
CHAPTER I

PROJECT BACKGROUND AND SCOPE OF LAND ACQUISITION

1.1 Project Description

The Department of Roads (DoR) / Ministry of Physical Planning and Works (MPPW) under the ADB Loan No. 2097-NEP (SF) is implementing the Sub-regional Transport Facilitation Project (STFP) comprising the following three sub-projects:

a) Birganj ICD Access Road Sub-project

The Birganj – ICD access road includes the improvement and construction of 12.34 km of road involving 54.94 hectares of land to be acquired. This sub-project consists of the following three components:

- i) Upgrading construction of 0.6 km length of existing Padam road starting from the ICD include the widening of road which involves 1.23 hectares of land including 1.08 hectares of lands for 30 meter width and adding 0.15 hectares of lands for fill batter slopes. The road is two-lane sealed road with 7 m wide carriageway with 4.2 meters of walkways along either side of the road.
- ii) Construction of new bypass road from Padam road is approximately 10.19 km in length and passes through the agricultural lands to the Tribhuvan Highway in Parwanipur. This section will have 50 m right-of-way (ROW) involving 50.93 hectares of lands. Two new structures are required over Gandak canal and Sirsuwa River in this section.
- iii) Widening of Tribhuvan Highway through Jeetpur township section of about approximately 1.55 km of length is designed to be of 30 meters width.

b) Bhairahawa - Bhumahi Road Upgrading Sub-project

This consists of upgrading construction of an existing 29 km gravel road of 7 – 12 m wide requiring 71.1256 ha of land from zero chainage at Devkota Chowk Bhairahawa to Bhumahi on the East-West Highway via Parasi to sealed two-lane standard with 7 m wide carriageway with 30m ROW in VDCs areas and 20.34 m ROW in the municipal area. The road links two districts; Rupandehi and Nawalparasi. The alignment passes through two Municipalities and 7 Village Development Committees (VDCs) of both districts. The bypass road is designed wherever the road alignment cannot be adjusted with the existing road curves and wherever the minimization of resettlement is applicable. The right of way in municipal area is based on the municipal by-laws of Sidharthanagar Municipality.

c) Kakarbhita ICD Component

Kakarbhita ICD component is the construction of a road based ICD at Kakarbhitta in the eastern Nepal / India border, in an area of about 7.5 hectares with all necessary facilities such as covered

goods sheds, administration building, customs accommodation quarters, weighbridge, guard posts, lighting, fencing etc. Separate immigration office and facilities will be provided under the project to facilitate the passenger immigration.

The Kakarbhita project will occupy the existing custom yard and government land. Birgunj ICD Access Road Sub-project and Bhairahawa - Bhumahi Road Upgrading Sub-project require the land acquisition and resettlement. Land Acquisition and Resettlement Plan (LARP) is a pre-requisite in the process. The feasibility LARP was prepared in August 2004. This report is update of feasibility report and deals with the Bhairahawa - Bhumahi Road Upgrading Sub-project, which consists of a length of 29.152 km from Devkota Chowk in Bhairahawa to Bhumahi of East-West Highway in Nawalparasi. The detail report on Birgunj ICD Access Road Sub-project is separately prepared. The Bhairahawa – Bhumahi Sub-project is in Rupandehi and Nawalparasi districts of western region of Nepal. **Table 1.1.1** provides the length of the project road passing through each district. It is 14.900 km in Rupandehi and 14.252 km in Nawalparasi.

Table 1.1.1: Project Roads Length (km)

District	From	To	Chainage	Chainage (To)	Length in Km.
Rupandehi	Devkota Chowk	Mahau	0+000	14+900	14.900
Nawalparasi	Mahau	Bhumahi	14+900	29+152	14.252
Total					29.152

The proposed road aims both the upgrading of existing Hulaki road and the construction of new bypass road. New bypass road is proposed wherever the alignment in the existing Hulaki road could not be adjusted due to the inappropriate and non-standard curves for the speed of vehicle at 80 km/hour and wherever the minimisation of resettlement is applicable. The right-of-ways (ROW) of the existing road is not defined and protected. The existing road width varies in different sections of the road. It generally ranges 7 – 12 meters and in few places like Basantapur and Dhakdhai upto 20 meters. The detail of existing ROW and road width with the current land use pattern of affected lands is presented in the **Table 1.1.2**.

Table 1.1.2: Details of Existing ROW and Road Width in Bhairahawa Sub-project

Chainage	Existing ROW and Road Width	Remarks – Land Use
Rupandehi (Bhairahawa – Mahau Section)		
0+000 – 1+005	20.34 m (ROW)	Built-up area with private and public residential, commercial and official structures and lands
1+005 - 1+030	7 m	Bridge over Danda river
1+030 – 2+550	20 m (public agreed)	Built-up area with private residential and commercial structures, public lands and private agricultural lands
2+720 – 4+630	7 m	Residential & commercial structures and agricultural lands
5+350 – 5+420	7 m	Agriculture & public lands
5+420 – 5+530	7 m	Bridge over Rohini river
5+530 – 10+320	7-12 – 20 m	Residential & commercial structures and agricultural lands
10+500 – 11+600	12 m	Agricultural lands
11+850 – 12+460	12 m	Agricultural lands
12+460 – 13+250	12 m	Bridge over Bhagela river and agricultural lands
14+400 – 14+900	12 m	Agricultural lands

Nawalparasi District		
14+900 – 15+380	12 m	Bridge and agricultural lands
15+380 – 15+430	12 m	Bridge over Turiya river
15+430 – 15+660	12 m	Agriculture lands
15+900 – 16+020	12 m	Agriculture lands
16+410 – 18+290	12 m	Commercial and residential structures and agriculture lands
19+600 – 22+500	12 m	Commercial and residential structures and agriculture lands
23+000 – 23+045	12 m	Agriculture lands
23+045 – 23+130	12 m	Bridge over Jhharahi river
23+130 – 29+152	12 m	Private/public commercial & residential structures & agriculture lands

The road is designed for an average speed of 80 km/h. The improvement work cannot be carried out within the existing width. Additional land will be required along the existing alignment and at places where the construction of bypasses and realignment has been proposed. The details of bypasses and realignment by the chainage with current land use pattern of affected lands are presented in the **Table 1.1.3**.

Table 1.1.3: Details of Proposed Bypass Road in Bhairahawa Sub-project

Chainage	Proposed RoW	Remarks – Land Use
Rupandehi		
2+550 – 2+720	30 m	Agricultural lands
4+630 – 5+350	30 m	Agricultural lands and small portion of private forest
10+320 – 10+500	30 m	Agricultural lands
11+600 – 11+850	30 m	Agricultural lands
13+250 – 14+400	30 m	Agricultural lands
Nawalparasi		
15+660 – 15+900	30 m	Agriculture lands
16+020 – 16+410	30 m	Agriculture lands
18+290 – 19+600	30 m	Agriculture lands
22+500 – 23+000	30 m	Agriculture lands and few residential structures

1.2 The Project Region

The project locations and components are shown in the **Figure 1**.

Location and Physical Conditions: The project road passes through two districts Rupandehi and Nawalparasi starting from Devkota Chowk/Shantinagar Bhairahawa in Rupandehi to Bhumahi/Ramnagar in East West Highway, Nawalparasi district. The Mahau river at chainage 14+900 separates two districts. The proposed road traverses about 29 km including 15 km in Rupandehi and 14 in Nawalparasi passing through 2 municipalities Sidharthanagar and Ramgram and 7 VDCs Basantapur, Pokharvindi, Dhakdhai, Chhipagadh, Hakui, Sukrauli and Ramnagar. The proposed road passes through some small and major settlement centers in two districts, viz. Shantinagar of Sidharthanagar Municipality, Basantapur, Baikunthapur, Dhakdhai,

Hakui, Suilihawa, Nodawa, Manjhharia, Emli tole of Ramgram (Parasi) Municipality, Jamuwad and Bhumahi.

About 48.9% length of the road sections falls in the Nawalparasi and the rest 51.1% in Rupandehi district. The section traverses through a variety of land use viz. settlements, agriculture, small private forest, and river.

Table 1.2.1: Tentative Estimated Road Length and Land Acquisition Requirements

Name of Sub-Project	Proposed Activities	Tentative (K.M.)	Land Required (ha)
Municipality and VDCs Coming Under Alignment			
<u>Rupandehi</u>	Upgrading of existing road	24.242	55.756
1. Siddharthanagar Municipality			
2. Basantapur VDC			
3. Pokharvindi VDC			
4. Dhakdhai VDC			
5. Chipagadh VDC			
<u>Nawalparasi</u>	Construction of new bypass road	04.910	14.730
6. Hakui VDC			
7. Sukrauli VDC			
8. Ramgram Municipality			
9. Ramnagar VDC			
Total		29.152 K.M.	71.000

Source: Detail Technical Design, 2006

Economy and Land use: Agriculture is the mainstay of the people of the project route. A total of 930 households will lose their agricultural land due the construction of the road. The households not losing the agricultural lands are mainly in Sidharthanagar Municipality and Basantapur VDC of Rupandehi district. Kamaiya system, a long-term farm labor relationship between laborers and their employers was a complex and coercive farm wage labour system prevalent in both Nawalparasi and Rupandehi. A variety of food crops are grown along the project route. The cash and commercial crops are negligible. The main food crops include paddy, wheat, pulses, other cereals and vegetables. Agriculture products are extensively used for household consumption. People generally do not count the selling of agricultural products as a source of income. Collectively, the household incomes have been reported higher than the national poverty line of about NRs 7600 per capita.

Household industry also contributes towards employment generation, though the majority of the workers are women. Nawalparasi district accounts higher coverage 83.36% of irrigation facilities of total irrigable land. However, the project route is more prone to flood disaster.

Apart from agricultural activities, family members were engaged in other sources of income like working in industries, doing services etc. Among the interviewed households, about 64% had small businesses. Nearly 7.8% and 2.2% households had family members respectively engaged in unskilled and skilled labor.

Rupandehi ranks 5th and Nawalparasi 27th in human poverty, 2001. Human poverty index of Rupandehi was 29.2 and Nawalparasi 40.2.

Overall the majorities 70.13% of affected households had living standards well above the minimum national poverty line Rs. 7600/capita (NPC, 2005). The people above the national poverty line are 72.32 in Rupandehi and 66.47 in Nawalparasi. The people below poverty line are overall 29.87%. It is 27.68% in Rupandehi and 33.53% in Nawalparasi. The people living below poverty line are negligible while adding the income from the agricultural products. The households mostly belong to low-medium income groups. Nearly 11 – 15% of households belonged to the high-income group.

The land use pattern along the project route is mainly agriculture followed by structure building for residential and commercial purposes. A total of 930 households will lose their agricultural land. The households not losing the agricultural lands are mainly in Sidharthanagar Municipality, and Basantapur VDC of Rupandehi district.

There are a large number of squatters and other landless peoples living precariously in the urban and semi-urban centers of both Rupandehi and Nawalparasi. The households which do not possess the land ownership certificates were also counted as slums and squatters. The majorities of them were identified mainly in Imlia Tole in Parasi, Ward 8 and Suilihawa, Rupandehi districts. Other squatters were occupying movable and temporary structures in different parts of the districts along the project alignment routes. A total of 156 squatter households including 118 movable structure owners were identified.

1.3 Scope and Rationale for Land Acquisition

A significant number of lands and structures will get partially or totally affected requiring relocation and resettlements of affected households. The land/structure acquisition for the Bhairahawa - Bhumahi Road upgrading is proposed up to the 30 m ROW limits. The structure acquisition in the urban section at Bhairahawa end through Shanti Nagar shall be made within 20.34 meters width based on the availability of ROW as per municipal by-laws of Sidharthanagar Municipality. The need for land acquisition is unavoidable due to the following reasons:

- The available RoW and width of the current existing alignment road is only 7-12m. The proposed widening requires 20 - 30m RoW.
- Bypasses have been proposed to adjust the road curves and avoid the resettlement and impact on the properties and businesses. The land is required for the bypasses. The bypass has avoided the structural properties to the possible level. The provision of bypasses would reduce the project-affected persons.

1.4 Alternative Options and Measures Considered to Minimize Resettlement Impacts

While finalizing the road alignment, efforts have been made by adopting appropriate engineering designs and location specific measures to minimize the resettlement impacts. Public consultations and field visits helped in getting better planning and designing inputs towards minimizing negative social impacts.

The followings are the measures taken to minimize the the resettlement:

- To minimize displacement and reduce disruption of livelihoods, concentric widening in settlement sections, bypasses to avoid settlement & raised carriageway have been proposed.

- The available ROW is only 20.34m in Shantinagar from Devkota Chowk to Danda Bridge as per municipal by-laws of Sidharthanagar Municipality. The existing RoW is maintained to avoid the resettlement of dense settlement.
- The minimization in the size of walkways / footpath is considered to avoid the need of demolition of structures in the densely built-up areas in Basantapur and Dhakdhai as applicable.
- Bypasses have been proposed to avoid the resettlement and impact on the properties and businesses. The bypass has avoided the structural properties to the possible level. The provision of bypasses would reduce the project-affected persons.
- The road width has been adjusted to 30 meters in the place of 50 meters to avoid the structure dismantling and resettlement.
- The design has included the existing gravel road as far as possible to minimize the extent of land acquisition. All efforts were made to reduce negative impacts during detailed design and will be made throughout the project implementation process.

1.5 Primary Responsibility for Land Acquisition and Resettlement

The Department of Roads, Project Directorate (ADB) is the nodal agency for implementation of the project. The land acquisition is normally done through District Administration Office as per LA Act, 2034. The resettlement of affected population shall be implemented by DOR. The DOR shall hire the services of experienced NGOs to implement the RAP on its behalf. However, the DOR shall conduct its own internal monitoring of resettlement implementation through its Project Implementation Unit.

1.6 Objectives of the Resettlement Plan

Project Objective: The main objective of the project is to improve border crossing access road, and custom, trans-shipment and freight handling facilities at principal border crossings in Nepal, whereby the sub-regional transport network will be improved between Nepal and India, Bangladesh, Bhutan and other third countries.

LARP Objectives: The resettlement plan was prepared during the feasibility phase of the project. This report comprises the updating of the LARP prepared during the feasibility study. This report deals with the Bhairahawa sub-project and is based on the findings of field reconnaissance survey; road alignment survey; census of affected households, lands and structures; sample socio-economic survey of affected households; public consultation with affected households and stakeholders at different levels; and the detailing and update of the feasibility LARP. This report has worked out and addressed the followings:

- Types and extent of impacts on lands, structures and affected families;
- Type and extent of loss and benefit of livelihood or income opportunities;
- Collective losses, such as common property resources and social infrastructure;
- Review of the principles and legal frameworks of land acquisition and resettlement applicable for the sub-project;
- Entitlement of compensation, resettlement, relocation, and restoration, based on the inventory of losses and impacts;
- Institutional framework for the implementation of plan;
- Budgetary provision and estimates; and
- Implementation, monitoring and evaluation framework and schedule

The primary objectives of this Resettlement Plan (RP) is to provide an effective guideline for the HMGN and Project Implementation Management for the acquisition of land required for the land, support necessary resettlement and entitlements to implement the SRTF Project and ensure that the people and households affected by Land Acquisition and Resettlement are compensated under the prevailing legal norms of HMGN in compliance with the guidelines of the ADB. The LARP shall support to mitigate the adverse impacts of the project and assist the affected persons (APs) in resettlement and restoration of their income and livelihoods. The RP also addresses other interrelated socio-cultural impacts on indigenous/vulnerable groups, issues of road safety, trafficking in women, and AIDS/HIV. It is designed to involve all stakeholders, including roadside communities and other user groups, in the planning and implementation of the project. This LARP complies with the LA Act 2034 and ADB policy on *Involuntary Resettlement* (1995), *Handbook on Resettlement: A Guide to Good Practice* (1998), *Policy on Indigenous Peoples* (1999) and other social safeguard policies designed to protect the rights of the affected persons and communities.

1.7 Resettlement Principles and Guidelines

The basic resettlement principles and guidelines include the followings:

- The land acquisition and resettlement will be based on the LARP covering all aspects from identification of alternative land to the schedule of resettlement.
- The land acquisition will be carried out in a way to avoid or minimize the adverse and negative impacts on the people affected by the project and avoid displacement as much as possible. Where 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.
- It will be taken care that there will be no/or minimum adverse social, economic and environmental effects of displacement on the host communities.
- All information related to resettlement plan and implementation will be disclosed to all concerned. People's participation will be ensured in plan and implementation of the project.
- All acquisition of land will be under the Land Acquisition Act, 2034. There will be provision of compensation for properties to be acquired as far as possible at the replacement value of property. Before acquisition and taking the possession of lands and properties, compensation and resettlement assistance will be provided.
- Provision of relocation on the edge of available ROW (if possible), to avoid severe social distress to the AP is open. There is provision of multiple options for resettlement (for example; "self relocation, assisted restoration) of the affected residential structure, including encroacher/squatters.
- The Act recognizes that together with cash compensation, more elaborate steps have to be taken to rehabilitate APs specially the SAFs. Rehabilitation assistance i.e., compensation for lost business and workdays (including employee) due to relocation shall be provided. Assistance will be provided to owners of residential structures and encroachers/squatters households, who may incur loss of ability to maintain livelihood during relocation and

resettlement.

- Broad entitlements for different categories of project-affected people are given in the entitlement matrix. Anyone moving into the project area after the cut-off date and undertaking the structural and land modification activities will not be entitled to resettlement assistance.
- Appropriate grievance redress mechanisms will be established at the district level or sub-project level to ensure speedy resolution of disputes.
- All activities related to resettlement planning, implementation, and monitoring will ensure involvement of women. Efforts will be made to ensure that vulnerable groups are included.

1.8 Community Response

Major findings of public consultations are presented below:

- 1) People were convinced about the importance of road.
- 2) The road design and alignment is appreciated except the comments by few landowners with major portion of land to be affected.
- 3) Generally people did not oppose their relocation.
- 4) The affected people preferred cash compensation for the lands and structures acquired. The total number of households which opted for cash compensation were 1004 including 623 in Bhairahawa and 381 in Nawalparasi. The option of land and structure replacement for land and structure acquired was least preferred.
- 5) Provision of multiple options is preferred for resettlement including self-relocation and assisted restoration of the affected residential structures.
- 6) 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.
- 7) The participants suggested that vulnerable groups including women headed households should be provided with the additional income restoration mechanisms to restore their livelihoods. The income restoration in terms of livelihood/skill development training for the households having loss of more than 10 percent of their productive lands is planned. However, for the budgeting purpose, all 1046 households are counted. There are a number of skill development training institutions affiliated with the Council of Technical Education and Vocational Training (CTEVT) of Nepal Government, which can be mobilized in skill development training for the income restoration of affected households.
- 8) 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.

