
CHAPTER VI

IMPLEMENTATION FRAMEWORK

6.1 Institutional Arrangement

The main institutions to be involved in the land acquisition and resettlement process include the followings:

- DoR/Project Directorate (ADB)/PIU
- Subproject Implementation Unit
- District Administration Office
- Line Offices (Land Survey Department Office, Land Revenue Office, District Development Committee, Municipality, VDC)
- NGOs
- Sub-project Level Committee/Grievances Redress Committee
- Training Institutions
- Monitoring and Evaluation (M&E) Agency
- Project Supervision Consultants

Figure 6.1.1 provides an Organization Structure for implementing the LARP.

Figure 6.1.1: Organizational Structure of Implementing Land Acquisition and Resettlement Plan

6.1.1 Department of Road / Project Directorate (ADB) / Project Implementation Unit / Sub-project Implementation Unit

Ministry of Physical Planning and Works is the executing and DoR the implementing agency for this project. The Department of Road is the nodal agency for the implementation of the project. Project Directorate (ADB) office in the Department of Road operates as the Project Implementation Unit (PIU). This unit coordinates the process for land acquisition, relocation and rehabilitation, distribution of project provided assistance and APs access to government programs. The Project Director (PD) heads the Unit and is responsible for overall execution of the Project.

The prime responsibility for land acquisition lies with the DOR. The Project Director acts as the Chief Resettlement Officer (CRO) in charge of the land acquisition and resettlement operation and overall project activities. The PD co-ordinate the RP implementation, appoints NGO for R and R implementation and M and E consultants for monitoring and evaluation; review monthly progress report; monitor the progress on R and R and land acquisition; advise the SPIU on policy related issues during implementation; and ensure early release of money for R and R activities.

The Project Manager for the Sub-project acts as the Sub-project Level Resettlement Officer and supports the Project Director. The CRO works in close coordination with the respective Sub-project Implementation/Support Unit (DPSU) / field-based office of DoR, Project Supervision Consultants and Project NGO/s on day-to-day activities of the resettlement plan implementation.

The Bhairahawa - Bhumahi SPIU is responsible to carry the following task concerning resettlement of the project:

- Implementation of R and R activities of RP;
- Land acquisition and R and R activities in the field;
- Ensure availability of budget for R and R activities;
- Liaison with district administration for support for land acquisition and implementation of RP;
- Participate in the district level committees.
- Co-ordinate with district administration and NGO for land acquisition and R and R;
- Prepare pamphlets of the policy;
- Printing of the policy and identity cards for the APs;
- Ensure the development of resettlement sites if required;
- Participate in the allotment of residential, commercial and agricultural plots;
- Liaison with district administration for dovetailing government's income generating and developmental programs for the APs;
- Ensure the inclusion of those APs who may have not been covered during the census survey; facilitate the opening of joint accounts in local banks to transfer assistance for R and R for PAFs, and organize the disbursement of cheques for assistance in the affected area in public;
- Monitor physical and financial progress on land acquisition and R and R activities;
- Participate in regular meetings;
- Organize regular meetings with the PSC and NGO to review the progress on R and R;
- Review micro plan and monthly reports.

The SPIU will establish networking relationships with line departments and other government and non-governmental organizations. The revenue office has an influencing role in land acquisition

proceedings, and initiation of resettlement process. Unless the compensation process is prompt and efficient, implementation process will get delayed.

Income restoration will be the responsibility of the project authority. NGO will facilitate linkages to be established with the agencies implementing income-oriented programs to restore the income of APs.

Restoration of community assets will require the help of stakeholder organizations. The SPIU will extensively work on developing lateral linkages for mobilization of resources to benefit the APs and to achieve the desired results expected from implementation of RP.

The revenue office is responsible for providing land records, acquiring land and other properties and handing them over to the proper authorities. The representative of the agency will be in contact with the PSIU, which will facilitate the integration of the various agencies, involved in the R and R process.

The land acquisition is done through the District Administration Office. The compensation amount is deposited with the district administration by the acquiring body DOR for disbursement. The resettlement of the affected population will be implemented by the DOR as it is being done in other road projects. The DOR take the services of Project Supervision Consultant and experienced local NGO/s to implement the project on its behalf. The DOR also conduct its own internal monitoring of resettlement implementation through its Project Implementation Unit.

The CRO with the technical support of PSU through the BR-SPIU/field office, subproject level committees, Chief District Officer of the district and Project NGO will execute and monitor the progress of the work. S/he will ensure coordination between the relevant departments, NGO, CFC, GRC and the Project's affected people (APs).

PSC: The Resettlement Specialist from the Project Supervision Consultants (PSC) will support the CRO / SPRO for supervision and coordination of all activities related to resettlement implementation.

6.1.2 Non-government Organisations (NGO/s):

Involuntary resettlement is a sensitive issue. Experience in R and R matters will be required by the PIU, PSIU. A good rapport with the affected community will facilitate a satisfactory R and R of the APs and minimize disturbance particularly physical and economic. To overcome this deficiency, experience and well-qualified NGO in this field will be required to assist the PIU/SPIU in the implementation of the RP. NGO hired for RP implementation will also be responsible for HIV/AIDS, trafficking of women and child, child labour, etc. also. The NGO should have experience of addressing such social issues.

The NGO, in this sense, will have to ensure that the due entitlements flow to the APs in the most effective and transparent manner. The success of the NGO inputs will largely depend on their liaison with the APs and other concerned government agencies. Other involved agencies are expected to collaborate with project, based on instructions from the DOR, in accordance with the policy framework and the RP. The arrangements have to be made to set up the various committees and implementation mechanisms required for the project.

The PD will recruit and appoint local NGO/s as required for resettlement activities. In absence of capable and experienced NGO/s, the PSU will provide technical support to the Sub-project Support Unit on proceedings of implementation.

The feasibility study recommended the establishment of District Sub-project Support Unit, where two Units will be required in the case of Birgunj Sub-project which will not be practical. The DoR will therefore establish the Birgunj ICD Road Sub-project Implementation Support Unit (BR-SPSU) and not District Support Unit, headed by the Project Manager. Provided that the capable NGO/s are recruited, the implementing NGO/s will provide field staff in the BSSU for resettlement implementation. If the capable NGO/s are not available, the implementation will be done by recruiting the local capable NGOs/CBOs.

The roles and responsibilities of local NGOs / CBOs include the followings:

- Verification of the PAFs;
- Verification of land records followed by verification on the spot related to identified plots and owners;
- Develop rapport with the APs;
- Photograph of each AP for ID cards;
- Assist to issue identity cards to the PAFs;
- Co-ordinate with the SPIU to implement R and R activities;
- Conduct market feasibility study for income restoration program;
- Valuation of properties/assets for finalization of replacement value;
- Participate with the SPIU to undertake public information campaign at the commencement of the projects;
- Disseminate the information on R and R policy to the APs;
- Assist the APs in receiving the compensation;
- Facilitate the process of arranging loans for PAPs
- Facilitate the opening of joint accounts
- Generate awareness about the alternate economic livelihood and enable the PAFs to make informed choice;
- Prepare micro-plans for R and R;
- Enable the PAFs to identify the alternate sites for agriculture, residential and commercial plots;
- Participate in the consultation on allotment of shops and residential plots;
- Ensure the APs have received their entitlements;
- Ensure the preparation of rehabilitation sites;
- Participate in the meetings organized by the PIU;
- Submit monthly progress reports;
- Identify training needs and institutions for the APs for income generating activities;
- Participate in the disbursement of cheques for the assistance at public places;
- Coordinate the training programs of the APs for income generating activities;
- Coordinate the meeting of District Level Committees;
- Accompany AP to GRC;

- Awareness campaigns for highway related diseases; and
- Ensure the AP judiciously uses compensation and R and R assistance.

The role of NGO will be of a facilitator. The NGO will work as a link between the PIU/SPIU and the affected community. They will educate the APs on the need to implement the Project on aspects relating to LA and R and R measures and ensures proper utilization of various compensations extended to the APs under the R and R entitlement package. After the approval of the micro plans, the NGO will issue identity cards to the entitled persons. NGO support will be to facilitate the resettlement process. Its broad objectives will be to:

- Build rapport with APs and PIU/SPIU
- Educate APs on their rights, entitlements, and obligations under the RP;
- Ensure that APs receive their full entitlements;
- Where options are available, the NGO shall provide advice to APs on relative benefits of each option;
- Assist APs on grievance redressal through the established system;
- Collect data as required to help PIU to monitor and assess progress;

Briefly, its activities will be to:

- Develop rapport between the APs and the PIU/SPIU;
- Develop project level plans for R and R in consultation with the APs and communicate same to PIU/SPIU;
- Explain to the APs about the options available for their land and properties acquired for the Project;
- Assist the APs to identify suitable land for agricultural purposes;
- Assist DOR in making arrangements for the smooth relocation of the APs;
- Ensure proper utilization by the APs of various compensations available under the R and R package;
- Assist the APs in getting benefits from various government development programs;
- Help the APs in the redressal of their grievances at the Grievance Redressal Committee;
- Train the APs, if necessary, in acquiring literacy and income-generation related schemes;
- Provide appropriate field staff; and
- Any other responsibility that may be assigned by the PIU/SPIU for the welfare of the affected communities.

In assisting the APs to choose among different options available to them, analysis should first be made of likely benefits and potential risks for each of the options. Following such an analysis, the risks and benefits shall be explained to the APs to enable them for an informed choice.

In choosing between different options, whether it is cash compensation or various rehabilitation schemes, the DOR makes use of the baseline socio-economic survey data, and ensure that those APs considered vulnerable are encouraged to choose the options entailing the lower risk.

As a general principle for the RP, APs will be monitored to ensure that they are able to regain or improve their former socio-economic status and quality of life. If it becomes clear that the assistance given is insufficient, additional assistance or support may be considered. In order to carry out such tasks, the employees of the NGO are to be stationed in the project area. Besides

contacting the APs on an individual basis to regularly update the baseline information, group meetings and village-level meetings will be conducted by the NGO on a regular basis. The frequencies of such meetings will depend on the requirements of the APs but should occur at least once a month. The NGO will have to encourage participation of individual APs in such meeting by discussing their problems regarding LA, R and R and other aspects relating to their socio-economic lives. Such participation will make it easier to find a solution acceptable to all involved.

It is extremely important for the success of the RP to select NGO that are capable, genuine and committed to the tasks assigned. Key quality criteria include:

- Experience in direct implementation of programs in local and similar districts;
- Availability of trained staff capable of including APs into their programs;
- Competence, transparency and accountability based on neutral evaluations, internal reports, and audited accounts; and
- Integrity to represent vulnerable groups against abuses; experience in representing vulnerable groups, demonstrable mandate to represent local groups.

In addition to above, taking into consideration the risks of HIV/AIDS during the project period and road safety and anti-trafficking issues, specialized NGOs will be invited to undertake activities related to their core competencies. The focus will be more on prevention as well as referral services on curative aspects. The major activities of NGO will include awareness generation, information dissemination and mobilization of communities to act on the issues towards safer behaviour.

The NGO chosen have to agree to the terms and conditions under the RP. The selection of a committed NGO is very crucial for implementation of the Project.

The NGOs involvement should be based on mutually agreed terms and conditions with specific responsibilities and in-built accountability. The contract signed with the NGO indicates the tasks to be performed and amount to be paid for their services. The payment to NGO should be linked to performance of the tasks assigned and the time period. Their payment will be arranged as per contract agreement. The NGO will submit a monthly progress report to the SPIU, which in turn will send the summarized version of their reports with comments to the PIU/DOR. The monitoring and evaluation component of the RP will include the performance of the contracted NGO. The NGO services will be required for 6 months for which provision has been made in the budget.

Terms of Reference for the NGO are given in the Appendix.

The NGO shall have offices in the districts for implementation for 6 months. The NGO will have adequate support staff for carrying out the R&R activities. One key professional will be required. Overall supervision will be under a Team Leader assigned specifically for this project. The Team Leader should be post-graduate, preferably in social sciences, and should have experience of implementing R and R activities for linear projects. S/he should have at least 5 years experience in implementation of R and R and community development works. S/he should have held responsible position in the previous assignments, should possess participatory management skills and should have good knowledge of the region and the local language.

The technical and social professionals should be at least a diploma holder. S/he should have at least 10 years experience in fieldwork. S/he should have participated in at least one project involving R and R activities, should have participatory knowledge of land measurement, and

should be conversant with land valuation methods. Knowledge of local language is a necessary qualification. The social professional should be at least a graduate. S/he should have at least 5 years of working experience of which at least 2 years in R and R or community development projects. Should have sound understanding of the land acquisition process, experience in developing, implementing vocational training and participatory management. Knowledge of local language is a necessary qualification. One of the key professional will exclusively look into the land acquisition process.

HIV/AIDS will be one of the major implementation concerns. The team will have professional with expertise to work on issues of HIV/AIDS with an objective to generate awareness on the issue and work towards its prevention. Professional with at least 3-5 years of experience on HIV/AIDS awareness and communication techniques will be qualified to fill up the position.

The support staff should be graduate or equivalent in social sciences. Knowledge of local language and experience of working in the region is desired.

Additionally, the following conditions shall apply to the team proposed by the NGO:

- The proposal should accompany a personnel deployment schedule, clearly indicating whether the deployment is home-office based or in the field;
- The NGO must propose at least one woman as part of the key personnel. The person-month deployment of the woman key personnel shall constitute at least 33% of the person month deployment of all key professionals in the assignment.
- The women key persons, if selected for the contract, may be replaced during the period of contract, only with women key persons of equivalent qualifications and experience; and
- The NGO will depute a 'technical support' team to work at the site, which will consist of women members. Junior support personnel and / or administrative staff will not be considered as 'technical support' professionals, as far as this condition is concerned.

6.1.3 Subproject Level Committee / Grievances Redress Committee and Grievances Redress Mechanism

RP will be implemented through Subproject Level Committee (SLC) represented by the District Administration Office, District Land Acquisition Office, District Land Revenue Office, VDC, representative of affected villages including women, line departments, people's representatives, NGO and representatives of affected population. The functions of the SLC will be as follows:

- Meet regularly to review the progress of land acquisition / R and R;
- Approval of the micro-plan on the basis of methodology defined in the RP; and
- Facilitate the implementation of the RP programs in the project-affected area.
- Meet regularly specifically for grievance redressing purpose;
- Help in amicable settlement of disputes at community level;
- Carry forward the ones which are not reconciled to the Grievance Redressal Committee
- Coordination with local government authorities and field offices.

The sub-project level committees assist in informing people about the likely resettlement impact and solicit views of the affected people regarding the compensation and relocation options and negotiate with the CFC.

The RP strongly recommends all efforts to be made to settle grievances of the APs as amicably as possible. Out of court settlement is preferred since this expedites dispute settlement on the

one hand and helps timely project implementation on the other. Grievance Redress Committees have been set up at district level to resolve the concerns of the APs. The GRC shall conduct thorough investigations so that APs are satisfied. The GRC will continue to function for the benefit of the APs, during the entire life of the project including the defects liability period. The response time prescribed for the GRC is 15 days. The GRC will meet once a fortnight to expedite redress of grievances. The functions of the GRC are to:

- Provide support to the APs on problems arising out of land/ property acquisition;
- Record the grievances of the APs, categorizes and prioritise and solve them within a month;
- Inform PIUs of serious cases within an appropriate time frame; and
- Report to the aggrieved parties about progress on their grievances and decisions of the PIUs.

Grievances Redress Committee is established in consultation with the affected people with their representations. The representations from political parties, religious leaders, vulnerable groups, business community, public representative, women groups, squatter and vulnerable families, local NGOs, line agencies/offices, representatives of affected people, representative of district administration in the committee shall be considered. Minimum participation of women in GRC shall be 33%. At least two persons from each group shall be in the GRC.

There are provisions under the Land Acquisition Act of Nepal – 2034 (1977) to allow APs during land acquisition process to represent their cases to the Chief District Officer (CDO) and raise objection against acquisition by a notice to Ministry of Home and get redressal under Act 11 Section 1, 2 and 3. The major grievances that might require mitigations include the followings:

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

Any grievances and objections will be referred to the Grievances Redress Committee (GRC). The functions of the Grievance Redress Committee shall be to:

- Provide support to APs on problems arising out of their land/property acquisition and/or eviction from the road ROW land;
- Record the grievance of the APs, categorize and prioritize the grievances that need to be resolved by the Committee, and solve them within a month.
- Report to the aggrieved parties about the developments regarding their grievances and the decision of the Project authorities.
- Inform PIU/SPIU of serious cases within an appropriate time frame.

Such mechanism would mediate conflict and cut down on lengthy litigation as well as provide affected persons a platform to raise objections and receive agreeable resolutions.

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 to all the affected persons highlighting the benefits of amicable settlement of disputes outside the court. Besides, public announcements will be made in affected areas. Press notes will be released to aid publicity.

There is a need for an efficient grievance redress mechanism, which will assist the APs in resolving queries and complaints. Any dispute will be addressed through the grievance redress mechanism. It is anticipated that most, if not all grievances, will be settled by the GRC. Detailed investigation will be undertaken which may involve field investigation with the concerned APs. The GRCs are expected to resolve the grievances of the eligible persons within a stipulated time. The decision of the GRCs is binding, unless vacated by a court of law.

The GRCs will continue to function during the life of the project including the defects liability period. The response time prescribed for the GRCs is 15 days. The GRC will meet once in a fortnight on a pre-fixed date to expedite redress of grievances. It will look into grievances of the people and assign the responsibilities to implement the decisions of the committee. The committee will deliver its decision within a month of the case registration.

People are not barred from moving to the court for issues including those related to R&R entitlement. However, it is expected that the GRCs will play a very crucial role in redressing grievances of the APs, and will help the implementation of the project as scheduled.

The grievances mechanism will be based on existing laws. A Grievance Redress Cell (GRC) will be set up in each VDC. Grievances not resolved amicably at the VDC level will be routed through NGOs to the subproject level GRC. An Arbitrator, selected by the PIU, may be appointed for unresolved cases. The queries, complaints and problems that are likely to be generated among the APs will primarily relate to disputes of ownership of assets, identification of legal heirs of deceased property owners and other non-land related issues.

The PIU/SPIU and the office of the DOR will act as Public Information Centers, which will be in possession of all documents relating to the project including compensation packages and grievance redress procedures, and will provide any information regarding compensation and grievance redress.

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

VDC Level Committees: The first stage will be VDC Level Committees (VLCs) and the NGOs. The APs will be encouraged to be part of VLCs composed of:

- Representatives of affected persons;
- VDC members of the affected villages; and
- NGO field workers

On third participation of women from affected families and full participation of women from the women headed households will be encouraged.

The VLCs and the NGOs will meet at regular intervals as decided by the community, specifically for grievance redress purposes at a pre-decided date, time and place. The APs can be formally present in the meetings and discuss their queries and grievances. At the community level, the committee will have the power to resolve matters either by providing information or agreeing on

follow-up action. It may reject some grievances for not being legitimate. However, it will have to explain to the AP the reasons for not recording the grievance. Legitimate grievances, which the VLC is unable to resolve, will be taken to the GRC, which will then be taken necessary action after reviewing the findings in a thorough investigation. The VLC will maintain a register of all queries and grievances, and the action taken.

The APs will present their grievance concerning compensation for structures / land and R&R assistance to the VLC/NGO. The VLC and NGO will examine the grievance, and will do their utmost to reach an amicable settlement to the satisfaction of the APs. A sample for grievance record keeping is given in Appendix.

Figure 6.1.3.1: Levels of Grievance Redress

APs, who are not satisfied with the decision of the GRC, will have the right to take the grievance to the DOR / PIU head office for redress. Failing the redress of grievance at DOR / PIU, the APs will take the case to Arbitration. The Arbitrator(s) will be independent. Taking grievances to arbitration and judiciary will be avoided. As far as possible, NGO and Competent Authority will make utmost efforts at reconciliation at the VLC or GRC level.

NGOs: The DOR will engage the experienced local NGO/s for implementation of RP activities and to coordinate with other stakeholders in the project. The NGO will be involved in organizing and conducting training programs, upgrading of skills, awareness campaigns, verification of APs and their assets, help in settling the disputes etc.

CFC: The CFC will act as per LA Act.

GRC: A Grievance Redress Committee (GRC), headed by the Chief District Officer or Officer assigned by the CDO, VDC chairperson/s, representative/s from APs, local representative, NGOs and representatives from DoR. The CRO or his nominee the Project Manager will be the member-secretary of the committee and shall act as the Project's Grievance Officer. GRC will meet at least once a month. The decision of the GRC will be final. The Committee shall deliver its decision within four to six weeks of registration of the case.

6.2 Support to DOR in Resettlement

The resettlement implementation will be carried out with external support along with internal institutional capacity building in the Road Department for future self-sufficiency. This will be done by undertaking the technical support of the Resettlement Specialist in the team of Project Supervision Consultants to provide technical assistance in resettlement planning, implementation and internal monitoring and evaluation. Local NGO/s experienced in resettlement implementation shall be involved to facilitate the process and assist in implementing the RP. A Terms of Reference (TOR) for resettlement implementation by the NGOs has been prepared attached in the appendix of this report. Apart from this, an external monitoring agency shall also be hired to conduct periodic monitoring and evaluation of implementation of the RP activities.

6.3 Staff Training in Resettlement Implementation

All the staff at PIU and SPIU in the field offices involved in land acquisition and resettlement activities, including the land revenue department officials, NGO/s staff and SPLC/GRC members will undergo a orientation training on resettlement policy and management. The training orientation sessions will be carried out in the field focusing on the following:

- Principles and procedures of land acquisition;
- Public consultation and participation;
- Entitlements and compensation & assistance disbursement mechanisms;
- Grievance redress; and
- Monitoring of resettlement operations.

6.4 Resettlement Databank

A detailed census survey has been carried out to prepare a detailed inventory of losses of affected persons. All this information concerning resettlement issues related to land acquisition, socio-economic information of the affected people, inventory of losses by individual APs, compensation and entitlements, payments and relocation will be compiled by the respective Sub-project Implementation Unit / field office and NGO/s through their concerned field offices and computerized. This databank will form the basis of information for implementation, monitoring and reporting purposes and facilitate efficient resettlement management.

6.5 Disclosures and Consultation

The Resettlement Plan has been prepared based on the Land Acquisition Act of Nepal, ADB Policy and guidelines, and in consultation with the affected persons and other stakeholders. The APs have been informed about the likely impacts of the project. The stakeholders consulted include (i) land owners (ii) heads of households (iii) businesses to be affected (iv) village leaders (iii) affected family members (iv) NGOs working in the project area (v) concerned government agencies and departments and (vi) women and vulnerable groups.

Summary of Resettlement Plan has been translated in Nepali to disclose it to the local communities so that they read it by themselves and be aware of the Project's benefits and provisions for various types of entitlements. In addition, Resettlement Plan will be disclosed through the official websites of DoR and ADB. The DoR will circulate the updated RP in English and local language to all relevant local government offices. During implementation, updated plan will be disclosed to the affected persons. Information campaigns all along the project road / area will be conducted to inform and explain the entitlement policy and various options to the affected people (APs) prior to payments of compensation and other financial assistance.

Participation of project-affected people will be ensured through their involvement in various local committees such as Sub-project level Committees and Grievances Redress Committees (GRCs). The PIU and BR-SPSU / field offices will establish and continuously maintain an ongoing interaction with the APs and communities to identify problems and undertake remedial actions.

The affected people will be made aware of the land acquisition, resettlement, and compensation / entitlements. The project information will be disclosed to the affected people and stakeholder organisations. The process of community consensus valuation (CCV) will be discussed with the APs and accordingly carried out. Overall timing of project implementation and modalities of participation of affected people in the project will be discussed with the affected people and stakeholder organisations and accordingly adjusted and implemented.

6.6 The Resettlement Plan Implementation Process

The DOR has and will initiate the following activities to commence and implement the RP:

- The project affected land, structures and people have been identified.
- The compensation has been estimated.
- The socio-economic survey of Project Affected People has been undertaken.
- The land and property acquisition and resettlement plan has been prepared.
- The land acquisition and resettlement plan dissemination, disclosure and consultation meetings with project affected peoples and other stakeholders have been carried out before and after the preliminary notification.
- PIU of DOR in Project Directorate (ADB)/DOR is operational.
- Field office: Bhairahawa-Bhumahi Subproject Implementation / Support Unit has been initiated.
- NGOs are selected for the smooth implementation of resettlement plan activities and oriented on the land acquisition and resettlement plan and on their roles on its implementation.
- Compensation Fixation Committee has been mobilized, and preliminary meetings for fixing the land and structure value has been initiated.

- Sub-project Level Committee / Grievances Redress Committees (GRC) of APs at VDCs Level and Sub-Project Level will be formed and the preparation for their orientation training has been initiated.
- Preparation for training of field staff, NGOs, GRC, CFC, stakeholder organizations, workers and committees members has been carried out.
- TOR for the appointment of external monitoring and evaluation consultants has been prepared.
- Final valuation of property has been initiated.
- The remaining tasks include the followings:
 - Physical verification of APs & finalization of individual titleholders
 - Compensation award to confirmed titleholders
 - Final notification of LA activities of titleholders with grievances
 - Payment of compensation to titleholders with grievances
 - Payment of all eligible assistance to shifting/income loss
 - Relocation activities for SAF
 - Handover the acquired land to DoR
 - Technical support to field staff / workers/NGOs/GRC/SLC/ other stakeholder organisations in implementing the LARP
 - Training and support program for income restoration / SAF
 - Recruit and mobilize the external monitor

6.7 Training

Training is an important part of RP. Following training modules will be developed and implemented:

6.7.1 Training for NGO Personnel

The NGOs will be trained to upgrade their skills enabling them to deliver the R and R components more effectively.

6.7.2 Training of APs

The training imparted will be essentially of two types: technical training relevant for jobs and the other for non-land and land based self-employment and skill development schemes. The policy is devised under the following parameters:

- Eligible APs will get training assistance,
- Provision for training has already been made in the RP budget. This amount is not redeemable in cash. It is based on an estimate of a minimum of 6 weeks of training per person, which may be stretch to a maximum of one year, which could allow daily allowance to AP, cost of experts, trainers and other incidental expenses. In case where the type of training requested by the APs exceeds the budgeted amount, the DOR will review the request on a case-by-case basis through PSIU.
- APs will have the right to participate in institutional form of training at existing institutions.
- APs will have the right to transfer his/her training entitlement to his/her immediate family member if the AP desires to do so.

- APs will request the DOR for participation in a particular training in consultation with the NGO. The DOR will approve and pay the training institution directly and the cost will be deducted from the APs training entitlement,
- Eligibility criteria for training will feature on the ID card.
- On completion of training, APs will receive an introductory letter/certificate from the DOR. This will assist the APs in approaching the bank for loans to start micro enterprises.

6.7.3 Training Mechanism

The implementation of the training procedure would involve the following steps:

- The NGO will map all relevant existing institutions/programs in the area that would impart training;
- Regular survey of perceived training needs of APs by NGO in collaboration with the PSIU will help to prioritise and select schemes for training;
- Training institutes/individuals/experts can be subcontracted to conduct relevant training demanded by APs within the financial means of the entitlement;
- The NGO will prepare the list of trainees (phase wise);
- Awareness generation and information dissemination on the schemes will be carried out by the NGO to the selected trainees to ensure transparency about the training schemes and the entitled amounts;
- Registration of the APs, payment of courses and maintenance of all records, regarding portion of entitlement used by AP for a particular course, will be done by the NGO.

The PIU/PSIU will co-ordinate with the different recognized training organization, including professionals who will be engaged, to impart training in different trades to the APs either in the project area or any other place fixed by the institutes. Care will be taken the funds for training are utilized in best possible ways

6.8 Implementation Schedule

The DoR has initiated the advance actions like the establishment of the Sub-project Implementation/Support Unit, CFC, GRC, SLC, arrangement of resettlement staff for the field offices, and hiring of NGO/s for resettlement implementation. The DOR has arranged that the Project Director assigned for the project also act as the CRO in charge of the land acquisition and resettlement operations. The project has provided advance notification to the APs. The project will pay their due resettlement benefits, including relocation and income restoration / assistance prior to the start of construction work. All activities related to land acquisition and resettlement will be completed prior to the award of civil works contract.

The DoR will initiate the process of land acquisition. The land acquisition is a lengthy process. Need of verification of the land/property record from different sources (filed, cadastral map and land revenue office), conventional practice of land measurement, lack of uniformity on the map scale, old record keeping systems, lack of accurate prevailing official record on land value, fragmented land ownership, difficulties on negotiations etc are some of the reasons behind the

lengthy process. In order to help implement public works like roads as per prevailing laws, the government has developed a Public Works Directives (PWD) a procedural manual which has been approved by the cabinet. The time frame given by the PWD for each step of land acquisition and resettlement process has been guided by the experiences of different projects. Activity-wise exact time frame is unclear even in LA Act for each step and process. During preparation of the timeframe for land acquisition and resettlement the PWD timeframe has been referred. Figure 6.8.1 depicts the overall land acquisition and resettlement implementation schedule.

Figure 6.8.1: Schedule of Land Acquisition and Resettlement Plan Implementation (Revised in January 28, 2007 in consultation with the authorities of Project Directorate (ADB) / DOR)

SN	Activities	Start	End	Responsibility	Progress/ Status
1	LARP surveys and implementation supports in Bhairahawa				
1.1	Resettlement (land, structure and socio-economic) survey				
a	Identify project affected land	-	July, 2006	Consultant	Completed
b	Identify project affected structures	-	July, 2006	Consultant	Completed
c	Identify project affected people	-	July, 2006	Consultant	Completed
d	Estimate compensation	-	July, 2006	Consultant	Completed
e	Undertake socio-economic survey	-	June, 2006	Consultant	Completed
f	Update and submit LARP/property acquisition plan	-	Oct., 2006	Consultant	Completed
g	Improve LARP as per comment and submit final report	-	Nov., 2006	Consultant	Completed
1.2	Implementation support / property acquisition, resettlement and compensation				
a	LARP dissemination and consultation meetings in Rupandehi and Nawalparasi districts with CFCs for preliminary notification	Oct., 2006	Oct., 2006	DoR* + Consultant* + CFC**	Completed
b	Notification meetings in Rupandehi and Nawalparasi districts	Oct., 2006	Oct., 2006	CFC* + DoR* + Consultant**	Completed
c	Notify and disclose the LARP to APs	Nov., 2006	Nov., 2006	Consultant*+DoR*+ CFC*	Completed
d	Orientation / consultation workshop	Oct 2006	Oct., 2006	Consultant*	Completed
e	Formation of GRCs	Oct., 2006	Oct., 2006	CFC*+DoR*+ Consultant**	Completed
f	Final valuation of property	Nov 2006	Feb 15, 07	CFC*+DoR**+ GRC**	Ongoing
g	Physical verification of APs & finalization of individual titleholders	Nov., 2006	Feb. 15, 2007	CFC*+DoR**+ GRC**+NGO**+ Consultant**	Ongoing
h	Provide identity cards to verified and finalized individual titleholders.	Dec. 2006	Feb. 28, 2007	NGO*+GRC**+ CFC**+ DoR**	-
i	Compensation award to confirmed titleholders	Dec., 2006	Feb. 28, 2007	CFC*+DoR**	Proceeded
j	Final notification of LA of titleholders with grievances	Nov., 2006	March 15, 2007	CFC*+GRC*+ NGO*+Consultant**	-
k	Payment of compensation to titleholders with grievances	Nov., 2006	March 31, 2007	CFC*+DoR**	-
l	Payment of all eligible assistance to shifting/income loss	Nov., 2006	March 31, 2007	CFC*+DoR**+NGO* *+Consultant**	-
m	Relocation activities for SAF	Nov., 2006	March 31, 2007	CFC*+NGO**+DoR* *+Consultant**	-
n	Handover the acquired land to DoR	Dec 2006	Mar 31, 07	CFC**+ DoR**	-

2	ToR & training workshop of field staff/ workers/ NGOs/ GRC / CFC/ SLC & stakeholder organizations & technical support				
2.1	Preparation of ToR of stakeholder organisations and modules for conducting training workshops	Aug., 2006	Nov. 30, 2006	Consultant*	Completed
2.2	Training workshops	Nov., 2006	March 30, 2006	Consultant*+ NGO**	NGO orientation training completed
2.3	Technical support to field staff / workers/NGOs/GRC/SLC/ other stakeholder organisations in implementing the LARP	Sept., 2006	March, 2007	Consultant*+ NGO**	Ongoing
3	Advance actions				
3.1	Establish Project Implementation Unit and depute staff / CRO	-	March, 2006	DoR*	Completed
3.2	Establish Sub-project Support Unit (SPSU) and Sub-project Level Committees (SLC)	Oct., 2006	Oct., 2006	DoR*	Completed
3.3	Hire/recruit NGO	Sept 2006	Oct 30 2006	DoR*	Completed
3.4	Formation of GRC	Oct, 2006	Nov. 30, 2006	CFC*+DoR*+ Consultant**	Completed
4	Training and support program for income restoration / SAF				
4.1	Rapid assessment of training needs and market feasibility	March 1, 2007	March 15, 2007	NGO*+DOR**+ Consultant***+CG	-
4.2	Design, prepare and implement training programs	March 15, 2007	April 30, 2007	NGO*+DOR**+ Consultant***+CG	-
4.3	Follow-up, monitoring and technical support to income restoration initiatives of affected peoples	May 1, 2007	May 31, 2007	NGO*+DOR**+ Consultant***+CG	-
5	Recruit and mobilize the external monitor				
5.1	Recruit	-	Feb. 15, 2007	DoR*	-
5.2	Monitoring by external monitor	Feb. 15, 2007	Feb. 15, 2008	EM*	-

Note: * Major role, ** Support role

6.9 Income Restoration Measures

Restoration of pre-project levels of income is an important part of rehabilitating socio-economic and cultural systems in affected communities of the project areas. Income restoration interventions are much more complex due to occupational diversity of APs. This complex nature of occupational diversity poses a problem for mitigation measures in the context of economic rehabilitation. However, the R and R framework has adequate provision for restoration of livelihoods of the affected communities. The focus of restoration of livelihoods is to ensure that the Affected Persons (APs) are able to at least regain their previous living standards. To restore and enhance the economic conditions of the APs, certain income generation and income restoration programs are incorporated in the RP. Providing employment to the local people during construction phase will enable them to participate in the benefits of the project, reduce the size of intrusive work forces and keep more of the resources spent on the project in the local economy. It will also give the local communities a greater

stake and sense of ownership in the project. The R and R framework of the project provides that the loss of livelihood which would mainly result from the loss of land will be compensated by way of:

- Alternative economic rehabilitation support and training for up grading of skills or imparting new skills and various R and R assistances such as transitional allowance and economic rehabilitation grants for vulnerable APs.
- Preference in providing employment through contractors for road works specially to those belonging to vulnerable groups.

Alternative village income sources such as village-based industries shall be promoted by the project in association with the local NGOs/CBOs. Villagers will be supported and encouraged to develop industries that are suited to their resources, skills and interests. Support in the form of technical assistance and training, marketing, business management and coordination will be provided by the NGOs.

The Economic Restoration Grant has been provided to the vulnerable as seed money to start up or expand new businesses, increase productivity of agricultural land. The project will also support in linking APs to the existing credit facilities. Training amount has been calculated considering the training fees for the trainers, training materials and overheads for training organizations, and execution of training.

The project will assist the PAFs to work in the road construction services as follows:

- Assist to establish contact with the construction contractors;
- Enlist for available and able labor work;
- Skill improvement, training and employment opportunities;
- Identify training needs and modules;
- Assist with access to income-oriented and poverty alleviation programs of the line agencies.
- Assist to identify self-employment options.

The NGO appointed will coordinate with district administration to find out the programs in the area and facilitate the APs to take advantage of the programs. The NGO can encourage the co-operative movement or self help group activities among the APs. The success stories in other part of Nepal will provide a guideline for initiating the movement.

Compensation for the standing crop will be paid at the market value. Households losing more than 75% of land holding will receive compensation for land at replacement costs which will enable him to purchase alternate agricultural land or land along the road alignment to start up a new business. Agricultural households who fall below poverty line or become landless will receive skill training and an ERG of Rs. 6000.

Majority of businesses and landowners opted for cash compensation for self relocation. The market complex is not required. Majority of owners and encroachers in Jeetpur would be able to reconstruct on the existing land. The APs will be assisted with compensation for lost structure, transitional allowance and shifting assistance. APs will receive skill training to improve their income earning opportunities. Vulnerable APs will receive an ERG of Rs. 6000 in the form of productive assets. The choices of APs as appropriate should be identified.

Income restoration program will not sustain until and unless it is based on the market need and demand. PSIU/PIU and contracted NGO will undertake the detailed market feasibility study to prepare the list of all viable and feasible enterprises. The scope of this study will cover service and

non-service based enterprises, the raw material availability and assured consumer market. The findings of the study will be matched with the profile of the APs. Accordingly the options will be offered to the APs. PIU/SPIU through NGO will facilitate marketing facilities support in order to make the self-employment schemes successful. It is perceived that the NGO will take care of the marketing needs of these products. The NGO will conduct periodical monitoring of these units over the implementation period and will take mid term correction measures if required. For accessing credit facilities NGOs will coordinate with different lending intuitions and support APs in accessing such soft loans. For marketing purposes, the NGO may tie these units up with existing stakeholder business organizations. After establishment of the initial marketing linkages, the NGO will have to be gradually phased out their involvement.

The APs eligible for training will either be trained in the training institutes or by individual trainers. Training will be provided to vulnerable APs as per the entitlement matrix. It is expected that such training will be organized within 6 months of property acquisition. NGOs will carry out the detail exercise of skill mapping and training need assessment before finalization of training schemes.

In addition to project-sponsored programs, the implementing NGO will play a proactive role to mobilize the various government schemes and ensure their accessibility and benefits to the APs, particularly vulnerable groups.

Labour force required for construction activities will be mostly of high-skill nature since a lot of machine work is envisaged for the construction works. As a result the construction contractors are expected to bring along their labour force. In most cases the labourers will be migratory labourers. But, the involvement of local labour force, especially for unskilled activities, cannot be ruled out. To ensure participation of local population as labour, the SPIU/PIU will have to take following steps:

- Ensure that the list contains name of both male and female APs. Take care that APs less than the age of 14 years are not included in the list in accordance with the Child Labour Act.
- Ensure that equal wages are given to both male and female workers.
- Coordinate with the contractor to give preference in jobs for affected people.

It is perceived that the DOR will not be able to provide direct employment to the APs. Alternative programmes are therefore proposed as outlined in the above sections.

The following order of priority would be considered for the APs entitled for self-employment:

- Have the requisite educational qualifications;
- Have taken training in micro-enterprise scheme and appeals to the DOR for assistance; and
- Possess previous experience in running micro-enterprises;

However, relaxation will be made for women, those below poverty line, and minorities and vulnerable APs who have taken training, but may not have requisite educational qualifications and experience. The key parameters of the DOR level of assistance in setting up of micro-enterprises are as follows:

- Survey of marketing opportunities and information on APs;
- Identification of training needs and modules that matches market opportunities.
- NGO to assist the APs to form groups/cooperatives.
- Assist the APs to get access to capital.
- Co-ordinate with the local bank to extend credit to the APs.
- Facilitate the APs access to existing programs of income generation and poverty alleviation.
- Monitor the ventures established and incomes derived from the programs.

The strategy to be adopted to encourage and assist self-employment includes providing training and streamlining micro enterprises. The TOR for NGOs will ensure that they have the capacity and appropriate personnel. The DOR will closely monitor the implementation of the program. The entitlement matrix gives details of the various types of assistance available to APs and adequate funds are provided in the overall RP budget.

6.10 Resettlement Budget and Cost Estimates

The total estimated cost for land acquisition and resettlement is expected to be the amount of NRs. 522,537,300.88. The replacement cost of land and structure is based on current market price. An independent evaluation was carried out to assess the replacement value of the land and structures. The market value was assessed on the basis of recent transactions, sale and purchase of lands and consultation with revenue department and local people.

Table 6.10.1: Cost Estimate for Land Acquisition, Resettlement and Compensation

S N	Description of Works	Unit cost	Total Quantity	Amount(NRs)
1	Land acquisition for (Bhairahawa- Bhumahi) Road	Varies	71.126 ha	331,556,642.00
2	Compensation for the loss of Agricultural crops/ Vegetation (1 year)	Varies		4,565,010.00
3	Compensation for the loss of residential /commercial structure	Varies	649	126,969,257.89
4	Relocation allowance for the structure needing relocation @Rs 2000	2000	134	268,000.00
5	Additional compensation in terms of livelihood /skill development training for income restoration to the households having loss of more than 10 percent of their productive lands.	3000		3,138,000.00
6	Economic rehabilitation grant @Up-to NRs 6000 for each households depending upon the extent of impact /loss	6000	1046	6,276,000.00
7	Compensation for the loss of (Temporary) income by commercial structure/owner/tenants conducting business@ average income.	4000	180	720000
8	loss of business premise owner/ business tenants, relocation allowance for moving business @NRs3000	2000	180	360000
9	Loss of wages by employee @NRs 3000		NA	NA
10	Loss of income by business operating from mobile structure @ Nrs. 2000	2000	118	236,000.00
11	Additional assistance to vulnerable groups, having complete loss of land including women headed households @ 2000 for 3 months.	6000	30	180,000.00
12	Social cell at PIU LS	LS		600,000
13	Independent Monitoring & Evaluation	Covered by the Birgunj budget		
14	NGOs/CBOs assistance for RP implementation	Covered by the Birgunj budget		
	Staff / NGOs training			
	• Preparation (Rs. 45,000)	LS		165,000
15	• Implementation (Rs.120,000)	LS		
16	Sub Total			475,033,909.89
	Contingencies 10%			47,503,390.99
	Total			522,537,300.88

The Nepal Government will bear the costs of land acquisition and resettlement. MPPW and DOR will have to arrange budget including unforeseen obligations during the implementation of LARP.

6.11 Compensation Valuation for Land

Land records in Nepal are not updated properly, leading to complications in deciding the actual ownership. Updating of land records is required during implementation of the LARP as and when the cases come up. This will be done by undertaking the verification of land records in District Land Survey Department Offices and Land Revenue Offices followed by verification on the spot related to identified plots and owners.

Once the land records are updated, calculation of replacement value of land will be done by the Compensation Fixation Committee (CFC) in close consultation with the sub-project level committee that will be constituted for the project. The sub-project level committees will comprise of members from APs, political parties, religious leaders, vulnerable groups, business community and local NGOs. The CFC in consultation with the sub-project level committee will determine the amount of compensation considering the following:

- Current price of land
- Land / structure sale and purchase prices available for at least last 2 years
- Consultation with DDC and VDC on land / structure prices in the area based on size, type and location of the land to be acquired
- Value of standing crops, houses, walls, sheds
- Loss incurred as a result of shifting residence or place of residence.
- Common public consensus on the unit price of land based on type, size and location and structures, crops and trees.

The land prices are difficult to assess and still more difficult to come to consensus. A detailed survey was carried out by the PPTA consultants and DoR to arrive at the unit prices of land and structure for determining the replacement value. During the detail survey consultations were carried out with the local people along the stretch as well as with the affected plot owners. Recent land sale and purchase prices, land prices fixed by District land revenue office (DLRO) were collected as well as land compensation paid in other ADB projects in Nepal was also evaluated. Based on these multi-level assessments it was concluded that the replacement value of land was fixed as mentioned during the updating of the LARP. Prevailing market unit construction rates per m² of buildings was taken for the estimation of structures.