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### **A. Legislation**

50. Prior to 1990, the Government had no constitutional obligation to pay compensation for the acquisition of private assets. There was no right to receive compensation for private property. The Constitution of Nepal (1990), Article 17 established the right to property. In addition, the fundamental rights of a citizen were strengthened by the Interim Constitution of Nepal (2007), Article 19.

### **B. The Constitution**

51. The Constitution of Republic Nepal (2015), Article 25 (1) guarantees the fundamental right of a citizen, i.e. right to acquire, own, sell and dispose of the property. Article 25 (2) describe that the state cannot acquire the property of any person except in case of public interest. Article 25 (3) also state that compensation shall be provided for any loss of individual property for public interest.

### **C. Land Acquisition Act**

52. The Land Acquisition Act (1977) specifies the procedures for land acquisition and compensation. The Act empowers the government to acquire any land for public interest or for the execution of any development works. There is a provision of Compensation Determination Committee (CDC) under the leadership of Chief District officer, which will fix the rate of compensation for the affected property. The other members in the committee are the Chief of Land Revenue Officer, representative from District Development Committee (DDC), concerned Project Director/Manager. The committee can also invite representatives from among the affected persons, representative from affected VDC/Municipality.

53. The basic function of the CDC is to review the verification of lands to be acquired, review and determine the compensation rate, identify the proper owners, distribution of compensation and address the issues related to land acquisition and compensation distribution. District Administrative Office (DAO) is also responsible to notify the public regarding the details of the land area, structure affected and other assets affected in the concerned VDC/Municipality for project purposes.

54. The Land Reform Act (1964) is relevant in the compensation distribution modality. It specifies the compensation entitlements for the registered tenant. Where the tenancy right is legally established, the owner and tenant each will be entitled to 50% of the total compensation amount. Section 42 of the Land Reform Act states that Guthi (religious/trust) land acquired for development work must be replaced with another land.

### **D. Land Acquisition, Rehabilitation and Resettlement Policy (2015)**

55. The Government of Nepal has recently formulated Land Acquisition, Rehabilitation and Resettlement Policy 2071 (2015) to facilitate the land acquisition process for infrastructure project. The policy outlines the need to conduct an economic and social impact assessment (SIA) of the development project, which was not a requirement under the Land Acquisition Act 1977. Based on this assessment, projects will be categorized as high-, medium- and low-risk.<sup>1</sup> The act also provisioned for the project affected families to be

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<sup>1</sup> High-risk projects refer to those which displace 50 or more households in the mountainous region, 75 or more households in the hilly region and 100 or more households in the Tarai. Medium-risk projects, on the other hand, are those that force relocation of less than 50 households in the mountainous region, less than 75 households in the hilly region and less than 100 households in the

entitled to compensation if works like installation of transmission, telephone and underground drinking water pipe lines affect livelihood. And in case the projects affect yields of registered commercial crop, fruit or flower producers, compensation equivalent to five years of revenue must be given in cash.

56. The policy adds that all expenses related to land acquisition, compensation and the implementation of resettlement and rehabilitation plans should be considered as project cost and interest should be paid on compensation amount depending on the days it took to release funds to those affected by the project. The interest calculation begins from the day a formal decision was taken to operate the project, says the policy.

57. The compensation amount for those affected by the project will be fixed by a five-member compensation committee formed under the chief district officer. The committee can form a technical team to determine the compensation amount. This team should derive the compensation amount as close as possible to the minimum market rate by working closely with members of families that are likely to be displaced.

58. Those not satisfied with land acquisition, resettlement and rehabilitation processes can lodge complaints at a body formed at the project office and complaint hearing offices at district and regional levels. If verdict issued by the regional level complaint hearing office is also deemed unsatisfactory, the person can knock on the doors of appellate court.

#### **E. ADB Resettlement Policy**

59. According to the ADB Safeguard Policy Statement (2009), the basic objectives of the safeguards requirements are to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all affected persons in real terms relative to pre-project levels; and to improve the standards of living of the affected poor and other vulnerable groups. ADB's main policy guidelines are:

- Involuntary Resettlement (IR) should be avoided wherever possible;
- Where IR is unavoidable, minimize involuntary resettlement by exploring project and design alternatives;
- Enhance or at least restore the livelihoods of all affected persons in real terms relative to pre-project levels;
- Improve the standards of living of the affected poor and other vulnerable groups;
- Gender analysis is required to identify related resettlement impacts and risks;
- Resettlement Plans (RP) should be prepared in full consultation with affected persons (APs), host communities, and concerned nongovernment organizations (NGOs) including disclosure of the RP and project related information;
- Preference will be given to land-based resettlement for affected persons whose livelihoods are land-based. However, if the land is not the preferred option or the land is not available at reasonable price, the DPs will be provided opportunities for employment, or self-employment, in addition to the reasonable cash compensation for land and other assets lost;
- Cash compensations for the loss of structures, other assets and incomes should be based on full replacement cost;

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Tarai. Likewise, low-risk projects refer to those which cause productive property to shrink by up to 10 per cent.



- Absence of formal legal title to land or non-recognized or recognizable claims to such land by the affected persons should not be a bar to compensation;
- The rate of compensation for land, structures and other assets should be calculated at full replacement cost on the basis of fair market value; transaction cost; interest accrued; transitional and restoration cost, and other applicable payments, if any.
- All compensation payments and related activities must be completed prior to the commencement of the civil work;
- Special attention to be paid to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children and indigenous people and those without legal title to land.

#### F. Nepal and ADB resettlement policy differences

60. The following table summarizes the main differences between ADB and government of Nepal's legislation in terms of involuntary resettlement and measures included in this resettlement plan to bridge the gaps.

**Table 19: Comparison of differences and gaps between Government Law, ADB SPS and Measures Recommended in the Resettlement framework**

<b>Key Issues</b>	<b>Government Laws</b>	<b>ADB SPS</b>	<b>Measures recommended in the RF</b>
Loss of more than 10% of the total landholdings and income	Do not consider the percentage loss of income or total land holdings	Income restoration programmed such as training and other measures to restore and improve the standard of living of the affected households	Provision has been made to provide training and measures in the EM
Squatters/illegal occupants/non-titled land users	Do not consider squatters/encroachers/non-titled land users for compensation	Non-title holders are not entitled for the compensation of land but for replacement cost of assets on land and resettlement assistance	Provision has been made to provide compensation for the structures/houses/business in the EM
Valuation of affected land, houses & other structures and trees	Compensation rate will be determined by CDC, consisting of (i) CDO, (ii) representative from DDC (iii) Chief of Land Revenue Office (iv) Project Manager	All compensation is based on the principle of replacement cost	Provision has been made for the replacement value for the loss of land, houses/structures. The methodology for assessing the replacement cost of land and structure is explained in paragraphs 74 and 75 APs are allowed to take salvaged materials.

<b>Key Issues</b>	<b>Government Laws</b>	<b>ADB SPS</b>	<b>Measures recommended in the RF</b>
			CDC will make final decision on the rates in the presence of representatives from DPs, VDCs, civil society, who will attend the meeting as an observer
Other assistance for relocation of the houses	No provision	All the eligible DPs including tenants, employees are entitled to receive financial assistance to cover physical and economical displacement	Provision has been made for the transitional allowances, transport allowances and one time financial assistance to the tenants, employees
Vulnerable groups	No provision	Focused on the poor and vulnerable group to avoid future impoverishment and create new opportunities	Provision has been made for income restoration programme and other financial assistance

## VII. ENTITLEMENT, ASSISTANCE AND BENEFITS

### A. Entitlement policy

61. Based ADB Safeguard Policy 2009 and Land Acquisition Act of 1977 the project has prepared entitlement framework in which GoN and ADB has agreed. ADB's Safeguard Policy Statement (2009) on involuntary resettlement requires compensation for the lost assets at replacement cost to both titled and non-titled holders and resettlement assistance for lost income and livelihoods. Further, the principles adopted herein contains special measures and assistance for vulnerable APs, such as household headed by women, disabled persons, ethnic/indigenous groups, and household living below poverty line.

### B. Entitlement matrix

62. All the APs will be compensated at current market value or replacement costs. For the loss of agricultural land, cash compensation will be made. Additional compensation will be given for the loss of crops/vegetation. It will be calculated on the basis of net production of one crop in the affected area. Rehabilitation allowances will be paid to the severally affected families (who have lost more than 10 % of their productive lands holdings and income) in terms of livelihood/skill development training for income restoration to the households. Similarly, additional assistance to vulnerable groups will be provided for restoring their livelihoods. But Bhairahawa- Lumbini- Taulihawa project road no one will be losses more than 10 percent of their income sources.

63. The cut-off date is February 1st, 2016, which is the start of the census survey. This cut-off date mostly applies to non-titled holders, as titled-holders will be officially notified by the district commissioner. This was communicated to the affected persons during the survey process. However, concessions should be made for enumerator errors and absentees during the survey process on a case-by-case basis. Moreover, if there is a significant time lag between the completion of the census and implementation of the RP, a repeat census may have to be conducted.

64. A detailed Entitlement Matrix has been provided in the following Table 20.

**Table 20: Entitlement Matrix**

No.	Type of Loss	Application	Eligible Persons	Entitlements	Responsibilities
A-1	Permanent loss of agricultural/residential/commercial land	land no longer viable for continued use or does not meet the expected yield	Titleholders with land records	<ul style="list-style-type: none"> <li>▪ Cash compensation based on replacement cost</li> <li>▪ If the loss is equivalent to 10% or more of the total agricultural land of the household is affected, see Item No. E-1 below.</li> <li>▪ Affected household will be notified 2 months in advance of the actual date of acquisition</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CDC/CSC</li> <li>▪ DOR/CSC</li> <li>▪ DOR/CSC</li> </ul>

No.	Type of Loss	Application	Eligible Persons	Entitlements	Responsibilities
A-2	Permanent loss of agricultural/residential/commercial land	land no longer viable for continued use or does not meet the expected yield	Renter or share-cropper of land with legal lease	<ul style="list-style-type: none"> <li>▪ Fifty percent cash compensation to the share cropper/ tenants of the affected plots as per the prevailing laws (LA Act Clause 20)</li> <li>▪ Cash compensation for loss of net income from subsequent crops that cannot be planted with in the remaining lease/assigned period.</li> <li>▪ Affected households and share cropper will be notified 2 months in advance</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CDC/CSC</li> <li>▪ DOR/CSC</li> </ul>
A-3	Temporary loss of land temporarily due to construction activities, access roads and diversions	Land is occupied temporarily and will be viable after construction activities	<p>Title holders with land records</p> <p>Renter or share-cropper of land with legal lease</p>	<ul style="list-style-type: none"> <li>▪ Payment as per the contract rental rate for the temporary use of land as agreed between the owner and contractor</li> <li>▪ Land should be returned to the owner at the end of use period, and restored to its original condition.</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CSC/contractor</li> <li>▪ Contractor</li> </ul>
B-1	Residential and commercial Structures	<p><u>Marginal impact</u> (i.e. un affected portion of the house is still viable for use and no relocation required)</p> <p>This will be confirmed by the implementing agency and concurred with by the affected household during the DMS</p>	Owners of the structures with or without acceptable proof of ownership over the land, including squatters and encroachers	<ul style="list-style-type: none"> <li>▪ Cash compensation at replacement cost for the affected portion.</li> <li>▪ Affected household will be notified 2 months in advance of the date of construction</li> <li>▪ Affected households will be able to salvage materials</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CDC/CSC</li> <li>▪ DOR/CSC</li> <li>▪ DOR/CSC</li> </ul>

No.	Type of Loss	Application	Eligible Persons	Entitlements	Responsibilities
B-2		<p><u>Severe impact</u>(i.e., house is no longer viable for continued use and the entire structure is to be acquired)</p> <p>This will be confirmed by the implementing agency and concurred with by the affected household during the DMS</p>	<p>Owners of the structures with or without acceptable proof of ownership over the land, including squatters and encroachers <u>who have to physically relocate</u></p> <p>Renters <u>who have to physically relocate</u></p>	<ul style="list-style-type: none"> <li>▪ Cash compensation at replacement cost for the entire structure.</li> <li>▪ Reconstruction and shifting allowance equivalent to 10% of replacement cost of the structure, or equivalent to the actual cost of repair or allowances and transportation cost</li> <li>▪ Affected household will be notified 2 months in advance of the date of construction</li> <li>▪ Affected households will be able to salvage materials</li> </ul> <ul style="list-style-type: none"> <li>▪ Equivalent of 2 month rent to find alternative place to stay</li> <li>▪ Affected household will be notified 2 months in advance of the date of construction</li> <li>▪ Affected households will be able to salvage materials</li> <li>▪ Rental deposit – if any- to be reimbursed to renter (deducted from structure owner's entitlement)</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CDC/CSC</li> <li>▪ DOR/CSC</li> <li>▪ DOR/CSC</li> <li>▪ DOR/CSC</li> </ul> <ul style="list-style-type: none"> <li>▪ DOR/CSC</li> <li>▪ DOR/CSC</li> <li>▪ DOR/CSC</li> </ul>
B-3	Secondary structures (kitchen, latrine, etc.)	Loss of, or damage to, assets	Owners of the structures with or without acceptable proof of ownership over the land, including squatters and encroachers	<ul style="list-style-type: none"> <li>▪ Cash compensation at replacement cost</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CDC/CSC</li> </ul>
B-4	Mobile commercial structures	Change of structure location	Owners of the structures with or without acceptable proof of ownership over the land, including squatters and encroachers	<ul style="list-style-type: none"> <li>▪ One-month notice to move structure out of the corridor of impact</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CSC</li> </ul>

No.	Type of Loss	Application	Eligible Persons	Entitlements	Responsibilities
C-1	Crops and trees	Loss of or damage to assets	Owners regardless of tenure status, including squatters and encroachers	<ul style="list-style-type: none"> <li>▪ Compensation for crops for one harvest at current market value</li> <li>▪ Cash compensation for timber tree at current market price</li> <li>▪ Compensation for loss of fruit bearing trees for average fruit production for 5years at current market value and replacement cost for sapling</li> <li>▪ Compensation for loss of wood-trees at current market value of wood (timber or fire wood, as the case may be)</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CDC/CSC</li> <li>▪ DOR/CDC/CSC</li> </ul>
D-1	Public facilities, common property structures and facilities	Loss of or damage to assets	Owners	<ul style="list-style-type: none"> <li>▪ Will be rebuilt by the project on land provided by the community</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/Contractor/CSC</li> </ul>
E-1	Loss of income / livelihood due to loss of agricultural land	Loss of 10% or more of total productive land	Person(s) with land records, renter or share-cropper of land with legal lease	<ul style="list-style-type: none"> <li>▪ One time assistance allowance of 3 months minimum wage per affected person</li> <li>▪ Entitled to take part in income restoration program.</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CSC</li> <li>▪ DOR/CSC</li> </ul>
E-2	Loss of income/livelihood due to disruption of business or employment	<u>Marginal impact</u> (i.e., disruption of business due to reorganization of the shop on the residual and; disruption of employment of less than 3 months)	Shop owners (regardless of tenure status) and employees/laborers of affected assets	<ul style="list-style-type: none"> <li>▪ One time assistance allowance of 1 month monthly income or one month minimum wage</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CSC</li> </ul>
E-3		<u>Severe impacts</u> (i.e., disruption of business due to relocation of shop; and disruption of employment for more than 3 months)	Shop owners (regardless of tenure status <u>who have to physically relocate</u> )	<ul style="list-style-type: none"> <li>▪ One time assistance allowance of 3 months monthly income for shop owners based on nature of business or three months minimum wage</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CSC</li> </ul>

No.	Type of Loss	Application	Eligible Persons	Entitlements	Responsibilities
F-1	Higher risks of impoverishment Due to vulnerability	Loss of land and non-land assets and income	Affected vulnerable households defined as: <ul style="list-style-type: none"> <li>▪ Indigenous households</li> <li>▪ Dalit-headed household</li> <li>▪ Female-headed</li> <li>▪ Male below poverty levels</li> <li>▪ Disabled-headed</li> <li>▪ Orphan-headed household</li> <li>▪ Landless<sup>2</sup></li> </ul> *Vulnerable household can only qualify to one of the categories above	<ul style="list-style-type: none"> <li>▪ One time assistance allowance of 3 month minimum wage per affected vulnerable person</li> <li>▪ Entitled to take part in income restoration program.</li> </ul>	<ul style="list-style-type: none"> <li>▪ DOR/CSC</li> <li>▪ DOR/CSC</li> </ul>

CDC=Compensation Determination Committee; CSC=Construction Supervision Consultant; DMS= Detailed Measurement Survey; DOR=Department of Roads; LA= Land Acquisition.

<sup>2</sup> Landless status will have to be demonstrated through affidavit from relevant district office

### VIII. RELOCATION PREFERENCES

65. According to the census survey, a total of 10 households (60 affected persons) will have to physically relocate their residence or shop. The affected households were asked their preferences for relocation assistance by the project. Most of them (90%) preferred cash compensation. The following table shows the compensation choice of project affected families.

**Table 21: Relocation assistance preference**

Type of Compensation	No. of Households	Percentages
Cash	9	90.00
Land for Land	0	0.00
House for House	1	10.00
<b>Total</b>	<b>10</b>	<b>100.00</b>

66. In addition to the replacement cost of the structure, this Resettlement Plan proposes the following shifting and reconstruction assistance measure equivalent to 10% of the replacement cost of the structure affected, or equivalent to the actual cost of repair or allowances and transportation cost. Moreover, all affected household will be notified 2 months in advance of the date of construction.

67. The resettlement implementation team will encourage affected households to relocate on their own land, as most of them own land further away from the road or rent spaces close to the road that are privately owned. Individualized assistance to each physically displaced household will be provided by the resettlement team in the form of a relocation plan where the alternative locations, options discussed and provided by the resettlement team, and relocation preference of the physically affected household will be discussed and documented in the social monitoring reports. Should the affected household decide to purchase land, the resettlement team will support it in collecting the proper documentation for purchase and dealing with the district commissioner's office. The monitoring of the post relocation period will assess the effectiveness of the guidance provided by the resettlement team in finding sustainable relocation options.



## IX. LIVELIHOOD RESTORATION MEASURES

68. The entitlement matrix has various provisions for the loss of income (loss of business income, loss of wages, loss of crops and loss of fruit trees. According to the survey, 10 shop owners will lose their income as their commercial structure will be fully affected. No land acquisition is required and no crops or private fruit trees have been identified to be affected. The following income restoration provisions are thus proposed in this RP.

**Table 22: Income Restoration Measures**

<b>Type of Allowance</b>	<b>Entitlement Description</b>	<b>Financial assistance provided in this RP</b>
Allowance for loss of income for shop owners whose commercial premise is fully affected	10 shop owners will have to fully relocate their commercial structures. According to the entitlement matrix, they are eligible to minimum district rate wages for three months (per day Rs 400.00) or 3 months income level, whichever is higher.	According to socioeconomic survey the average monthly income of affected shop owner in NR 22,000/month and three months wages is NR 66,000. The minimum district wage for 90 days is NR 36,000/month. NR 66,000 will be provided as financial assistance for loss of income. .

69. The Livelihood Improvement Training will be provided for one member of each of the 9 vulnerable households. Training courses will be identified during the implementation of the RP through a needs assessment of the participants. Examples of training courses are vegetable farming (Off seasonal vegetable production) poultry farming, cattle raising, sewing classes, etc. The CSC livelihood expert will conduct the assessment and facilitate the training program in the implementation, in coordination with line agency like the District Agricultural Development Office, District small and Cottage Industries development council etc...

## X. RESETTLEMENT BUDGET AND FINANCING PLAN

70. This chapter will provides cost estimates for the RP activities described in preceding chapters under the following items:

### A. Cost for Private structures

71. There are 12 private structures going to be affecting by the road improvement works. As provisioned in the entitlement matrix (EM: B-1 a.b,c and B-2), the structure owners will be provided with the equivalent of the replacement cost of the affected structures as per the type of material used and calculated based on the measurements of the impacted area of the structure. The social survey team held consultations with local construction contractors, local community, and key stakeholders who have constructed new houses within the last year to investigate the market rate of private residential, and other structures. Based on these investigations, the cost of the affected structures was estimated. Guidelines of the Department of Urban Development and Housing (DUDH) & DDC have also been taken into consideration while calculating the replacement cost for the affected structures.<sup>3</sup> The structures were valued without deducting any depreciation in material use. The estimated cost for the private structure is presented in Table 23. Appendix 4 provides details on the replacement cost calculation methodology. The compensation rate for the affected buildings and structures were estimated according to the type of structures such as frame structures, cement mortar RCC/RBC structure, mud mortar RCC/RBC structure, block bricks and cement mortar with CGI roofed and temporary structure. Among the affected structures, 3 are permanent in nature and others are temporary. The total cost for the 12 structures also takes into consideration the recent increase in the price of the construction materials and is estimated at NRs. 2,134,492.80

**Table 23: Estimated Compensation Cost for Structures**

S.N.	Type of Structures	Present Use	Area (Sq. ft)	Amount (Nrs.)
1	Private	Commercial/Trade/Kitchen	1617	2,134,492.80
<b>Total</b>				<b>2,134,492.80</b>

Source; Field Survey, February 2016

### B. Assistance to Reconstruction and Rehabilitation Allowances

72. The reconstruction and rehabilitation allowance covers the housing displacement and business displacement allowances. The Entitlement matrix (EM: B-1- F-1 b,c) provisions cash compensation for such vulnerable households equivalent to three Months wage rate for restarting their livelihood. Households whose houses need to be relocated will receive a reconstruction and shifting allowance equivalent to 10 % of replacement cost of structure or equivalent to the actual cost of the transportation allowances. Owners of commercial enterprises requiring relocation will receive a business displacement allowance. Estimated cost for the displacement and rehabilitation allowances is presented below but all of the structures in this project road having partial impact only.

<sup>3</sup> The Government of Nepal, Department of Urban Development and Housing (DUDH) is the authorized Government body for the valuation of structures through the Government Gazette (Nepal Rajpatra, Section IV, number 50, Date 2045/12/6 (1988). The Department regularly updates its rate based on current market price and provides basis for calculating the cost of different types of structures.

**Table 24: Displacement and Rehabilitation Allowances**

S.N.	Allowances	Unit	Quantity	Amount (NRs.)
2	Business Affected (measure for temporary loss of income EM No. E-3)	Number	10	660,000.00
	Shifting and Reconstruction grant	Number	10	213,449
3	Income restoration program	LS		700,000.00
<b>Total</b>				<b>1,573,449.00</b>

Source; Field Survey, February 2016

### C. Additional Assistance to the Vulnerable Groups

73. Based on the census data, there are about 28 vulnerable households of different categories. The Entitlement matrix (EM: B-1-E-1, E-2, E-3 and F-1-b,c) provisions cash compensation for such vulnerable households equivalent to three Months wage for restarting their livelihood. However, additional assistance to such vulnerable groups need to be distributed only after the finalization of resettlement impact and its extent, and confirmation of the vulnerability of the households in close collaboration with the local communities and CDC. The census survey found that 7 households are vulnerable. Different rehabilitation measures as per EM for such households are as below:

**Table 25: Additional Assistance to Vulnerable Groups**

S.N.	Vulnerable Categories	No of Households	One Time Cash Assistance at the Local Agricultural Wage Rate (NRs.)	Total cost for assistance
1	Women Headed Households	2	36,000.00	72,000.00
3	Elderly Headed Households	1	36,000.00	36,000.00
4	Below Poverty line	2	36,000.00	72,000.00
5	Dalit	2	36,000.00	72,000.00
6	Indigenous Group	2	36,000.00	72,000.00
<b>Total</b>		<b>9</b>		<b>396,000.00</b>

Source: Census Survey, Feb 2016

[a] No. of HHs x 90 days x NRs(335+430)= 400=36000

[b] No. of HHs NRs. 8,000

### D. RP implementation and Management Cost

74. There are also several RP implementation activities that need to be carried out at project road level by the Project Manager (PM). Some of such activities are: (i) public consultation, and information dissemination, (ii) organizing CDC meetings, and implement CDC decision, field verification, and updating RP, (iii) organizing and mobilizing local grievance redress committee meetings, (iv) Deed Transfer old and required land surveying so on. In order to ensure such expenses, RP implementation cost also been calculated and incorporated in resettlement in following.

**Table 26: Cost estimate for RP management & implementation Activities**

S.N	Description of Tasks	Quantity	Rate (NRs.)	Estimated Costs (NRs.)
1	Information dissemination about the project, resettlement impacts, and compensation provision	1	50,000	50,000
2	Organizing CDC meeting and follow up activities	5	20,000	100,000
3	Organizing GRC meetings and follow-up activities	18	8,000	144,000
4	Establishing Sub-local level committees and their mobilization (@NRs.5,000 per committee)	15	8,000	120,000
5	Public notification of Affected assets and invitation to receive compensation (@ NRs. 50,000)	2	50,000	100,000
6	If required, Surveyor/Amin Mobilization/ Malpot for Field Verification and Deed Transform (NRs. 60,000 Per Man month)	2	60,000	120,000
7	Sub-total (1-5)	-	-	634,000
8	Contingency	10%	-	63,400
	<b>Total</b>			<b>697,400</b>

Source: Census Survey, Feb/ April 2016

75. The RP administration cost covers the cost for the implementation and management of resettlement related activities. It includes information dissemination, campaign, public consultation, CDC meeting, local grievance redress committee formation and conducting meetings with APs etc.

#### **E. External monitor**

76. An amount of NRs. 1,800,000.00 has been budgeted for two monitoring exercise by the university teachers/ researchers or Individual consultant. For detail attached at **Appendix 6** of external monitoring terms of references.

#### **F. Contingencies**

77. A contingency amount of 10 % of compensation and rehabilitation costs include for the widening and upgrading of existing road.

#### **G. Total cost estimate**

78. The total cost estimate for the widening and upgrading of existing road from Bhairahawa- Lumbini- Taulihawa as follows:

**Table 27: Summary of Compensation Costs**

S.N	Items	Total estimated cost (in NRs.)
1	Compensation of structures	2,134,492.80
2	Business Affected, transfer and reconstruction grant, and rehabilitation including training cost	<b>1,573,449.00</b>
3	Assistance to vulnerable groups	324,000.00
4	RP implementation	697,400.00
5	External monitor	1,800,000.00
6	<b>Total (A)</b>	<b>6,601,341.80</b>
7	Contingencies (10 %) (B)	660,134.18
8	<b>Grand Total estimated (A+B)</b>	<b>7,261,475.98</b>
9	<b>Total \$ @105.00</b>	<b>69,156.63</b>

Source: Field survey 2016

**H. Financing Plan**

79. All costs related to compensation for structure and resettlement budget would be borne by the Government of Nepal. The EA will ensure that adequate funds are delivered on time to the CDO for timely implementation of RP.

## **XI. INSTITUTIONAL ARRANGEMENTS**

### **A. Central level Project Implementation Unit (PIU), Department of Roads (DOR):**

80. The Ministry of Physical Infrastructure and Transportation (MoPIT) will be the executing agency (EA) and the Department of Road (DOR) the implementing agency (IA) for this project. DOR has established a Project Directorate PIU at the central level (Kathmandu). For resettlement activities the PIU will be supported by a resettlement consultant who will review the monitoring data, conduct his/her own field level data verification and consultation with affected persons and provide advice to DOR in follow-up actions. The central level PIU Project Director of the central will assume the following responsibility for RP implementation:

- Establish one field office headed by a Project Manager (PM) responsible for the implementation of the Bhairahawa - Lumbini-Taulihawa road improvement project;
- Establish the third-tier Grievance Redress Committee (GRC);
- Establish and approve the procedures for the resettlement and compensation activities;
- Review the monthly monitoring report prepared by the field PIUs and supervision consultant
- Prepare the semi-annual monitoring report

### **B. Field-level PIU, DOR**

81. The IA will establish one field-level PIUs headed by a Project Manager (PM) with officer in rank of Senior Divisional Engineer. The Project Manager will be responsible for implementing the resettlement activities at the field level with the help of the resettlement team from the Supervising Consultant (SC). The PM will coordinate with the CDO in formation of CDC at district level and keep coordination with other line agencies at district level for the implementation of RP. Key activities of the PM are:

- Approve the survey verification and update of affected persons and entitlement cards
- Liaise with CDO and participate in CDC
- Distribute resettlement benefits
- Verify the field and prepare RP addendums and updates
- conduct and document regular and meaningful consultations with affected persons – including the dissemination of entitlement benefits
- conduct internal monitoring of RP activities and prepare monthly progress reports
- establish the second-tier Grievance Redress Committee (GRC)
- convene the GRC

### **C. Compensation Determination Committee (CDC)**

82. The Land Acquisition Act (1977) specifies the procedures for land acquisition and compensation. The Act empowers the government to acquire any land for public interest or for the execution of any development works. There is a provision of Compensation Determination Committee (CDC) under the chairmanship of Chief District officer which will fix the rate of compensation for the affected property. The other members in the committee are the Chief of Land Revenue Officer, representative from District Development Committee (DDC), concerned Project Director/Manager. The committee can also invite representatives from among the affected persons, representative from affected VDC/Municipality. The committee will be responsible for dealing with the issues related to compensation and rehabilitation. The main responsibilities of the committee are:

- To verify the loss of land and other assets due to project implementation
- Publish notice for land and other assets acquisition by the project
- Determine the price of all kinds of loss incurred
- Hold meetings with the affected people
- Notify the DPs to collect compensation
- Pay compensation for all losses
- Hear grievances if any and
- Implement rehabilitation measures

#### **D. Grievance redress committee (GRC)**

83. There will be a three-tiered level GRC. One will be according to the clause 11 of Land Acquisition Act 1977 which will be chaired by the CDO. Under the LA Act, any DPs can raise objection against acquisition of land by a notice to Ministry of Home. There are normal procedure and rules and regulation to address the complaints/grievances. There will be another GRC at local level (each VDC). DPs can submit grievances verbally or written to this committee for resolution. If the grievances resolved at local level, it will not refer to CDO. In case, it is not resolved, it will refer to GRC at district level which is chaired by CDO.

#### **E. Supervision consultant (SC)**

84. A team of one resettlement specialist, one livelihood expert and 2 field social mobilizers will be responsible for the day-to-day implementation of the land acquisition process and resettlement activities. More specifically, the SC resettlement team will perform the following activities. The TOR of the RS has been provided in the Appendix 5.

- Inform affected persons of entitled compensation and methods of receiving compensation payment;
- support the survey verification and update of affected persons and assets prepare identification and entitlement cards
- provide assistance to the District Commissioner's office for land acquisition activities
- Assist CDC in determining the compensation for various affected assets;
- provide support to the affected persons in gathering their documentation to collect their award payment at the district's office
- support the PIU in the distribution of resettlement benefits
- support the field data gathering for the preparation of RP addendums and updates
- conduct and document regular and meaningful consultations with affected persons – including the dissemination of entitlement benefits
- conduct internal monitoring of RP activities and prepare monthly progress reports;
- Keep and update all resettlement activities and submit monthly resettlement implementation progress report to PIU, DoR;
- address grievances at local level
- act as secretary in grievance redress mechanism and document grievances and resolution process
- support affected persons in filing grievances
- Identify vulnerable group and severely affected persons and recommend additional assistance and livelihood assistance and skill development training to them;
- Arrange skill development training through recognized training institution at project level;

#### **F. Staff training at PIU**

85. At present, there are no sufficient experienced personnel involved in land acquisition, resettlement and rehabilitation activities at PIU, though Geo-Environment Unit (GEU) of DOR looks at the social and resettlement aspect of the project. The unit comprises of one Senior Divisional Engineer, 2 Assistant Engineers and 1 Sociologist. They are involved in all the social and environmental aspects of the project under DOR. However, most of them are not familiar with the ADB new Safeguard Policy. After the SC resettlement team is mobilized, a 2 days orientation and training regarding the ADB new Safeguard Policy 2009 and management and the resettlement activities to be implemented under this project will be conducted for the DOR staff involved in the implementation of resettlement and rehabilitation activities of this project (including the field staff). The training/orientation session will be repeated in the field offices, DDCs and VDCs either by grouping the adjacent districts or individually as per convenience of the field staff.



## XII. IMPLEMENTATION SCHEDULE

86. The resettlement activities are expected to be implemented from the fourth quarter of 2016 to the fourth quarter of 2017. Advance actions such as the establishment of the field-level PIU, the appointment of the Project Manager, the recruitment and mobilization of the SC resettlement team, the establishment of grievance redress committee and the formation of the CDC are required. Disbursement of compensation and resettlement assistance activities will be completed before each section is handed over by DOR to the contractor. However, income rehabilitation measures may continue and be completed even after civil works begin. Table 28 provides the timeline for project resettlement activities.

**Table 28: Implementation Schedule of the Resettlement Plan Implementation**

<b>S.N. A</b>	<b>Activities</b>	<b>Time period</b>	<b>Responsibility</b>
1	Establishment of PIU field office	Last quarter 2016	DOR
2	Mobilization of Supervision Consultant resettlement team	First Quarter 2017	DOR
3	Formation of CDC	Second Quarter 2017	DOR, CDO
4	Dissemination of information, public consultation, distribution of summary of RP in Nepali	Second Quarter 2017	DOR, SC
5	Determination of compensation of affected assets	Second Quarter 2017	DOR, SC, CDO
6	Joint survey with contractor	Second Quarter 2017	PM/CSC
7	Recruitment of External independent monitoring agency	Second quarter 2017	DOR
8	Publication of structure Acquisition Notice	Second Quarter 2017	DAO, Kapilvastu+ Rupendhi
9	Formation of GRC	Second Quarter 2017	DOR, SC
10	Publish notice to collect compensation	Third Quarter 2017	DOR, DAO
11	Distribution of compensation	Third Quarter 2017 onwards	DOR, DAO
12	Payment of rehabilitation allowances to SPAF & Vulnerable groups	Third Quarter 2017	DOR, SC
13	Transfer of land already acquired but remaining to deed transfer in the name of DOR/Government	Fourth Quarter 2017 onwards	DAO, DLRO, DLSO, DOR
14	Beginning on construction activities	Fourth Quarter 2017	DOR

### XIII. MONITORING AND REPORTING

#### A. Internal monitoring System

87. An internal monitoring system will be established by DOR, the PIU and the CSC resettlement staff. A set of process, outcome and baseline indicators will be developed and the baseline gathered at the onset of RP implementation. The PIU and CSC resettlement staff will maintain record of all activities related to the resettlement in a database. Indicative indicators for the resettlement plan can be found in Table 29.

**Table 29: Monitoring issues and Indicators**

<b>Monitoring Issues</b>	<b>Monitoring Indicators</b>
Budget and time frame	<ul style="list-style-type: none"> <li>▪ Has all resettlement staff been appointed and mobilized for field and office work on schedule?</li> <li>▪ Have capacity building and training activities been completed on schedule?</li> <li>▪ Are resettlement implementation activities being achieved according to agreed implementation plan?</li> <li>▪ Are funds for resettlement being allocated to resettlement agencies on time? Have resettlement offices received the scheduled funds?</li> <li>▪ Have funds been disbursed according to RP?</li> <li>▪ Has the land been made encumbrance-free and handed over to the contractor in time for project implementation?</li> </ul>
Delivery of entitlements	<ul style="list-style-type: none"> <li>▪ Have all affected persons received entitlements according to numbers and categories of loss set out in the entitlement matrix?</li> <li>▪ How many affected households have relocated and built their new structures at new locations?</li> <li>▪ Are income and livelihood restoration activities being implemented as planned? Have affected businesses received entitlements?</li> <li>▪ Have the community structures been compensated and rebuilt at new sites?</li> <li>▪ Have all processes been documented?</li> <li>▪ Are there discrepancies between the estimated number of affected persons as per the RP/RP addendum and actual numbers</li> <li>▪ Share of compensation disbursement vs total Title-Holders affected</li> <li>▪ Share of Titled-holders who have received their entire compensation packages (compensation and other resettlement allowances) vs total Title-Holders affected</li> <li>▪ Share of non-titled holders who have received compensation of structures vs total non-titled holders identified</li> <li>▪ Share of non-titled holders who have received their other resettlement allowances vs total non-titled holders identified</li> <li>▪ Is the rate for compensation for land and structure equivalent to replacement cost?</li> </ul>
Relocation assistance	<ul style="list-style-type: none"> <li>▪ Has NGO prepared a list of alternative places to rent/buy?</li> <li>▪ Have affected households benefitted from support of NGO to find alternative place to rent/buy? If so, how many and what services were provided?</li> </ul>

Monitoring Issues	Monitoring Indicators
Consultation, grievances, and special issues	<ul style="list-style-type: none"> <li>▪ Have resettlement information brochures/leaflets been prepared and distributed? Have consultations taken place as scheduled, including meetings, groups, and community activities?</li> <li>▪ Have any affected persons used the grievance redress procedures? What grievances were raised? What were the outcomes?</li> <li>▪ Have conflicts been resolved?</li> <li>▪ Have grievances and resolutions been documented? Have any cases been taken to court?</li> </ul>
Resettlement Benefit/ Impacts	<ul style="list-style-type: none"> <li>▪ What changes have occurred in patterns of occupation compared to the pre-project situation?</li> <li>▪ What changes have occurred in income, expenditure and livelihood patterns compared to pre-project situation?</li> <li>▪ How many physically displaced households have relocated? Where are they relocated (i.e. remaining plot of land, newly purchased plot, rented plot/structure)</li> <li>▪ How many households have purchased plot?</li> <li>▪ What was compensations/resettlement benefits spent on?</li> <li>▪ Have the participants of the livelihood-training program used their new skills? What was the seed grant spent on?</li> </ul>

88. The central level GESU under the DoR will also carry out internal monitoring. Among others, the GESU monitoring will also be focused on process monitoring.

## B. External monitoring

89. An external professional/individual/researcher or consulting agency, university department or development NGOs will be recruited by DOR to carry out an independent bi-annual review of the resettlement implementation process as well as the post resettlement completion evaluation. Two monitoring surveys (biannually) of a sample of affected households (minimum 20% of affected households) will be undertaken by independent the external monitoring agency/researchers. The main objective of this monitoring will be to measure the extent to which households' standards of living have been restored or improved. The external monitoring agency will also carry out a final ex-post evaluation to ensure that all RP implementation activities have been completed. Any problems or issues identified are followed-up (including recommendation of mitigation measures and supplementary budget if required); and learning from such issues must be recorded which would help to deal with issues such as these more effectively. A sample Terms of Reference (ToR) for the external monitoring agency with cost estimate have been included in Appendix 6.

**Table 30: Scope of External Monitoring**

<b>Independent Monitor</b>	<p>Conduct a field-based assessment of the implementation of the resettlement plan on a bi-annual basis:</p> <ul style="list-style-type: none"> <li>▪ Conduct sample survey of 20% affected households</li> <li>▪ Reconciliation of data provided by DOR/CSC resettlement team with field and records verification;</li> <li>▪ Assess progress of land acquisition and resettlement activities;</li> <li>▪ Assess progress vis-à-vis indicators;</li> <li>▪ Assess compliance of RP implementation with SPS Interview affected persons to assess their views on the resettlement process; and</li> <li>▪ Propose corrective/remedial actions.</li> </ul>
----------------------------	--

### C. Reporting

90. The PIU/CSC resettlement staff will prepare monthly progress report (MPR) highlighting progress, issues, constrains, targets for every month. These reports will closely follow the resettlement monitoring indicators as mentioned above. The project directorate Resettlement team will review the MRPs and produce a Semi-annual resettlement report. Table 31 provides details on the contents and timing of various progress monitoring reports.

**Table 31: Reporting Requirements**

<b>Type of Report</b>	<b>Content</b>	<b>Frequency</b>	<b>Responsibility</b>	<b>To be disclosed</b>
Monthly progress report	Progress on land acquisition and resettlement activities, progress on indicators, results, issues affecting performance, constraints, variation from RP (if any) and reason for the same and corrections recommended	Monthly	PIU/CSC	Not required
Semi-annual resettlement monitoring report	Progress on land acquisition and resettlement activities, indicators, and variations if any with explanation and outcome, recommended corrective actions.	Semi-annually	DOR/CSC	Yes
External monitoring report	Progress on land acquisition and resettlement activities, indicators, variations if any with explanation and outcome, affected person's satisfaction with process, compliance with ADB's SPS, corrective actions recommended	Semi-annually	External Monitor	Not required
Resettlement completion report	Overall narrative of the land acquisition and resettlement process, outputs and outcomes of indicators from baseline, key variations/changes, lessons learned	Once	External Monitor	Not required

**APPENDIX 1.A: CLEARIFICATION OF ROW BHARAHAWA -LUMBINI- TAULIHAWA  
ROAD LETTER DIVISION**



नेपाल सरकार  
भौतिक पूर्वाधार तथा यातायात मन्त्रालय  
**सडक विभाग**  
**डिभिजन सडक कार्यालय**  
बुटवल, रुपन्देही

फोन नं. ०७९-४४०७४६  
फ्याक्स नं. ०७९-४४६४९४

पत्र संख्या : ०७२/०७३  
चलानी नं.: Gr/E

मिति: २०७२/११/९

विषय: जानकारी सम्बन्धमा ।

श्री/सडक विभाग  
आयोजना निर्देशनालय (ए.डि.वि.)  
बिहालनगर, काठमाण्डौ ।

प्रस्तुत विषयमा यस कार्यालयको क्षेत्राधिकार भित्र रहेका निम्न सडक खण्डहरुको सडक सिमा तथा सो भित्र पर्ने जग्गाहरुको स्वामित्वको स्थिती निम्नानुसार रहेको व्यहोरा जानकारीको लागि अनुरोध गरिन्छ ।

सि.न.	सडक खण्डहरु	सडक सिमा	जग्गा स्वामित्वको स्थिती
१	नारायणगढ-बुटवल सडक खण्ड	२५ मि.दुवै तर्फ	सडक सिमा भित्र पर्ने
२	भैरहवा तौलिहवा सडक खण्ड (बुद्धचोक देखि भैरहवा एअरपोर्ट खण्ड)	२५ मि.दुवै तर्फ	अधिकांश जग्गाहरुको लगत कट्टा भई डिभिजनको नामा स्वामित्व ग्रहण भईसकेको ।
३	भैरहवा तौलिहवा सडक खण्ड (भैरहवा एअरपोर्ट देखि कोठी नदी खण्ड)	१५ मि.दुवै तर्फ	

(सविन जोशी)

डिभिजन

APPENDIX 1.B: RIGHT OF WAY KOTHI TO TAULIHA FROM DIVISION GORU



पत्र संख्या: ०७२/७३  
चलानी नम्बर: ८२९

नेपाल सरकार  
भौतिक पूर्वाधार तथा यातायात मन्त्रालय  
**सडक विभाग**  
डिभिजन सडक कार्यालय  
शिवपुर, कपिलवस्तु

फोन : ०७५-५४५२५७  
फ्याक्स : ०७५-५४५२२२

मिति: २०७२-०७-०५

विषय: जानकारी उपलब्ध गराईएको बारे ।

श्री सडक विभाग,  
आयोजना निर्देशनालय ए.डि.वि.,  
विशालबजार, काठमाण्डौ ।

उपरोक्त सम्बन्धमा यस कार्यालय अन्तर्गत लुम्बिनी तौलिहवा सडकको कोठी तौलिहवा खण्डको Right of way बारे TPPF-2 Consultant iteco Nepal, TMS J/V को तर्फबाट मिति २०७३/०१/०५ को पत्रबाट जानकारी माग गर्नु भएकोमा उक्त पत्र सहायक राजमार्ग स्तरको रहेको र Right of way सडकको केन्द्र बिन्दुबाट १५/१५ मि.रहेको व्यहोरा अनुरोध गरिन्छ ।

बोधार्थ:

✓ TPPF-2 Consultant iteco Nepal, TMS J/V

*DTL, USlan ji, Manichji, Chintakumar ji  
Shiv Dabedji, Kousji, Khanelji*

*For inf and m.a. pt.*

*N  
22/4/16*

(बीरेन्द्र कुवर सिंह)  
इन्जिनियर  
इन्जिनियर

MMN Group Limited, Canada in association with ITECO Nepal (P) Ltd., Total Management Services and Material Test Pvt. Ltd.	
Transport Project Preparatory Facility (TPPF) Project Preparatory Consultant (PPC-2 Road), ADB Grant No. 9227-NEP	
<b>RECEIVED</b>	
Date	22 April 2016
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## APPENDIX 2: INVENTORY OF PRIVATE RESIDENTIAL &amp; COMMERCIAL STRUCTURES OF BLT ROAD

S.N	T S. No.	House Owner Name	Chanage	Address	Present use	Structure Type	Roof Type	No of Story	Total Area of Structure			Affected area (Sqm)	Percentage	Types of wall	Affected Types	R/L	Center Line
									L(M)	B(M)	Total area (Sqm)						
1	7		0+830	Siddharthanagar-8, Basadilima	2	9	3	1	12	10	120	26	21.67	2.00	2	L	22
2	8		1+380	Siddharthanagar-8, Banagaie	2	8	3	1	15	7	105	14	13.33	3.00	1	L	23
3	9		1+385	Siddharthanagar-8, Banagaie	2	2	3	1	32	20	640	60	9.38	3.00	1	L	22
4	14		2+170	Siddharthanagar-8, Banagaie	2	2	2	1	4	3	12	12	100.00	2.00	1	L	21
5	17		8+000	Gurbaniya-6, Gurbaniya	2	8	2	1	10	5	50	15	30.00	5.00	2	L	22
6	23		18+050	Lumbini -9, Parsha chok.	2	2	2	1	8	12	96	48	50.00	3.00	1	R	11
7	26		18+100	Lumbini -9, Parsha chok.	2	2	2	1	12.5	13	156.3	62.5	40.00	3.00	1	R	10
8	27		18+100	Lumbini -9, Parsha chok.	2	2	2	2	12.5	13	312.5	125	40.00	2&9	1	R	10
9	28		18+100	Lumbini -9, Parsha chok.	2	2	2	1	9	11	99	27.5	27.78	6.00	2	R	12.5
10	29		18+150	Lumbini -9, Parsha chok.	4	1	3	1	8	5.5	44	33	75.00	7.00	1	L	9
11	24		18+150	Lumbini -9, Parsha chok.	2	2	2	1	5	8	40	40	100.00	2.00	2	L	10
12	0		26+050	Mugalaha -9, Chouraha chok.	2	2	3	1	18	10	180	50	27.78	3.00	2	L	10
Total		2,221,084.80										<b>513</b>					

*Types of structure:* 1- Residential, 2-Commercial, 3- Community , 4- Shed, 5- toilet, 6- wall, 7- Empty House/ hut, 8- Kitchen, 9-Community res, 10- Temple, 11- Waiting shed ,12- Public tap,13- Well/ tubewall,14- Gate, 16- Different status& Park, 1&2 – Res+ Commercial, 4& 6- Wall& gate etc

*Roof Type :* 1- Slate 2- ZinK sheet, 3-RRC Dhalan, 4- Straw, 6- Tripal

*Wall Type:* 1-Stone & mud mortar plaster by Mud, 2- Stone & mud mortar plaster by Cement, 3-Stone and cement mortar by cement plaster, 4- Bricks & cement mortar by cement plaster, 5- Bamboo& wood, 6- Zink sheet, 7-stone , mud, wood and Zink sheet , 8- Zink sheet & wood, 9- Block , 10-Stone cement, and metal pipe mix

*Use:* 1-Self settlement, 2 -Commercial, 3- Res+ Commercial, 4- Rented , 5- under construction, 6-Empty house, 7- common uses, 8- etc

*Affected Situation:* 2 Fully, 1- Partially

### APPENDIX 3: INVENTORY OF COMMUNITY STRUCTURES OF BLT ROAD

S.N	Discription of structure	Chanage	Address	Present use	Structure Type	No of Story	Total Area of Structure			Built year	Affect ed Types	R/ L	Center Line
							L ( m)	B(m)	Sqm				
1	Shankar Petriliium filling nozzel	0+90	Siggharatha-8, Lumbinichok	7	3	0	0	0	0	2057	2	L	17
2	Lumbibi Gate	0+255	Siggharatha-8, Lumbinichok		14				0	2065	2	R, L	10
3	Bhola Baba Temple	4+100	Siggharatha-8, airport	7	14	1	10	7	70	2062	2	L	14
4	Ashara oil store	1+350	Siggharatha-8, Badaliya	3	16	1	0	0	0	2070	2	L	18
5	Water pump	23+190	Siggharatha-8, airport	3	12	1	0	0	0	2070	1	L	20
6	Aram Police	23+500	Mahadev	3	3	1	5	3	15	2065	2	R	10
7	Passanger waiting shed	23+070	Mahadewa, Jitawapur	11	3	1	4	3.4	13.6	2070	2	L	12
8	Police posr simple	18+160	Lumbini Np	3	3	1	2	3	6	2063	2	L	11
9	Passanger waiting shed	21+500	Mogalaha-8&9 Masina	11	3	1	5	5	104.6	2062	2	R	11
10	Passanger waiting shed	33+600	Dumara-5 Dumara	11	3	1	6	4	209.2	2068	2	R	10
11	Gate (Mayadevi)	3.+25	Sirport chok	11	3					2064	2	R	12
									418.4				

*Types of structure:* 1- Residential, 2-Commercial, 3- Community , 4- Shed, 5- toilet, 6- wall, 7- Empty House/ hut, 8- Kitchen, 9-Community res, 10- Temple, 11- Waiting shed ,12- Public tap,13- Well/ tubewall,14- Gate, 16- Different status& Park, 1&2 – Res+ Commercial, 4& 6- Wall& gate etc

*Roof Type :* 1- Slate 2- Zink sheet, 3-RRC Dhalan, 4- Straw, 6- Tripal

*Wall Type:* 1-Stone & mud mortar plaster by Mud, 2- Stone & mud mortar plaster by Cement, 3-Stone and cement mortar by cement plaster, 4- Bricks & cement mortar by cement plaster, 5- Bamboo& wood, 6- Zink sheet, 7-stone , mud, wood and Zink sheet , 8- Zink sheet & wood, 9- Block , 10-Stone cement, and metal pipe mix

*Use:* 1-Self settlement, 2 -Commercial, 3- Res+ Commercial, 4- Rented , 5- under construction, 6-Empty house, 7- common uses, 8- etc

*Affected Situation:* 2 Fully, 1- Partially



### APPENDIX 4 LAND AND STRUCTURE VALUATION METHODOLOGY

The market rate in 42 km long highway has different in different locations. The cost has been derived quoting the cost of rate from major stakeholders and calculated average cost. The comparative Cost Analysis for affected structures of Bhairahawa-Lumbini- Taulihawa Road Section is shown below.

<b>SN</b>	<b>Place of consultation</b>	<b>Rate received from Consultation (NRs.)</b>	<b>Government Rate (NRs.)</b>
1	Bairahawa	1,650	890
2	Dohani	1,250	
3	Parsha Chok / Lumbini	1,320	
4	Taulihawa	1,250	
5	Chauhara	1,200	
	Average cost per Sqft	1,334	
Proposed average estimated cost per Sqft.			1,320

## APPENDIX 5: TERMS OF REFERENCE FOR SOCIAL SAFEGUARD CONSULTANT

### **Social Safeguard** (4 national experts, 68 person-months)

The Consultant will assist the Project Executing Agencies (PEAs) in implementing resettlement plans (RPs) and other social mitigation plans of transport projects in Nepal. The Consultant will:

- (i) Assist the PEAs and Chief District Officer for land acquisition.
- (ii) Develop resettlement and rehabilitation (R&R) information campaigns and community participation.
- (iii) Assist the Project Affected Persons (APs), especially from indigenous people, vulnerable groups, in resettlement and rehabilitation, including redressing grievances, and coordination with local authorities and other relevant institutions.
- (iv) Calculate detailed costs of all land acquisition, income restoration and resettlement components.
- (v) Update the database of APs and their entitlements for implementation and monitoring purposes.
- (vi) Monitor and evaluate progress and achievement of resettlement objectives.
- (vii) Conduct a needs assessment of livelihood training options among vulnerable households and implement the livelihood training program.

#### **1. The administrative responsibilities of the Consultant will include:**

- (i) Working in co-ordination with the dedicated Resettlement Officer (RO) and Executive Engineers in the respective Divisional level Implementation Cells.
- (ii) The Consultant shall help to promote good working relationships between the APs and the PEAS, particularly the RO. This will be achieved through regular meetings with both the RO and the APs. Meetings with the RO will be held at least fortnightly, and meetings with the APs will be held monthly, during the entire duration of the assignment. All meetings and decisions taken shall be documented by the consultant.
- (iii) Preparing monthly action plans with targets in consultation with the RO.
- (iv) Assisting the RO in carrying out the implementation of the RPs.
- (v) Updating the database of APs and their entitlements.
- (vi) In consultation with the APs, preparing micro-level plans indicating the categories of entitlement, alternative livelihood options, and relevant institutions for obtaining additional training and support. Women's perceptions are important to be incorporated in the development of these plans.
- (vii) Reporting to the RO on a monthly and quarterly basis. The report should include physical and financial progress, both in quantitative and qualitative terms. The report should prominently feature the problems and issues addressed and tackled with the APs and the solutions found. The report should have a separate chapter on women's issues, their problems and what has been done (within the framework of the RP) to ensure their participation in decision-making as well as the options made available to them to access economic opportunities, marketing and credit. The report should clearly indicate the number of field visits made by the Consultant

staff and the outcome of consultations with people.

## **2. Identification of APs and verification of database from RPs:**

- (i) The Consultant shall establish rapport with PAPs, consult with and provide information to them about the respective entitlements as proposed under the RPs, and distribute identity cards to the eligible APs. The identity card should include a photograph of the PAP, the extent of loss suffered due to the Project, and the choice of the PAP with regard to the mode of compensation and assistance.
- (ii) During the identification and verification of the eligible APs from RPs, the Consultant shall ensure that each of the APs are contacted and consulted either in groups or individually. The Consultant shall ensure consultation with women from the PAP families especially from women headed households.
- (iii) Participatory methods should be adopted in assessing the needs of the APs, especially with regard to the vulnerable groups of APs. The methods of contact may include village level meetings, gender participation through group's interactions, and individual meetings and interactions.
- (iv) The Consultant shall verify the information already contained in the RPs and make suitable changes if required. Verification shall include actual measurement of the extent of total property loss/damage, and valuation of the loss/damage/affect along with the RO. The Consultant shall display the list of eligible APs in prominent public places like villages, local administrative offices, schools, and the District Headquarters.

## **3. Counseling the entitled persons:**

- (i) The Consultant shall explain to the APs the provisions of the policy and the entitlements under the RP. This shall include communication to the roadside squatters and encroachers about the need for their removal, the timeframe for their removal and their entitlements.
- (ii) The Consultant shall disseminate information to the APs on the possible consequences of the Project on the communities' livelihood systems and the alternatives available to them.

## **4. For disbursing the Resettlement Assistance:**

- (i) The Consultant shall assist the PEAS in ensuring a smooth transition (during the part or full relocation of the APs), helping the APs to take salvaged materials and shift. In close consultation with the APs, the Consultant shall inform the RO about the shifting dates agreed with the APs in writing and the arrangements desired by the APs with respect to their entitlements.
- (ii) The Consultant shall assist the APs in opening bank accounts explaining the implications, the rules and the obligations of a joint account and how s/he can access the resources s/he is entitled to.
- (iii) The Consultant shall ensure proper utilization of the R&R budget available for the package. The Consultant shall ensure that economic investment options be available to APs to restore their losses of land and other productive assets. The Consultant shall advise the RO to disburse the entitlements to the eligible persons/families in a manner that is

transparent, and shall report to the PEAS on the level of transparency achieved in the project.

#### **5. Accompanying and Representing the APs at the Grievance Committee Meetings**

- (i) The Consultant shall nominate a suitable staff member to be a member of the Grievance Redress Committees (GRCs) for the respective contract packages.
- (ii) The Consultant shall help the APs in filling the grievance application and in clearing their doubts about the required procedures.
- (iii) The Consultant shall record the grievance and bring it to the notice of the GRCs within seven days of receipt of the grievance from the APs. It shall submit a draft resolution with respect to the particular grievance of the AP, suggesting multiple solutions, if possible, and deliberate on the same in the GRC meeting through the Consultant representative in the GRC.
- (iv) The Consultant shall accompany the APs to the GRC meeting on the decided date, help the AP to express his/her grievance in a formal manner if requested by the GRC and again inform the APs of the decisions taken by the GRC within 3 days of receiving a decision from the GRC. (The time frame for the GRC to take a decision is 15 days).

#### **6. Assisting eligible APs to take advantage of the existing Government Housing and Employment Schemes, if available.**

- (i) Establish linkages with the district administration to ensure that the APs are benefited from the schemes available and those they are entitled to. The focus for this component of the Consultant work shall be the vulnerable APs for their income restoration. The Consultant shall maintain a detailed record of such facilitation.
- (ii) Identify, design and conduct training programmes on alternative methods of livelihood restoration using local skills and resources.

#### **7. Inter-Agency Linkages for Income Restoration and other R&R Services**

- (i) The Consultant shall be responsible for establishing linkages with financial institutions to assist the APs to access credit, if possible.
- (ii) Training institutes to impart skills and management training for enterprise creation and development.
- (iii) Coordinate with the PEAS field level officers to facilitate consultation on rehabilitation of borrow areas.

#### **8. Recommending Improvement of R&R Services**

- (i) Recommend and suggest techniques and methods for improvement of services extended by the concerned government departments and other agencies and committees in disbursement/extension of R&R services in the Project.
- (ii) Discuss, with the PEAS on contingency management and other improvement of R&R services, within the Project period.

## APPENDIX 6: EXTERNAL MONITOR TOR

The external monitor will conduct a bi-annual assessment of the resettlement plan process, performance, outputs and outcomes and its compliance with ADB's SPS. The key tasks to be conducted for this purpose are the following:

### a. **Data verification:**

- Verification of the internal monitoring data from the implementation Supervision Consultant (SC)'s resettlement team and DOR project implementation unit (PIU)
- Verification of the baseline monitoring data
- Verification of the data/official documentation from the Deputy Commissioners offices (CDO) and land revenue offices.
- Verification of Compensation Determination Committee (CDC) pricing methods
- Direct verification with affected persons – of compensations and/or resettlement assistance received

### b. **Assessment of RP process:**

- Assessment of performance of internal monitoring system
- Assessment of the performance of the RP implementation team
- Assessment of performance of Grievance Redress Mechanism (GRM) or other complaint resolution system set up by the project
- Assessment of information disclose and consultation process
- Assessment of implementation of Income and Livelihood Training Program
- Assessment of RP implementation compliance with ADB's Safeguards Policy Statement
- Provide recommendations and corrective actions if necessary

### c. **Assessment of RP performance**

- Setting up parallel, sample baseline and monitoring system for post-project RP impact verification
- Conduct satisfaction survey of the resettlement process
- Assess whether RP and livelihood training objectives have been met; especially whether livelihoods and living standards have been restored or enhanced;
- Evaluation of change in living standards pre/after resettlement process: assess whether the resettlement entitlements were appropriate in meeting the objectives, and whether the objectives were suited to AP conditions.
- Provide recommendations and corrective actions if necessary
- Compiling of lessons-learned and best practices of RP design and implementation for future resettlement plans

## IV. **Methodology**

The external monitor will identify and select a set of appropriate process, output and outcome indicators and gather information on them to substantiate its assessment. This exercise will require formal and informal surveys, field level verification and consultation with affected persons. A combination of the following quantitative and qualitative methods should be used:

- **Sample Affected Household Survey:** a sample baseline of affected household survey (at least 20%) and representative (of different categories such as titled and non-titled, vulnerable, etc...) will be gathered to obtain information on the key indicators of entitlement delivery, efficiency, effectiveness, impact and sustainability;

- **Focus Group Discussion (FGD):** Consultation with a range of stakeholder groups (local Government, resettlement field staff, community leaders and APs including women and vulnerable groups);
- **Key Informant Interviews:** Consultation with individuals like local leaders, village workers or persons with special knowledge or experience about resettlement activities and implementation;
- **Public Consultation Meetings:** Public consultation meetings at resettlement sites to elicit information about performance of various resettlement activities;
- **Structured Direct Observations:** Field observations on status of resettlement implementation, plus individual or group interviews for crosschecking purposes;
- **Informal Surveys/Interviews:** Informal surveys of APs, host village, workers, resettlement staff, and implementing agency personnel using non-sampled methods; and
- In the case of special issues, in-depth case studies of APs and host populations from various social classes will be undertaken to assess impact of resettlement.

## V. Outputs

- **2 independent review reports per year:** to be developed for each year of the RP implementation. The reports should include (i) assessment of the RP implementation process (process and output/outcome indicators); (ii) compliance status with ADB's SPS; (iii) Corrective action plans and recommendations. These reports will be submitted to the project director (DOR project implementation unit) and ADB simultaneously.
- **Post-Completion RP Evaluation Report:** to be conducted within 6 months of the completion of the RP implementation process. This should include: (i) overall assessment of RP implementation process; (ii) assessment of RP outcomes; (iii) implementation of corrective action plans; (iv) lessons-learned and best practices. This report will be submitted to the project director (DOR project implementation unit) and ADB simultaneously.

## VI. Institutional Arrangements

The external monitor will be recruited by DOR. DOR's project implementation unit and in particular its project director, will facilitate access to the internal monitoring system, the SC resettlement team and affected persons and will serve as liaison for data to be checked with the Deputy Commissioners' offices in the districts concerned by the project.

## VII. Qualifications, Experience and Inputs of Experts and Staff (National)

The external monitor agency should have at least master degree in sociology, anthropology or other social development studies, and at least 5 years experience in resettlement activities in Nepal. They should have experience in resettlement activities for project financed by multi-lateral development banks, such as the Asian Development Bank (ADB) or the World Bank (WB). He or she should be proficient in English and have good writing skills.