will organize public meetings and will apprise the communities about the progress in the implementation of resettlement works.
- There will be Grievance Redress Committees for each district. The APs will be associated with these committees. The committees will include the representative of the APs.
- The resettlement sites (if required during implementation), and other amenities and facilities to be made available to the APs will be decided in consultation with the communities.
- NGOs will organize public meetings to inform the community about the compensation and assistance paid and to be paid. Regular update of the progress of the resettlement will be placed for public display at the PIU offices.
- All monitoring and evaluation reports of the resettlement will be disclosed to the APs and other stakeholders in the same manner as that of the RP report.
- Key features of the entitlements will be displayed in billboards on the project corridor.
- Together with the NGO, the PIU will conduct information dissemination sessions at major intersections and solicit the help of the local community/business leaders to encourage the participation of the APs in RP implementation.
- Attempts will be made to ensure that vulnerable groups understand the process and to take their specific needs into account.

5.5 Mechanism for Continuous Participation

The role of APs, NGOs, host populations, project & local officials is suggested below:

Table 5.5.1: Mechanism for Participation

Project Stage	APs	NGOs	Host	Project and local Officials
Planning	• Participate in public meetings • Identify alternatives to avoid or minimize displacement • Assist in developing and choosing alternative options for relocation and income generation • Help to choose resettlement sites • Participate in survey • Provide inputs to entitlement provision • Assist in preparation of action plan • Suggest mechanism for grievance redress • Conflict resolution and participate in grievance redress • Participate in coordination committee	• Assist in impact assessment • Assist in census and SE survey • Participate in coordination committee • Participate in group meetings • Design and implement information campaigns • Support group formation, problem identification and planning for APs and hosts, • Suggest mechanism for grievance redress of conflict resolution • Assist in preparation of action Plan	• Provide information on various aspects of host communities • Assist in data collection and design • Provide inputs to site selection • Identify possible conflict areas with APs • Identify social and cultural facilities needed at resettlement sites • Assist in identification of income generating (IG) schemes • Provide inputs for design of IG schemes • Help develop a process of consultation between hosts and APs • Suggest mechanism for grievance redress and conflict resolution	• Provide information on AP skills etc. • Suggest ways to minimize impacts • Indicate local staff and budget capacity for relocation • Assist NGO in information dissemination • Participate in consultations • Examine the feasibility of IG discuss with APs • Help documentation and consultations.

Implementa tion	• Participate in implementation support activities • Participation in local decision making activities • Decide on management of common properties • Participate in grievance redress mechanism • Monitor provision of entitlements • Labor and other inputs at site • Credit and other group scheme management • O&M of sites and project inputs • Members of implementation committee	• Provide ongoing information for PAPs and hosts • Support in group management • Monitor entitlement provision by implementation of IG schemes. • Training to eligible PAPs • Support to vulnerable groups • Evaluate community participation • Provide advice on grievance redress	• Assist in relocation • Manage common property at site • Participate in local committees • Assist APs in integration with hosts. • Assist APs in use of new production system • Use established mechanisms for grievance redress	• Process IG proposals • Participate in grievance redress • Provide assistance under local schemes • Participate as member of implementation committee
M&E	• Participate in grievance tribunals • Report on IG schemes • Report on service quality of sites	• Provide information to project staff on vulnerable groups • Act as M&E agency for project • Act as external monitors for project	• Provide inputs to M&E	• Ongoing interaction with PAPs to identify problems in IG programme • Participant in correctional strategies.

5.6 Information Campaign and Future Plans

APs will be invited to the proposed grievance redress system for a quick, inexpensive and amicable settlement of claims. They will be advised to get their records of rights updated. All possible efforts will be made to motivate the affected landowners and structure owners for a voluntary and amicable settlement of their claims outside the court.

Most of the issues will be settled out of court as far as possible. Handouts will be distributed by NGOs to all the affected persons highlighting the benefits of amicable settlement of disputes outside the court. Public announcements will be made in affected areas. Press notes will be released in local newspapers to aid publicity.