

# Resettlement Plan

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Nepal: Urban Resilience and Livability Improvement  
Project – Janakpur Dham Sub-Metropolitan,  
Dhanusha District

Roads and Drainage Project

Package Number: URLIP/JNK/CW01

## **CURRENCY EQUIVALENTS**

(as of 29 May 2023)

Currency unit - Nepalese rupee (NPR)  
NPR 1.00 = \$ 0.01  
\$ 1.00 = NPR 131.83

## **ABBREVIATIONS**

ADB	-	Asian Development Bank
BPL	-	Below poverty line
CDO	-	Chief District Officer
CFUG	-	Community forestry user group
DDC	-	District coordination committee
DMS	-	Detailed measurement survey
DSC	-	Design and supervision consultant
DUDBC	-	Department of Urban Development and Building Construction
EMP	-	Environment management plan
FGD	-	Focus group discussion
GON	-	Government of Nepal
GRC	-	Grievance redress committee
GRM	-	Grievance redress mechanism
IEE	-	Initial environmental examination
ISPC	-	Institutional Strengthening and community participation consultant.
LACFC	-	Land acquisition and compensation fixation committee
LGOA	-	Local Government Operational Act.
MOU	-	Memorandum of Understanding
NGO	-	Non-governmental organization
NPC	-	National planning Commission
PCO	-	Project coordination office
PIU	-	Project implementation unit
PMDCD	-	Project management and capacity development consultant
ROW	-	Right-of-way
SDC	-	Supervision and Design Consultants
SPS	-	Safeguard policy statement
URLIP	-	Urban Resilience and Livability Improvement Project

## **WEIGHTS AND MEASURES**

ha.	-	hectare
km	-	kilometer
m	-	meter
m <sup>2</sup>	-	square meter

## **NOTE**

In this report, "\$" refers to United States dollars.

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## GLOSSARY

**Affected Person/displaced person:** As per Asian Development Bank (ADB) Safeguards Policy Statement 2009, affected person/displaced person includes all persons with legal rights on land (titleholders) and persons without legal rights (non-titleholders) who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.

**Affected Household:** means (i) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for a project or involuntary displacement due to any other reason; (ii) a family of any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land in the affected area or otherwise, has been involuntarily displaced from such land or other property; (iii) a family of any agricultural or non-agricultural labourer, landless person (not having homestead land or agricultural land), rural artisan, small trader or self-employed person or any other non-titled user who has been residing or engaged in any trade, business, occupation or vocation in the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reason.

**Assistance:** means support, rehabilitation and restoration measures extended in cash and / or kind over and above the compensation for lost assets.

**Compensation:** means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost at current market value.

**Entitlement:** means the range of measures comprising cash or in-kind compensation, relocation cost, income restoration assistance, transfer assistance, vulnerability assistance, income substitution, and business restoration which are due to affected households, depending on the type and degree /nature of their losses, to restore their social and economic base.

**Eminent Domain:** means the regulatory authority of the Government to obtain land for public purpose/interest or use as described in the Land Acquisition Act 2034 (1977).

**Inventory of loss:** means the inventory of assets as a record of affected or lost assets.

**Non-titled:** means those who have no legal/legalizable rights or claims to the land that they are occupying and includes people using private or public land without permission, permit or grant i.e. people without legal/legalizable title to land and/or structures occupied or used by them. ADB's policy explicitly states that such people cannot be denied resettlement assistance.

**Replacement cost:** the method of valuing assets to replace the loss at market value before the project or dispossession, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration, and titling costs.

**Significant impact:** means where 200 or more affected persons suffer a loss of 10% or more of productive assets (income generating) and/or physical displacement.

**Vulnerable Households:** means households that comprise those falling below poverty line, persons with disability, female-headed households, households having elderly (*Jestha Nagarik*) and children, *dalits*, indigenous people, landless households and households without legal title to land.

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## EXECUTIVE SUMMARY

**Project Background.** Urban Resilience and Livability Improvement Project (URLIP), the project, will support improving municipal infrastructures and governance of the selected project municipalities, thereby contributing to achieve economic growth and improved livability. This will be achieved through the following three outputs: (i) municipal infrastructure for resilience improved (Output 1); (ii) Tourism assets revitalized and management improved (Output 2); and (iii) capacity of communities, municipalities, provinces and Department of Urban Development and Building Construction strengthened (Output 3). The project will support seven municipalities (Pokhara, Janakpur, and a cluster of five municipalities which include Devdaha, Lumbini Sanskritik, Sainamaina, Siddharthnagar, and Tilottama).

**Project Components:** Under the proposed component in Janakpur Municipality, improvement of 16.22 km. of roads covering 17 road sections mostly connecting “Parikrama Marg” are proposed integrating the components of drainage and footpath.

**Scope and Objective of Resettlement Plan.** This draft resettlement plan has been prepared to document the project’s impact, methodology used and address the potential involuntary resettlement and indigenous peoples impacts of the proposed project components. Specifically, the objective of this document is to: (i) assess social impacts due to project implementation, (ii) design mitigation measures to ensure lives of affected persons are improved or maintained at the level of pre-project condition, (iii) ensure voluntary donation of adheres to the ADB SPS requirements, and (iv) assure adequate compensation payment and implementation of safeguards per the ADB SPS, 2009 and agreed entitlement matrix. The methodology of the resettlement plan preparation includes data collections through both primary and secondary sources. The primary data were collected through transect walk, impact assessment surveys, community consultations, and sample socio-economic surveys.

**Land Acquisition and Resettlement Impacts.** The road improvement work will be carried out mostly within the existing road corridor within the road-right-of way of government lands with widening and minor realignments in some cases, which will require narrow strips of land. The preliminary assessment of impact during baseline study shows that part of 75 land parcels belonging to 56 landowners, 15 land parcels under the ownership of religious trust (12 land parcels are used by individuals, 3 under temple authorities) and four belonging to various government authorities are likely to be affected due to upgrading of the road sections and drainage works. The preliminary impact assessment identified: (i) partial/minor impact on 9 residential structures with 9 affected households (78 population); (ii) 46 minor/secondary structures from 39 households (275 population); (iii) temporary income loss to one shop owner during civil works construction, and (iv) impact to government structures and CPRs (4 government offices and 3 temples). No physical displacement will take place as a result of project intervention. A detailed measurement study will be carried out to confirm the scale of impacts both on land and structure during detailed design and will be included in the updated resettlement plan accordingly.

The additional land required for road improvement and road-side drains are proposed to be obtained through voluntary land donation and/or negotiated settlement from eligible owners. 14 land parcels are owned by vulnerable households and no donation can be taken from them, in line with ADB policy. The PIU will discuss negotiated settlement with them.

The socio-economic survey identified 26 households under the vulnerable category. These households have various vulnerabilities such as households below poverty line (7), dalit (1), female-headed household (1), non-titleholder (9), and households with multiple vulnerabilities (8).

The land requirements will be ascertained/finalized during detailed design and DMS and documented in the resettlement plan. Efforts will be done by the project to minimize use of lands owned by vulnerable affected persons. The socio-economic survey conducted during preparation of the resettlement plan did not find the presence of indigenous peoples residing in the road alignment.

**Legal Framework.** The policy, legal Framework, resettlement principles and entitlements under URLIP are guided by the ADB's Safeguard Policy Statement (SPS), 2009 and Government of Nepal's Acts, laws and regulation related to land acquisition, compensation disbursement, and involuntary resettlement.

**Consultations and Participation.** Formal and informal consultations were carried out with various stakeholders such as community residents/project beneficiaries including the poor, women, and local government officials. A team of safeguards consultants, and PIU team visited the project component proposed for project financing. Observation of proposed road alignments and consultation with local people to understand their opinion on project were the focus of consultation. A total of seven formal consultations were organized attended by 66 persons (64 males, 2 females). Informal meetings and household-level discussions were also conducted during transect walk and preliminary assessment among residents/project beneficiaries to obtain their opinions and views about the project. Consultations will continue throughout the project implementation. The draft/updated resettlement plan will be made available at public locations in the area and will be disclosed to a wider audience through the Government of Nepal and ADB website. A copy of the resettlement plan translated in local language will be kept at site during the construction period.

**Grievance Redress Mechanism.** A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate the resolution of affected person concerns, complaints, and grievances about the social and environmental performance at the level of the project. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. Grievance Redress Committees (GRCs) will be formed at three levels; (i) field/ward level, ii) Municipality/PIU level, and iii) PCO level. One woman representative in the field/ward and municipality level. A public awareness campaign will be undertaken to ensure awareness on the project and its grievance redress procedures. The campaign will ensure that the poor, vulnerable and others are made aware of and are part of the awareness program. Grievance redress mechanism outlined in the draft resettlement plan will ensure that complaints and grievances are resolved in a collaborative, timely manner, and effective manner through dialogue, joint fact-finding, negotiation, and problem solving.

**Institutional Arrangement.** The resettlement plan implementation will be closely monitored by the Project Coordination Office with the support of project management and capability-development consultant (PMCDC) to effectively assess the resettlement plan progress and identifying potential difficulties and problems. Monitoring will be undertaken by the PCO and PIUs. The PIU within the municipality will have a social safeguards officer assisted by social safeguards specialist from the Supervision and Design Consultants (SDC), who will facilitate the implementation of the resettlement activities. Monitoring will involve administrative monitoring to ensure that implementation is on schedule and problems, if any, are dealt with on a timely basis; socio-economic monitoring during and after any resettlement impact utilizing baseline information established through the detailed measurement survey of affected persons undertaken during project preparation, and overall monitoring.

**Resettlement Budget.** The budget item includes compensation of structure loss, third-party verification cost, provisional sum for negotiated settlement and administrative cost. The total cost for implementation of resettlement plan is estimated **NPR 17,082,052**. PIU with the support of the SDC will facilitate the disbursement process and opening bank accounts for the affected persons who do not have bank accounts.



## I. INTRODUCTION

### A. Project Description

1. The Urban Resilience and Livability Improvement Project (the project) aims to improve livability and sustainability of urban services by project municipalities. The project is aligned with the following impact: economic growth and improved living standards.<sup>1</sup> The project will have the following outcome: improved resilience, livability and sustainability of urban service delivery by project municipalities.<sup>2</sup> The project will develop municipal infrastructures aligned with the priorities set in the municipalities' investment plans. The project supports seven municipalities: Devdaha, Janakpur, Pokhara, Lumbini Sanskrit, Sainamaina, Siddharthnagar, and Tilottama. Five out of seven municipalities are from the western urbanizing corridor. The Department of Urban Development and Building Construction (DUDBC) on behalf of the Ministry of Urban Development will be the executing agency and the project municipalities are the implementing agencies. The project will support the following three outputs.

2. **Output 1: Municipal infrastructure for resilience improved.** Investments will use an integrated approach by ensuring a well-coordinated urban infrastructure system and, where feasible, employing green solutions to reduce inundation, improve mobility, and promote nonmotorized transport through cycle lanes and footpaths. Together, these investments aim to improve the livability of residents, support the sustainable growth of tourism, and enhance local economies. The project will (a) construct 150 kilometers (km) of stormwater drains; (b) reconstruct 100 km of urban roads with at least 45 km of footpaths with old age, women, children, and people with disabilities responsive features and cycle lane to promote nonmotorized transport; and (c) construct cold storage in Tilottama to ensure food security during climate and disaster events.

3. **Output 2: Tourism assets revitalized, and management improved.** The project adopts a combination of strategic planning, infrastructure development and customer service to support natural, cultural, and heritage-based tourism by enacting protective zoning around natural and heritage sites, expanding tourism activities, and promoting visitor's universal access and positive experience.<sup>3</sup> Output 2 will support to: (a) prepare and execute seven natural and heritage management plans through gender equality and social (GESI)-responsive, participatory approaches; (b) improve seven cultural and natural heritage sites with GESI-responsive tourism infrastructure and recreation amenities such as cycle route connecting seven lakes of Pokhara municipality, Bindabasini area street, Phewa organic trail, Pokhara SantiBan Batik (Forest) conservation, Janakpur Ratna Sagar Lumbini global park and Panchase eco-development, (c) improve 150,000 square meters of green spaces—Siddharthnagar Dandha River Corridor and greening initiatives of public spaces in all municipalities—with gender and climate-resilient-inclusive design feature; and (d) ensure at least 30% of the socio-economic development program spent on socioeconomic infrastructure and activities related to tourism and GESI. The project will construct at least seven GESI-friendly public toilets in cultural and natural heritage sites and support Lumbini Sarus Carne conservation and biodiversity awareness.<sup>4</sup>

4. **Output 3: Capacity of communities, municipalities, province, and Department of Urban Development and Building Construction strengthened.** The project supports implementing prioritized reforms, municipalities' digital transformation, institutional strengthening,

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<sup>1</sup> Government of Nepal, National Planning Commission. 2020. Fifteenth-Year. Kathmandu.

<sup>2</sup> The design and monitoring framework is in Appendix 4.

<sup>3</sup> Cultural, natural, and heritage assets under municipalities' jurisdiction.

<sup>4</sup> Public toilets will have male, female, and all-gender toilets with adequate wash facilities and design friendly to persons with disabilities.

and capacity-building actions. Key actions of output 3 include increasing own source revenue by implementing a comprehensive financial management improvement plan (CFMIP)—an institutional reform measure for revenue enhancement (broadening own source revenue coverage, digital tax billing and collection, and tax administration), budgeting procedure for better expenditure management, internal and external audit, procurement and asset management, and financial management procedures. The second action is to address carbon emissions and climate and disaster-related risks by preparing decarbonization and risk-sensitive urban plans and enforcing development control,<sup>5</sup> preparing seven heat action plans to ensure well-coordinated response actions during an extreme heat event tailored to high-risk groups, establishing Pokhara municipal emergency operation center, installing an electronic building permit system that factors in climate and disaster risk zoning, and will also support the issuance of digital tax bills. The third action is strengthening institutions and capacity by establishing and equipping O&M units in each municipality, maintaining a robust database of public assets, including infrastructure, utilities, cultural and natural heritage sites, and public land, constructing an energy-efficient and disaster-resilient municipal office building for Lumbini Sanskritik municipality, conducting training and workshop for staff, including eligible women staff and female-elected representatives of cities, provinces, and DUDBC, on municipal finance, natural ecosystems, decarbonization, and urban resilience planning, and support internship, skill improvement in traditional and local art, and tourist guide certification programs for women and disadvantage group implemented.<sup>6</sup>

## **B. Project Location**

5. Janakpur Dham or Janakpur is a sub-metropolitan city lies in Dhanusha District of Madhesh Province and was founded in the early 12<sup>th</sup> century. Janakpur is located 225 km. southeast of Kathmandu and about 23 km. away from the Bhitthamore border of India. The city is a hub for religious and cultural tourism. Janakpur is the capital for Madhesh Province as well as the headquarter of Dhanusha District. According to tradition and an Archeological evidence found at the site, ancient civilization indicates Janakpur Dham as the capital of the Videha dynasty that ruled the Mithila region in ancient times.

6. According to the national census 2021, total population residing in Janakpur Dham is 194,556 with average household size of 4.91. The ratio of male and female population is 9.48 males per 100 females. Janakpur is forth most populated city of Nepal.

## **C. Project Benefits**

7. It is anticipated that there will be two-fold beneficial impact due to road improvement in Janakpur Dham. Further to this, employment opportunities generated due to construction and improvement of road sections will support the household income of those who depend on wage-based livelihood. In addition to local people, the improvement of road service especially in and around the “Parikrama Path” will enhance religious tourism opportunities and thus, improve the living standard of the people associated with tourism-based livelihood. Similarly, the people living along the roadside will directly benefit from the improved drainage services.

8. The land value of the plot adjoining to road may increase significantly which will enhance the economic status of APs and other road users. Other common benefits to the people of the project area are: (i) reduction in travel time and cost (ii) better mode and frequency of transportation (iii) decreased cost of freight (iv) access to quality health care, educational and

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5 Including seismic microzoning and multi-hazard disaster risk assessment of Pokhara.

6 GESI action plan (accessible from the list of linked documents in Appendix 2).

other infrastructural facilities (v) improved access to service centers at local and district level (vi) improved quality of life of rural tribal population (vii) reduced accidents and (viii) better investment prospects creating more employment opportunities to local people.

9. Janakpur Dham is known for the abundance of temples and ponds full of religious faiths and beliefs, which are visited every year by millions of religious tourists. Devotees from home and abroad visit these ponds and temples to worship or to take holy baths and thus the historical and spiritual significance of these ponds remains intact.

#### D. Project Components

10. **Development/Improvement of Road and Drainage.** Under this component, rehabilitation/improvement of 16.22 km. covering 17 road sections mostly connecting “Parikrama Marg” is proposed integrating the components of drainage and footpath. The proposed roads will be implemented in the existing road alignments within the government-owned lands and are within the existing rights-of-way (ROW) of Janakpur Municipality. The specific description of each section is given in the following table.

**Table 1: List of Road sections Proposed for Improvement**

S. No.	Name of Road	Length (km.)	ROW (m)	Road width		Carriageway	
				Existing	Proposed	Existing	Proposed
1	Durga Chowk to Railway Crossing	2.38	16	16 m	16 m	11m average	11m (including tick side drain).
2	Sita Chowk - Pulchowk Road	1.362	16	16 m	16 m	11 meter including tick drain) for 640m, for remaining length 8 m average.	11m (including tick side drain)
3	Pidari Chowk - Ratan chowk Road	0.692	16	16 m	16 m	11 meter in average	11 meters
4	The Bajrang Chowk to Balmiki Nagar Road	0.446	13	13 m	13 m	4m average	9 m including tick drain
5	Ramanand Chowk to Railway Crossing Road	1.206	13	13 m	13 m	4m average	9m (including tick drain)
6	Balwa Police station to Eye Hospital to Ratan chowk Road	1.547	13	13 m	13 m	4m average	9m (including tick drain)
7	6 lane Highway to Covered Hall Road	0.759	13	13 m	13 m	6 m average	9 m (including tick drain)

S. No.	Name of Road	Length (km.)	ROW (m)	Road width		Carriageway	
				Existing	Proposed	Existing	Proposed
8	Ratan chowk to Manimandap Road	1.384	13	13 m	13 m	6 m average	9 m (including tick drain)
9	Mills Area to Benga Piprari Danusha Road	1.361	13	13 m	13 m	6 m average	9 m (including tick drain)
10	R Campues East pipal bot jalad river kapleshwar Main Road	0.442	13	13 m	13 m	6 m average	9 m (including tick drain)
11	Yatri Niwas Road	0.156	9	9 m	9 m	8 m average	8 m (including tick drain)
12	6 lanes to Mujelia-Provincial Laboratory-Rajaul Road	1.636	10	8 m	10 m	6 m average	8 m (including tick drain)
13	The Bihar Kunda Road	0.463	7 (m)	7 m	7 m	6 m average	7 m (including tick drain)
14	Pagala baba Road	0.469	7	7 m	7 m	6 m Average	7 m (including tick drain)
15	Zero Mile Bus Park east Traffic Office to Jaladh River Road	0.645	9	9 m	9 m	8 m average	8 m (including tick drain)
16	The Napi Office Road	0.817	9	9 m	9 m	8 m average	8 m (including tick drain)
17	Janaki Temple Bibah Mandap to Maharaj Sagar Road	0.46	6	6 m	6 m	6 m average	6 m (including tick drain)
		16.225					

Source: Technical detail as provided by the Department of Urban Development and Building Construction field office Janakpur, June 2023

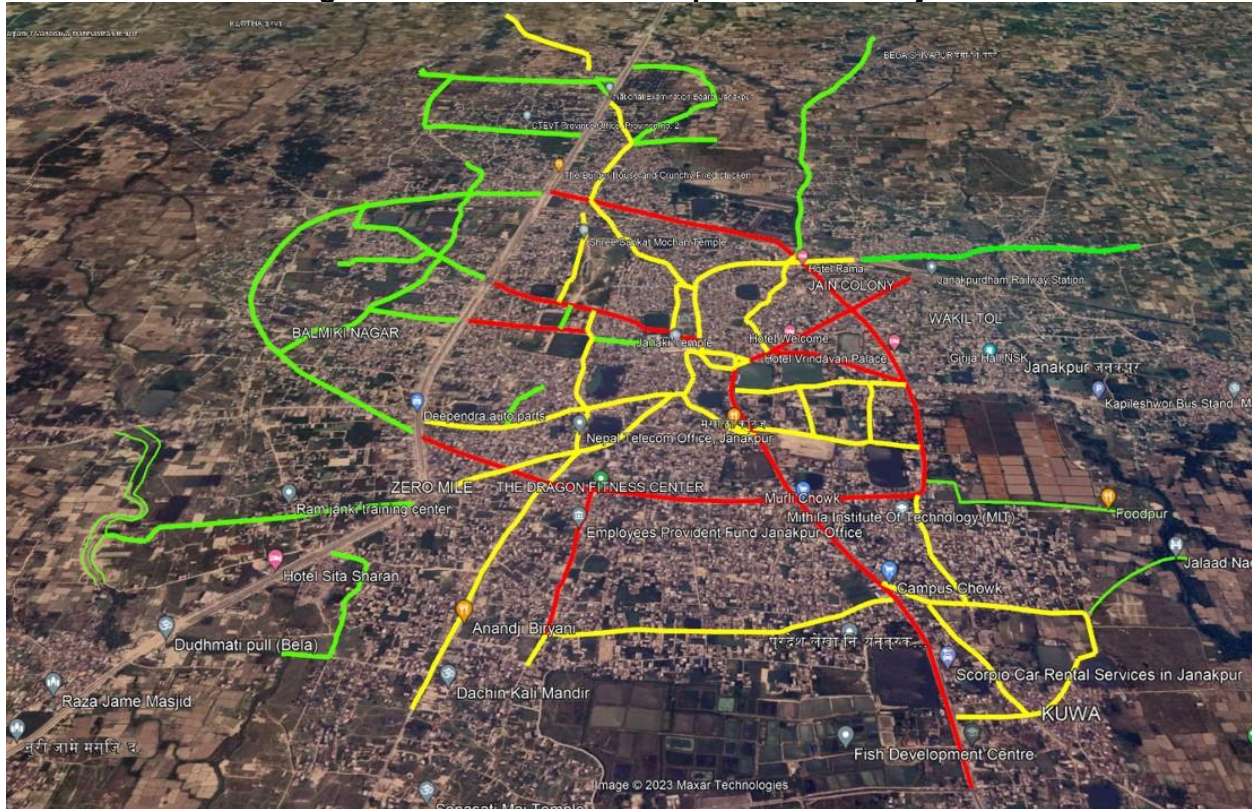
11. The road improvement will cover the necessary sub-components of urban roads like:

- (i) Signalized intersections
- (ii) Traffic islands
- (iii) Pedestrian walkways for all aged-groups and disabled friendly
- (iv) Raised crosswalks.



- (v) Cycle lanes
- (vi) Streetlights
- (vii) Landscape design utilizing the total right of way.
- (viii) Green belts

**Figure 1: Location of the Proposed Road Project**



Source: Presentation by DUDBC, field office Janakpur during ADB Pre-fact finding mission, March 22, 2023

## E. Objective of Resettlement Plan

12. The objective of the resettlement plan is to assess social impacts due to project implementation, and design mitigation measures to ensure livelihood of affected persons improved or maintained at the level of pre-project condition. The specific objectives of resettlement plan are to:

- (i) to describe the identified scope and extent of land acquisition and involuntary resettlement impacts because of identified project components, and address them through appropriate recommendations and mitigation measures in the resettlement plan;
- (ii) to present the socio-economic profile of the population in the project area, identify social impacts, including impacts on the poor and vulnerable, and the needs and priorities of different sections of the population, including women, poor and vulnerable;
- (iii) to describe the identified scope and extent of land acquisition and involuntary resettlement impacts due to the project components, and address through appropriate recommendations and mitigation measures in this resettlement plan;

- (iv) to describe the process undertaken during project design to engage stakeholders and the planned information disclosure measures and the process for carrying out consultation with affected people and facilitating their participation during project implementation.
- (v) to establish a framework for grievance redressal for affected persons that is appropriate to the local context, in consultation with stakeholders;
- (vi) to describe the applicable national and local legal framework for the project, and define the involuntary resettlement policy principles applicable to the project;
- (vii) to define entitlements of affected persons, and assistance and benefits available under the project;
- (viii) to present a budget for resettlement and define institutional arrangements, implementation responsibilities and implementation schedule for resettlement implementation; and
- (ix) to describe the monitoring mechanism that will be used to monitor resettlement plan implementation.

## **F. Resettlement Plan Preparation**

13. The methodology for preparation of the resettlement plan includes data collections through both primary and secondary sources. The primary data were collected through transect walk, preliminary impact assessment surveys, community consultations, socio-economic surveys, and interviews. The meetings were conducted at the institutional level with local government and community organizations. The phased process was adopted to collect primary information in following order: (i) introductory briefing meeting with community, likely affected persons residing along the road alignment, elected representatives of ward (ii) transect walk along existing alignment with municipal engineer and likely project affected persons to assess likely impact on land, structures, and other assets. (iii) preliminary measurement of loss of land, structures, and other assets was done during feasibility study. The extent of impact on land and structures were further verified with the involvement of local community members, affected persons, and elected representatives. Impact on structure and other assets assessed from inventory and field measurement. Socio-economic information has been collected through surveying 25% out of total affected households and used to measure impacts as well as the vulnerability of the affected persons.

14. This draft resettlement plan is prepared based on the available preliminary design for the project components. This document will be updated for final involuntary resettlement impact during detailed design and detailed measurement stage. The draft and/or updated/final plan will be submitted to ADB for review and clearance, and disclosure in project's and ADB websites. Construction of civil works will only commence after compensation payment to affected persons is provided, as per the entitlement matrix.

## **G. Measures to Avoid and Minimize Involuntary Resettlement**

15. The following measures are proposed to avoid and minimize impacts and disturbances during the construction. The activities under resettlement plan will be the part of the bid document and these impact minimization measures will be taken into consideration for budgeting and implementation by the contractor.

- (i) distribution of project information including construction schedule to residents and business units and others in the area.
- (ii) traffic management with proper liaison with police department.

- (iii) provision of planks to provide temporary access to citizens, access to residential and business units, religious places.
- (iv) excavation to be carried out in small sections, one section at a time, in order to reduce the time period of possible disruption and inconvenience to business establishments, hawkers, mobile vendors and residents of the area.
- (v) inform residents and others in sufficient advance time about the date and time of constructions activities in each section through the public announcement system. If required, a diversion way will be constructed temporarily, to facilitate the shops located adjacent to the road, to continue with their business.
- (vi) careful timing of implementation to avoid peak sale hours/days or school timings.
- (vii) night work in commercial areas, where possible.
- (viii) minimize construction period to the extent feasible.
- (ix) liaise with the police department for traffic management for uninterrupted traffic flow.
- (x) install signages at suitable locations.
- (xi) display details of GRM (address, contact number and email) for lodging grievances/complaints, if any at several locations across the town where works are under implementation.

## II. SCOPE OF LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT

### A. Land Acquisition

16. **Urban Road and Drainage Improvement:** The scope of land acquisition is determined based on the field visits to the project components/road locations and transect walk along the alignment of the roads and proposed drainage works to be constructed. The road sections under improvement have long existed and are partially black topped and partially covered with riverbed aggregates. The roads are mostly without proper drainage and footpath facilities. The road improvement work will be carried out mostly within the existing road corridor within the government's road right-of-way with widening and minor realignments in some cases, which will require narrow strips of land. The preliminary assessment of impact during baseline study shows that part of 75 land parcels are likely to be affected due to road improvement. The survey showed that around 74% (56) affected land parcels belongs to private owner whereas ownership of 20% (15) lies in religious trust/community. About 6% (4) land parcels are owned by government institutions. Out of the 15 religious trust land parcel, 12 are being used by individual families<sup>7</sup> and rest three under temple authorities.

17. The people likely to be affected by the road improvement have expressed their consent for voluntary donation due to higher beneficial impact. The landowners expressed the need for such road infrastructure and are more than willing to contribute small strips of their lands voluntarily. Once the detailed design are finalized and detailed measurement survey is undertaken, the exact area will be discussed with the affected landowners. A third-party verification of voluntary land donation process will be undertaken to confirm that: (i) voluntary donations do not severely affect the living standards of affected people, and are linked directly benefits for the affected people; (ii) no coercion was involved in the process either by the government or by the community, and (iii) voluntary donation is in fact voluntary through verbal and written record and verified by an independent third party such as a designated nongovernmental organization or legal authority.

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<sup>7</sup> The 12 individual users utilizing the lands owned by the religious trust will incur partial/minor structure loss. This includes partial/minor impact to one residential structure and impact to 11 secondary structures. These numbers are included in the total impacted structures and a provisional budget is included in this resettlement plan.

The third-party verification will be completed during DMS, and report/certificates/signed consent forms will be appended in the updated resettlement plan. All these activities will be completed before contract award.

18. A total of 14, (out of 26 vulnerable households) have registered land and no land or asset donation can be taken from vulnerable persons, in line with ADB policy. A negotiated settlement will be offered to them.<sup>8</sup> The land requirements will be ascertain/final during detailed design and DMS and documented in the resettlement plan. Efforts will be made by the project to minimize use of lands owned by vulnerable affected persons, particularly those who are economically vulnerable. No land donation will be allowed from vulnerable persons. The landowners expressed the need for such road infrastructure and expressed support to the project. Further consultations and careful documentation of the entire process will be undertaken and included in the updated resettlement plan.

19. Out of the 15 religious trust land parcels, the 12 land parcels are being used under an informal agreement between the temple trust management committee and the land is mostly used for residential purposes, while the three land parcels are currently used by the temple authorities. The 12 land parcels are currently being used by individual users and therefore, cannot transfer the ownership or allocate the land for development or any other purpose; however, partial/or minor structure loss (insignificant impact) is assessed (11 will incur minor impacts to secondary structures<sup>9</sup> one household will face partial/minor impact to residential structure). All of them are considered in the vulnerable category being non-titleholders. They will be entitled with compensation for partial/minor structures impact and additional assistance, as applicable, per the entitlement matrix. The area mostly lies in the *Janaki Temple Bibah Mandap to Maharaj Sagar Road section*. In order to minimize the impact on temporary structures existed in religious land, the design team has reviewed initial design and proposed rectangular matrix tile (interlock brick) and mostly proposed for walking. The discussion with design engineer indicates that the project intervention will have minor impacts on the temporary structures build on religious land not amounting to physical displacement. After detailed design and measurement survey, a formal agreement has to be signed between the trust management committee and PIU regarding the use of the trust land for road improvement. All these activities are to be completed before contract of award and included in updated resettlement plan.

20. Similarly, four parcels of government land are likely to be affected by the road improvement. Inter departmental coordination and memorandum of understanding for the use of GON land has to be signed and appended in updated resettlement before contract award.

21. The summary of the land affected due to road improvement is presented in the table below.

**Table 2: Summary of Affected/Required Land**

S. No.	Type of land	Number	Number of Affected Plots	Total Affected Area
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<sup>8</sup> Where negotiated settlement is proposed, in the event of its failure, the project will consider realignment of the road or adjustment of the road width during detailed design. All of these will be documented during resettlement plan updating.

<sup>9</sup> Secondary structures include associated/annexed structures such as toilet, safety tank, tap, animal shed, and others. Other secondary structures may include, but not limited to fences, sheds, etc. All impacts will be known during final detailed engineering design and detailed measurement survey stage. All impacts will be mitigated with appropriate compensation, and assistance based on this entitlement matrix.

1.	Private	56 households (443) family members)	56	To be determined during detailed design and detailed measurement survey (DMS)
2.	Government of Nepal	0	4	
3.	Religious	12 households (69)	15	
Total		511	75	

Source: Socioeconomic survey, May 2023

## B. Impact on Structures/Assets

22. The preliminary impact survey was carried out based on the available preliminary design. The assessment identified partial/minor impact on structures at various road sections not amounting to 10%. Around 55 structures belonging to 55 HHs (353 population) are likely to be affected – this consists of (i) 9 residential structures (9 households), and (ii) 46 secondary structures (39 households). No physical displacement will take place as a result of project intervention. The design team reported that road widths are decreased to avoid the impacts, especially in Janaki temple-Biwaha mandap road section. Any site/design changes during detailed design and detailed measurement survey will be assessed and the impact assessment will be updated accordingly. The summary of the impacts on structure is given in Table 3.

**Table 3: Summary of Impacts on Structures**

Type of Impacts	Number of Affected Structures	Affected Households
A. Partial/Minor impact to Residential Structures (insignificant impact)	9 house walls	9 households (78 family members)
B. Secondary/Annexed Structures	46 compound/boundary walls/secondary structures	39 households (275 family members)

Source: Socioeconomic Survey, May 2023

## C. Impacts on Business/Income

23. Potential temporary income loss during construction works on one shopowner (bicycle repair shop) is identified during preliminary assessment. The construction activities may result in the loss of 3 days income during footpath construction. Nonetheless, impact can be avoided through proper construction methods like scheduling construction works during night-time. Where impact is unavoidable, compensation will be paid for the period of disruption/income loss as per the agreed entitlement matrix. In case the temporary livelihood impact is avoided during construction works, the PIU will document the impact avoidance measures and documentation will be included in the SSMR, including confirmation from the shopowner.

## D. Impacts to Public Utilities/Common Property Resources

24. Public utilities along the alignment are likely to be affected by road improvement. During preliminary assessment, a small part of 4 government offices/structures, and 3 temples will have

minor impact on the structures. A detailed assessment in consultation with the concerned government agencies/user groups/temple committee will be carried out during the detailed design if these impacts cannot be avoided, and suitable mitigation measures identified in consultation with the concerned stakeholders will be included in the updated resettlement plan. A provisional allocation for restoration of the public utilities/CPRs has been included in case of impact.

25. The involuntary resettlement impacts will be further assessed and revalidated based on finalization of detailed design and detailed measurement survey (DMS) will be conducted to update and finalize the resettlement plan accordingly. Rigour in data collection and consultations with local people and temple committees will be required to ensure that all affected persons eligible for compensation are identified. Efforts will be made by the Contractor to shift (if any) roadside temporary shops to an adjacent location (if possible) so that they can continue with their livelihood activity. The summary of involuntary resettlement impacts is provided in Table 4.

**Table 4: Summary of Land Acquisition and Involuntary Resettlement Impacts**

S. No.	Land Acquisition and Involuntary Resettlement Impacts	Scope of Land Acquisition and/or Involuntary Resettlement	Remarks
1.	Land Acquisition/Requirements	56 affected land parcels belongs to private owner 15 land parcels belong to the religious trust/community 4 land parcels are owned by government institutions	The land requirements will be met through a combination of voluntary land donations, negotiated settlement among landowners falling under the vulnerable category, and use of lands owned by religious trust and government lands. The road improvement with drainage works will be carried out mostly within the existing road corridor within the government's road right-of-way. Widening and minor realignments in some cases may require small/narrow strips of land. The people likely to be affected by the road improvement have expressed their consent for voluntary donation due to higher beneficial impact. The landowners expressed the need for such road infrastructure and are more than willing to contribute small strips of their lands voluntarily. Once the detailed design are finalized and detailed measurement survey is undertaken, the exact land dimension will be discussed with the affected landowners. The signed consent form for voluntary land donation/gift deeds will be included in the updated RP. A third-party verification of voluntary land donation process will be undertaken to confirm that: (i) voluntary donations do not severely affect the living standards of affected people, and are linked directly

S. No.	Land Acquisition and Involuntary Resettlement Impacts	Scope of Land Acquisition and/or Involuntary Resettlement	Remarks
			<p>benefits for the affected people; (ii) no coercion was involved in the process either by the government or by the community, and (iii) voluntary donation is in fact voluntary through verbal and written record and verified by an independent third party such as a designated nongovernmental organization or legal authority. The third-party verification will be completed during DMS, and report/certificates/signed consent forms will be appended in the updated resettlement plan. All these activities will be completed before contract award.</p> <p>14 land parcels are owned by vulnerable households and no donation can be taken from them, in line with ADB policy. The PIU will discuss negotiated settlement with them, and details of the negotiated settlement process will be added to the updated resettlement plan.</p>
2.	Partial/minor impact to residential structures (insignificant impact)	Nine residential structures (9 households, 78 family members)	The assessment identified partial/minor impact on structures at various road sections not amounting to 10%. Partial/minor impact to structures comprising of house walls is only assessed.
2.	Impact to secondary/annexed structures	46 secondary structures (39 households, 275 family)	Impacts to secondary structures will involve impacts to compound/boundary walls only. The construction activities may result in the loss of 3 days income during footpath construction.
3.	Temporary Income Loss	One shopowner	Temporary income loss (3 days of income) during construction of footpath to one shopowner (bicycle repair shop) is identified during preliminary assessment.

S. No.	Land Acquisition and Involuntary Resettlement Impacts	Scope of Land Acquisition and/or Involuntary Resettlement	Remarks
4.	Impacts to public structures/government office and Common Property Resources	4 government office/structures 3 temples	During preliminary assessment, it was found that small part of four government offices/structures will incur damage to structures. In addition, three temples will have incur minor structures impact. A detailed assessment in consultation with the concerned government agencies/user groups/temple committee will be carried out during the detailed design if these impacts cannot be avoided, and suitable mitigation measures identified in consultation with the concerned stakeholders will be included in the updated resettlement plan. A provisional allocation for restoration of the public utilities/CPRs has been included in case of impact.
6.	Number of Vulnerable Affected Households	26 vulnerable affected persons (190 family members)	26 households (190 family members) are identified under vulnerable category. <sup>10</sup>

Source: Preliminary assessment and socioeconomic survey, May 2023

<sup>10</sup> The impact breakdown among vulnerable households are as follows: (i) Five households will incur land loss only; (ii) 12 households will incur partial/minor impacts to residential or secondary structures; and (iii) 9 households will incur impacts both on land and impacts to residential or secondary structures (boundary/compound walls). The socio-economic survey shows that registered land parcels (small strips/narrow lands) owned by vulnerable households likely to be affected will not lose more than 10% of the land. No land donation will be allowed from the vulnerable persons. Negotiated settlement will be offered to them, in line with ADB policy. The exact dimensions of affected areas and impact on structure will be calculated during detailed engineering design and detailed measurement survey and this document will be updated accordingly. The design team will explore the possibility of reducing the corridor of impact to minimize the potential impact to vulnerable affected during the detailed design. A detailed measurement study will be carried out after availability of final engineering design to confirm the scale of impacts both on land and structure during detail design, based on which the resettlement will be updated.



### III. SOCIOECONOMIC INFORMATION AND PROFILE

#### A. Socio-economic Profile

26. This section presents the socioeconomic profile and information of the affected households due to the proposed works. A socioeconomic survey of the project affected persons was undertaken to assess their socio-economic condition. A total of 67 households (511 family members) likely to be affected by the road improvements were interviewed.<sup>11</sup> The survey results are documented in the following paragraphs.

27. **Social Group Category.** The survey results showed that the proposed project area is inhabitant of various castes and ethnicity having diversity of culture, custom, tradition, norms, and values associated with ethnic culture to which they are associated. The majority (87.33%) of affected population belongs to Madhesi community followed by Muslim (7.6%) with 5.07% of Dalit caste groups. (Table 5) (511 family members).

**Table 5: Affected Households by Social Category**

No.	Category	No. of Surveyed Households	Family Members
1.	Dalit	4	26
2.	Madhesi	59	446
3.	Muslims	4	39
No. of Surveyed Households		67	511

Source: Socioeconomic Survey, May 2023

28. **Education.** Based on the socioeconomic survey, 17.9 % of the respondents attained secondary level education while 10.4% are informally educated, 16.4% primary, 3% graduate and 1% postgraduate. It was noted that a majority (43%) of the respondents are not literate.

**Table 6: Affected Households by Educational Attainment**

S. No.	Educational Attainment	No.	Percentage
1.	Can read and write	7	10.4
2.	Graduate	2	2.9
3.	Illiterate	29	43.2
4.	Postgraduate	1	1.5
5.	Primary	11	16.4
6.	Secondary	12	17.9
7.	School Level Certificate	5	7.5
Total		67	100%

Source: Socioeconomic survey, May 2023

29. **Occupation and Livelihood:** The occupation in the surveyed households is a mix of farm and non-farm activities. Service /remittances/ foreign employment/ pension and trade business remained the primary earning of the majority of households (31.34%) followed by services/remittances/foreign employment/pension and agriculture (17.91%), and wage paid labor (10.44%).

<sup>11</sup> The one shopowner facing potential temporary income loss could not be surveyed during socioeconomic survey and shall be interviewed during resettlement updating/finalization upon availability of the detailed design.

**Table 7: Affected Households by Livelihood**

S. No.	Type of Livelihood/Earning Source	No. of Households	Percentage
1.	Agriculture	12	17.91%
2.	Service /Remittances/ Foreign employment/ Pension	12	17.91%
3.	Trade / business/ cottage industry	21	31.34%
4.	Wage Paid Labour	7	10.44%
5.	Housewives	6	8.95%
6.	Others	9	13.43%
	Total	67	100%

Source: Socioeconomic Survey, May 2023

30. **Annual Income.** Out of the 67 surveyed households, one did not participate in income assessment. The average annual income of the 66 interviewed HHs is NPR 79,786.10 which is substantially higher than the national poverty line. According to Nepal Living Standards Survey 2010/2011, below poverty line income is NRs 19,262/ person/year. The national poverty line after inflation adjustment for the year 2021/22 is NPR 39,064/person/year. Out of the surveyed households, 10 fall below the poverty line (Table 8). The socio-economic survey revealed that majority of the households depend on more than one source of income to meet their daily needs.

**Table 8: Annual Income of Affected Households**

S. No.	Average Annual Income (in NPRs)	No. of Surveyed Households
1.	79,786.10	56
2.	Below 39,064	10
	<b>Total of Surveyed Households</b>	<b>66</b>

Source: Socioeconomic survey May 2023

31. **Vulnerable Households.** Out of 67 interviewed household, 26 households with 190 family members are under the vulnerable category (Table 9).

**Table 9: Affected Household by Vulnerability**

S. No.	Vulnerability Type/Category	No. of Households	Populations
1.	Below poverty line households /Poor Households	7	71
2.	Dalit	1	6
3.	Female-Headed Households	1	12
4.	Non-titleholders	9	50
5.	Multiple Vulnerabilities	8	51
	(i) below poverty line households +Dalit	1	7
	(ii) below poverty line households + Female-Headed Households	1	9
	(iii) Female-Headed Households +Dalit	1	6
	(iv) Female-Headed Households +Dalit+widow	1	7
	(v) Female-Headed Households +Widow	1	3
	(vi) Non-titleholders+ below poverty line households	1	5

	(vii) Non-Titleholders+ Female-Headed Households +Widow	2	14
	<b>Total</b>	<b>26</b>	<b>190</b>

Source: Socioeconomic survey May 2023

32. **Land Acquisition.** The percentage of the affected land has been assessed through the socio-economic survey of affected people. The survey result did not identify any households losing more than 10% of their total productive assets. The sample survey revealed that 4.04% of affected land parcels have to be donated by the landowner. However, the exact percentage of the land to be donated by each household including the impacts on structure will be calculated during detailed measurement survey.

33. **Economic viability of remaining land and structure.** The socio-economic survey results showed that all interviewed people were of the opinion that the remaining part of the affected parcel will be sufficient to continue to use. Similarly, none of the affected owners of the structure will be physically displaced from their current location.

34. **Indigenous Peoples.** Janakpur Municipality has a population of 11,636 (5.93%) *janajatis* of the total population as per Census 2021. Nonetheless, the socio-economic survey conducted during preparation of the resettlement plan reveal that there is no presence of indigenous peoples in the road alignment. No indigenous peoples impact involving direct or direct impacts to the dignity, human rights, livelihood systems or territories or natural or cultural resources that are used, owned, occupied, or claimed by indigenous peoples as their ancestral domain or asset, is anticipated. Hence, an indigenous peoples plan or a combined resettlement and indigenous peoples plan is not required.

#### IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

##### A. Field-level Consultation

35. Consultations were undertaken in line with the requirements pertaining to social and environmental considerations. Prior to consultation meetings with local stakeholders, advance notification was circulated, and coordination was established with stakeholders through the municipal project team. The project safeguard requirements related to land and other essential documents presented /shared with municipalities. Additionally, the project design, road standards, policies and procedures were discussed by the project consultants and representatives. Similarly, the outline of GRM and its procedure to handle the grievances were elaborated during the meetings. All participating municipal governments are committed to support the project. A total of five consultations were organized attended by 66 persons (64 males, 2 females). Informal meetings and one-to-one discussions were also undertaken during transect walk and preliminary assessment among residents/project beneficiaries to obtain their opinions and views about the project. Additional consultations will be undertaken and shall continue through the project cycle. The updated resettlement plan will document these additional consultations.

36. Continuing involvement of those affected by projects is necessary in the resettlement process. The PIU will ensure that affected persons and other stakeholders are informed and consulted about the, its impact, their entitlements, and options, and allowed to participate actively. This will be done particularly in the case of vulnerable affected persons, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the —

during preparation, implementation, and monitoring of results and impacts. PIU through monitoring support will ensure that stakeholder consultation, participation and information disclosure activities are carried out in the project area through the project cycle.

37. The DSC and PIU will continue consultations, information dissemination, and disclosure. RPs will be made available in the PIU offices. ADB review and approval of the resettlement plan is required prior to the awarding of civil works contracts, and compensation/assistance of Affected Persons is required prior to displacement. The consultation process will be carried out throughout the entire project cycle. The summary of consultation date, place and number of participants is given in the following table. The minute of the meeting and the photographs showing field level consultation are presented in **Appendix 2**.

38. During planning stage of the project, the PIU representatives including local community were involved in finalization of the alignment, identification of the affected persons, assessment of socio-economic situation of affected persons, collection of consent letter for voluntary land donation. Community consultation started from the very beginning of the project and will continue till the completion of the project.

39. The key stakeholders to be consulted at various stages during preparation, resettlement plan implementation, and Program implementation includes:

- (i) all affected persons, including vulnerable households.
- (ii) elected representatives, community leaders, and representatives of community-based organizations.
- (iii) local NGOs and natural resource management and utilization (User) group.
- (iv) local government and relevant government agency representatives; and
- (v) Project staff of DUDBC, PCO staff member and DSC.

## **B. Summary of Consultations**

40. The following are the key discussion points during the meeting:

- (i) Project affected people expressed their willingness to provide consent for the demolition of likely affected private structures with the improvement of proposed road projects.
- (ii) It was informed that there will not be severe impact upon environment with the implementation of the road sections.
- (iii) Explained project/ADB policy on compensation for land, structure and livelihood.
- (iv) Provided project GRM mechanism.

**Table 10: Details of Public Consultation at Ward and Municipal level**

S. No.	Date and place	Persons Consulted	Number of Participants			Key discussion points/issues raised
			Male	Female	Total	
1.	May 2, 2023 Place: Janakpur sub metropolitan office	Municipal and DUDBC Janakpur staff member ) Engineer Ward chair (3 person)	13		13	<ul style="list-style-type: none"> <li>- Discuss the overall scope of the project, and project requirements to municipal authorities and project beneficiaries.</li> <li>- Discuss field assessment plan, project scope/components</li> <li>- Discuss safeguards requirement of ADB SPS during various stages of project development</li> <li>- Stakeholders expressed support to the project</li> </ul>
2.	May 3, 2023 Meetings were done in the following locations: <ul style="list-style-type: none"> <li>- Ratna Sagar premise</li> <li>- Manimandap ward-13</li> <li>- Janaki Mandir Biwahmandap road section</li> <li>- Binthi-kurtha Road section</li> </ul>	Various sections of road alignment and Ratna Sagar Pound  Wards chairperson Wards member	13		13	<ul style="list-style-type: none"> <li>- Discuss field assessment plan, project components</li> <li>- Jointly assess the proposed road alignment, and identify potential impacts.</li> <li>- Discuss the likely land requirement and resettlement issues.</li> <li>- Share safeguard requirement ADB during various stages of project development</li> <li>- Project beneficiaries welcome the project and express support to the project</li> </ul>
3.	Date 3 May 2023 Place : Janaki Mandir Biwahmandap road section	Local people Ward chair Ward representative	16	2	18	<ul style="list-style-type: none"> <li>- Discuss project overview, project components and road locations/alignments</li> <li>- Discussion with potentially affected person</li> <li>- Sharing of ADB safeguard requirements including GRM, consultation, and entitlements for the affected persons</li> <li>- Community support expressed</li> </ul>

S. No.	Date and place	Persons Consulted	Number of Participants			Key discussion points/issues raised
			Male	Female	Total	
						about the project intervention
4.	Date 3 May 2023 Place : Bobbitt	Local people Wards representatives	9	0	9	<ul style="list-style-type: none"> <li>- Discuss project overview, project components and road locations/alignments</li> <li>- Discussion with potentially affected person</li> <li>- Sharing of ADB safeguard requirements including GRM, consultation, and entitlements for the affected persons</li> <li>- Community expressed support about the project intervention</li> </ul>
5.	Date: 3 May 2023 Place; DUDBC field office Janakpur	Staff member of DUDBC office, municipal staff	13		13	<ul style="list-style-type: none"> <li>- Discussed observation findings of field visit</li> <li>- Discussed road alignments and consolidate likely impacts</li> <li>- Discussed safeguards requirements including consultation, GRM, information disclosure and monitoring and reporting.</li> </ul>
<b>Total Attendees</b>			<b>64</b>	<b>2</b>	<b>66</b>	

### C. Information Disclosure

41. A Nepali version of a summary resettlement plan will be prepared for the benefit of the affected persons, with a copy to be maintained by the PIU and made available to affected persons. The full resettlement plan will be made available in the PIU office. A copy of the resettlement plan (draft and final) will be disclosed in ADB's and DUDBC's website. Project information will be

continually disseminated through disclosure of resettlement planning documents. The documents will contain information on compensation, entitlement, and resettlement management and will be made available in the local language and distributed to affected persons.

42. Information will be disseminated to affected persons at various stages. In the project initiation phase, the Project Director supported by consultant team will be responsible to inform the community and the affected persons about the project along with information/details.

43. Information dissemination, through specific leaflets and public announcements in local FMs and consultation will continue throughout project implementation. The project leaflets will be distributed to the affected communities for their information. The project cut-off-date will be informed to the affected persons directly, through dissemination of project leaflets, public announcements in the local media, as well as stated in the project sign boards.

44. The DSC social safeguards personnel will be entrusted with the task of ensuring ongoing consultations and public awareness Program during project implementation. This task will be carried out in coordination with the PIU, detailed design consultant, PMCDC and contractors to ensure the communities are made fully aware of project activities in all stages of construction.

45. An intensive information dissemination campaign for affected persons will be conducted by the PIU with assistance DSC at the outset of resettlement plan implementation. All the comments made by the affected persons will be documented in the records and summarized in monitoring reports. A summary of consultation and disclosure activities to be followed for each is in the following table.

**Table 11: Community Participation at various stages of Project Preparation and Implementation**

<b>Project Stage</b>	<b>Activities</b>	<b>Responsible Person/Agency</b>
<b>PLANNING/PREPARATION STAGE</b>		
Reconnaissance	<ul style="list-style-type: none"> <li>• Provide project information.</li> <li>• Understand the purpose of the Project, nature of road improvement envisaged, and responsibility of the community in project preparation and implementation</li> </ul>	<ul style="list-style-type: none"> <li>• Municipality/PIU, PCO and DPR Consultant</li> </ul>
Transect Walk/Mapping of the Project Area	<ul style="list-style-type: none"> <li>• Announce the date, time and route of transect walk/project mapping.</li> <li>• Explain the objective of the transect walk and subsequent consultation will be conducted.</li> <li>• Map the critical areas of the proposed alignment with the community people and listen to the issues and concerns raised; provide suggestions to be incorporated in the road design such as issues relating to drainage lines, irrigation water courses, road safety, etc.</li> <li>• Identify the locations requiring additional land, resettlement impacts, environmentally sensitive areas, vulnerable groups of people, etc.</li> <li>• Identify modifications to be made to the design.</li> </ul>	Municipality/PIU, PCO and DPR Consultant
Consent Letter for Voluntary Land Donation	<ul style="list-style-type: none"> <li>• Undertake consultations with landowners who willingly volunteer to provide lands for the project through land donation</li> </ul>	Municipality/PIU, PCO and DPR Consultant

Project Stage	Activities	Responsible Person/Agency
	<ul style="list-style-type: none"> <li>• Verification of the voluntary land donation process by an independent third-party</li> </ul>	
Disclosure of cut-off-date	<ul style="list-style-type: none"> <li>• Disseminate/communicate the cut-off date to the community before the start of the survey.</li> </ul>	Municipality/PIU, PCO
Sample/Census Survey of Affected Persons	<ul style="list-style-type: none"> <li>• Mobilize survey enumerators/ social mobilisers to obtain the socioeconomic information and profile of the affected persons/ households to identify (i) extent of impacts, (ii) vulnerability of affected persons, and (iii) support required.</li> <li>• Survey enumerators gather data on socio-economic profiles of affected persons/ households.</li> <li>• Opinions and perspective of the individual households about the project will also be obtained.</li> </ul>	Municipality/PIU, PCO and DPR Consultant, affected persons and survey enumerators.
Stakeholders Meeting	Meetings at the community and/or households level including affected persons (titleholders and non-titleholders) to obtain their ideas and opinions about the project.	Municipality/PIU, PCO and Project Consultant, affected persons
RP Preparation	<ul style="list-style-type: none"> <li>• Formulating compensation measures and rehabilitation measure</li> <li>• Conducting discussions/ meetings/workshops with all affected persons and other stakeholders</li> <li>• Draft Resettlement Plan will be made available in CDC and PCO office/ PIU office, to be translated in local language, Nepali</li> </ul>	PCO and DPR Consultant with support form PIU,
<b>IMPLEMENTATION</b>		
Consultations	<ul style="list-style-type: none"> <li>• Awareness generation about the project activities</li> <li>• Dissemination of project related technical and other information to representatives of all key stakeholders (at one platform), disclosure of summary of social safeguard documents in local languages, roles and responsibilities of stakeholders.</li> </ul>	PIU, with the support of the DSC Key stakeholder agencies (community residents/project beneficiaries, affected persons, municipal officials)
Information Disclosure	<ul style="list-style-type: none"> <li>• Disclosure of construction schedule, potential temporary disturbances and GRM</li> <li>• Updated/Final Resettlement Plan will be at the PCO office/ PIU office, to be translated in local language, Nepali</li> </ul>	PIU, with the support of the DSC
Facilitation in civil works	<ul style="list-style-type: none"> <li>• Constant coordination with APs and information to the road users during construction</li> <li>• Establish and implement the project grievance redressal mechanism to resolve the the grievances of local people</li> </ul>	PIU/DSC/ contractor



## V. GRIEVANCE REDRESS MECHANISM

### A. Common Grievance Redress Mechanism

46. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate resolution of affected persons' concerns, complaints, and grievances related to social, environmental, and other concerns on the project. The project adopts a three-tier GRC and will ensure greater accountability of the project authorities towards affected persons. Grievances may be routed through letters, emails, text messages (SMS), verbal narration, grievance box and registers. The GRM is not intended to bypass the government's own legal process, but to provide a time-bound and transparent mechanism to resolve such concerns that is readily accessible to all segments of the affected persons and community. The aggrieved party shall be free to approach the national legal system at any given time. All costs involved in resolving the complaints (meetings, consultations, communications, and reporting/information dissemination) will be borne by the project.

47. PIU will ensure local community meetings are held to notify users and affected persons about grievance redress mechanism of the project. Awareness of grievance redress procedures will be created through the public awareness campaign, with the help of print and electronic media and radio. The key functions of the GRC are to (i) provide support for affected persons or any aggrieved party to lodge their complaints; (ii) record the complaints; (iii) facilitate grievance resolution in consultation with affected persons and concerned authorities; (iv) report to the aggrieved parties about the decision/solution; and (v) forward the unresolved cases to higher levels.

48. Grievance redress committees (GRCs) will be formed at three levels viz. ward/field level, PIU level and PCO level as under:

49. **First Level GRC (Field/Ward-Level):** The contractors, PIU safeguards personnel can immediately resolve issues on-site in consultation with each other with the support the designated municipal ward chairperson and will be required to do so within seven days of receipt of a complaint/grievance. In addition, contractors will place complaint boxes at prominent places viz. public places, contractor camp site etc. where local community members can put their complaints/grievances and contractor's personnel should be in charge to collect and process the complaints/grievances as necessary. The PIU safeguards personnel, SDC safeguards consultants and contractor can immediately resolve the complaint on site. If the grievance remains unresolved within the stipulated time, the matter will be referred to the next GRC level.

50. The field/ward-level GRC will comprise of the following:

- (i) Ward Chairperson (Committee Chairperson)
- (ii) PIU Engineer
- (iii) Ward Member representing vulnerable community (one woman and one *janajati* representative, if required)
- (iv) Contractor's Representative
- (v) SDC Safeguards Specialist
- (vi) Ward Chairperson's secretary will act as complaint receiving office and provide secretarial services to GRC

51. The ward-level GRC shall have at least one women member. For project-related grievances, representatives of affected persons, and community-based organizations will be

invited as observers during GRC meetings. In case of impact on indigenous peoples, the grievance team must have representation of the affected indigenous peoples, and or CSOs/NGOs working with the indigenous peoples' groups.

**52. Second Level GRC (Municipality/PIU-Level):** Any unresolved issues at ward level will be referred to the second level GRC chaired by Mayor/Deputy Mayor. The complainant will be notified by the ward-level GRC that the grievance is forwarded to the municipality (PIU) level. All evidence submitted while lodging the complaint by the affected will also be forwarded. After proper examination and verification of the grievances, the committee will facilitate affected persons, and concerned parties to agree on a time-bound action plan to resolve the grievance if found to be valid. The GRC at this level will have to respond to its decision within 14 days of receipt of complaint from first level. The second level GRC will comprise the following:

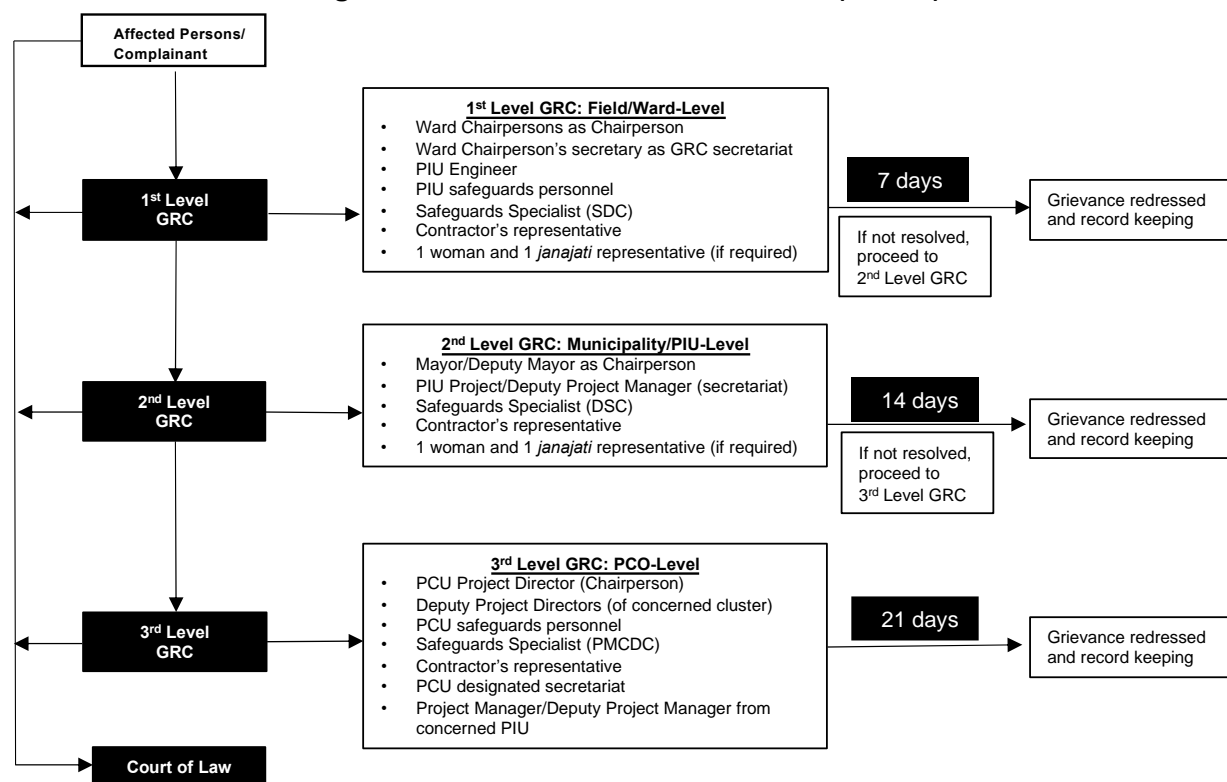
- (i) Mayor/Deputy Mayor (Committee Chairperson)
- (ii) PIU safeguard personnel
- (iii) SDC social/environment specialist
- (iv) Contractor's representative
- (v) Ward member representing vulnerable community (one woman and one *janajati* representative, if required)
- (vi) Project manager of the PIU will act as a secretariat.

**53. Third Level GRC (PCO-Level):** If the grievance remains unresolved within the stipulated time, the matter will be referred to the PCO level. The PIU safeguards team will refer any unresolved or major issues to the PCO-level GRC. The PCO-level will comprise the following:

- (i) Project Director (Committee Chairperson)
- (ii) Deputy Project Directors
- (iii) PCO Safeguards Personnel
- (iv) Safeguards Specialist
- (v) Contractor's Representative
- (vi) Project Manager/Deputy Project Manager from concerned PIU/municipality
- (vii) PCO-designated personnel who will act as secretariat.

**54.** The grievance redress process is represented in Figure 2.

**Figure 2: Grievance Redress Process (URLIP)**



55. **Record-keeping.** The PIU/PCO/ DSC will keep records of grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were affected and final outcome. All complaints should be signed with complete information on name, contact address, phone number if any so that the person can be contacted when required. A sample template is provided in Appendix 5. An acknowledgement to the effect that the complaint has been received by the coordinator's office should be promptly sent to the complaints. All complaints received should be first registered, categorized and prioritized. They should be analysed and assessed the concerns raised by the affected parties and have discussion and consultation with them. Records of all such proceedings should be maintained, for future reference, and the attendance of all participants with their signature, in particular the complaints and affected groups should be recorded. The number of grievances recorded and resolved, and the outcomes will be displayed/disclosed in the PCO, PIU offices, and on the web, as well as reported in monitoring reports submitted to ADB on a semi-annual basis.

56. **Periodic review and documentation of lessons learned.** The PCO safeguards personnel will periodically review the functioning of the GRM in each municipality and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances.

57. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the PCO and concerned PIU.

58. **Country Legal System and ADB's Accountability Mechanism.** Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer at ADB headquarters or the ADB Nepal Resident Mission (NRM).<sup>12</sup> Before submitting a complaint to the Accountability Mechanism, it is necessary that an affected person makes a good faith effort to solve the problem by working with the concerned ADB operations department and/or NRM. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

## VI. POLICY AND LEGAL FRAMEWORK

59. The policy, legal framework, and resettlement safeguards principles and entitlements in this resettlement plan are guided by the ADB's Safeguard Policy Statement (SPS), 2009 and Government of Nepal's (GoN) Acts, laws and regulation. The objective of the review of legislative provision is to understand existing policies that are applicable for the implementation of the project. The overview of applicable acts and policies is presented in the following paragraphs.

### 1. Land Acquisition and Involuntary Resettlement

#### A. Government of Nepal Policies on Land Acquisition and Resettlement

60. **Constitution of Nepal.** The Constitution of Nepal (2015), Article 25 (I) guarantees the fundamental right of a citizen; right to acquire, own, sell and dispose of the property. Article 25 of the Constitution 2072 (2015), Right to Property, states that "(1) Every citizen shall, subject to the laws in force, have the right to acquire, own, sell, dispose, acquire business profits from, and otherwise deal with property. (2) The State shall not, except for public interest, requisition, acquire or otherwise create any encumbrance on property of a person provided that this clause shall not be applicable on property acquired through illegal means. (3) The basis of compensation to be provided and procedures to be followed in the requisition by the State of property of any person for public interest in accordance with clause (2) shall be as provided for in the Act.

61. **The Land Acquisition Act 1977.** The Land Acquisition Act, 2034 (1977) is the core legal document to guide the process of land acquisition and relocation in Nepal. The clause 3 of the Act states that "Government of Nepal may, if it so deems necessary, acquire any land at any place for any public purpose, subject to compensation under this Act." Also, clause 4 of the Act states that, institutions seeking land acquisition may request the Government to acquire land subject to the payment of compensation and all other expenses by such institutions. Clause 13 states that the compensation payable shall be paid in cash, the amount to be paid shall be determined by the committee comprises Chief district officer (CDO), concerned Project Manager or Officer assigned by CDO and representative from District Coordination Committee (DCC.) Similarly, clause 14 states that in case any person whose land is wholly acquired under this Act wants to obtain compensation in the form of land elsewhere, Government of Nepal may, in exchange for such land, allot him/her any waste land, or land belonging to itself, or any other land which it is going to allot or sell in accordance with prevailing Nepal law, if available. Clause 27 of the Act provides for land acquisition through mutual agreement between a plot owner and a government

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<sup>12</sup> ADB. Accountability Mechanism. <https://www.adb.org/who-we-are/accountability-mechanism/main>

department or agency. The EA should not require following all above procedures while activating clause 27.

62. **Land Reform Act, 2021 (1963)**. Another key legislation in Nepal related to land acquisition is the Land Reform Act (LRA) 2021BS (1964). This act establishes the tiller's right to the land, which he/she is tilling. The LRA additionally specifies the compensation entitlements of registered tenants on land sold by the owner or acquired for development purposes. The most recent Act Amendment (2001) established a rule that in case the state acquires land under tenancy, the legally established tenant and the landlord will each be entitled to 50% of the total compensation amount. Land acquisition must also comply with the provisions of the Guthi Corporation Act, 2033 (1976). Section 42 of the Land Reform Act states that Guthi (religious/trust) land required for the development work must be replaced with another land (rather than compensated in cash).

63. **Land Revenue Act 2034 (1977)**. The land Revenue Act 2034 (1977) comes into force in registration, transmission, Dakhil Kharej and striking out the record of the land acquired for development projects (i.e., public interest). Article 8 of this Act states that registration, ownership transfer, termination of ownership right and maintenance of land records are done by the local Land Revenue Office. Likewise, article 16 states that if the concerned owner did not pay land revenue for long period of time the government can collect revenue through auction off the concerned parcel.

64. **Land Use Policy 2015**. Land Use Policy is a policy document relating to limits and protection of land and land resources, optimum use, and effective management to that. Legal and institutional management for land and land resources and protection, use and management thereon are done under this policy. This policy shall bring about benefits of using land and land resources by creating a situation of distributing lands in a just manner. The need of this policy is to ascertain of environment-friendly construction-works by making optimum use of land and land resources in keeping with a balance between the environment and development, to develop a hygienic, beautiful, well-facilitated and safe human settlement; to enhance a planned and sustainable urbanization of the country, and to achieve sustainable and inclusive socio-economic development. The vision of this policy is to make optimum use of available land and land resources in pursuit of sustainable social, economic, and ecological developments and prosperity of the country as well.

65. **Forest Act, 2019 (2075 BS)**. The Forest Act (2019) aims at conservation and management of forest resources in Nepal through various management modalities including 'government-managed forests', 'community forests', 'collaborative forests', 'leasehold forests', 'religious forests', 'private forests', 'agro-forests', 'urban forests' and 'public land forests'.

66. **National Forest Policy, 2019 (2075 BS)**. The National Forest Policy (2019) is the umbrella policy and guiding document for managing forest, biodiversity, protected areas and watersheds. It aims at proper protection, conservation and utilization of forest, wildlife, medicinal plants and water resources for the ecological balance and uplift the livelihood of poor people. The long-term objectives of this policy are to meet peoples' basic needs for fuel wood, timber, fodder and other forest products on sustained yield basis, to protect land against degradation; and to conserve the ecosystems and genetic resources. The project implementation should not undermine these objectives at any cost.

67. It stresses the conservation of biodiversity, ecosystem, and protection of land degradation by soil erosion, landslides, floods desertification and other ecological disturbances. Public participation in forest management is sought through community forestry, collaborative forest

management, leasehold forestry etc. Mitigation measures such as plantation, NTFP program and other social and community support programs proposed by the project will be implemented by mobilizing local people which is in line with the Forest Sector Policy. This policy is important and related to the implementation of the proposed project in sustainable way.

**68. Land Acquisition, Resettlement and Rehabilitation Policy for Infrastructure Development 2071 (2015).** The Policy on Land Acquisition, Resettlement and Rehabilitation for Infrastructure Development has been approved by the GoN, which clearly states the need to conduct an economic and social impact assessment (SIA) of the development project, which was not a requirement under the LAA 1977. The assessment categorized the projects as high, medium, and low-risk. The act provisioned for the project affected families to be entitled to compensation if works affect livelihoods. The main goal of this policy is to improve social and economic status of project affected families by providing fair and adequate compensation, appropriate resettlement and rehabilitation assistances. Its main objective is to create conducive environment for timely completion of the project by simplifying land acquisition, valuation, compensation, and resettlement and rehabilitation process. This policy asks to carry out meaningful consultation with affected persons and vulnerable groups and provide compensation on time based on current market value. The policy mentions the four approaches for land acquisition: Voluntary donation, direct negotiation, Land development program and Expropriation.

69. The policy added all expenses related to land acquisition, compensation and the implementation of resettlement and rehabilitation plans that 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. 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 a verdict issued by the regional level complaint hearing office is also deemed unsatisfactory, the person can knock on the doors of appellate court.

## **B. Other Policies, Process and Steps applicable to this Project**

**70. Local Government Operation Act, 2017.** The new act promulgated in 2017 for the operation of local government have superseded all previous acts regarding local governance in line with state restructuring of Nepal. The local government as Municipalities and Rural Municipalities has definite roles and rights in public land conservation and ownership as depicted in Clause 11 (g). Clause 11 (n-4) articulates the roles of local government in facilitation of land acquisition, compensation determination and distribution for public purposes. Similarly, the sub clause (n-5 and 6) articulates the roles of local government in facilitation and coordination for determination of land ownership and cadastral mapping. Another role like land ownership certificate distribution is also defined in these sub clauses.

71. Based on these authorities provided under LGOA 2017, the local governments across the country are providing public land for the construction/development of hospitals schools and other public utilities like drinking water, irrigation, road etc. Considering the positive impacts to and welfare of the entire society, disturbance on development/construction activities by local communities has not appeared and the decision process seems largely been accepted by all.

72. While reviewing the concurrent policies regarding the use of government land other than LOGA 2017, all state entities including the LGs requires to follow the process to obtain the right to use of public land for the development activities as defined under The working policy on

Registration, Use, and Leasing of Government Land, 2079 (2022” (<https://molcpa.gov.np/department/page/527>).

73. **The working policy on Registration, Use, and Leasing of Government Land (WPRULGL), 2079 (2022”** The policy has provision to register all unregistered government lands in the name of the Government of Nepal. Such lands include all the lands used by the Government of Nepal, provincial governments or local levels and their entities, but which have yet to be registered (clause-3 [2 & 3]).

74. **Clause-3 (4)** declares that if any level of government request for the use of the untitled land for specific purpose, it shall first be registered in the name of the Government of Nepal. The right to use will be granted only after completing the registration process.

75. **Cause 4** of the working policy has defined the process for obtaining the permission for the right to use of government land. According to the working policy, the local government shall follow the following process to acquire the land for any purpose.

- (i) **Step 1:** The local government wishing to use the public land (Ailani/unregistered) shall apply to the District Land Revenue Office through the Ministry of Federal Affairs and General Administration with the decision of Municipal Executive committee.
- (ii) **Step 2:** Land Reform and Land Revenue office shall have to review the legal status of land and conduct an onsite investigation to ascertain that providing such land will not affect the life of the public and places of historical, archaeological, religious, and cultural significance and submit report to “Recommendation Committee” formed as per clause 10 of the working policy.
- (iii) **Step 3:** The recommendation committee reviews the report and shall conduct an inquiry to ascertain the appropriateness of the report received from the District Land Revenue Office (step-2 process) and submit to Department of Land Management and Archive (DLMA) with its opinion.
- (iv) **Step 4:** The DLMA shall review the documents received from recommendation committee, commission field investigation, if deemed necessary and forward report to Ministry of Land Management, Cooperatives and Poverty alleviation with opinion.
- (v) **Step 5:** The ministry shall review the documents and opinions received from DLMA and provide land use authority to entities concerning to federal government. If the land use proposal is related with provincial or local government, the Ministry than submit the request to Council of Ministries for approval.
- (vi) **Step 6:** With the opinion of Ministry, the land use proposal will have to be tabled to the council of Ministries for final approval after enquiry.
- (vii) **Step 7:** The approved decision of the use of land shall have to pass through the Ministry-Department to concerned land reform/revenue office.
- (viii) **Step 8:** The Land revenue office has to provide land use certificate in a prescribed format as annexed in the Working Policy

76. Similarly, clause 5 of the policy defined the process steps for accepting voluntary land donation by individuals.

77. **Procedure for Providing Forest Areas for Other Purposes 2063 (2007):** Based on the procedure’s guidelines, the following steps and procedures are recommended to acquire community forest lands for project activities. The current situation is as follows:

**Table 12: Process Guidelines for Acquiring the Forest Land for other purpose**

Steps	Procedures/Activities	Responsibility	Current Status
1 <sup>st</sup>	Start official correspondence and consultations with the concerned community forestry user group (CFUGs) to get consent of the communities	Municipality	Municipality started to correspond and consultation with CFUG
2 <sup>nd</sup>	Identify and demarcate of the community forest lands (Area) required for the projects	Municipality/Project in presence of CFUG	Municipality started to correspond and consultation with CFUG
3 <sup>rd</sup>	Document the details of forests conducting inventory of the proposed forest areas	Municipality/Project in presence of CFUG	
4 <sup>th</sup>	Get official approval from CFUG executive committee as well as General Assembly  Apply to Department of Forest (DOF) get consent from District Forest Office (DFO) attaching all supporting documents (justification of projects showing no other options available, approval letter of CFUG, inventory report etc.)  Get recommendation letter from National Planning Commission (NPC) confirming that the proposed URLIP projects are of national priority	CFUG with facilitation by Municipality/Project  Municipality/Project and CFUG  PCO/PD and Municipalities	Progress depends on step 2 <sup>nd</sup> above.
5 <sup>th</sup>	If 4 <sup>th</sup> step results positive outcomes, immediately start commissioning EIA/ or IEE studies (as per the requirements of schedule 1 and 2 of Environment Protection Rules 2054 whichever applicable for URLIP to prepare EIA/IEE study report	PIU/ /Project	
6 <sup>th</sup>	Submit an application to Ministry of forest and environment (MoFE) through DOF for getting cabinet approval attaching all supporting documents resulted from Steps 4 and	PIU /Project	
7 <sup>th</sup>	Get cabinet approval, sign Forest lease agreement with concern authority as prescribed in Schedule-21, preparing a Forest Lease format prescribed in Schedule - 19 and paying the annual fee mentioned in Schedule – 20 of the Forest Rules(2051)	PD/PCO/Municipality	
8 <sup>th</sup>	Start project constructions	Municipality /Project	



### C. ADB's SPS (2009), Involuntary Resettlement Safeguards

78. ADB Safeguard Policy Statement (SPS) in 2009 includes safeguard requirements for environment, involuntary resettlement and indigenous people. The objective of the policy is (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

79. The safeguard policy involves a structured process of impact assessment, planning, and mitigation to address the adverse effects of projects throughout the project cycle. The involuntary resettlement safeguards cover physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. The safeguard policies require that (i) impacts are identified and assessed early in the project cycle; (ii) plans to avoid, minimize, mitigate, or compensate for the potential adverse impacts are developed and implemented; and (iii) affected people are informed and consulted during project preparation and implementation. The implementation processes follow the sequence: (i) screening and scoping of the main issues start as soon as potential projects for ADB financing are identified and continue throughout the project cycle; (ii) impacts are assessed, safeguard plans summarizing mitigation measures, monitoring program, and institutional arrangements are prepared, and arrangements are made to integrate safeguards into project design and implementation; (iii) affected people are consulted during project preparation and implementation and information is disclosed in a form, manner, and language accessible to them; and (iv) safeguard plans are disclosed to the general public and the information is updated at various stages in the project cycle.

### D. Procedures on Voluntary Land Donation and Negotiated Settlement

80. **Voluntary Land Donation:** Voluntary donation of land may be accepted by the project. Land donation will only be considered if donated land will not (i) bring any significant impact/impoverishment to the donor(s) and/or tenants/laborers/informal users; (ii) the donation does not come from the land owner categorized as poor or vulnerable; (iii) the donation will not cause any economic or physical displacement (to legal titleholders and/or formal or informal land users); (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s) and any non-titled affected persons; and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The third-party assessment will ensure that the land donation process has been undertaken in an atmosphere free of coercion, either from the government or from the community who would benefit from the project, and any losses that are agreed upon through verbal and written record by affected people are replaced. Due diligence for cases of voluntary donation, based on consultations and third-party certification will confirm this. The project will also provide both options – donation and payment of market price, for a transparent process. Community consultations undertaken during preliminary assessment confirms expression of the landowners on their willingness for voluntary land donation. It will be ensured that the land donation process is free from coercion or intimidation. The steps to be followed and measures to be taken for land donation according to ADB's SPS, Safeguard Requirement 2, are as follows:

- (i) **Step 1:** The project will be open to the possibility of land donation from any interested person/community. The land requirement will be explained to the interested donor(s). ADB's SPS social safeguard requirements will also be explained to the people willing to donate land. An independent third party will be engaged in case of land donation. The donated land must not (a) bring any significant impact/impoverishment to the donor(s) and/or displace tenants/laborers; (b) the donation does not come from the land owner categorized as poor or economically vulnerable family; (c) the donation will not cause any economical or physical displacement (legal or illegal); (d) the land donor(s) will get direct benefits from the proposed project activities; (e) meaningful consultations are conducted with the land owner(s); and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. This will be confirmed by the assessment undertaken by an independent third party, who will be engaged as indicated by the project.
- (ii) **Step 2:** After donation of land is decided by the donor(s), the project will initiate formalization of land donation by issuing a letter to the willing donor(s) with details of public purpose for which land is required and the donor(s) will reciprocate by responding to the intent of donation for the said specific purpose. Then the PIU with support of the PCO will take necessary legal steps to formalize the donation of land.
- (iii) **Step 3:** The Deed of Gift will be registered in the name of the receiving agency/department and all necessary fees; stamp duties will be borne by this agency/department. Henceforth, the land ownership and the land record will be revised / amended with record of rights showing the changed ownership.

81. The entire land donation process will be verified and validated by an independent third party for all voluntary offer of land for the project. The above information must be included in a report to be prepared by the external third party, preferably from reputed and qualified agencies/non-government organization (NGO)/firms/individuals. The concerned PIU shall submit due diligence report or through the project's periodic monitoring reports to ADB for review and approval including information on impact assessment, voluntary donation process and report of independent third party.

82. **Negotiated Settlement Processes:** The project encourages management of required land through voluntary land donation wherever possible. If not possible through voluntary land, a negotiated settlement wherever based on meaningful consultation with affected persons, including those without title to assets. The negotiated settlement will offer an adequate and fair price for land and other assets. Also, in case of negotiated settlement, an independent external party will be engaged by the implementing agency to document the negotiation and settlement processes. The principles of the SPS with regard to meaningful consultation processes, mechanisms for calculating the replacement costs of land and other assets affected, and record-keeping requirements will be followed during the negotiated settlement. An external independent entity will supervise and document the consultation process and validate the process of negotiated settlement as per legal requirement. Verification will also be provided by the external party that no person (e.g., tenants/users of the land) will be impoverished and/or coercively displaced.

83. The steps proposed and measures to be taken by the municipality/PIU for negotiated settlement, in keeping with the basic principles in negotiated purchase clause in Land acquisition Act (LAA) of Government of Nepal and ADB's SPS (2009), Safeguard Requirement-2, are as follows:

- (i) **Step 1:** In case of additional land requires for the development/improvements of infrastructure under URLIP and could not be obtained through voluntary contribution, the PIU will initiate preliminary negotiation with the legal titleholders along the roadside. The PIU will also search for the land title and identify any legal or other critical issues associated with the proposed land parcel (such as, jointly owned land, land under legal dispute, land under trust etc.).
- (ii) **Step 2:** If legal title is clear and seller(s) is/are willing, a detailed measurement survey (DMS) survey of the land parcel proposed for negotiation will be conducted by government surveyor, assisted by PIU. The survey will cover detailed measurement of the land parcel and inventory and status/condition of all other assets on the land e.g., trees, structures, irrigation infrastructure, etc.
- (iii) **Step 3:** The current value of the land and structures or assets, if any based on the market price will be arrived at, through market survey. This process helps define the amount that can be offered to the landowner.
- (iv) **Step 4:** Negotiated settlement process will start between the willing landowners and other partners (in case of joint ownership) and the PIU s to arrive at a consensus. During negotiation, the requirements, the purpose for which the land is sought, provisions under Government of Nepal LAA 1977, WPRULGL and ADB policy will be explained to the landowner.
- (v) **Step 5:** If the negotiated price for sale of land is not accepted by the landowner(s) or fails to lead to an agreement, the PIU will adopt the involuntary land acquisition approach/route, which will trigger ADB Requirements 2 and will preparation/updating of resettlement plan.

#### E. Comparison Between GoN and ADB SPS on Involuntary Resettlement Requirements

84. The difference between the GoN's land acquisition policies and the principles laid down in ADB SPS, 2009 is compared in Table 13 below and the measures to bridge the gaps are discussed.

**Table 13: Comparison between Government of Nepal Laws and ADB Safeguards Policies on Land Acquisition and Resettlement**

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
1	Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or	The Government of Nepal has formulated Land Acquisition, Rehabilitation and Resettlement Policy 2071 (2015) to facilitate the land acquisition process for infrastructure project. The policy outlines the need to	The Project will undertake screening of all projects in the line with the IR checklist of ADB, towards enabling identification of the potential resettlement impacts and associated risks.

<b>S. No.</b>	<b>ADB Safeguards Policy Statement (2009)</b>	<b>Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)</b>	<b>Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures</b>
	<p>census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.</p>	<p>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. The LAA spells out that physical inventory of assets and properties found on the land belonging to legal titleholders is prepared. No cut-off date is specifically mentioned in the LAA; the affected persons need to apply for compensation for buildings, trees, crops etc. within 15 days of being served notice for acquisition, if not satisfied with compensation offered or if he/she wants compensation for assets in addition to land.</p>	<p>The LAA does not define the census survey. It only reflects the inventory of losses (IOL) for titleholders, which is more in physical terms. The ADB policy spells out a detailed census through household surveys of displaced persons in order to assess the vulnerability and other entitlements. Resettlement planning documents will be prepared based on the data collected through conducting a census, a socio-economic survey for the displaced persons, and an inventory of losses.</p>
2	<p>Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish</p>	<p>Section 1 (6) of the LAA provides that whenever any property is needed or is likely to be needed for any public purpose or in the public interest, a notice is to be given at specified offices and house door/compound wall in the prescribed form and manner, stating that the property is proposed for acquisition.</p>	<p>The LAA does not directly meet ADB's requirements. This section of the ordinance establishes an indirect form of public consultation. However, Local government Operation Act, 2017 Clause 11 (g) and Clause 11 (n-4) articulates the roles of local government in facilitation of land acquisition, compensation determination and distribution for public purpose. Similarly, the sub clause (n-5 and 6) articulates the roles of local government in facilitation and coordination for determination of land ownership and cadastral mapping. Other role in land ownership certificate distribution is also defined in these sub clauses.</p> <p>The LAA does not provide for public meetings and project disclosure, so stakeholders may not be informed about the purpose of land acquisition, its proposed use, or compensation, entitlements, or special assistance</p>

<b>S. No.</b>	<b>ADB Safeguards Policy Statement (2009)</b>	<b>Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)</b>	<b>Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures</b>
	<p>a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.</p>	<p>Section 11 of LAA allows the landowner to file complaints / raise objections in writing within a time frame of 7 days plus time taken for travel from the date of publication of notice. Complaints are to be filed with the Ministry of Home Affairs, Government of Nepal through the local officer in charge of land acquisition.</p>	<p>measures. The resettlement planning documents for this project will be prepared following a consultation process which involves all stakeholders (affected persons, government department/line agencies, local community including indigenous peoples and women etc.), and the consultation will be a continuous process at all stages of the project development such as project formulation, feasibility study, design, implementation, and post-implementation, including the monitoring phase.</p> <p>The resettlement planning documents include an appropriate grievance redress mechanism to resolve complaints at project level. This includes formation of a grievance redress committee starting from the ward/field, municipality level and project level, and publication of the notice of hearings and the scope of proceedings.</p>
3	<p>Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit</p>	<ul style="list-style-type: none"> <li>• The LAA does not address the issues related to income loss, livelihood, or loss of non- titleholders. It only deals with the compensation for loss of land, structures, buildings, crops and trees, etc. for the legal titleholders and for tenants with registered deeds.</li> <li>• The LAA does not specify how compensation is to be determined. Section 13 states that the amount of compensation may be determined separately for persons whose land is wholly acquired and</li> </ul>	<ul style="list-style-type: none"> <li>• The resettlement plans for this project keep the provision for a census survey that will have the data on the loss of income and livelihood, and the same will be compensated as per the entitlement matrix for both physically and economically affected persons.</li> <li>• The LAA differs from ADB policy in the valuation of land and prices of affected assets, where ADB prescribes the use of current market rates/replacement cost in the project area. The ordinance does not ensure replacement value or restoration of pre-project incomes of the affected persons.</li> </ul>

<b>S. No.</b>	<b>ADB Safeguards Policy Statement (2009)</b>	<b>Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)</b>	<b>Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures</b>
	sharing schemes where possible.	persons whose land is partially acquired.	<p>The resettlement planning documents shall address all these issues and spell out a mechanism to fix the replacement cost by having a valuation committee which will be responsible for deciding the replacement costs, whether such land acquisition is full or partial.</p> <ul style="list-style-type: none"> <li>Valuation of structures is based on current market value, i.e. replacement cost of new construction of the structure without deduction of depreciation. Or assets to be compensated at replacement cost without depreciation Affected persons is allowed to salvage materials.</li> </ul>
4	Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.	Relocation assistance to affected persons is not specified in the LAA, although Section 16 (b) states the losses suffered by the concerned person as a result of his having been required to shift the residence or the place of his/her business by reason of acquisition of the land should be taken into account for computation of compensation.	The project will provide for the eligibility and entitlement for relocation of the affected persons, in the form of relocation assistance which includes shifting allowances, right to salvage materials, and additional transitional assistance for the loss of business and employment. Relocation/physical displacement, however, is not envisaged under the project.

<b>S. No.</b>	<b>ADB Safeguards Policy Statement (2009)</b>	<b>Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)</b>	<b>Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures</b>
5	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.	The LAA does not address the issues related to income loss, livelihood, or loss of affected persons particularly the vulnerable groups. It only deals with the compensation for loss of land, structures, buildings, crops and trees, etc. for the legal titleholders and for tenants with registered deeds.	The project will provide compensation at replacement cost and will provide additional assistance to vulnerable affected persons to maintain their pre-project conditions or improve their standards of living. The resettlement plan(s) will include eligibility and entitlement for the affected persons.
6	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	The Civil Code of Nepal is the legal basis for contractual agreements on the transfer of land from affected persons to the government. A negotiated purchase clause is provided under the Land acquisition Act (LAA) of Government of Nepal	The project will ensure a fair and transparent process, an independent third-party will be appointed to certify whether the process of negotiated settlement was undertaken without coercion, in a transparent, consistent and equitable manner.
7	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland asset	The LAA does not provide such provision.	The LAA only takes into consideration the legal titleholders. The resettlement planning documents will ensure compensation and assistance to all affected persons, whether physically displaced or economically displaced, irrespective of their legal status, in compliance with the ADB SPS. Lack of formal legal title to land by any affected persons is not a bar to entitlements. Titled, legalizable and non-titled affected persons are eligible to receive different entitlements. Titled and legalizable affected persons are entitled to compensation and rehabilitation. Non-titled affected persons are eligible for entitlements such that they are no worse off than before the project. All affected persons are entitled to compensation at replacement cost of non-land assets. Affected persons without possession or ownership certificate but occupying

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
			<p>land in areas designated for land allocation or possession can be recognized as legalizable and thus are eligible for fair compensation and rehabilitation entitlements under the SPS.</p> <p>Date of notification for land acquisition (as per the section 9 of the Land Acquisition Act, 1977) will be the cut-off date for titleholders. Similarly, for the non-titleholders, census survey date will be considered as the cut-off date.</p>
8	<p>Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.</p>	<p>The LAA does not specify preparation of the resettlement planning document.</p>	<p>The project will prepare a resettlement plan for projects with impact following the template provided in this framework.</p>
9	<p>Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.</p>	<p>No specific provision in the LAA. Section 1 (6) of the LAA provides that whenever any property is needed or is likely to be needed for any public purpose or in the public interest, a notice is to be given at specified offices and house door/compound wall in the prescribed form and manner, stating that the property is proposed for acquisition.</p>	<p>The LAA does not specifically mention the disclosure of resettlement plan. The project will ensure adherence to SPS requirement that the resettlement plan, along with the necessary eligibility and entitlement, will be disclosed to the affected persons in the local language (Nepali) in the relevant project locations and concerned government offices, and the same resettlement plan will also be disclosed on the executing agency's website and on the website of ADB. In addition to the publishing of the approved resettlement plan, the resettlement framework includes provision for disclosure of the various documents pertaining to resettlement plan implementation.</p>
10	<p>Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of</p>	<p>The LAA has a provision to include all the costs related to land acquisition and compensation of legal property and assets for legal</p>	<p>The LAA partially meets the requirement of ADB, as it only deals with the cost pertaining to land acquisition. The resettlement plan provides eligibility to both titleholders</p>



<b>S. No.</b>	<b>ADB Safeguards Policy Statement (2009)</b>	<b>Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)</b>	<b>Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures</b>
	resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	titleholders. However, it does not take into account the cost related to other assistance and involuntary resettlement.	and non-titleholders with compensation and various kinds of assistances as part of the resettlement packages, and the entire cost will be part of the project cost. Cost of resettlement will be covered by the executing agency.
11	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.  Disclose the resettlement plan, including documentation of the consultation in an accessible place and a form and language understandable to affected persons and other stakeholders.	The LAA has the provision that at least 50% or a reasonable amount of compensation will be paid prior to possession of the acquired land.  The ordinance only ensures the initial notification or the acquisition of a particular property.	It shall be specified in the resettlement planning documents that all compensation and other entitlements are to be paid prior to physical and economic displacement and prior to contract award.  The LAA does not specifically mention the disclosure of resettlement plan. The project will ensure adherence to SPS requirement that the resettlement plan, along with the necessary eligibility and entitlement, will be disclosed to the affected persons in the local language (Nepali) in the relevant project locations and concerned government offices, and the same resettlement plan will also be disclosed on the executing agency's website and on the website of ADB.
12	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	This is not defined in the LAA.	The LAA does not have provision on monitoring and assessment of resettlement outcomes. The resettlement planning documents will have a detailed provision for a monitoring system within the executing agency. The executing agency will be responsible for proper monitoring of resettlement plan implementation, and the monitoring reports will be submitted to ADB for review and disclosure. For the project, monitoring mechanism and frequency will follow ADB SPS.

## **VII. ENTITLEMENTS, ASSISTANCES AND BENEFITS**

85. The project adopts an approach to compensate affected structures, based on the agreed entitlement matrix. The project will pay compensation and/or rehabilitation support/assistance for the affected structures following the replacement cost principle. The compensation for such structures will be determined by a committee formed under the prevailing law/regulation of local government. The PCO will approve a directive for guiding the determination of compensation if the local government does not have appropriate regulations.

### **A. Type of Losses**

86. The anticipated type of losses due to the proposed project components under URLIP in the Janakpur Municipality comprise of:

- (i) Partial/minor structure loss such as residential compound wall and annexed structures;
- (ii) Repair cost of the government facilities/structures and CPRs;
- (iii) Temporary income loss;
- (iv) Vulnerable affected persons facing insignificant but permanent impacts.

87. The PIU will deal with any unanticipated consequences of the project during project implementation as per the principle of entitlement matrix agreed in this resettlement plan.

### **B. Cut-off Date**

88. All affected persons who are identified in the project-impacted areas before the cut-off date will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date for titleholders will be the date of notification under the Land Acquisition Act and for non-titleholders will be the census date.<sup>13</sup> People moving in the area after the cut-off date will not be entitled to any kind of compensation or assistance as per provision made herein. They, however, will be given sufficient advance notice, to vacate premises/dismantle in the case of affected structures prior to project implementation.

89. Damages/unanticipated losses causes during construction if any will be eligible for compensation and/or restoration. Such issues will be identified and closely monitored by the safeguard's personnel of the PCO and PIU. Any damage during construction will be compensated by the contractor. Unanticipated loss, if any, will be mitigated and/or compensated as per GoN policies and ADB SPS 2009. The project proposes the compensation and entitlements of different impact category through the the project entitlement matrix in Table 14. The entitlement matrix provides guidance for compensation, resettlement, and rehabilitation assistance. The entitlement matrix lists various types of losses, defines eligibility criteria and entitlements and provides basic Parameters for preparation of compensation and resettlement benefits. The entitlement matrix is prepared in accordance with GON and ADB SPS, 2009.

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<sup>13</sup> In Janakpur, the census survey date in a particular locality will serve as the cut-off date for non-titleholders.

Table 14: Entitlement Matrix<sup>14</sup>

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
<b>1. Loss of Land (Agricultural, Residential and Commercial)</b>				
1.1. Residential/ Commercial Land	Titleholders, including persons with traditional land rights <sup>15</sup>	<ul style="list-style-type: none"> <li>(i) Land-for-land options will be offered if government unregistered land or <i>ailani</i> land is available under the jurisdiction of municipalities for affected persons losing entire land of his/ her ownership that is acceptable to the affected persons; or,</li> <li>(ii) Cash compensation based on replacement value;<sup>16</sup></li> <li>(iii) All fees, taxes and other charges as applicable under relevant laws and regulations will be borne by the project;</li> <li>(iv) Project will facilitate transfer of ownership of the land;</li> <li>(v) In case remaining land will no longer be viable after acquisition, option of compensation will also be offered;</li> <li>(vi) In case of commercial lands, additional assistance to restore business loss as per item 5 of this entitlement matrix and exemption of municipal business tax for a year.</li> </ul>	<ul style="list-style-type: none"> <li>• CDC will determine land valuation and compensation as per procedure of the Land Acquisition Act</li> <li>• Payment will be made in full to the affected person prior to taking possession of the land</li> <li>• With the consent of titleholder, compensation will be paid preferably under the joint account of husband and wife</li> <li>• PCO will ensure provision of notices</li> <li>• PIU with support of SDC will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households.</li> </ul>	As per Land Acquisition Act (clause 13 and 16), the compensation determination committee will determine the replacement value as per procedures outlined in Chapter VI of this resettlement plan. The committee comprises of CDO, Land Administrator or Chief of the Land Revenue Office, concerned Project Manager or Officer assigned by CDO and representative from CDC.
1.2. Agricultural Land (crops, pastures, ponds, etc.)	Titleholders, including persons with traditional rights	(i) Land-for-land options of equal or more productive capacity will be offered if government unregistered land or <i>ailani</i> land is available for affected persons losing entire land of his/ her ownership; or	<ul style="list-style-type: none"> <li>• CDC will determine land valuation and compensation as per procedure of the Land Acquisition Act</li> </ul>	As per Land Acquisition Act (clause 13 and 16), the compensation determination

<sup>14</sup> All cash compensations will be adjusted for inflation until the year of compensation payment.

<sup>15</sup> Traditional land rights refer to households with customary rights to lands and will be treated equivalent to titleholders. These households have patterns of long-standing community land and resource usage in accordance with Indigenous Peoples' and local communities' customary laws, values, customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State.

<sup>16</sup> The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		(ii) Cash compensation based on replacement value as per Land Acquisition Act; (iii) All fees, taxes and other charges as applicable under relevant laws and regulations will be borne by the project; (iv) Additional support will be provided for significantly affected persons and/or vulnerable affected persons as described in item 5, as applicable; (v) Project will facilitate transfer of ownership of the land; (vi) Preferential employment in project construction and maintenance work provided, if interested; (vii) Advance notice to harvest standing crops will be provided;	<ul style="list-style-type: none"> <li>• Payment will be made in full to the affected person prior to taking possession of the land.</li> <li>• Affected household will be notified will be advance of the actual acquisition.</li> <li>• With the consent of titleholder, compensation will be paid preferably under the joint account of husband and wife</li> <li>• PCO will ensure provision of notices</li> <li>• PIU with support of SDC will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households.</li> </ul>	committee will determine the replacement value as per procedures outlined in Chapter VI in this resettlement plan. The committee comprises of CDO, Land Administrator or Chief of the Land Revenue Office, concerned Project Manager or Officer assigned by CDO and representative from CDC.  PIU/PCO, with the support of SDC
<b>2. Loss of Structures</b>				
2.1. Loss of Residential and Commercial Structures	Titleholder and Tenant Landless squatters/ encroachers/non-titleholders	(i) Cash compensation as per replacement cost of the structure shall be provided. No deductions for depreciation shall be made. In case the remaining structure is uninhabitable/unviable for use, compensation will be provided for the entire structure. (ii) In case of relocation, transfer allowance to cover shifting (transport plus loading/unloading) of household goods and materials will be paid, based on actual cost or current market price; (iii) Every physically displaced household will receive 12 months' rental assistance or alternatively provided with temporary accommodation facilities;	Full list of vulnerable households will be identified during DMS as part of resettlement plan update.  Replacement value of affected structures will be determined by the CDC.  Compensation payment for land and assets attached to the land will be paid before occurrence of impact.	CDC/PIU/PCO, supported by SDC

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		<ul style="list-style-type: none"> <li>(iv) Rental assistance (3 months) OR facilities (alternate shop or space to operate) will be provided for permanent loss caused to business/commercial structure.</li> <li>(v) Additional relocation assistance will be paid to households and business/commercial establishments that are physically displaced at 30 days minimum wages if displaced to another plot and at 15 days minimum wages if displaced within same plot. Latest government approved wage rate shall be applicable.</li> <li>(vi) Provision of all taxes/fees, registration cost, and other fees incurred for the replacement of structures.</li> <li>(vii) Owners of affected structures will be allowed to take/reuse salvageable materials for rebuilding/rehabilitation of structures without deducting any cost.</li> <li>(i) Additional assistance for vulnerable households as described in section item 5.</li> </ul>		
2.2 Loss of Secondary or Associated Structures (Toilet, Safety Tank, Tap, Animal Shed, and others) <sup>17</sup>	Owners of the structure with or without proof of ownership, including encroachers (non-titleholders)	(i) Replacement or full restoration of the affected secondary structures and/or associated structures to its original or better condition, or, cash compensation to restore affected structures if space is available. No deductions for depreciation shall be made.	The scope of work of the contractor should include the replacement and/or restoration of the structures if affected during project implementation.  PCO to monitor restoration works made by the contractor	CDC/PIU/PCO, supported by SDC
<b>3. Loss of Income and Livelihood</b>				

<sup>17</sup> Secondary structures include associated/annexed structures such as toilet, safety tank, tap, animal shed. Other secondary structures may include, but not limited to fences, sheds, etc. All impacts will be known during final detailed engineering design and detailed measurement survey stage. All impacts will be mitigated with appropriate compensation, and assistance based on this entitlement matrix.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
Temporary Income Loss	Legal titleholder/tenant/ leaseholder/non titled/ employee of commercial structure	(i) 30 days' advance notice regarding construction activities, including duration and type of disruption; (ii) Contractor's actions to ensure there is no income/access loss consistent with the IEE: <sup>18</sup> (iii) For construction activities involving unavoidable livelihood disruption, compensation for loss of income will be paid as per average daily income arrived at from census or as per applicable minimum wage, whichever is greater. This assistance shall be paid for the actual period of disruption; (iv) Assistance to vendors/hawkers to temporarily shift for continued economic activity (NRs. 2000 as one-time assistance) <sup>19</sup> .	<ul style="list-style-type: none"> <li>• Identification of alternative temporary sites to continue economic activity.</li> <li>• PIU will ensure that civil works will be done in phases to minimize disruption through construction scheduling in coordination with the contractors. This will be included in the contractor's contract.</li> <li>• PIU with support of SDC and contractor will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households.</li> <li>• After a detailed assessment and in case livelihood impact is unavoidable, the project will be responsible for providing compensation/assistance.</li> <li>• The census survey will serve as the cut-off date. All businesses identified in the project-impacted areas on the cut-off date will be entitled to compensation for their lost income based on the tax records, or the option of using the actual income based on</li> </ul>	PIU, assisted by PCO and SDC.

<sup>18</sup> This includes: (i) leaving spaces for access between mounds of soil, (ii) providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, (iii) increased workforces to finish work in areas with impacts on access, (iv) timing of works to reduce disruption during business hours, (v) phased construction schedule and (vi) working one segment at a time and one side of the road at a time.

<sup>19</sup> For example, assistance to shift to the other side of the road where there is no construction. Such assistances will be given only to non-movable businesses (which are not on wheels).

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
			<p>survey followed by a verification of the income data based on comparable incomes in the project area. The contractor shall bear the cost of any impact on structure or land due to movement of machinery during construction restoring it to former state or better and providing cash compensation for crop damage at market value replacement cost.</p> <ul style="list-style-type: none"> <li>• Contractor shall be responsible for regulating time of usage of heavy machineries, dust suppression, schedule of construction to allow normal traffic during morning and evening and signage of sensitive areas where safety is a concern.</li> <li>• GRC will be used to measure the construction-induced impact in both scenarios.</li> </ul>	
<b>4. Additional Assistance to Vulnerable Affected Persons</b>				
4. Impacts to Vulnerable <sup>20</sup>	A. All permanently affected vulnerable households	(i) One-time rehabilitation allowance equivalent of 3 months minimum wage rate; (ii) Livelihood enhancement program will be provided – This will include provision of skill training for any one member of the affected vulnerable household;	<ul style="list-style-type: none"> <li>• Vulnerable persons to be identified during Census survey.</li> <li>• Permanently displaced vendors/hawkers, to be determined after detailed</li> </ul>	PIU, assisted by PCO and SDC

<sup>20</sup> The vulnerable groups include households falling below poverty line, households with persons with disability, female-headed households, households having elderly (JesthaNagarik) and children, dalits, indigenous people, landless households and households without legal title to land.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		(iii) Additional financial grant of NRs. 15,000 per vulnerable household; (iv) Assistance to access microfinance institutions for livelihood ventures , in case of permanent livelihood impacts/impact to commercial structures; (v) Vulnerable persons will be entitled to preferential employment in the project construction, if interested.	design is prepared and census survey of affected households conducted to identify and establish income/livelihood impacts.	
	B. Temporarily affected vulnerable households	(i) Additional cash compensation equivalent to ten days of the prevalent minimum wage rate; (ii) Preferential employment in the project construction for one family member.		
<b>5. Community Facilities and Resources</b>				
5.1 Government and community structures, 21and infrastructures	Local community Local government Informal settlers/ squatters on government land	(i) Restoration of affected community buildings and structures to at least their original condition or better, or provision of alternative access in consultation with affected communities and relevant authorities; (ii) Where damages do occur to government property as a result of construction works, the cost of restoring to at least their original condition will be the responsibility of the project.	<ul style="list-style-type: none"> <li>• Extreme care should be taken by the contractors to avoid damaging any properties during constructions.</li> <li>• Reconstruction and/or restoration works will be done by the contractor to original or better condition. This will be a contractual requirement and will be reflected in the contractor's contract.</li> <li>• Impacts to cultural properties will be avoided to the maximum extent possible through special measures such as project alignment modification and/or alteration.</li> </ul>	PIU, assisted by PCO and SDC, Contractor/s

<sup>21</sup> Community structures include roads, inner roads, temples, foot paths/trails, culverts, and water points.



Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
5.2. Loss of access to water supply, wells, sewerage network/sanitation and sanitation facilities (public/private toilets, solid waste collection points, etc.)	Private persons and community that own the water points and sanitation	(i) Immediate replacement and restoration of the affected facilities (ii) Advance announcement to the households prior to construction/flow disturbance and providing alternative source.	<ul style="list-style-type: none"> <li>• The time gap between the construction of new system and transfer from the old system should be minimized.</li> <li>• Alternative sources of water and sanitation facilities should be made available during the construction period (such as supply through water tanker, mobile toilets, increased frequency of solid waste collection)</li> </ul>	PIU, assisted by PCO and SDC, Contractor/ss
<b>6. Unanticipated Impacts</b>				
Any other losses not identified in the matrix	Any affected persons or affected entity	Unforeseen impacts will be documented and mitigated based on the principles agreed upon in this resettlement plan and rectified through implementation of a time-based corrective action plan and where necessary, updates to the RP. Specific entitlement will be determined following all applicable safeguards policies of GoN and ADB SPS 2009.		PCO/PIU/SDC

CDO = chief district officer, CDC = compensation determination committee, DMS = detailed measurement survey, LAA = Land Acquisition Act, PCO = project coordination office, PIU = project implementation unit, ROW = right of way, SDC = supervision and design consultants

## VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

90. The resettlement budget for the proposed components in Janakpur includes entitlements/compensation, as outlined in the entitlement matrix and contingency provision amounting to 25% of the total cost. The resettlement cost is presented in Table 15. PCO and PIU social safeguards personnel with the support of the SDC will be involved in facilitating the disbursement process and will facilitate opening bank accounts for the affected persons who do not have bank accounts. The total resettlement cost for the project is **NPRs. 17,082,052**. DUDBD will be responsible to ensure payment of compensation to affected persons prior to the impact.

91. This draft resettlement plan will be updated during the detailed design and detailed measurement survey. If any changes required, this document will be updated including the budgetary requirements. Details of the resettlement plan budget estimate are as follows:

- (i) **Provisional budget for structure loss (partial/minor)** – 9 residential structures, 46 secondary structures were identified as per preliminary assessment. The estimate is based on detailed quantity estimates. The affected structures are based on preliminary design and will be revalidated during final detailed design and detailed measurement survey, and those found to be affected will be eligible to receive compensation as per entitlement matrix. The estimable used is based on the detailed quantity calculation during preliminary assessment.
- (ii) **Provisional budget for affected CPRs** – budget is included for (i) affected boundary walls of three CPRs based on the detailed quantity estimates prepared by DUDBC Project Engineers, and (ii) a lumpsum amount is allocated for the repair/restoration of four government office/structures.
- (iii) **Provisional budget for temporary income loss** – as per preliminary design, one shop owner is assessed to face temporary income loss for three days during the construction of the footpath. The affected shop owner could not be surveyed; hence, the prevailing minimum wage is used for budgetary purposes. During detailed design and detailed measurement survey, in case impact is assessed, the affected person will be included in the census survey and average daily income arrived at from census will be basis of the computation, whichever is the higher.
- (iv) **Additional assistance will be provided to the 21 vulnerable households** (footnote 11) facing partial/ minor structure loss on residential structures. Budget allocations are included for: (i) one-time rehabilitation allowance equivalent of 3 months minimum wage rate; (ii) allocation for the livelihood enhancement program which will include (a) training cost for skill development. Training is conducted by training institute certified by Council For Technical Education and Vocational Training. The minimum duration of the training is generally one month at NPRs; 59,000/person; and (b) an additional financial grant of NPRs.15,000/person has also been budgeted;
- (v) **Provisional sum for negotiated settlement** – Exact measurements of land will be identified during detailed design. The project is considering reducing the corridor impact through reducing the proposed width for improvement. A provisional sum is included for the 14 vulnerable households' (footnote 11) parcel of lands for negotiated settlement which will be utilized for the roads and roadside drains.
- (vi) The **cost of third-party certification** which will be required whether voluntary land donation or negotiated settlement is adopted for land donors/owners not falling under the vulnerable category, is also included in the resettlement plan budget.

92. This draft resettlement plan will be updated during the detailed design and detailed measurement survey. If any changes are required, this document will be updated including the budgetary requirements for resettlement. Details of the resettlement plan budget estimate are as follows:

**Table 15: Estimated Resettlement Budget**

S. No.	Item	Unit/ Number	Unit Rate	Amount
				(in NPRs)
<b>A. Resettlement Cost</b>				
1	Provisional budget for the structure losses (minor/partial impacts to 9 residential structures)	9		710,763
2	Provisional budget for the structure losses (secondary/annexed structures)	46	Based on the detailed quantity estimates*	2,080,718
3	Provisional allocation for repair/restoration of 3 CPRs (boundary walls)**	3		475,500
4	Provisional allocation minor repair/restoration of 4 government office/structures	4		200,000 (lumpsum amount per structure)
5	Budgetary provision for one shopowner facing temporary income loss for 3 days	3	577	1,731
6	One-time rehabilitation allowance equivalent of 3 months minimum wage rate to permanently affected vulnerable households facing partial/minor loss to residential/secondary structures	21	577***/day x 90 days	1,090,530
7	Training cost for livelihood enhancement program****	21	59,000	354,400
8	Financial grant	21	15,000	90,000
<b>Sub-total (A)</b>				<b>5,603,642</b>
<b>B. Negotiated Settlement</b>				
9	Provisional sum for negotiated settlement of 14 vulnerable households	14	500,000	7,000,000
10	Third-party certification	14	7,000	98,000
<b>Sub-total (B)</b>				<b>7,098,000</b>
<b>C. Voluntary Land Donation</b>				

S. No.	Item	Unit/ Number	Unit Rate	Amount
				(in NPRs)
11	Third-party certification for 42 landowners (non-VAPs)	42	7,000	294,000
<b>Sub-total (C)</b>				<b>294,000</b>
<b>D. Administrative Cost</b>				
12	DMS Survey for resettlement plan updating and documentation		Lumpsum	170,000
13	Consultations/Meetings, Grievance Redress		Lumpsum	250,000
14	Awareness generation and capacity-building		Lumpsum	250,000
<b>Sub-total (D)</b>				<b>670,000</b>
<b>TOTAL = A +B + C +D</b>				<b>13,665,642</b>
15	Contingency cost (25%)			<b>3,416,410</b>
<b>Grand Total (in NPRs)</b>				<b>17,082,052</b>

**Note:**

\* The cost estimate is the average costing for impacted structures which includes the dismantling and masonry works. The detailed quantity estimates were provided by the Project Engineers based on the Department of Urban Development and Building Construction schedule of rates. Any additional impacts on structures will be mitigated by the contractors and cost will be considered under the contractor's contract.

\*\* Restoration of public/community utilities/CPRs will be undertaken by the PIU with the contractor, with the concerned owners/user group. The updated RIPP will include consultations and their opinions and suggestions will be carefully documented.

\*\*\*The daily wage rate is NPRs 577/day as per the GoN's wage notification. Source: <https://moless.gov.np/np/post/show/99>

\*\*\*\* The list of affected vulnerable households will be finalized based on census survey at detailed design stage and will be included in the updated RIPP. Under the proposed loan, a socioeconomic development program (SDP) is also included to cover skill development training and provide community level infrastructure around tourism and heritages sites. The SDP has a budget allocation of USD 7 million (1 million per municipality). One family member of each affected vulnerable household can avail benefits under the SDP (skill development component) based on their interest and availability.

## IX. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION SCHEDULE

### A. Institutional Arrangement

93. The Ministry of Urban Development through the Department of Urban Development and Building Construction will be the executing agency of the project, which will be supported by the Project Management and Capacity Development Consultant (PMCDC), and Institutional Strengthening and Community Participation Consultant (ISCPC). The PCO will be responsible for the overall management of the project. The municipalities will be the key implementing units of the project. The PIU with the support of the Supervision and Design Consultant (SDC) will be responsible for social safeguards compliance, monitoring, and reporting to ADB.

### B. Safeguards Implementation Arrangement

94. **Project Coordination Office (PCO).** The PCO will be headed by a Project Director, who will be responsible for the overall project management. The Project Director shall be supported

by three Deputy Project Directors (DPDs) – DPD WUC cluster, DPD Pokhara and Janakpur cluster, and DPD for Urban Planning and Development. The PCO will have an environment and social safeguards officers of engineer rank, who will responsible for social safeguards compliance, planning, and implementation as per the agreed resettlement framework, resettlement plans/RIPP prepared consistent with the ADB’s SPS and GON rules and regulations.

**95. Roles and Responsibilities of the PCO (Social Safeguards) are as follows:**

- (i) guide PMCDC and PIU social safeguards staff on all matters related to preparation, implementation and monitoring of social safeguards documents;
- (ii) review and finalize project involuntary resettlement and indigenous peoples category;
- (iii) oversee preparation of resettlement plans/indigenous people plans (IPPs)/RIPP; confirm existing resettlement plans/DDR/IPP/RIPPs are updated based on detailed designs, and that new project resettlement plans/DDR (output 2) are prepared in accordance with the resettlement framework prepared for the project;
- (iv) responsible for issuing the public notice to acquire a particular land/ property for the project along with project information/details as well as the project cut-off date;
- (v) ensure that resettlement plans/DDR/IPP/RIPPs are included in bidding documents and civil works contracts;
- (vi) provide oversight on social safeguard management aspects of projects and ensure resettlement plans/IPP/RIPPs and impact avoidance measures outlined in the resettlement framework/environmental management plan/resettlement plans/IPP/RIPP are implemented by PIU and contractors;
- (vii) ensure and monitor the provision in the contract to include the indigenous people households/poor communities to be the beneficiaries of the facilities constructed;
- (viii) monitor and ensure effective implementation the specific action plan as indicated in each RIPP/DDR;
- (ix) facilitate and ensure compliance with all government rules and regulations regarding no objection certificates, third party certificates for negotiated settlement or voluntary land donation, land ownership and transfer details etc. for each site, as relevant;
- (x) supervise and guide the PIUs to properly carry out the social safeguard monitoring (involuntary resettlement/indigenous people) as per the resettlement plans/RIPP;
- (xi) review, monitor, and evaluate the effectiveness with which the resettlement plans/ IPPs/RIPPs provisions are implemented, and recommend corrective actions to be taken as necessary;
- (xii) consolidate monthly social safeguard monitoring reports from PIUs and submit quarterly and semi-annual social safeguard monitoring reports (SSMR) to ADB;
- (xiii) ensure timely disclosure of final resettlement plans/DDR/IPP/RIPPs in locations and form accessible to the public and affected persons;
- (xiv) address any grievances brought about through the grievance redress mechanism in a timely manner;
- (xv) oversee training needs assessment of affected persons and vulnerable persons by PIUs/SDC, coordinate training activities and convergence with livelihood programs of the government;
- (xvi) facilitate as resource person social safeguards training activities conducted by PMCDC/ISPC for the PIUs/ contractors/ community-based organizations for capacity building to implement the resettlement plans/IPP/RIPP, project GRM; and
- (xvii) coordinate database management for social safeguards implementation and monitoring.

96. **Project Implementation Units (PIU).** The municipalities will act as the implementing agencies of the project, under the guidance and overall management of the PCO. The roles and responsibilities of the PIU (Social Safeguards) are as follows:

- (i) fill up involuntary resettlement and indigenous people impact checklist and classify safeguards categorization of the project;
- (ii) oversee and conduct census and socioeconomic surveys, detailed measurement surveys, and verification surveys of affected persons together with the SDC during detailed design;
- (iii) prepare list of affected persons and inventory of losses, and ensure that all data required to prepare and/or update the resettlement plan/RIPPs, including specific plan for benefit enhancement for indigenous people, if/as required, with the assistance of the social safeguards specialist;
- (iv) Ensure updated information is submitted to PCO for preparation and/or updating of documents with PMCDC and contractor's support;
- (v) hold consultations with affected persons, finalize list of affected persons prepare/update resettlement plan/RIPP with the assistance of SDC, and submit to PCO for review and approval and further submission to ADB;
- (vi) inform and/or disseminate information to the affected persons on (a) the project cut-off date; (b) public notice for schedule of land acquisition, if any (c) public notice on the start of construction works; (d) entitlement matrix; and (e) compensation packages against different categories of loss, and tentative schedule of land clearing/ acquisition for starts of civil works activities; issue identity cards;
- (vii) facilitate and oversee updating of resettlement plans/RIPP, with the support of SDC; coordinate valuation of assets, trees of various species, etc. Based on proper due diligence and assessment, finalize compensation packages;
- (viii) liaise/facilitate compensation processes in consultation with the chief district officer; coordinate, supervise and monitor disbursement of compensation;
- (ix) obtain NOCs, land documents, third party certifications for negotiated settlement and voluntary land donation as required for the project and ensure compliance with all government rules and regulations and ADB SPS safeguards requirements;
- (x) include resettlement plans/IPPs/RIPP in bidding documents and civil works contracts;
- (xi) responsible for the day-to-day implementation and monitoring of resettlement plans/RIPP; and ensure timely payment of compensation and other assistance are provided prior occurrence of impacts;
- (xii) oversee resettlement plan/IPPs/RIPP and maintenance of data for monitoring;
- (xiii) take corrective actions when necessary to ensure no adverse social impacts;
- (xiv) Conduct continuous public consultation and information-disclosure with the support of the SDC social safeguards specialist and support staff;
- (xv) ensure timely report submission of monthly, quarterly progress reports and semi-annual social monitoring reports to PCO, with the support of SDC;
- (xvi) facilitate establishment of project-GRM at the ward-level and PIU level and ensure it is fully functional prior or during the award of the first contract or within one month of loan effectiveness, whichever is earlier; address any grievances brought about through the grievance redress mechanism in a timely manner as per the resettlement plans/ IPPs/RIPPs;
- (xvii) organize course for the training of contractors, preparing them on resettlement plan/IPP/RIPP implementation, social safeguard monitoring requirements related to mitigation measures, and on taking immediate action to remedy unexpected adverse impacts found during implementation.

(xviii) Extend support in carrying out awareness campaigns, as needed.

97. The PCO and PIUs will be supported by PMCDC, ISCPC and SDC. The PMCDC will support the PCO on its day-to-day operation. The PIUs will be supported by the SDCs. The ISCPC will support the PCO and PIUs.

98. **Project Management and Capability Development Consultants (PMCDC).** PMCDC will provide capacity building support on safeguards, and safeguards compliance in line with ADB procedures. PMCDC will appoint a social safeguards specialist to carry out all social safeguards related tasks and provide support to PCO safeguards team to oversee the implementation of the safeguards framework/safeguards planning documents. The social safeguards specialist will guide the safeguards officers at the PCO and shall coordinate with the SDC's Social Safeguards Specialist (PIU-support) for carrying out all social safeguards related tasks.

99. The Social Safeguards Specialist (PMCDC) will be responsible for carrying out following tasks:

- (i) assist PCO in the overall management, implementation, monitoring and reporting of social safeguards compliance;
- (ii) screen/classify involuntary resettlement and indigenous peoples safeguards classification of the projects; finalize social safeguards documents, periodic social monitoring reports etc. prepared at PIU level and get ADB's timely approvals/clearances;
- (iii) resolve any issues, if involved; and, assist in obtaining all NOCs/permissions for project sites prior to civil works;
- (iv) guide PCO's safeguards officers in implementation of all social safeguards related tasks including grievances redressal;
- (v) develop periodic data collection/monitoring formats/indicators and guide safeguards officers and SDC in obtaining the information required for the same;
- (vi) Support PCO to prepare monitoring reports received from PIUs and submit to PCO for approval and submission to ADB;
- (vii) identify any non-compliances and help prepare time-bound corrective action plans, if and as required;
- (viii) maintain and update municipality-wise database of resettlement/grievance related issues and inform safeguards officers PCO for timely actions; and
- (ix) support ISCPC in all awareness, training and capacity building activities related to social safeguards.

100. **Supervision and Design Consultant (SDC).** Two SDCs will be established – (i) the WUC cluster, covering Devdaha, Siddharthnagar, Tilottama, Sainamaina and Lumbini; and (ii) Janakpur. SDCs will be responsible to support the PIU in the implementation and monitoring of safeguards compliance. They will also be responsible to prepare Output 2 designs, prepare and/or update the municipality-level safeguards documents in line with the resettlement framework and shall include Output 2 components. The SDCs will be supported by two support staff per municipality who will handle gender, environment and social safeguards, community mobilization, and communication.

101. **Design and Supervision Consultant (DSC).** The DSC will support Pokhara municipality in the design and supervision of infrastructure and greens solutions, implementing heritage and cultural improvement plans, and design of tourism infrastructure components. The DSC social safeguards specialist will be involved in detailed design and safeguards documents preparation and updating.

102. The key social safeguards tasks of the social safeguards (SDC and DSC) include:

- (i) based on final designs, conduct census and socioeconomic surveys/verification surveys/finalization of sites etc. and update resettlement plans/RIPP/due diligence reports;
- (ii) finalize the requirement for land certificates, NOCs for project sites in each municipality and assist PIUs in obtaining the same prior to start of civil works;
- (iii) assist PIUs in day-to-day implementation of DDRs/resettlement plans/RIPP activities, including specific plan for benefit enhancement of indigenous peoples and ensure contractors comply with conditions of resettlement framework/DDR/resettlement plan/RIPP;
- (iv) assist municipalities/PIUs (through the support staff) to ensure resettlement plans are implemented and all compensation paid prior to start of civil works and prior to occurrence of impact;
- (v) take proactive action to anticipate and avoid delays in implementation;
- (vi) under the guidance of SSS, develop system of indicators to monitor implementation of resettlement activities and ensure corrective actions are undertaken, if and as required;
- (vii) obtain resettlement related municipality level information with the help of field support staff and consolidate them; prepare periodic social safeguard monitoring reports;
- (viii) compile all monitoring inputs at PIU level for quarterly progress reports, for onward transmission to PCO and.
- (ix) assist PIUs in conducting public consultation and disclosure activities related to social safeguards and that suggestions made by the affected persons will be documented and summarized in the monitoring reports.
- (x) actively participate as member of ward-level and PIU-level GRCs, assist in grievance resolution and reporting.
- (xi) assist PIUs in monitoring the socioeconomic status of affected persons, post - resettlement plan/RIPP implementation;
- (xii) support ISCBC in all training and capacity building activities.

103. **Contractor/s.** The Contractor will have a dedicated Social Supervisor, who will engage with the PIU, and SDC on social safeguard, health and safety and core labor standards. Contractors are to carry out all the requirements and compliances as mentioned in their contract.

- (i) In close coordination with the PIU, SDC, and safeguards personnel, finalize detailed design keeping the safeguard principles adopted for the project.
- (i) With the assistance of engineers and social safeguard personnel of SDC, ensure that all design-related measures (e.g., special considerations for the vulnerable related to project locations or design, mitigation measures for affected persons, etc.) are integrated into project designs;
- (ii) Conduct joint walk-throughs with PIU, design engineers, and social safeguards personnel of SDC in sites/sections ready for implementation; assist to identify the need for detailed measurement surveys, and support SDC to jointly conduct detailed measurement surveys and census surveys to arrive at the final inventory of loss;
- (iii) Support project consultants in updating the draft resettlement plan/DDR/RIPP for submission to PIU/PCO and ADB for review and approval;
- (iv) Ensure strict adherence to agreed impact avoidance and mitigation measures in the resettlement plan/DDR/RIPP during implementation;



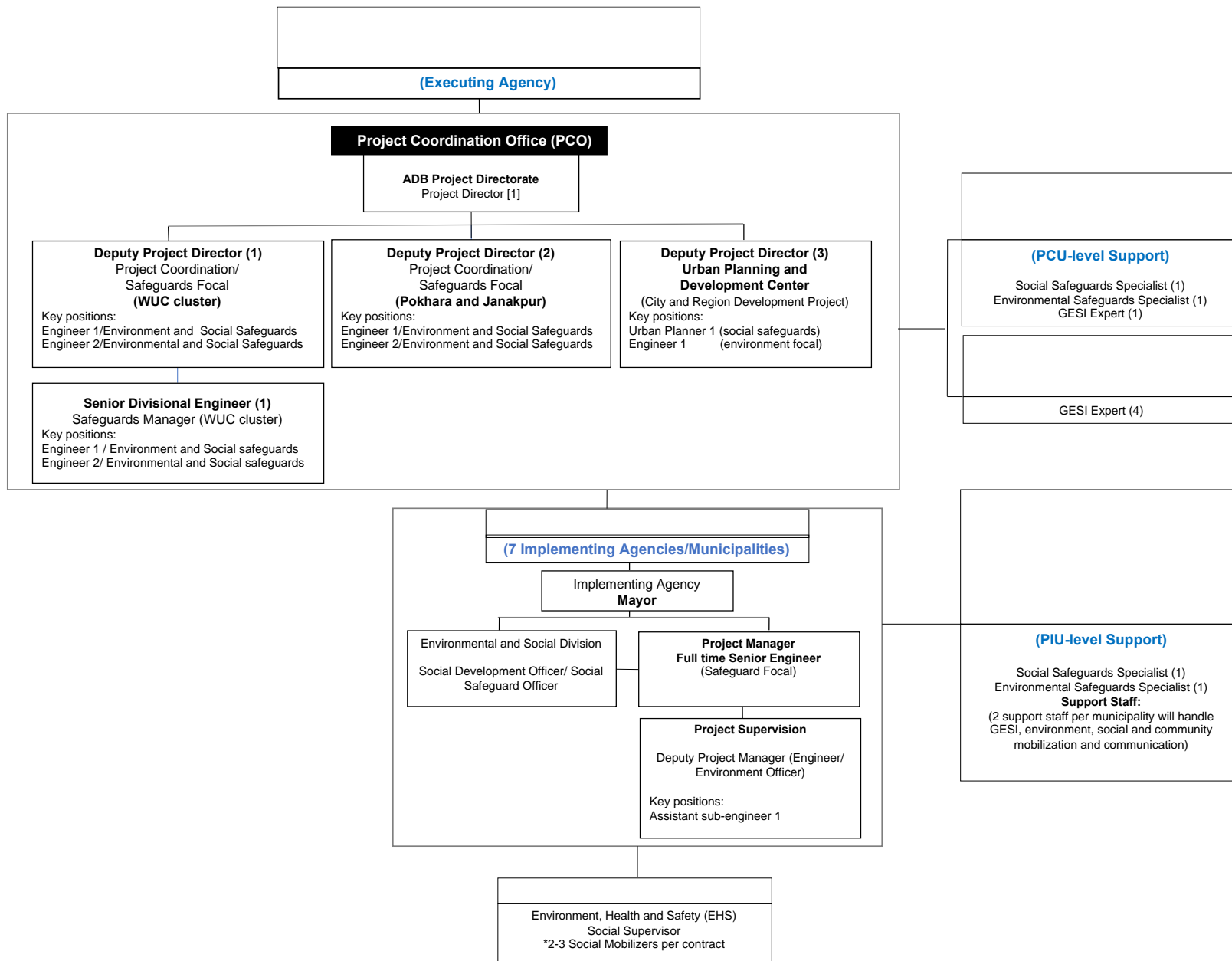
- (v) Assist with grievance redressal and ensure recording, reporting, and follow up for resolution of all grievances received; and
- (vi) Submit monthly progress reports including safeguards, health and safety, and sex-disaggregated data as required for monitoring.

104. **Civil works contracts.** The resettlement plans/PPs/RIPPs are to be included in bidding and contract documents and verified by the PIUs and PCO. All contractors will be required to designate a social supervisor to ensure implementation of resettlement plan/RIPP/DDR social safeguard provisions during civil works and O&M, who will also have the responsibility for communication with the public under the guidance of PCO/PIUs and grievance registration. Contractors are to carry out all mitigation and monitoring measures outlined in their contract.

105. The PCO and PIUs will ensure that bidding and contract documents include specific provisions requiring contractors to comply with: (i) all applicable labor laws and core labor standards on: (a) prohibition of child labor as defined in national legislation for construction and maintenance activities; (b) equal pay for equal work of equal value regardless of gender, ethnicity, or caste; and (c) elimination of forced labor; and with (ii) the requirement to disseminate information on sexually transmitted diseases, including HIV/AIDS, to employees and local communities surrounding the project sites.

106. Figure 3 below depicts the implementation arrangement for safeguards (environmental and social), including gender-related aspects of the project.

**Figure 3: Safeguards and Gender Implementation Arrangement**



107. The summary of social safeguards implementation responsibilities is given in below table:

**Table 16: Institutional Roles and Responsibilities**

Activities	Agency Responsible
<b>Project initiation stage</b>	
Finalization of sites/alignments for projects	PIU/DSC
Finalization of detailed design/conduct of Detailed Measurement Survey (DMS)	PCO/PIU/DSC
Meetings at community/ household level with APs	PIU/DSC
<b>RP preparation stage</b>	
Conducting census survey of all APs including identification of poor and vulnerable households	PIU/DSC
Conducting FGDs/ meetings / workshops during surveys	PIU/DSC
Verification of survey results, vulnerable households	PMU/PMCDC
Computation of compensation and other allowances/assistances	LACFC/PIU
Formulating compensation and rehabilitation measures	PIU
Conducting discussions/ meetings/ workshops with all APs and other stakeholders for this	PIU/DSC
Finalizing entitlements	PIU
Disclosure of final entitlements and compensation packages	PIU/DSC
Disclosure of grievance redress mechanism	
Approval of Resettlement Plan	PCO/ADB
Compensation prior to displacement/shifting	PIU
<b>RP implementation stage</b>	
Implementation of proposed rehabilitation measures	PIU
Consultations with APs during rehabilitation activities	PIU
Grievances redressal	PIU/GRC
Monitoring	PIU

DDC = Design and Supervision Consultant; PIU= Project Implementation Unit; PMCDC = Project Management and capacity development Consultant; PCO = Project Coordination Unit

### C. Safeguard Capacity Development

108. The PMCDC Social Safeguard Specialist along with the PCO Project Director will be responsible for development of a training Program based on a capacity assessment of target participants (PIU staff, Contractor(s)) and for implementation of the training Program to build capabilities on resettlement policy, planning, mitigation measures and safeguards. The PMCDC will coordinate with PMU and PIUs on specific capacity development program. The following are the indicate training modules:

- (i) sensitization on ADB's Policies and guidelines on social and indigenous people safeguards (ADB's Safeguard Requirement 2 and 3: Involuntary Resettlement and Indigenous Peoples) including meaningful consultation, GRM and accountability mechanism.
- (ii) introduction to the assessment of involuntary resettlement and indigenous peoples impacts and mitigation measures, including best practices, in the design, construction, operation and maintenance of sewerage, roads, and drainage projects and other municipal infrastructures.
- (iii) preparation and review of RPs/DDR's based on preliminary design and updating of the documents based on the final design.
- (iv) improved coordination within government departments.
- (v) disbursement of compensation, consultation; and

(vi) monitoring and reporting requirements.

109. PCO and PMCDC will also organize trainings for PIU staffs, DSC, contractors, municipal officials preparing them on resettlement plan implementation including ADB policy, GRM, and social safeguards monitoring requirements and mitigation measures. Table 17 provides the indicative training needs assessment. The cost of trainings will be borne under the Project's capacity building program by PMU.

**Table 17: Indicative Training Program**

Description	Training Contents	Schedule	Participants
Program 1 Orientation Workshop	Module 1 – Orientation ADB Safeguard Policy Statement Government of Bangladesh policy  Module 2 – Social/Environmental Assessment and Resettlement Planning/IEE Process  ADB policy and process, identification of impacts and mitigation measures, RP/IEE preparation, implementation, and monitoring requirements. Incorporation of safeguards into project design and contracts. Importance of robust GRM.	1 Day	DUDBC officials involved in project implementation PCO, PIUs, municipal officials
Program 2 Workshop for Contractors and Supervisory staff	Involuntary Resettlement/environmental issues during construction Implementation of RP/IEE Monitoring of RP/IEE implementation, Reporting Requirements, GRM	1 Day	PIUs, Contractors
Program 3 Experiences and Best Practices Sharing	Experiences on RP/IEE implementation, grievance redress – Issues and Challenges - Best Practices followed	1 Day (on a regular interval to be determined by PCO and PMCDC)	PCO, PIUs PMCDC, Contractors

DSC = Design and Supervision Consultant; IEE = Initial Environment Examination; DUDBC = Department of Urban Development and Building Construction; PIU = Project Implementation Unit; PMCDC = Project Management and Capacity Development Consultant; PCO = Project Coordination Office

## **X. MONITORING AND REPORTING**

110. The monitoring of or social safeguard related activities internally with the support of the SDC's social safeguards consultant. The monitoring will track (i) the delivery of the planned social safeguard activities to the affected people and (ii) whether the planned activities are producing the desired outcomes. Monitoring will be done by the Supervision and Design Consultants engaged by the project. The consultant will bring to the notice of about observed progress, issues, and challenges during internal monitoring. The monitoring should be carried out against the activities, time frames and budget set out in the safeguard documents.

111. In addition to recording the progress in social safeguards activities, the DSC through the social safeguards specialist will prepare a monitoring report to ensure that implementation has



Activity/Milestone	2023				2024				2025				2026			
	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4	Q 1	Q 2	Q 3	Q 4
Establishment of GRCs and briefing of the GRC on GRC functions																
Census and socio-economic surveys (issuance of ID cards)																
Consultations and disclosure																
Confirmation of government land to be used and transfer from other departments																
Draft Resettlement plan preparation																
Draft Resettlement plan review and approval (PCO and ADB)																
Approval of Final RP by PCO and ADB																
Disclosure of RP and Distribution of RP Report Summary																
Issue notice to affected persons																
Compensation and resettlement assistance																
Relocation and/or shifting, as required																
Skills training as required																
GRM monitoring																
Internal monitoring																
Handover land to contractors																
Start of civil works																

## XII. NEXT STEP ACTIONS

115. The primary tasks related to resettlement plan updating, and implementation are given below:

- (i) A 100% detailed measurement and census survey of project affected households will have to be conducted to measure the exact impact on land and structure including the socio-economic situation of all affected persons. The updated resettlement plan will have to be submitted with road-wise detailed measurement upon availability of the final detailed engineering design for roads before award of contract;
- (ii) Any impacts on the temporary houses being used as residential purpose located along the roadside are to be assessed and any understanding reached with

owner/user of property should be documented as a memorandum of understanding between the affected households and PIU and updated in resettlement plan before contract of award. As the road improvement is limited within the declared ROW, an official copy of ROW declaration with the name of the proposed road will be included while updating the resettlement plan;

- (iii) The voluntary land donation process and/or negotiated settlement requires engaging an independent third party to document the entire process, and to verify that there is no coercion in the process, in case of voluntary land donation. Record of meetings with landowners and municipality in the presence of an independent third party and copies of minutes are to be annexed in the updated version of resettlement plan before contract of award. Socioeconomic profile of the landowners will also be included as an appendix to the updated resettlement plan;
- (iv) Upon availability of final detailed design, careful assessment of project impacts on business and livelihoods will be conducted during detailed measurement survey. If the temporary structure are assessed, an estimation of income loss has to be calculated and updated in resettlement plan;
- (v) Land records and/or road right-of way declaration of the existing main road alignment will be included in the updated resettlement plan;
- (vi) A formal agreement has to be signed between the trust management committee and PIU regarding the use of the trust land for road improvement. All these activities are to be completed before contract of award and included in updated resettlement plan;
- (vii) ADB's clearance of the updated/revised resettlement plan will be obtained, prior to contract award. A 100% census and socioeconomic survey will be undertaken to register and document the status of the affected people and landowners within the project area. Detailed measurement survey will be jointly conducted by the SDC, PIU and supervised by the PCO prior to the start of civil works.
- (viii) In case any involuntary resettlement and/or Indigenous Peoples impact is identified at any stage of the implementation, this safeguard document will be revised (with appropriate revision of project category) in accordance with ADB's Safeguards Policy Statement 2009.

## Appendix 1: Socioeconomic Profile of Affected People

S.No.	Name	Sex	Age	Marital status	Number of family member	Education	Occupation	Gender of HH head	Ethnicity	Vulnerability	Religion	Land ownership	Impact on Land	Impact (Structure)	Income	Per capita income
1	Sitaram Sah	Male	60	Married	6	Illiterate	Wage/Labour	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	325,000	54,166.67
2	Ramkumar Sah	Male	38	Married	5	SLC	Agriculture	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	320,000	64,000.00
3	Ramkumar Sah(brother)	Male	52	Married	6	SLC	Agriculture	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	444,000	74,000.00
4	Ram Bisheswar Sah	Male	46	Married	8	SLC	Wage/Labour	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	480,000	60,000.00
5	Ram bisheswar sah (brother)	Male	60	Married	4	Secondary	Agriculture	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	406,000	101,500.00
6	Dipendra Thakur	Male	43	Married	5	Secondary	Other	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	1,840,000	368,000.00
7	Uttim Raut	Male	68	Married	8	Illiterate	Other	Male	Madhesi	BPL	Hindu	Titled	less than 10%	No Impact	240,000	30,000.00
8	Rabindra Shrivastab	Male	55	Married	5	Postgraduate	Service	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	684,000	136,800.00
9	Dev Sundari Devi	Female	80	Widow	3	Can read and write	Senior citizen Allowance	Female	Madhesi	FHH+Widow	Hindu	Titled	less than 10%	SS/Partial	144,000	48,000.00
10	Prabhu Thakur	Male	75	Married	14	Illiterate	Wage/Labour	Male	Madhesi	BPL	Hindu	Titled	less than 10%	RS/minor	174,000	12,428.57
11	Shital Das (Ramjanki mandir trust)	Male	70	Married	7	SLC	Agriculture	Male	Madhesi	NTH	Hindu	Religious	N/A	SS/Partial	400,000	57,142.86
12	Upendra Pandey	Male	55	Married	8	Secondary	Agriculture	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	360,000	45,000.00



S.No.	Name	Sex	Age	Marital status	Number of family member	Education	Occupation	Gender of HH head	Ethnicity	Vulnerability	Religion	Land ownership	Impact on Land	Impact (Structure)	Income	Per capita income
13	Ram Kishor Sah	Male	57	Married	6	Illiterate	Agriculture	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	384,000	64,000.00
14	Ram Chandra Sah	Male	52	Married	6	SLC	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	696,000	116,000.00
15	Mithelesh Jha	Male	58	Married	6	Primary	Agriculture	Male	Madhesi	None	Hindu	Titled	less than 10%	RS/Minor	300,000	50,000.00
16	Hira Devi	Female	55	Married	12	Illiterate	Agriculture	Female	Madhesi	FHH	Hindu	Titled	less than 10%	RS/Minor	720,000	60,000.00
17	Madan Thakur	Male	50	Married	5	Can read and write	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	504,000	100,800.00
18	Bisheshwar Sah	Male	75	Married	16	Illiterate	Agriculture	Male	Madhesi	BPL	Hindu	Titled	less than 10%	No Impact	480,000	30,000.00
19	Abdresh Thakur	Male	54	Married	7	Illiterate	Other	Male	Madhesi	BPL	Hindu	Titled	less than 10%	RS/Minor	276,000	39,428.57
20	Ram Dev Thakur	Male	40	Married	6	Primary	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	828,000	138,000.00
21	Soman Raut	Male	60	Married	12	Can read and write	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	1,080,000	90,000.00
22	Ganga Sah	Male	50	Married	12	Can read and write	Service	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	756,000	63,000.00
23	Abdha Sah	Male	60	Married	6	Illiterate	Agriculture	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	467,500	77,916.67
24	Ganesh Sah	Male	60	Married	9	Can read and write	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	550,000	61,111.11
25	Dukhwa Paswan	Male	45	Married	7	Illiterate	Trade/Business	Male	Dalit	BPL+Dalit	Hindu	Titled	less than 10%	SS/Partial	144,000	20,571.43
26	Mrs Ram Narayan Paswan	Female	56	Widow	7	Illiterate	Housewife	Female	Dalit	FHH+Dalit+widow	Hindu	Titled	less than 10%	SS/Partial	456,000	65,142.86

S.No.	Name	Sex	Age	Marital status	Number of family member	Education	Occupation	Gender of HH head	Ethnicity	Vulnerability	Religion	Land ownership	Impact on Land	Impact (Structure)	Income	Per capita income
27	Dukhni Devi Paswan	Female	52	Married	6	Illiterate	Other	Female	Dalit	FHH+Dalit	Hindu	Titled	less than10%	RS/min or	288,000	48,000.00
28	Parmeswor Paswan	Male	55	Married	6	Illiterate	Trade/Business	Male	Dalit	Dalit	Hindu	Titled	less than10%	No Impact	360,000	60,000.00
29	Sanjay Sah (late. Jugal sah's son)	Male	55	Married	11	Secondary	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than10%	No Impact	1,330,000	120,909.09
30	Lucky Yadav	Male	55	Married	14	Secondary	Service	Male	Madhesi	None	Hindu	Titled	less than10%	No Impact	610,000	43,571.43
31	Kishun Dev Yadav	Male	60	Married	14	Secondary	Agriculture	Male	Madhesi	None	Hindu	Titled	less than10%	No Impact	634,000	45,285.71
32	Ram Ashish Yadav	Male	71	Married	16	Illiterate	Other	Male	Madhesi	BPL	Hindu	Titled	less than10%	No Impact	435,000	27,187.50
33	Shital Sah	Male	32	Married	5	Secondary	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	384,000	76,800.00
34	Amin Kawari	Male	68	Married	8	Primary	Trade/Business	Male	Musalman	BPL	Muslim	Titled	less than10%	RS/min or	180,000	22,500.00
35	Hakim Kawari	Male	47	Married	10	Primary	Service	Male	Musalman	None	Muslim	Titled	less than10%	RS/min or	840,000	84,000.00
36	Hussain Kawari	Male	47	Married	10	Illiterate	Service	Male	Musalman	None	Muslim	Titled	less than10%	RS/min or	1,080,000	108,000.00
37	Brij Mohan Sah	Male	72	Married	13	Graduate	Other	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	1,060,000	81,538.46
38	Ram Swarth Sah	Male	55	Married	13	Primary	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	916,000	70,461.54
39	Kali Sah	Male	80	Married	16	Illiterate	Service	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	960,000	60,000.00

S.No.	Name	Sex	Age	Marital status	Number of family member	Education	Occupation	Gender of HH head	Ethnicity	Vulnerability	Religion	Land ownership	Impact on Land	Impact (Structure)	Income	Per capita income
40	Gita Devi	Female	63	Widow	5	Illiterate	Housewife	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	816,000	163,200.00
41	Shrikali Sah (Late. Mahindra Sah's wife)	Female	50	Married	10	Illiterate	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	816,000	81,600.00
42	Dukhi Sah	Female	65	Married	13	Illiterate	Other	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	1,140,000	87,692.31
43	Bisheswar Sah (Ram Mandir Guthi)	Male	79	Married	3	Illiterate	Other	Male	Madhesi	NTH	Hindu	Religious	N/A	SS/Partial	836,000	278,666.67
44	Badri Sah	Male	49	Married	5	Secondary	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	700,000	140,000.00
45	Manish Kumar Sah	Male	56	Widow	7	Secondary	Agriculture	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	700,000	100,000.00
46	Baidnath Sah	Male	65	Married	8	Illiterate	Other	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	950,000	118,750.00
47	Jibchhi Devi Chaudhary	Female	75	Widow	1	Illiterate	Pension	Female	Madhesi	NTH+FHH+Widow	Hindu	Religious	N/A	SS/Partial	48,000	48,000.00
48	Sunil Thakur	Male	51	Married	2	Secondary	Service	Male	Madhesi	BPL	Hindu	Titled	less than10%	No Impact	48,000	24,000.00
49	Alam Seikh	Male	65	Married	11	Illiterate	Trade/Business	Male	Musalman	NTH	Muslim	Religious	N/A	SS/Partial	780,000	70,909.09
50	Dipendra Thakur	Male	41	Married	4	Illiterate	Wage/Labour	Male	Madhesi	None	Hindu	Titled	less than10%	SS/Partial	720,000	180,000.00
51	Saroj Sah(chanda devi)	Female	40	Married	5	Primary	Trade/Business	Male	Madhesi	NTH	Hindu	Religious	N/A	SS/Partial	520,000	104,000.00

S.No.	Name	Sex	Age	Marital status	Number of family member	Education	Occupation	Gender of HH head	Ethnicity	Vulnerability	Religion	Land ownership	Impact on Land	Impact (Structure)	Income	Per capita income
52	Chanchala Devi Jha	Female	60	Married	9	Primary	Housewife	Female	Madhesi	BPL+FHH	Hindu	Titled	less than 10%	SS/Partial	120,000	13,333.33
53	Jagarnath Sah	Male	55	Married	9	Primary	Service	Male	Madhesi	NTH	Hindu	Religious	N/A	SS/Partial	816,000	90,666.67
54	Gita Devi Sah	Female	60	Married	5	Illiterate	Wage/Labour	Male	Madhesi	NTH+BPL	Hindu	Religious	N/A	SS/Partial	144,000	28,800.00
55	Lalkeshwor Jha	Male	53	Married	2	Secondary	Service	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	444,000	222,000.00
56	Sunita Sah	Female	45	Widow	5	Illiterate	Housewife	Male	Madhesi	NTH	Hindu	Religious	N/A	SS/Partial	432,000	86,400.00
57	Sita Devi	Female	60	Widow	1	Illiterate	Housewife	Male	Madhesi	NTH	Hindu	Religious	N/A	SS/Partial	48,000	48,000.00
58	Dipak Jha	Male	38	Married	6	Secondary	Service	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	336,000	56,000.00
59	Mrs Dhrup Sah	Female	63	Widow	13	Illiterate	Housewife	Female	Madhesi	NTH+FHH+Widow	Hindu	Religious	N/A	SS/Partial	912,000	70,153.85
60	Kausal Sah	Male	51	Married	5	Primary	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	700,000	140,000.00
61	Anju Jha	Female	54	Married	4	Graduate	Trade/Business	Male	Madhesi	NTH	Hindu	Religious	N/A	SS/Partial	1,596,000	399,000.00
62	Dipendra Sah and Birendra Mahato	Male		Married	4	Can read and write	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than 10%	SS/Partial	1,500,000	375,000.00
63	Balkrishna Agrawal	Male	51	Married	5	Primary	Trade/Business	Male	Madhesi	NTH	Hindu	Religious	N/A	RS/minor	380,000	76,000.00
64	Pradip Sah	Male	59	Married	11	Can read and write	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	1,560,000	141,818.18
65	Shivji Pasha	Male	52	Married	7	Illiterate	Wage/Labour	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	360,000	51,428.57

S.N o.	Name	Sex	Age	Marital status	Number of family member	Education	Occupation	Gender of HH head	Ethnicity	Vulnerability	Religion	Land ownership	Impact on Land	Impact (Structure)	Income	Per capita income
66	Bindeshwar Pashi	Male	52	Married	6	Illiterate	Wage/Labour	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	360,000	60,000.00
67	Bhola Sah	Male	50	Married	7	Primary	Trade/Business	Male	Madhesi	None	Hindu	Titled	less than 10%	No Impact	444,000	63,428.57

Source: Socioeconomic Survey, May 2023

### Appendix 2: Meeting Minutes and Consultation Photographs

The highlights (english) of these consultations are indicated in the summary table under the consultation chapter of this resettlement plan.

Copy of the Minutes of the Meeting	Details of the Meetings/Consultation
<p>खाने मिति २०७३/०५/०२ गते सुनसरी जिल्लाको ११/३० वार्ड वडा समितिमा      आयोजना गरिएको ADB बाट प्रस्तावित नेपाल Urban Resilience and Livability      Improvement Project अन्तर्गत वडा समितिमा वडा उप-प्रमुखको अध्यक्षतामा प्रमुख      प्रशासकिय अधिकारी श्री रवीन्द्र शर्माको अध्यक्षतामा ADB बाट आएका      प्रा.प्र.अ. सदस्य श्री. ए. न. व. को अध्यक्षतामा वडा समिति तथा संलग्न      अहोनामा कर्मचारीको उपस्थितिमा निर्वाह गरियो।</p> <p>तयारीले</p> <ol style="list-style-type: none"> <li>१. श्री रवीन्द्र शर्मा - प्रा.प्र.अ.</li> <li>२. श्री वीरेन्द्र कुमार शर्मा - योजना प्रमुख</li> <li>३. दिनेश शर्मा, सुभाषिण, रवि शर्मा, वि. शर्मा</li> <li>४. GLADs, ADB, Social groups, ADB/IMT (P)</li> <li>५. श्री. ए. न. व. को अध्यक्षतामा वडा समिति</li> <li>६. श्री. वि. शर्मा - अध्यक्ष</li> <li>७. श्री. ए. न. व. को अध्यक्षतामा वडा समिति</li> <li>८. श्री. ए. न. व. को अध्यक्षतामा वडा समिति</li> <li>९. श्री. ए. न. व. को अध्यक्षतामा वडा समिति</li> <li>१०. श्री. ए. न. व. को अध्यक्षतामा वडा समिति</li> <li>११. श्री. ए. न. व. को अध्यक्षतामा वडा समिति</li> <li>१२. श्री. ए. न. व. को अध्यक्षतामा वडा समिति</li> <li>१३. श्री. ए. न. व. को अध्यक्षतामा वडा समिति</li> </ol> <p>निर्णय :-</p> <ol style="list-style-type: none"> <li>१. विभिन्न वडा समितिहरूको हलफले Social Safeguards सम्बन्धि          व्यवस्थापन तथा जानकारी गराउनुको लागि प्रमुख अहोनामा वडा समिति निर्वाह          गरियो।</li> </ol>	<p><b>Details of the Meetings/Consultation</b></p> <p>Meeting date: May 2 2023</p> <p>Place: Janakpur submetropolitan office</p> <ul style="list-style-type: none"> <li>- Total participant : 13 (no female)</li> <li>- Municipal &amp; DUDBC Janakpur staff member )</li> <li>- Engineer</li> <li>- Ward chair ( 3 person)</li> </ul> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>- Discuss field assessment plan,</li> <li>- Share safeguards requirement of ADB during various stages of project development</li> </ul>

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DATE 1 1

21/5/23 को 10:00 बजे 98 नं. बिनथी रोड -  
मनिमण्डप पालिका, बिहार (राज्य) के अंतर्गत पालिका क्षेत्र  
में विभिन्न कार्य करने के लिए निर्धारित कार्य प्रोग्राम को  
विशेष कार्यक्रम के अंतर्गत में प्रस्तावित किया गया है।  
जो पंचायत समिति क्षेत्रों में विभिन्न स्थानों पर  
सर्वेक्षण कार्य के माध्यम से किया जाएगा।  
इसके अलावा कार्य करने के लिए निर्धारित  
पंचायत समिति क्षेत्रों में कार्य करने के लिए  
नया ज्ञान कार्य आगमन प्राप्त किया।

उपस्थित

१. बिना बहादुर राउत प.स. बिनथी रोड - 98 नं. - 981178353  
२. सुनील कुमार पालिका बिनथी रोड - 981178353  
३. राजेश कुमार प.स. बिनथी रोड - 981178353  
४. सुनील कुमार प.स. बिनथी रोड - 981178353  
५. सुनील कुमार प.स. बिनथी रोड - 981178353

मानियत बिनथी रोड - 98

१. सुनील कुमार प.स. बिनथी रोड - 981178353  
२. सुनील कुमार प.स. बिनथी रोड - 981178353  
(३) सुनील कुमार प.स. बिनथी रोड - 981178353  
(४) सुनील कुमार प.स. बिनथी रोड - 981178353  
(५) सुनील कुमार प.स. बिनथी रोड - 981178353

(६) सुनील कुमार प.स. बिनथी रोड - 981178353  
(७) सुनील कुमार प.स. बिनथी रोड - 981178353  
(८) सुनील कुमार प.स. बिनथी रोड - 981178353  
(९) सुनील कुमार प.स. बिनथी रोड - 981178353  
(१०) सुनील कुमार प.स. बिनथी रोड - 981178353  
(११) सुनील कुमार प.स. बिनथी रोड - 981178353

Meeting date: May 3 2023  
Place: Various sections of road alignment and Ratna Sagar Pound  
Total participant: 13 (no female)

- Wards chairperson
- Wards member

**Discussion:**

- Shared safeguard requirement of ADB during various stages of project development
- Discuss on the scope of activities

Place of meeting

- Ratna Sagar premise
- Manimandap ward-13
- Janaki Mandir Biwahmandap road section
- Binthi-kurtha Road section

31/5/2023  
 Date 3 May 2023  
 Place : Janaki Mandir  
 Biwahmandap road section  
 Participants : 18 ( 2 Female)

उपासिती

1. दिनेश प्रसाद साह 75 वस आरम्भ - 9844025956

2. जयन्ती शर्मा - सीकर - सादर - मो.नं. 9844025956

3. जगज्ज साह

4. 9811815882

5. गोलसाह

6. Nileep Kumar JNS Guard Manager Mob:- 9822077775

7. मोहन साह 9808280187

8. BIBEK SAH JanKpur Aado Drones - 9807827826

9. Bal Krishan Agrawal. 9844220226

10. मोहन - महिला - वाडी - सादर

11. सांजु शर्मा - महिला - सादर

12. राजेश कुमार - सादर - 9809860860

13. विक्रम कुमार साह - मो.नं. 9. 9844220226

14. रविशंकर साह - मो.नं. 9812033896

15. सांजु शर्मा - मो.नं. 9841672353

16. सांजु शर्मा - मो.नं. 9841672353

17. सांजु शर्मा - मो.नं. 9841672353

18. चन्दन मिश्रा - मो.नं. 9863052275

Date 3 may 2023  
 Place : Janaki Mandir  
 Biwahmandap road section  
 Participants : 18 ( 2 Female)

- Local people
- Ward chair
- Ward representative

Discussion:

- Discussion with likely affected person
- Sharing ADB safeguard requirements

31/5/2023  
 Date 3 May 2023  
 Place : Bobbitt  
 Participants: 9 (no female)

उपासिती

1. दिनेश प्रसाद साह 75 वस आरम्भ - 9844025956

2. जयन्ती शर्मा - सीकर - सादर - मो.नं. 9844025956

3. जगज्ज साह

4. 9811815882

5. गोलसाह

6. Nileep Kumar JNS Guard Manager Mob:- 9822077775

7. मोहन साह 9808280187

8. BIBEK SAH JanKpur Aado Drones - 9807827826

9. Bal Krishan Agrawal. 9844220226

10. मोहन - महिला - वाडी - सादर

11. सांजु शर्मा - महिला - सादर

12. राजेश कुमार - सादर - 9809860860

13. विक्रम कुमार साह - मो.नं. 9. 9844220226

14. रविशंकर साह - मो.नं. 9812033896

15. सांजु शर्मा - मो.नं. 9841672353

16. सांजु शर्मा - मो.नं. 9841672353

17. सांजु शर्मा - मो.नं. 9841672353

18. चन्दन मिश्रा - मो.नं. 9863052275

Date 3 may 2023  
 Place : Bobbitt  
 Participants: 9 (no female)

- Local people
- Elected wards representatives

Discussion:

- Discussion with likely affected person
- Sharing ADB safeguard requirements



PAGE NO  
GATE 1 1

किसी भी दिन 2000 से अधिक लोग सीमित नहीं रहे।  
 जिसकी योजनाएं, खर्च, कर्मियों तथा अन्य विवरणों  
 विभाग विशेष आगोशनी कार्यालय बनवाया का  
 ग्राहकों को-मांस को शिकारियों को देकर  
 परामर्शदाताओं की-URLLP इनका नाम जिला  
 54 आगोशनी एकाका, आदमपुर पंचायत देखा  
 साहस्य खेतगांव रोड (पुणे) एकाका जिला  
 जारिमा।  
उपस्थित

१.	इन्जिनियर -	एन.एम. गोड्डे	गोड्डे
२.	"	श्रीवती कुमारी शर्मा	शर्मा
३.	"	लक्ष्मी शर्मा	शर्मा
४.	"	विश्वामिनी प्र. लाल	लाल
५	"	मंजु शर्मा	शर्मा
६	शुभ	जय शर्मा	शर्मा
७)	"	नितल प्रसाद शर्मा	शर्मा
(८)	ड.स.जालक	लिवराभा शर्मा	शर्मा
९)	सु. चंद्रन	शर्मा	शर्मा
१०.	गो.कु. शर्मा	शर्मा	शर्मा
११)	प्रमोद राउत	शर्मा	शर्मा
१२	दिपक रंजण शर्मा	शर्मा	शर्मा
१३	जयशंकर शर्मा	शर्मा	शर्मा

Date: 3 May 2023  
 Place; DUDBC field office Janakpur  
 Participants 13 – (no female)

- staff member of DUDBC office

**Discussion:**

- Discussed observation findings of field visit
- Advised to prepare the safeguard plan and area to be focused.

### Photographs during Consultations



Meeting with technical staff member of Janakpur sub-metropolitan (left) and Chief Administration officer (right)



Meeting and with ward representative at Ratna saggar (left) Salahesh temple under Ratnachock to Manimandap road



Observing Ratna chock to Manimandap road section (left) Janaki Tempel-Biwahmandap road



Observing and consulting with local at Janaki temple to Biwaha mandap road (mostly religious lands)



Discussion with likely affected person at Janaki temple to Biwaha mandap road (left) and Hanuman mandir to Basistha sewa Ghara road section (Right)



Debriefing meeting with Ward representatives and Municipal technical staff and explaining project/ADB policy on safeguard requirements at Janakpur Sub-metropolitan office and DUDBC field office Janakpur



Sita Chock to Pul Chock Road



Bajrang Chowk to Balmiki Nagar Road:



Mandal kutis mandir Likely affected boundary



Clear road sections Ramanad road to railway crossing (near Agnikund )



Durga Chok to railway crossing – ( near Durga chok let(left) near Bhamarpura chok (Right)



Ratna sagar to Mani amndap road section

### Photographs of Potential Affected Structures/Impacts



Likely affected boundary walls



Corner of the boundary wall likely to be affected



Likely temporary impacts on business (bike repair shop) at Ramanad Chock





Janaki temple to Biwaha mandap road proposed for matrix tile to minimize the impacts



House of Dukhini Devi Ratna chock-Coward hall- Manimandap road section.

As per preliminary design, the project is considering to reduce the road width in this road section to avoid the potential impacts to this structure. Any site/design changes during detailed design and detailed measurement survey will be assessed and the impact assessment will be updated accordingly.



SHOT ON REDMI 7 AI DUAL CAMERA



SHOT ON REDMI 7 AI DUAL CAMERA

Mandal kutis mandir Likely affected boundary

### **Appendix 3: Terms of Reference for Independent Third Party for Voluntary Land Donation/Negotiated Settlement**

1. For any voluntary donation of land, an external independent entity will supervise and document the consultation process and validate the negotiated purchase/ land donation process as per legal requirement.

#### **Terms of Reference for Independent Third-Party Witness**

2. An independent third party is sought to be appointed to oversee and certify the process of negotiated purchase/ land donation. The third party shall be briefed about his/her expected role and deliverables by the PCO/PIU/PMCDC (safeguard officer/assistant safeguard officer/SSS).

3. **Eligibility.** The third party shall be a representative of the community (for example, a leader of the community with formal/legal standing, a representative of a local NGO/CBO with formal and legal standing) or an institution, without any direct interest in the negotiation process or activity, who is acceptable to each of the concerned parties (PCO/PIU and concerned landowner/donor).

4. **Scope of Work.** The role of the third party shall be to ensure a fair and transparent process of negotiation/donation. The envisaged scope: of work shall entail the following:

- (i) witness and keep a record of meetings held with the concerned parties;
- (ii) ensure there is no coercion involved in the process of negotiated purchase/land donation;
- (iii) ensure that the donor(s) are not coming from vulnerable groups/poor families;
- (iv) ensure that the preferences and concerns of the land owner/donor related to access, selection of site within lands held, etc. are recorded and any stipulated conditions met;
- (v) ensure that the negotiated purchase/land donation agreement is drafted in a fair and transparent manner;
- (vi) confirm that the offered/agreed price is fair and meet the market price of the land with similar value and condition in the area;
- (vii) ensure the negotiated purchase/donation does not result any negative impacts to the third party associated with the purchase/donation activity;
- (viii) identify and recommend mitigation measures to land owner/donor/affected third party, if required;
- (ix) ensure that taxes, stamp duties and registration fees for purchased/donated land are borne by government; and
- (x) submit a report and signed certificate as witness to the purchase/ donation and transfer process.

5. **Deliverables:** The details of the meetings, socioeconomic back ground of the land/assets owner(s) and a certificate/reports as witness to the purchase/donation process and mitigation measures to owner/donor, if any, shall be submitted by the third party to PMU/PIU and owner/donor in the local language and share with ADB for review.

### Appendix 4: Sample Third-Party Certification Formats

This is to certify that Mr./Miss \_\_\_\_\_ (profession, designation, address) is appointed as independent third party to certify the process of negotiated purchase/land donation of plot no. \_\_\_\_\_ area \_\_\_\_\_ owned/donated by \_\_\_\_\_ (name of the owner), who is a signatory to this certificate. It also placed on record that none of the signatories to this certificate have any objection to appointment of \_\_\_\_\_ as a third-party witness.

Date: \_\_\_\_\_

Officers (PIU or PCO representative) and land donor

1. \_\_\_\_\_

2. \_\_\_\_\_

I, \_\_\_\_\_ of \_\_\_\_\_ (address) certify that I was a witness to the process of negotiated purchase / land donation (details of plot \_\_\_\_\_ from \_\_\_\_\_ (landowners' names). I certify that:

1. The process of purchase / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land for the welfare of the community.
2. No coercion was used in the purchase/donation process.
3. Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
4. All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
5. The following mitigation measures were identified and implemented /provided to the landowner/donor.
6. Attached are the minutes of meetings held between project proponents and the landowner/donor, which I was witness to.

Signed/ Name

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Enclosed: Minutes of meetings held between landowner/donor and project proponents**

**Appendix 5: Sample Grievance Registration Form**  
(To be made available both in English and *Nepali*)

The \_\_\_\_\_ Project welcomes complaints, suggestions, queries and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback. Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing *\*(CONFIDENTIAL)\** above your name. Thank you.

<b>Date</b>		<b>Place of registration</b>			
<b>Contact Information/Personal Details</b>					
<b>Name</b>		<b>Gender</b>	Female Male	<b>Age</b>	
<b>Address</b>					
<b>Place</b>					
<b>Contact No.</b>					
<b>E-mail</b>					
<b>Complaint/Suggestion/Comment/Question</b> <i>Please provide the details (who, what, where and how) of your grievance below:</i>					
If included as attachment/note/letter, please tick here:					
<b>How do you want us to reach you for feedback or update on your comment/grievance?</b>					

**FOR OFFICE USE ONLY**

<b>Registered by:</b> (Name of Official registering grievance)					
<b>Mode of communication:</b>	of	Application/letter	E-mail	Verbal/Telephonic	WhatsApp
<b>Reviewed by:</b> (Names/Positions of Official(s) reviewing grievance)					
<b>Action Taken:</b>					
<b>Whether Action Taken is Disclosed:</b>			Yes	No	
<b>Means of Disclosure:</b>					

### Appendix 6: Sample Template of Project Information Disclosure Leaflet

Project Information	Description/Details
About the Project	
Name of the Executing Agency/Implementing Agency	
Proposed Project technical details and Project Benefit	
Summary of Project Impacts	
Compensation and Entitlement	
Resettlement Plan Budget	
Resettlement Plan Implementation Schedule	
GRM Information	
Contact Number of PIU, PCO and contractor	

Note: List of affected persons and entitlement matrix to be attached with this leaflet.

## Appendix 7: Census and Baseline Socio-Economic Survey Guidelines

### Urban Resilience and Livability Improvement Project (URLIP)

#### A. Census Requirements

1. The cut-off date for titleholders will be the date of notification under the Land Acquisition Act. For the non-titleholders, the census survey date in each locality will be considered as the cut-off date. People moving into the project area after the cut-off date will not be entitled to support. Persons, who were not enumerated during the census but can show documentation or evidence that he/she is rightfully an affected persons will be included. The PIU with the support of the Supervision and Design Consultant is responsible for such verification. Only those affected persons within the project impact area will be considered eligible for support under the URLIP.

#### B. Census Requirement and Contents

2. A census of households and individuals located within the project has to be undertaken to register and document the status of potentially affected population within the project impact area. It will provide a demographic overview of the population covered by the resettlement plan/ and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the project impact area.

- (i) **Resource Base** – The resource base including land, water, and forest, etc., with an assessment of its development and ecological potential in the pre-project conditions. During the conduct of the census, legal boundaries of affected properties and the right of way (ROW) are to be verified. Structures, trees and other assets are to be recorded.
- (ii) **Economy Base** – The economy base of the affected people including the modes and magnitude of production, consumption pattern, related economic institutions.
- (iii) **Household Census** – Household census covering immovable property owned by the affected persons and other resources in their possession/use. These surveys would be carried out in association with local and host communities as well as with the local representatives.
- (iv) **Social Structures** – The social structure, norms, customs, cultural centers, traditions, patterns of leadership and institutions of social network.
- (v) **Affected Persons** – The census will identify the affected population including tenants, leaseholders, sharecroppers, encroachers, employees and agricultural workers. During such census, those affected persons dependent on the existing infrastructure link for their livelihood, shall also be identified and listed along with their identified income. The census will also identify affected persons falling in the vulnerable category. The vulnerable groups include households falling below poverty line, households with persons with disability, female-headed households, households having elderly (JesthaNagarik) and children, *Dalits*, indigenous people, landless households and households without legal title to land.

#### C. Census Procedures

3. The following procedure is to be adopted in carrying out the census:

- (i) Preliminary screening to provide initial information on social impacts;
- (ii) Verification of legal boundaries and ownership of the project area, to document existing structures, land plots, and others physical assets. This involves:
  - (a) All encroachments, private land holdings and others assets in the project area is to be documented;
  - (b) Identification of suitable resettlement sites, in close proximity to the affected area if required;
  - (c) Assets, structures, land holdings, trees, etc. to be recorded;
  - (d) All information is to be computerized; photography to be used to document existing structures; and
- (iii) The baseline socio-economic survey shall cover information on the various categories of losses and other adverse impacts likely under the project;
- (iv) The census will identify potentially affected populations with special attention to vulnerable groups; and
- (v) Assessment on the value of various assets to be made.

#### **D. Database Management**

4. **Data Sources.** As a pre-requisite for conducting the primary household surveys, relevant information is to be collected from secondary sources. These include:

- (i) Revenue records maintained, with regard to land particulars for facilitating acquisition of properties and resettlement of displaced;
- (ii) Census records for demographic information;
- (iii) Development agencies to get information on various development programs for special sections of population like those living below poverty line, indigenous peoples, etc.; and
- (iv) Local organizations including non-government organizations (NGOs) in order to involve them and integrate their activities in the economic development programs of the displaced population.

5. **Data Collection.** Household level contacts and interviews with each affected family for completing the household socio-economic profile. Each of the households surveyed and the structure/land likely to be affected by the project has to be numbered, documented and photographed. Public consultation exercises in different project areas to be conducted with the involvement of affected persons. In these exercises, women among the affected persons are to be involved to elicit their views and options on the overall planning of resettlement activities. Discussions with a cross-section of affected population will help towards understanding the problems and preference of the affected persons.

6. **Data Analysis.** The analysis would cover the following: population, population density, age, sex ratio, literacy rates/education, gender issues, tribal issues, religious groups, income, occupation and poverty line.

7. **Data Update.** The PIU responsible for implementation of resettlement plan/RIPP, should conduct a rapid appraisal to continuously update information.

## Appendix 8: Census and Socioeconomic Survey Questionnaire

### Part I: Socio-economic Information

#### 1. General Information

S.No	Question	Answer
1.1.	Questionnaire No. (Code)	
1.2	Date of Interview	
1.3	District	
1.4	Name of Municipality	
1.5	Ward Number	
1.6	Name of the Village/tole	
1.7	Name of the Respondent	
1.8	Gender of Respondent	Male ..... 1 Female ..... 2
1.9	Contact number of respondent	
1.10	Relation with Household Head (if HHH is other than respondent)	
1.11	Gender of Household Head	Male ..... 1 Female ..... 2
1.12	If Women-headed household, what positioned her to such situation?	Out Migration of Spouse----- ---- -1 Widow----- -----2 Separated----- -----3 Male members provided such role-----4 Cultural region----- ---- -5 Other ( Specify)----- -----6
1.13	Caste/Ethnicity of Household: (Please circle the correct one) <b>[ see attached sheet for classification of Janajatis in Nepal]</b>	Brahmin /Chhetri/Thakuri----- -- - 1 Janajati (Advantaged- Newar&Thakali)- 2 Janjati (Disadvantaged)----- ---- 3



S.No	Question	Answer
		Janjati (Endangered/Marginalized)--. - -4 Dalit (Kami/Dama/Sarki/Badi/Gaine) --5 Religious Minority (Muslim/Churaute)--6 Madhesi----- -----7 Other ( Specify) ..... 8
1.14	Religion: (Please circle the correct one)	Hindu ..... 1 Buddhist ..... 2 Muslim .....3 Kirat .....4 Christian ..... 5 Prakriti----- -----6 Other ( Specify) ..... 7
1.15	Type of Family: (Please circle only one)	Nuclear .....1 Joint .....2 Extended .....3

Vulnerability Status of household - Tick if any of the following is true for the household

S. No.	Vulnerability Parameters	Tick <sup>✓</sup> if applicable for family	If applicable, mention no. of members
1.	Person with disability* in the family, with or without disability certificate (indicate if medical certificate is available or not)		
2.	Widow in the family		
3.	Women headed household with dependents		
4.	Elderly* over 65 years with no immediate family members to support		
5.	Household belongs to an indigenous peoples group (if yes, indicate the IP classification and the specific region/IP group from Table 1)		

6.	Household is 'Below Poverty Line' or BPL* family or in abject poverty or having no income source		
7.	Household is landless (not having land with or without title)		
8.	Household does not have legal title for any land parcel		
9.	Any other (please mention).....		

\*Disability, Elderly, BPL, ethnic minority, indigenous or tribal as defined by the government

Table 1: Classification of Adivasi Janajatis (Indigenous) Group in Nepal

Region	Classification of Adivasi Janajatis				
	Endangered (10)	Highly Marginalized (12)	Marginalized (20)	Disadvantaged (15)	Advantaged (2)
Mountain (18)		Shiyar, Shingsawa (Lhomi), and Thudam	Bote, Dolpo, Larke, Lhopa, Mugali, Tokpegola, and Walung	Bara Gaule, Byansi (Sauka), Chhaintan, Maparphali Thakali, Sherpa, Tangbe, and Tingaunle Thakali	Thakali
Hill (24)	Bankariya, Hayu, Kusbadiya, Kusunda, Lepcha, and Surel	Baramu, Thami (Thangmi), and Chepang	Bhujel, Dura, Pahari, Phree, Sunuwar, and Tamang	Chhantyal, Gurung (Tamu), Jirel, Limbu (Yakthumba), Magar, Rai, Yakkha, and Hyolmo	Newar
Inner Terai (7)	Raji, and Raute	Bote, Danuwar, and Majhi	Darai, and Kumal		
Terai (10)	Kisan, and Meche (Bodo)	Dhanuk (Rajbansi), Jhangad, and Santhal (Satar)	Dhimal, Gangai, Rajbansi (Koch), Tajpuriya, and Tharu		

## 1.2. Demographic Information

### Household Profile

S.No.	Family Members (Start with HH Head and other members in relations): Code-1	Sex (Circle)		Age (Completed Years)	Marital status-Code -2	Education (>5 Yrs age) Code-3	Occupation (>14 Yrs age) Code- 4	Currently at home or not (Circle)	
		M	F					Yes	No
1		1	2					1	2
2		1	2					1	2
3		1	2					1	2
4		1	2					1	2
5		1	2					1	2
6		1	2					1	2
7		1	2					1	2
8		1	2					1	2
9		1	2					1	2
10		1	2					1	2
11		1	2					1	2

**Codes:** HH head-1, Spouse -2, Daughter-3, Son-4, Daughter in Law-5, Father-6, Mother-7, Grandson-8, Grand Daughter-9, Sister-10, Elder Brother-11, Elder Brother's wife -12, Younger Brother-13, Younger Brother's Wife-14, Cousin male -15, Cousin Female-16, others- 17

2. Marital Status: Married-1, Unmarried -2, Divorce-3, Widow

3. Education: Illiterate-1, Can read and write-2, Primary/ lower secondary-3, Secondary-4, SLC/ Higher Secondary-5, College Dropout-6, Graduate-7, Postgraduate-8, Professional (doctor, engineer, lawyer and so on)-10, others-11

4. Occupation: Agriculture-1, Service-2, Trade/Business-3, Labor (agriculture / non agriculture)-4, Foreign Employment-5, Student-6, House Wife-7, Disable-8, Pension-8, others (specify)-9

### 3.1 Land Ownership

S. No.	Name of landowner	Type of ownership <sup>1</sup>	Number of parcels	Total Area			Unregistered land cultivated					
				B	K	D	Sq. ft	B	K	D	Sq. ft	
1												
2												
3												
4												
	<b>Total</b>											

B=Bigha, K=Kattha, D=Dhur (1 Bigha = 20 Kattha = 6772.63 m<sup>2</sup>: 1 Katha 20 Dhur = 338.63 m<sup>2</sup>: 1 Dhur = 16.93 m<sup>2</sup>)

<sup>1</sup>Titleholder. 1; Nontitle holder 2; Right to use granted by Local Authority. 4; Encroacher 5, Squatter 6

### 1.4 Annual Income:

Please provide the household income from all (different) sources as follows (Provide last one year figure. Enumerators will require calculating the income from household's own production as well as from rented in and rented out lands)

S.No.	Sources of Income	Total Income (Rs)
1.	Cereal Crops	
2.	Vegetable and Cash Crops	
3.	Fruits	
4	Non-Timber Forest products/Herbs	
5.	Livestock and Poultry	
7.	Service /Remittances/ Foreign employment/ Pension	
8.	Trade / business/ cottage industry	
9.	Wages/paid labor	
10.	Rent/ Interest	
11.	Others (Specify)	
Total gross income		

## Part II. Impact Assessment

### 2. Assets affected by the proposed project

2.1. Impact on Land				
<b>2.1.1</b> Ownership of affected land	Private ... .....1 GoN.....2 Religious.....3 Community ...4 Other specify...5	<b>2.1.2</b> Status of ownership  _____ _____ _____	<b>Project Affected Persons Type/Category:</b> Titleholder .....1 Non-titleholder.....2 Right to use granted by Local Authority.....4 Encroacher.....5 Squatter.....5	
<b>2.1.3</b> Number of affected parcels No:	<b>2.1.4</b> Area of affected parcels Kattha: Dhur:	<b>2.1.5</b> % loss of affected parcels Less than 10% ....1 Above 10%.....2	<b>2.1.6</b> Present use of affected land  _____ _____ _____	Cultivation.....1 Residential.....2 Commercial.....3 Barren.....4 Other .....5
2.1.7: Location of affected land parcel: left.....1: Right :.....2				
2.1. 8: Is remaining part of land viable to continue cultivation/use Yes.....1; No.....2				

2.2. Impacts on Structure and other Assets				
<b>2.2.2</b> Present use of affected structure	<b>2.2.3:</b> Type of construction material used in affected structures.	<b>2.4.4</b> Type of the affected utilities and number		
Residential .....1 Commercial .....2 Residential + commercial ....3 Toilet.....4 kitchen..... 5 store room .....6 cattle shed.....7 compound wall .....8 Other specify .....9	Permanent .....1 Semi permanent .....2 Temporary.....3 Dismantable Projection / Extension .....4	Handpumps.....2 Open well .....3 Bore well .....4 Water tap.....5 Other .....6		
<b>2.2.5 Scale of impacts on affected structure</b>	<b>Affected structures</b>	Total area of structure sqm	Affected area sqm.	Scale of impact (Circle 1 for less than 10% and 2 for above 10%)

	1			1	2
	2			1	2
	3			1	2
	4			1	2
<p><b>2.4.6:</b> Is the remaining part of the Structure sufficient to continue to use /live or enough area available to shift the structure.                  Yes:.....1                  No.....2:</p>					
<b>2.3. Impacts on Business</b>					
<b>2.3.1:</b> Name of the owner		<b>2.3.2</b> Affected business run in Rental property .....1 Own property.....2		<b>2.3.3:</b> Year of establishment	
<b>2.3.4. Level of Impacts</b> Permanent .....1 Temporary .....2					
<b>2.3.5</b> Nature of business (name of affected shop)		Grocery .....1 Fresh house .....2 Furniture.....4 Dairy.....5 Kiosk .....6 Canteen.....7 Other specify .....8		<b>2.3.6:</b> Number of employees/family Employee Man: Women: Family worker: Man: Women:	
2.3.7: Total family member Men: Women:		2.3.8: Initial investment in business NPR.		2.3.9: Monthly net income NPR:	

**2.3.10 Temporary impacts:** In order to lay the storm water drain, a part of the road stretch would be dug-up. The work on this road section will take about 2/3 weeks to complete. This could cause difficulty to pedestrians and vehicles using this road. In view of the above, please answer the following:

Will it affect customers coming to your shop? Yes .....1: No.....2

If yes , will there be the loss of income ? Yes .....1: No.....2

If yes .. what is your estimated income loss for said period: NRs. \_\_\_\_\_

Daily Income/Earnings from the business: \_\_\_\_\_

<b>2.4 Employment loss</b>						
Name of employees	Man	Women	Number of working year(s)	Monthly salary	Family member	Number of earning member in family

<b>2.5 Agriculture</b>						
<b>2.5.1</b> . Is there likelihood of the loss of standing crops. Yes .....1 No.....2		Name of Crop Area covered by crops. Ha. Productivity in KG Net income from the crop NPR.				
<b>2.5.2:</b> Impacts on tree /vegetation/crops						
Name of tree (species)	Type of Trees (1. Fruit Bearing, 2 Non-Fruit Bearing, 3. Timber 4. Fodder)	Age of tree	Number of trees	Estimated market price		

#### 4.0 Standard of Living (Physical Facilities and Services)

4.1 What type of residential house do you have?

Grocery

S.No.	Types of House	No.	Area occupied (sq.ft)	Remarks
<b>A.</b>	<b>Residential</b>			
1.2	Kuchha (Jhupro with straw/ thatched roof)			
1.2	Semi Pukka			
1.3	Pukka			
<b>B.</b>	<b>Other structures (cow shed/ warehouse)</b>			
2.1	Kuchha (Jhupro with thatched roof)			
2.2	Semi Pukka			
2.3	Pukka			

#### Code of House Categories:

Kuchha: 1-Bamboo/ wood/ stone wall with mud mortar with thatch/ straw roof

Semi Pukka: 2-Stone wall with cement mortar/ plaster and GI sheet roof

Pukka: 3-Cement mortar wall/ pillar with RCC/RBC roof

4.2 Sanitation facilities

Question	Answer	Skip
Do you have toilet facility in your current residence?	Yes ..... 1 No ..... 2	7.7
If yes, what type of toilet facility is available?	Open ..... 1 Pit Toilet (Khalte) ..... 2 Kuchha Toilet ..... 3 Pukka Toilet ..... 4 Others ..... 5	

4.3 What types of facilities you have for drinking water? Please circle all sources used.

S. No.	Sources	Used the Source		Order the sources starting from most frequently used
		Yes	No	
1.	Pipe water (Private tap)	1	2	
2	Ground water	1	2	
3	Both			
8.	Others (Specify).....	1	2	

**5.0 Social Participation**

SN	Question	Answer
1	Does your family have membership (s) in the local social organizations?	Yes ..... 1 No ..... 2

*If yes, mention the organization,*

- 1.
- 2.
- 3

5.1 Skill requirements:



10.3	If skill enhancement is required, what kind of training do you prefer? Specify 3 trainings in order of importance	1.		
		2.		
		3.		
10.4	What kind of livelihood measure you suggest for households? Please mark the relevant responses		Yes	No
		1. Employment	1	2
		2. Skill training	1	2
		3. Soft loan	1	2
		4. other	1	2

**6.1 What is your opinion on the positive and negative impacts of URLIP project?  
(Tick the appropriate answers)**

6.2. Do you have any other concern to share with us which is not covered in the questionnaire?

Name of enumerator: \_\_\_\_\_

Date: \_\_\_\_\_

Enumerator's Observations: Please note key observations.

**Thank You!**

## **Appendix 9: Outline of Social Safeguard Monitoring Report**

Following requirements of the ADB Safeguard Policy Statement (2009) and the *Operations Manual* section on safeguard policy (OM F1), borrowers/clients are required to establish and maintain procedures to monitor the status of implementation of safeguard plans and ensure progress is made toward the desired outcomes. For projects categorized as A or B in Involuntary Resettlement and/or Indigenous People, the Borrowers/clients are required to submit semiannual monitoring reports for ADB review. The level of detail and comprehensiveness of a monitoring report is commensurate with the complexity and significance of social safeguards impacts (involuntary resettlement and indigenous peoples) and with the current status of project implementation phase.

This outline can be used for periodic monitoring report (semiannual) and Resettlement Plan completion report to start the civil works in the impacted areas. A safeguard monitoring report may include the following elements:

### **A. Executive Summary**

This section provides a concise statement of project scope and impacts, key findings and recommended actions.

### **B. Background of the Report and Project Description**

This section provides a general description of the project, including:

- Background/context of the monitoring report which includes the information on the project, project components, safeguards categorizations and general scope of the social safeguards impacts.
- Information on the implementation progress of the project activities, scope of monitoring report and requirements, reporting period, including frequency of submission and changes in project scope and adjusted safeguard measures, if applicable
- Summary table of identified impacts and the mitigation actions.

### **C. Scope of Impacts**

- This section outlines the detail of scale and scopes of the project's safeguards impacts,
- Vulnerability status of the affected people/communities,
- Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final Resettlement Plan

### **D. Compensation and Rehabilitation<sup>22</sup>**

This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan. This includes:

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<sup>22</sup> Depending on the status of the final detail design during the submission of the report this activity might not yet started. Provide the information on the expected date the activity to be conducted instead.

- Payment of the affected assets compensation, allowances, loss of incomes, etc. to the entitled persons;
- Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.
- Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

## **E. Public Participation and Consultation**

This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with affected persons during Resettlement Plan finalization after the completion of detail design; the numbers of activities conducted; issues raised during consultations and responses provided by the project team, implementing NGOs, project supervision consultants, contractors, etc.

## **F. Grievance Redress Mechanism (GRM)**

This section described the implementation of project GRM as design in the approved Resettlement Plan. This includes evaluations of its effectiveness, procedures, complaints receive, timeliness to resolve issues/ complaints and resources provided to solve the complaints. Special attentions should be given if there are complaints received from the affected people or communities.

## **G. Institutional Arrangement**

This section describes the actual implementation, or any adjustment made to the institutional arrangement for managing the social safeguards issues in the projects. This includes the establishment of safeguards unit/ team and appointment of staff in the executing agency/implementing agency; implementation of the GRM and its committee; supervision and coordination between institutions involved in the management and monitoring of safeguards issues, the roles of NGO and women's groups in the monitoring and implementation of the plan, if any.

## **H. Monitoring Results - Findings**

This section describes the summary and key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of compensation rates and timeliness of payments, adequacy and timeliness of rehabilitation measures including serviced housing sites, house reconstruction, livelihood support measures, and training; budget for implementing EMP, Resettlement Plan, timeliness and adequacy of capacity building, etc.). It also compared against the objectives of safeguards or desired outcomes documented (e.g., involuntary resettlement impacts avoided or minimized; livelihood restored or enhanced; indigenous peoples' identity, human right, livelihood systems and cultural uniqueness fully respected; indigenous peoples do not suffer adverse impacts, environmental impacts avoided or minimized, etc.). For FI projects this includes the effectiveness of the Environmental and Social Management System (ESMS) managed by the FI and its participating institutions.<sup>23</sup> If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

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<sup>23</sup> Specific for the FI projects, external agency may be required to conduct an audit of the project ESMS.

## **I. Compliance Status**

This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) on SR 2 and the approved final Resettlement Plan.

## **J. Follow up Actions, Recommendation and Disclosure**

This section describes recommendations and further actions or items to focus on for the remaining monitoring period. It also includes lesson learned for improvement for future safeguards monitoring activities. Disclosure dates of the monitoring report to the affected communities should also be included. A time-bound summary table for required actions should be included.

### **Appendices**

- (i) List of affected persons and entitlements
- (ii) Summary of resettlement plan with entitlement matrix
- (iii) Copies of affected persons's certification of payment (signed by the affected persons)
- (iv) Summary of minutes of meetings and consultation photographs
- (v) Summary of complaints received and solution status.