

Resettlement and Indigenous Peoples Plan

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Nepal: Urban Resilience and Livability Improvement
Project – Lumbini Sanskritik Municipality, Rupandehi
District

Package Number: URLIP/LUM/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
PCU	-	Project coordination Unit
PIU	-	Project implementation unit
PMCDC	-	Project management and capacity development consultant
ROW	-	Right-of-way
SPS	-	Safeguard policy statement
URLIP	-	Urban Resilience and Livability Improvement Project

WEIGHTS AND MEASURES

ha.	-	hectare
km	-	kilometer
m	-	meter
m ²	-	square meter

NOTE

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

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GLOSSARY

Affected Person/displaced person: As per 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 inclusive 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 Output 1, the improvement of 12.7 km. roads and drainage services, construction of one bus terminal with access road, construction of Municipal Building with access road, are the key components recommended for project financing.

Scope and Objective of Resettlement and Indigenous Peoples Plan. This draft combined resettlement and indigenous peoples plan (RIPP) has been prepared to document the project 'related impacts, methodology used and addresses the potential involuntary resettlement and indigenous peoples impacts induced due to implementation of proposed project components. Specifically, the objective of this document is to: (i) assess social and involuntary resettlement 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 land adheres to the ADB SPS, 2009 requirements, and (iv) assure adequate compensation payment and implementation of safeguards per the ADB SPS, 2009 and agreed entitlement matrix. The methodology of the RIPP preparation includes data collections through both primary and secondary sources. The primary data were collected through transect walk, impact assessment and inventory loss surveys, community consultations, and socio-economic surveys of 100% affected persons.

Land Acquisition and Resettlement Impacts. As a part of identification survey, a team of consultants conducted a transect walk in December 2022 followed by consultation meetings from December 2022 to May 2023 for bus park with access road. The proposed land requirements for this project will be fulfilled through a combination of use of right-of-way within the government lands, negotiated settlement, and/or voluntary land donation. The main alignment of the proposed road is located within the boundaries of the right-of-way of government lands. The preliminary assessment of impacts during socio economic study identified 2 land parcels belonging to 2 landowners, 8 government/untitled land parcels used by 8 families are likely to be affected due to upgrading of the road sections and drainage works. The preliminary impact assessment identified: partial/minor impact on 9 residential structures from 9 affected households (51 population) and 1 minor/secondary structures from 1 individual household with 11 family members. However, this will not cause any physical/economic displacement or relocation. The design team will explore the possibility of reducing the corridor of impact and by adopting appropriate technical designs to minimize the potential impact during the detailed design.

The locations for the construction of the Bus terminal and Municipal Administrative building are proposed in government land. For Bus terminal a formal right to use has been obtained from the federal government whereas the formal process for obtaining the same for municipal building has also been initiated. Essential processes are followed and both components have no IR impacts. The additional land required for road improvement and road-side drains will be obtained through voluntary land donation and/or negotiated settlement from eligible owners with legal titles. It is

estimated that an additional 929 m² of land will be required for road improvement. Out of the 2 registered land plots likely to be affected, one belongs to vulnerable households and may not be eligible for voluntary donations. A detailed measurement study will be carried out to confirm the scale of impacts both on land parcels and structures are confirmed after final design and detail measurement survey (DMS), based on which the RIPP will be updated accordingly. The additional land requirement for road improvement and road-side drains will be obtained through voluntary land donation and/or negotiated settlement from the eligible landowners with legal titles. Voluntary land donation will not be accepted from the households categorized as vulnerable in such cases. The negotiated settlement/purchase method will be adopted by the project to procure additional land.

Socio-economic Information and Profile: The socio-economic survey was conducted for 10 likely affected HHs comprising 62 populations (32 males and 30 female). The caste/ethnic composition of surveyed household is Musalman (51.61%) followed by Janjati (33.87%) wherein Madhesi accounts for 14.52%. All affected vulnerable households (9 HH with 56 population) facing partial/or minor structure loss. These households have various vulnerabilities such as non-titleholder (3), below poverty line (1), dalit (1) and households with multiple vulnerabilities 5).

Impacts on Indigenous Peoples. Lumbini Sanskritik Municipality has a 1,472 Indigenous People's population which is almost 1.68% of total inhabitants. Of the total indigenous population about 83% belongs to Marginalized ethnicity followed by disadvantaged group (10%). Around 1 % of the population lies in the highly marginalized category.¹ Majority of IPs are the followers of the Hindu religion and speaks their own mother dialect, within their groups, however, all also understand and speak Nepali Language as well. Owing to the presence of Janajati groups in the town, ADB SPS policy requirements on indigenous peoples are triggered.

According to the socio-economic survey, 4 IP households belong to marginalized Tharu community are likely to be affected by the road improvement. No adverse impact to indigenous people's communities is assessed. Nonetheless, based on the socioeconomic survey, all 4 IP families will face partial/minor structure loss not resulting to significant impacts. No adverse impact to indigenous people's communities is assessed. The improvement and/or upgradation of road and drainage network will benefit the entire population residing along the roadside, including the indigenous peoples. The scale of the impact will be reevaluated and reconfirmed during DMS based on final design, and appropriate mitigation measures are updated in the resettlement and indigenous peoples plan (RIPP).

Specific and focused consultation will be conducted to identify the support package during detailed measurement survey. Moreover, the women members of the indigenous people communities will be linked with the activities designed under the GESI component of the project. A specific action plan for enhancement of project benefits to the affected indigenous peoples is included in the RIPP. Road and road-side drainage construction work will be undertaken in a culturally appropriate manner, taking into account the specific preferences and concerns of the community, if any, their religious festivals and beliefs. The impacts are assessed to be minor and not significant (partial/minor impact on structures). No adverse impact to indigenous people's communities is assessed. The improvement and/or upgradation of road and drainage network will benefit the entire population residing along the roadside, including the indigenous peoples. A specific action plan for enhancement of project benefits to the affected indigenous peoples is included in the RIPP. Road and road-side drainage construction work will be undertaken in a

¹ <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity>

culturally appropriate manner, taking into account the specific preferences and concerns of the community, if any, their religious festivals and beliefs.

Legal Framework. The policy, legal framework, resettlement and indigenous peoples principles and entitlements in the URLIP are guided by the ADB's Safeguard Policy Statement (SPS), 2009 and Government of Nepal's Acts, laws and regulation.

Entitlements, Assistance and Benefits: In keeping with the entitlement matrix, compensation and resettlement assistance for various types of loss will be provided to all affected persons in the project area. In general, the affected people under the roads and drainage project will be entitled to the following types of compensation and assistance: (i) assistance for loss of livelihood; (ii) compensation for lost assets/ structures; and (iii) additional assistance to vulnerable groups.

Consultations and Participation. Consultations were carried out with various stakeholders such as community residents/project beneficiaries including the poor, women, and indigenous peoples, and government officials. A total of 33 people (7 females,) attended in the meetings. Consultations will continue throughout the project implementation. The draft / updated RIPP 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 translated version of the RIPP will always 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. There will be Janajatis and one-woman representative in the field/ward and municipality level, if required. 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 including indigenous peoples and others are made aware of and are part of the awareness program. Grievance redress mechanism outlined in the draft RIPP 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 RIPP implementation will be closely monitored by the Project Coordination Office with the support of project management and capability-building consultant (PMCDC) to effectively assess the RIPP 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 Design and Supervision Consultants (DSC), who will facilitate the implementation of the RIPP 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 and indigenous peoples impact utilizing baseline information established through the detailed measurement survey of affected persons undertaken during project preparation, and overall monitoring.

Monitoring and Reporting. RIPP implementation will be closely monitored to provide the PCO with an effective basis for assessing resettlement progress and identifying potential difficulties and problems. Monitoring will be undertaken by the SDC, PIUs and PMCDC. Monitoring will involve administrative monitoring to ensure that implementation is on schedule and problems are dealt

with on a timely basis; socio-economic monitoring during and after any resettlement impact as well as impact on indigenous peoples utilizing baseline information established through the detailed measurement survey of affected persons undertaken during project preparation, and overall monitoring.

Resettlement and Indigenous Peoples Plan Budget. The budget item includes compensation of structure and land loss, and income restoration support, cadastral data verification cost, third party certification cost, land ownership transfer cost, GRM administrative cost, and provisional sum for land compensation in case of refusal of land donation by any landowner. The total cost for implementation of RIPP is estimated **NPR 46,78,046**. PIU with the support of the Supervision and Design Consultant 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: inclusive economic growth and improved living standards.² The project will have the following outcome: improved resilience, livability and sustainability of urban service delivery by project municipalities.³ 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 Sanskritik, 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.⁴ 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.⁵

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,

² Government of Nepal, National Planning Commission. 2020. [Fifteenth-Year](#). Kathmandu.

³ The design and monitoring framework is in [Appendix 4](#).

⁴ Cultural, natural, and heritage assets under municipalities' jurisdiction.

⁵ 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,⁶ 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.⁷

B. Project Location and Demography

5. Lumbini Sanskritik is one of the fastest growing and newly formed municipalities located in Rupandehi district under Lumbini province. It is approximately 84.8 km South-East away from Kathmandu and 19.4 km from Bhairahawa. Geographically, the municipality lies between the latitude 27°40'45.1164" North and longitudes 83°30'25.272" East and the altitude varies from 25m to 60m from sea level. It covers an area of 112.21 square kilometers.

6. According to recently published national census 2021, the total population residing in Lumbini Sanskritik Municipality is 87,383 with average household size of 6.42 with sex ration of 97.61 male per 100 female. The demographic characteristics of the project area is given in following Table.

Table 1: Population distribution by caste and ethnicity

Municipality	Population			Bhramin / kshetri	Janjati	Dalit	Madheshi	Muslim	Other
	Male	Female	Total						
Lumbini Sanskritik	43164	44219	87,383	3741	1716	11847	40220	29461	298
%	49.40	50.60	100.	4.28	1.96	13.56	46.03	33.71	0.34

Source: <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity>

7. The proposed project area is inhabitant of various caste and ethnicity having diversity of culture, custom, tradition, norms, and values associated with ethnic culture to which they are associated. The majority, (46.03%) of municipal population belongs to Madheshi followed by Muslim (33.71%). Likewise, the population of Dalit constitutes (13.56%) whereas Bhramin/kshetri and Janjati accounts for 4.28 and 1.96%, respectively. Nepali language is major

⁶ Including seismic microzoning and multi-hazard disaster risk assessment of Pokhara.

⁷ GESI action plan (accessible from the list of linked documents in Appendix 2).

language followed by Tharu and Magar. Most of the people follow Hindu religion with some Buddhist follower.

A. Project Benefits

8. It is anticipated that there will be two-fold beneficial impact due to road improvement and construction/development bus terminal with advance facilities. Direct employment opportunities during construction will support the households having wage-based livelihood.

9. Second is indirect benefits generated from improved services. During the operation stage, road-side economic activities supporting transport like fuel stations refreshment and restaurants may increase due to increased number of vehicles/road users. Increase in commercial agriculture/livestock and agro-industrial activities are also expected to be developed taking advantage of improved access to market centers where there is higher demand and better prices for agricultural products.

10. The land value of the plot adjoining to road may increase significantly which will enhance the economic status of the people living along the roadside 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 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.

11. The bus terminal along with the access road will provide essential urban infrastructure connecting both the local and global people to the Buddhist Circuit for the Tourism development, which ultimately benefit the local by increasing the flow of tourist, thus contributing to increase the income level of the people engaged in the tourism and hospitality business.

C. Project Component

12. Under the scope of URLIP, one semi urban road, one Bus terminal with access road, and municipal administrative building with access road are proposed in Lumbini Sanskritik Municipality.

13. Mahilwar Chowk-Bus Terminal-Highway Road (3.96 km): The zero chainage of access road starts at ward number 10 of Mahilwar Chowk, the road then passes through Madhubani, Mahajiya, ward number 4 of Mayadevi Rural Municipality and ends at Jhulanipur, The Bishnupur road is the main road that surrounds the Lumbini world heritage site. (Information will be incorporated once the Feasibility study is done). The section upto proposed bus park is being cleared with demarcation wall under the project supported by provincial government.

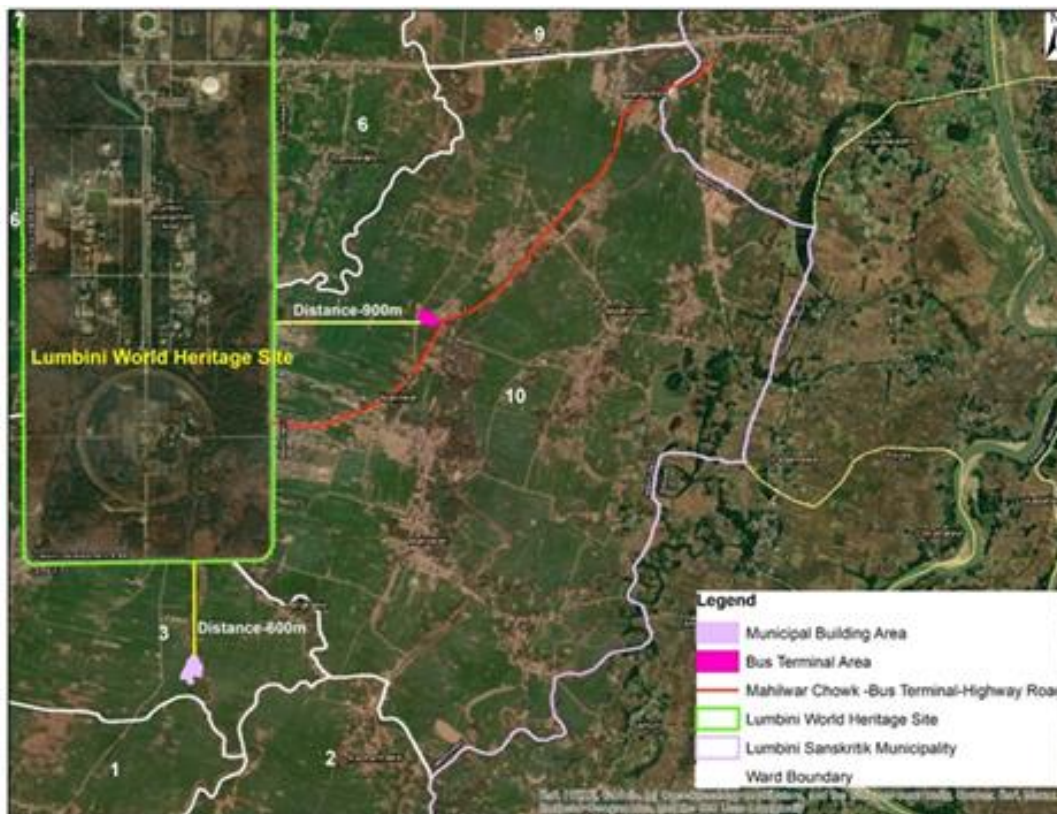
14. Moglaha-Masina-Shivagadiya Road (8.5 km)> recently the road has been identified for improvement under URLIP. The road connects the northern rural area of Lumbini Sanskritik municipality through Lumbini Taulihawa road. Technical detail and assessment are underway and will be updated once the feasibility and technical design are completed.

15. Bus Terminal: The Bus Terminal is located in Ward-10, Madhubani of the Lumbini Sanskritik Municipality. Geographically the proposed location is situated at 27°40'45.1164" North and longitudes 83°30'25.272". It lies at a distance of 2.5 km from Jhulanipur, the nearest place on the Siddhartha Highway. The total area of the site proposed for Bus Terminal is 11,775 m². The core facilities are Terminal Building, Driver's accommodation block, Long-term bus parking and Short-

term bus parking station, Garage and Toilets. The main concept of the Bus Terminal is to separate the area into two main zones. The primary objective is to accommodate the daily departures and arrivals of driving buses. Its gross floor area (GFA) is 735 m². with 1 story, the inside accommodate ticket booths, cafeteria, shops, waiting lounge, and administrative office. The sub-function of the Bus Terminal is to provide long-term parking for buses and trucks. The entrances to the two zones are separated by different gates. In front of the terminal building will be a pick-up and drop-off point for taxis and private vehicles as well as the intra-bus stop

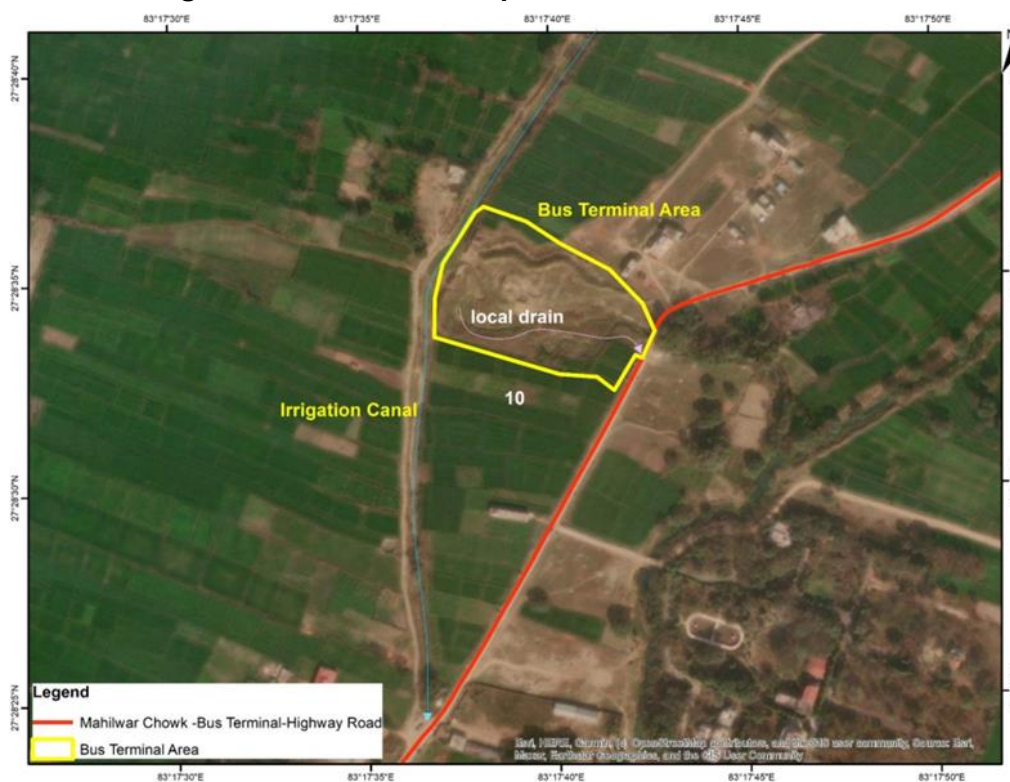
16. **Municipal Building and Access Road:** The Lumbini Sanskritik Municipality has proposed the construction of the Municipal building in ward no. 3 of Lumbini Sanskritik Municipality and is 600m distance at southern side from the Lumbini World Heritage Site. The proposed building area is 158817.19 m². Access road details and Municipal Building Information will be updated once the Feasibility study and Detail Design is done.

Figure 1: Location of Projects in Lumbini Sanskritik Municipality



Source: Google Maps, Administrative Boundary, Department of Survey Nepal

Figure 2: Location of Proposed Bus Terminal Area



Source: Google Earth and Department of Survey-Nepal, 2023

D. Objective of Combined Resettlement and Indigenous Peoples Plan

17. The objective of the RIPP 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 the RIPP are to:

- (i) to ensure that the affected persons belonging to indigenous peoples' groups receive culturally appropriate social and economic benefits.
- (ii) to ensure that when potential adverse impacts on the indigenous peoples are identified, these will be avoided to the maximum extent possible.
- (iii) 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 RIPP.
- (iv) 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.
- (v) 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 indigenous peoples and facilitating their participation during project implementation;
- (vi) to establish a framework for grievance redressal for affected persons that is appropriate to the local context, in consultation with stakeholders.

- (vii) to describe the applicable national and local legal framework for the project, and define the involuntary resettlement and indigenous peoples policy principles applicable to the project;
- (viii) to define entitlements of affected persons, and assistance and benefits available under the project;
- (ix) to present a budget for resettlement and the specific action plan for indigenous peoples' and other vulnerable groups and define institutional arrangements, implementation responsibilities and implementation schedule for RIPP implementation; and
- (x) to describe the monitoring mechanism that will be used to monitor RIPP implementation.

E. Resettlement and Indigenous People Plan Preparation

18. The methodology for preparation of the RIPP 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.

F. Measures to Avoid and Minimize Involuntary Resettlement

19. The following measures are proposed to avoid and minimize impacts and disturbances during the construction. The RIPP 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 notice 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.
- (xii) provide other innovative measures to minimize the impact and disturbance during construction. These measures will be part of the bid document.

II. SCOPE OF LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT

A. Land Acquisition

20. **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 existed for a decade or more and are partially black topped and travelled with riverbed aggregates. The road construction work will be carried out mostly within the existing road corridor/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 feasibility study shows that 10 land plots (two private land parcels and eight parcels of untitled/unregistered land (government land)) will be affected due to road improvement.

21. Under the provincial program, the right of way of access road up to proposed bus park has been cleared with demarcation wall at both side of the road during this fiscal year. Hence the IR impacts due URLIP intervention on this road section will be zero. From the proposed bus park to Jhulanipur about 2.5 KM (end road section), the existing road width is around 30 feet in which around five families with 26 people using government (untitled) land likely to be affected by minor/partial structure loss, not leading to physical displacement.

22. The Moglaha-Masina-Shivagadiya Road (8.5Km) has been recently added to the road and drainage improvement component under URLIP. During the field observation of road alignment with municipal focal person, impact on residential structures near the Pandit Tole area was observed. Two title holders with 17 people are as likely to be affected by both land and structure loss. The technical design and ROW for proposed road by municipality is yet to be confirmed, however the field observation did not identify impacts unless the municipality decided to widen the road section beyond existing width.

23. During the consultation, the people likely to be affected by the road improvement have expressed their consent for voluntary land donation due to higher beneficial impact. An independent 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 to 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 RIPP. All these activities will be completed before contract award

24. Municipality has already constructed access road to the proposed Municipal building. The access road upto proposed municipal building is gravelled and recently constructed by municipality's own budget. The project intervention will be limited to black topping of the road without further widening. Likewise, the municipal building is proposed in government land

(158817.19 m²) demarcated by wired fence. Hence it is confirmed that the intervention on road and building will not result any IR impacts.

25. There is one vulnerable affected household having titled land. No donation will be taken from the vulnerable household, in line with ADB policy, negotiated settlement will be offered to the vulnerable.⁸ 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 RIPP updating. The socioeconomic survey confirmed that the VAP will not have adverse impacts as the affected land will be limited to less than 10% of this total land holdings. The vulnerability section in Chapter 2 of this RIPP provides detailed discussion about the socioeconomic profile of the landowners falling under the vulnerable category. Once the detailed design is finalized, the DMS will be carried to confirm the exact land area/size to be donated by each landowner. The landowners expressed the need for such road infrastructure and are more than willing to contribute small strips of their lands voluntarily. Further consultations and careful documentation of the entire process will be undertaken and included in the updated RIPP.

26. The summary of the likely affected land and structures due to road improvement is presented in the table below, socio economic status of affected people is attached in **Appendix 1**.

Table 2: Summary of Affected land

S. No.	Type of land	Number of Households	Population	Number of Plots	Remarks
1.	Private land	2	17	2	The project will improve/upgrade the existing roads requiring use of small/narrow strips of lands on side of the roads for road and drainage development. Dimensions of affected land will be measured during cadastral survey/DMS. Accurate land area and ownership of the land will be verified during detailed design, cadastral survey/DMS. The entire voluntary land donation and/or negotiated settlement will adhere to the procedures and requirements of ADB SPS, followed by certification of the independent third-party.
2.	Untitled land/Unregistered ⁹	8	45	8	8 government parcels are being used by 45 people of 8 families

⁸ Negotiated settlement will entail a legal agreement between the municipality and the indigenous peoples families, which will include their preference and any other terms or conditions they may wish to include in the agreement.

⁹ Legal ownership of the households utilizing the untitled/unregistered lands will be reconfirmed during detailed design and detailed measurement survey. However, these households actively expressed that they are willing to voluntarily contribute/donate small/narrow strips of the land for the proposed road improvement as they will be directly benefit from the project. If upon validation, the lands are found to be registered/jurisdiction under the national government, households will be compensated for structure losses and other assessed impacts as per agreed entitlement matrix. PIU will facilitate right to use of these lands and will obtain permission for the use of land from the concerned national government.

S. No.	Type of land	Number of Households	Population	Number of Plots	Remarks
	Total	10	62	10	

Source: Preliminary impact assessment June 2023

B. Impact on Structures/Assets

27. The preliminary impact survey carried out during the feasibility survey identified that there will be partial impact on structures at various road sections. The measurement of impacts on structure has been based on the existing road corridor. Nine residential structures will face minor and/or partial structure losses mostly involving damages to walls, etc. and one secondary/ annex structures¹⁰ involving damages to boundary walls/fences and, are likely to be affected. Assessed impact will not amount to loss of more than 10% and no physical displacement will take place as a result of project intervention. The possibility of minimizing the impacts on residential buildings through reducing the corridor of impact (COI) will have to be considered during detailed design and the list of affected structures will be finalized. Details of impacts on structures are presented in Table 3 while Appendix 2 provides the road-wise details of affected structures.

Table 3: Summary of Affected Structure and Affected population

Type of Impacts	Numbers	Affected people	Remarks
A. Partial/Minor Residential (insignificant)	09	51	Partial impact (less than 10%) due to loss of residential structures for 9 families with 51 members are anticipated. Loss of secondary structure is anticipated for 1 family with 11 household members. Most of the affected structures were identified as side walls of the residential structures and boundary walls. No physical displacement is anticipated due to loss of structure.
B. Secondary	01	11	

Source: Socio economic survey May- June 2023

C. Bus Terminal

28. The area proposed for the development of bus terminal belongs to the government. The social due diligence findings are documented below.

29. Proposed land parcel (kitta) in cadastral map: The parcel no of proposed land is 294 with total coverage area of 6366.22 m². Copy of cadastral map showing the same parcel number available in Land Registration certificate has been verified.

30. Status of formal decision: The Lumbini Sanskritik Municipal executive office decision dated 4 April 2023 allocated parcel 294 and adjoined public land for the construction of bus terminal (copy of the letter attached). Similarly, decision of the cabinet dated 14 June 2022 providing the

¹⁰ 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.

right to use of the public land (parcel no 214 and 176) to Lumbini Sanskritik Municipalities (copy of decision attached). In addition to the land for which right to use is obtained for bus terminal construction, municipal letter allocated adjoining land plots (north side) for construction of bus terminal and other facilities indicating the land as government land. The legal status of land has to be verified from the record of land survey office. A letter showing the land parcel number and ownership of said land is required to be obtained from the survey office and included in the updated RIPP. This needs to be completed before the start of the tendering process.

31. Land temporary used for any purpose: The proposed land was unused/empty during field assessment.

32. Space for keeping construction material during construction: Enough space, no temporary land required.

33. Access road: All-weather gravel + black topped road approaching the proposed site exists and no temporary land acquisition is required for accessing the construction site. Additionally, the improvement of the access road to bus terminal has also been included under the scope of URLIP.

34. Thus, the development of the Bus Terminal on proposed location is not anticipated to result in any involuntary resettlement impacts.

D. Impacts on Public and Community Utilities

35. Public utilities along the alignment are likely to be affected by road improvement. During preliminary assessment, presence of one natural drain has been observed within the proposed plot of Bus Terminal. A detailed assessment with consultation with the user groups and local municipal officers will be carried out during the detailed design and results will be included in the updated RIPP. A provisional allocation for restoration of the public utilities/CPRs has been included in case of impact.

36. The involuntary resettlement impacts will be further assessed and revalidated based on finalization of detailed design and detailed measurement survey (DMS) which will be conducted to update and finalize the RIPP accordingly. Rigour in data collection and consultations with local people will be required to ensure that all affected persons eligible for compensation are identified. It is confirmed through preliminary assessment that no roadside vendors and mobile kiosks are doing economic activities along the roadside of the proposed roads. During implementation, the Contractor, with the inputs from PIU and SDC, may consider adopting best engineering and construction practices to be implemented to ensure that disruption or disturbances are avoided and/or minimized to the general public. The following are the assessed impact of the project:

Table 4: Summary of Involuntary Resettlement Impacts

Sl. No.	Details	Number of Affected Persons/entities	Remarks
1.	Permanent acquisition of private land	2 HH (17 household members)	The requirement of land will be fulfilled mostly through public ROW. There are 10 land parcels owned/inhibited by 10 affected families which may partially get impacted during road construction work. Out of 10 land parcels, 2 land parcels have been identified as privately owned with registered ownership. The 8 land partials are untitled, and ownership lies with the government. Less than 10% land will be procured from eligible landowners either through voluntary land donations or negotiated settlement. All the

Sl. No.	Details	Number of Affected Persons/entities	Remarks
			affected land parcels are used for mainly residential purpose without any commercial viability.
2	Permanent land acquisition/transfer from Government	8 HH (45 household members using untitled land)	<p>The requirement of land will be fulfilled mostly through public ROW. There 10 land parcels owned/inhibited by 10 affected families which may partially get impacted during road construction work. Out of 10 land parcels, 43 people have been identified as privately owned with registered title. The ownership status of 8 land parcels (being used by 45 people) lies in the government. Less than 10% land will be procured from eligible landowners either through voluntary land donations or negotiated settlement.</p> <p>In each case only a strip of land will be procured without causing any significant impact to the owners/users of the plot. All the affected land parcels are used for mainly residential purposes without any commercial viability. Effort will be given during DMS by reducing the width of the proposed road section.</p>
3.	Structure loss	10 HH (62 household members)	Partial impact (less than 10%) due to loss of residential structures for 9 families with 51 members are anticipated. Loss of secondary structure is anticipated for 1 family with 11 household members. Most of the affected structures were identified as side walls of the residential structures and boundary walls. No physical displacement is anticipated due to loss of structure.
4.	Permanent and significant livelihood impact	None	No permanent and significant livelihood impact is identified during transact walk and socio-economic survey.
5.	Permanent loss of crops	None	The construction work will be done mainly within the available ROW of the road. No crop loss is anticipated. However, there are agricultural fields besides the proposed alignment. Final involuntary resettlement impact will be assessed during DMS. Based on initial assessment no permanent loss of crops is anticipated.
6.	Potential temporary impacts (income loss)	None	Temporary income loss is not anticipated During project implementation, efforts will be made to avoid any temporary impact on income loss with proper mitigation measures.
7.	Potential temporary income loss to employees in affected shops/businesses	None	There is no such scope.

Sl. No.	Details	Number of Affected Persons/entities	Remarks
8.	Affected Vulnerable persons	9 HH (56 household members)	Among the 10 affected households identified during the socio-economic survey, 9 households were vulnerable. Of them 3 nontitle holders, 1 below poverty line and rest five having multiple vulnerability factors like, BPL, NTH etc. Among the title landowners one household lies below the poverty line.
9.	Affected Indigenous People	4 HH (21 household members)	Among the 10 affected persons identified during the socio-economic survey, 4 households with 21 people were identified as indigenous people.

Source: Preliminary assessment, December 2022

III. SOCIOECONOMIC INFORMATION AND PROFILE

A. Socio-economic Profile

37. This section presents the socioeconomic profile and information of the affected households due to the proposed works. A household survey (100% of affected households) was conducted by the project to assess the socio-economic condition of affected households. A total number of 10 households (32 male, 30 female) were interviewed, out of the 62 total affected households. The survey results are documented in the following paragraphs.

38. **Education.** Based on the socioeconomic survey, 40% of the respondents attained primary level, while 10 have completed Secondary level of education. It was noted that 30 of the respondents are not literate.

S. No.	Educational Attainment	No.	Percentage
1	Literate	2	20
5	Illiterate	3	30
7	primary	4	40
9	Secondary	1	10
Total		10	100

Source: Socioeconomic survey, May 2023

39. The proposed project area is inhabitant of various caste and ethnicity having diversity of culture, custom, tradition, norms, and values associated with ethnic culture to which they are associated. The majority, (51.61%) of affected population belongs to Muslim Religion people followed by indigenous caste groups (33.87%). (Table-5).

Table 5: Affected Family by caste and ethnicity.

Number of HH	Population			HHs and population by Social Category				Average family size
	Male	Female	Total	Janjati	Madhesi	Muslims	Total	
10	32	30	62	21	9	32	62	7.8

	51.61	48.39	100.00	33.87	14.52	51.61	100.00	12.58
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Source: Socioeconomic survey, May-June 2023

40. **Occupation and livelihood:** The occupation in the surveyed households is a mix of farm and non-farm activities. Service /Remittances/ Foreign employment/ Pension remained the primary earning of the majority of Households (60%) followed by Agriculture- (20%). Around 10% of HH depends on Trade/Business as major source of their livelihood whereas 20% relied in both wage paid labour and Agriculture earnings. (Table 6)

Table 6: Affected population by means of livelihood.

Total respondents	Agriculture	Service /Remittances/ Foreign employment/ Pension	Wage paid labor	Trade / business / cottage industry	Other sources	Total
10	5	1	2	1	0	10
%	50	10	20	10	0	100

Source: Socioeconomic survey, May-June 2023

41. **The average annual income** of the 10 interviewed HHs is NPR 2,21,920 which is higher than the national poverty line. According to Nepal Living Standards Survey 2010/2011, below poverty line income is NPRs 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 HHs, 5 affected households fall below the poverty line. (Table 7). The socio-economic survey revealed that majority of the households depend on more than one source of income for the fulfillment of their needs.

Table 7: Annual income of affected households

S. No.	Average Annual Income (in NPRs)	No. of Surveyed Households
1.	2,21,920	10
2.	Below 39,064	5
Total of Surveyed Households		10

Source: Socioeconomic survey, May-June 2023

Table 8: BPL Households' Source of Livelihood

S. No.	Means of Livelihood	No. of Surveyed Households	Percentage (%)
1.	Agriculture	3	30%
2.	Service /Remittances/ Foreign employment/ Pension	1	10%
3.	Labour	1	10%
Total of Surveyed Households		05	50%

Source: Socioeconomic survey, May-June 2023

42. **Vulnerable Households:** Out of 10 interviewed households, 9 households with 56 people are under the vulnerable category as defined by the entitlement matrix of this resettlement plan.

43. The land plot of nine vulnerable HH with 56 people is likely to be affected by the road improvement. Of the 9 vulnerable HHs, one HH have titled land ownership. In line with ADB

policy, no land donation from vulnerable households is permissible under the project. A negotiated settlement will be followed for VAPs with legal title. Land requirement will be ascertained/finalized during detailed design and DMS and documented in the RIPP. Efforts will be done by the project to minimize use of lands owned by VAPs particularly those who economically vulnerable. 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 to confirm the scale of impacts both on land and structure during detail design, based on which the RIPP will be updated accordingly. The socio-economic survey shows that one registered land parcel (small strips/narrow lands) owned by a vulnerable household is likely to be affected, however none of the households will lose more than 10% of the land. All of them will also face partial/minor structure losses which will be compensated as per entitlement matrix. Allocation of additional assistance, as per the agreed entitlement matrix, will also help to restore or enhance the living condition of vulnerable people.

Table 9: Distribution of Households by Vulnerability

Vulnerability	No. of Households	Population
Below Poverty Line Households	1	11
Non-tileholders	3	13
Below Poverty Line Households +Indigenous Peoples+Non-tileholders	3	17
Below Poverty Line Households +Non-tileholders	1	11
Indigenous Peoples+Non-tileholders	1	4
Total	9	56

Source: Socioeconomic survey, May-June 2023

44. **Impact on vulnerable HHs:** One vulnerable household having land title is likely to be affected by land loss, limited to 10% of the total holding. The exact size of the plots and affected areas will be calculated during detailed design using cadastral survey and included in updated RIPP. In addition, all nine vulnerable households are likely to be affected by the loss of structures. The survey result indicated that eight residential and one secondary structure owned by nine vulnerable households will be affected during road improvements. Skill development training along with provision of vulnerability allowance will help to restore or enhance the living condition of vulnerable people.

45. **Economic viability of remaining land and structure.** During the feasibility study, it was observed that nominal (proportion of) land is required from affected households along the road alignment. 100% of the owners of the affected plots were of the opinion that the remaining part of the affected parcel will be viable for continued use. A total of 10 structures (minor/partial impact to 9 residential structures, 1 secondary structure) will be affected wherein none of the affected owners will be physically displaced as a result of project intervention.

B. Indigenous Peoples

46. Nepal's complex social structure makes it challenging to define Indigenous Peoples. Nepal is a multi-ethnic, multi-lingual, multi-religious and multi-cultural country, dominated by Hindu caste groups. According to the national census 2011, there are 126 caste/ethnic groups with ten types of religion categories. Chhetri is the largest caste/ethnic groups having 16.6% (4,398,053) of the total population followed by Brahmin 12.2%, (3,226,903), Magar 7.1%, (1,887,733), Tharu 6.6%, (1,737,470), Tamang 5.8% (1,539,830), Newar 5% (1,321,933), Kami 4.8% (1,258,554), Musalman 4.4%, (1,164,255), Yadav 4%, (1,054,458) and Rai 2.3%, (620,004).

47. In Nepal, the term Indigenous People denotes to *Adivasi*, *Janajati* or ethnic groups with distinct identity in terms of their culture, language and social association from the prevalent dominant culture. The National Foundation for Development of Indigenous Nationalities (NFDIN) Act, 2002 defines “nationalities” (Adivasi) and indigenous people (Janajati) as people having their own mother tongue, distinct separate traditional cultural identities, and social structure. This definition apparently is very close to the ADB definitions of the Indigenous Peoples.

48. There are disparities in terms of socio-economic standing in *Adivasi Janajati* groups. Indigenous Peoples are a very heterogenous group in Nepal and it is important to distinguish the vulnerable and poor Indigenous Peoples from the others in the context of this project. The National Foundation of Indigenous Nationalities has declared 59 groups as ethnic nationalities. NFDIN-affiliated NGO—the National Federation of Indigenous Nationalities (NEFIN) has classified these groups into five categories based on their population size and other socio-economic variables such as literacy, housing, land holdings, occupation, language, and area of residence.

Table 10: Classification of Indigenous Peoples Group

Region					
	Endangered (10)	Highly Marginalized (12)	Marginalized (20)	Disadvantaged (15)	Advantaged (2)
Mountain (18)		Shiyar, Shingsawa (Lhomi), and Thudam	Bhote, Dolpo, Larke, Lhopa, Mugali, Tokpegola, and Walung	Bara Gaule, Byansi (Sauka), Chhairrotan, 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		

49. **Distribution of the Indigenous Peoples in project municipality:** Out of the total population of project area, about 1.68% population belongs to the indigenous nationalities. Of the total indigenous population around 83.63% belongs to the marginalized group whereas some 10.26 disadvantage, 5.10% advantaged and some 1.02% highly marginalized category.¹¹

50. Indigenous People communities have their own social and cultural practices blended with different religious ideologies. All of them have distinct cultural practices and languages. However, they respect and are engaged in mainstream Hindu culture collaborating with non-indigenous

¹¹ <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity>

people's communities like Brahmin and Chhetri. These Indigenous People communities are organized, maintained, and regulated through their social institutions. During the assessment conducted based on field visits and consultations for the proposed-on road alignment, no impact on cultural heritage sites such as shrines or other such structures, sacred places, monasteries, cremation sites etc. owned by Indigenous People community were observed.

51. **Project Impacts on Indigenous People.** The socio-economic survey conducted during preparation of the RIPP reflects the presence of indigenous peoples in the project areas who are likely to be affected due to road improvement. The socio-economic condition of the Indigenous People showed that only three out of the four households fall in the BPL category whereas the average annual income of the Indigenous People households per year is around NPR 27,009.52 which is slightly lower than of the per capita annual income (NPR. 35,793.55) of the project affected households. In addition to the social marginalization, the result of the social impact assessment indicated that the project affected indigenous peoples are also economically marginalized. Similarly, out of the four, two IP's livelihood depends on the earning from wage/labour whereas one family depends on service/remittance and one in Agriculture. Owing to the presence of Janajati groups in the town, ADB SPS policy requirements on indigenous peoples are triggered. The IP communities have shown great interest in the project and expressed their felt need and urgency for the construction and/or improvement of the roads with proper drains providing better access and connectivity within the project area. Although the indigenous people households expressed their willingness to donate their lands, negotiated settlement will be offered and discussed among them and will be properly recorded in the updated document.¹² During the identification study, it was assessed that about four families belonging to indigenous people communities will also face minor structure loss. Exact measurement of the lands will be identified and/or finalized during detailed design and DMS and discussed with the indigenous people households. Further consultations with the indigenous people landowners will be documented in the updated RIPP prior to contract of award.

52. The project will not directly or indirectly affect the indigenous people's dignity, human rights, livelihood systems, or culture nor affect their territories or natural and cultural resources indigenous peoples own, use, occupy, or claim, as their ancestral domain. The general population including the janajatis/indigenous peoples will benefit from improved municipal infrastructures. Impacts to IP households will only be limited to minor/partial structure loss (involuntary resettlement impact) which will be addressed through the entitlement matrix. No impacts to IPs as a group are anticipated. The project will not impoverish any indigenous people or their families neither their condition will worsen as a result of the project intervention. The indigenous people communities of project area have been using the roads over the last two decades or more. Improvement of the road will not have adverse impact to the cultural practice, livelihood systems and economic activities of the indigenous people communities. However, the enhanced facilities will facilitate efficient road access and will contribute to the improvement of their existing economic activities through reduced travel/freight time. The construction of bus terminal activities will create small scale business opportunities in newly developed bus terminal area. An assessment of the area of preference will be conducted and provided with skill development training for their enhanced agro-based livelihood.

53. The PIU will ensure to provide continued access of the daily activities such as access going to schools, markets, hospitals) of the affected indigenous peoples. The project staff will heighten the dissemination of project information and conduct of meaningful consultations particularly with the indigenous peoples to ensure that the maximum benefits of the project and

¹² Allocation of provisioned in this RIPP for negotiated settlement option.

that they fully understand their entitlements under this RIPP. In case of voluntary land donation and negotiated settlement, no civil works will be allowed in sections of impacts until land is cleared by the landowners and third-party certification has been issued by the independent third-party documenting the entire voluntary land donation process. ADB will also conduct its own due diligence to ensure that the voluntary land donation process meets the requirements as provisioned in this RIPP.

54. Specific Action Plan for Benefit Enhancement to Indigenous Peoples. The project components will be undertaken in a culturally appropriate manner, taking into account the specific preferences and concerns of the indigenous peoples. Issues and concerns of the indigenous peoples will be addressed through the specific benefit enhancement plan. Any issue raised from indigenous peoples will be addressed through the project grievance redress mechanism. Any abrupt issues related to indigenous peoples will be recorded and solved through such pre-defined mechanisms. The Social and GESI consultant mobilized under DSC at PIU will ensure meaningful participation of the indigenous peoples in the project implementation and report gender-disaggregated information as per GESI action plan. IPs will be consulted throughout the entire project cycle, and their comments and recommendations will be recorded and will be considered. The dedicated Social Safeguard Specialist from PCO together with Institutional Strengthening and Community Participation Consultant (ISCPC) will support the PIU and field level staff to monitor the implementation of benefit enhancement plan and ensure their participation including disaggregated reporting.

55. To enhance project benefits to indigenous peoples, ensure culturally appropriate project implementation, address any potential safeguards issues and ensure inclusion, a specific action plan for indigenous peoples is proposed for this project. The action plan will carry out the following specific activities: (i) a baseline survey¹³ will be conducted to enable tracking of benefits to indigenous peoples within the project influence area; (ii) proposed benefits (e.g. access to roads) to indigenous peoples will be shared and monitored; (iii) IEC materials, information sharing, consultations and other activities stated in the CAPP will be culturally sensitive and appropriate when implemented; (iv) GRC has designated indigenous peoples representatives, if required. GRC will also ensure that grievance redress established is gender inclusive in receiving and facilitating resolution of the indigenous peoples concerns; (v) consultations with indigenous peoples will be conducted in all project stages which shall help in identifying any culture-specific requirements and traditions like avoidance of any specific festival days, and/or other activities with cultural significance to the indigenous peoples during civil work; and any other indigenous peoples related issues and concerns that may be of importance to the community. An end-line sample survey will be conducted to document the views of indigenous peoples households about project benefits.¹⁴ Such survey is in line with project internal monitoring. The proposed action plan with activities, timelines and responsibilities is presented in Appendix 6 while the monitoring template is provided in Appendix 7. This action plan will be used for project monitoring to ensure that

¹³ Contractors, with the guidance of the PIU and DSC, will conduct information and dissemination campaigns across the project coverage area and will be responsible to ensure that indigenous peoples and localities are identified and included in the campaign. Data on exact number of indigenous peoples can be generated from the survey to be conducted by the project contractor prior to start of civil work. Cost for such activity is already included in the contract document for the project.

¹⁴ Contractors will conduct information and dissemination campaigns across the project coverage area and will be responsible to ensure that indigenous peoples households and localities are identified and included in the campaign. Data on exact number of indigenous peoples can be generated from the survey to be conducted by the project contractor prior to start of civil work. Cost for such activity is already included in the contract document for the project.

indigenous peoples activities are undertaken on a timely basis and reported semi-annually and to determine whether project objectives have been achieved.

IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

A. Field-level Consultation

56. 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.

57. The detailed project report (DPR) preparation consultants team conducted transect walks in May 2023. Consultation and meeting were conducted as apart of the initial assessment and information dissemination. The likely affected persons, municipality representatives, and other project beneficiaries participated in the transect walk and consultation meetings. The consultation meetings were conducted in each ward and settlements. A total of 33 persons attended the meetings of which 7 were female (Table 12). The minute of the meeting is in **Appendix 3**.

Table 11: Summary of Consultation meetings

S.N	Bus park	Date and place	Number of Participant			Key discussion points/issues raised
			Male	Female	Total	
		February 15 Municipal office	7	2	9	The municipality agreed to provide a cadastral map of proposed subcomponent with area to be covered by each project. Agreed to organize ward level mass meetings with the people residing along the proposed access roads and get their consent for voluntary land donation
		6 April 2023	19	5	24	provide municipal board decision to allot area for bus terminal.
Total 2 consultation			26	7	33	

58. Likely affected persons and project beneficiaries raised concern and suggested to include following in the project design:

- (i) Existing culverts are not functioning well due to their smaller size and need to be upgraded with assessment of capacity.
- (ii) Public utilities such as electricity poles, telephone poles, irrigation canal may require shifting which shall be relocated prior to civil works for uninterrupted service.
- (iii) Road construction should be started at the earliest.
- (iv) Local labor and local materials should be utilized as much as possible.
- (v) Drains of appropriate size should be constructed for quick discharge of rainwater.

- (vi) Women should be encouraged to participate in construction work without any discrimination in the wages.

59. During planning stage of the project, the project representatives including local community were involved in finalization of the alignment, transect walk, identification of the affected persons, household survey 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.

60. The key stakeholders to be consulted at various stages during project preparation, resettlement and Indigenous Peoples Plan implementation, and program implementation includes:

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

61. 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 project, its impact, their entitlements, and options, and allowed to participate actively in the development of the project. 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 project—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.

62. The DSC and PIU will continue consultations, information dissemination, and disclosure. The copy of approved RIPP will be made available in the PIU offices. ADB review and approval of the RIPP is required prior to the awarding of civil works contracts, and compensation/assistance of Affected Persons will be paid prior to commencement of civil work. 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. Photographs showing field level consultation and proposed alignment are presented in **Appendix 4**.

B. Information Disclosure

63. 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 for the project, and will be made available in the local language and distributed to Affected Persons.

64. 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 the program information/details.

65. Information dissemination, through project 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.

66. 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.

67. 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 project records and summarized in project monitoring reports. A summary of consultation and disclosure activities to be followed for each project is in the following table.

Table 12: Community Participation at various stages of Project Preparation and Implementation

Project Stage	Activities	Responsible Person/Agency
PLANNING/PREPARATION STAGE		
Reconnaissance	<ul style="list-style-type: none"> • Provide project information. • Understand the purpose of the Project, nature of road improvement envisaged, and responsibility of the community in project preparation and implementation 	<ul style="list-style-type: none"> • Municipality/PIU, PCU and DPR Consultant
Transect Walk/Mapping of the Project Area	<ul style="list-style-type: none"> • Announce the date, time and route of transect walk/project mapping • Explain the objective of the transect walk and subsequent consultation will be conducted. • 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. • Identify the locations requiring additional land, resettlement impacts, environmentally sensitive areas, vulnerable groups of people, etc. • Identify modifications to be made to the design. 	Municipality/PIU, PCU and DPR Consultant
Consent Letter for Voluntary Land Donation	<ul style="list-style-type: none"> • Undertake consultations with landowners who willingly volunteer to provide lands for the project through land donation • Verification of the voluntary land donation process by an independent third-party 	<ul style="list-style-type: none"> • Municipality/PIU, PCU and DPR Consultant
Disclosure of cut-off-date	<ul style="list-style-type: none"> • Disseminate/communicate the cut-off date to the community before the start of the survey. 	<ul style="list-style-type: none"> • Municipality/PIU, PCU

Project Stage	Activities	Responsible Person/Agency
Sample/Census Survey of Affected Persons	<ul style="list-style-type: none"> • 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. • Survey enumerators gather data on socio-economic profiles of affected persons/ households. Opinions and perspective of the individual households about the project will also be obtained. 	<ul style="list-style-type: none"> • Municipality/PIU, PCU 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.	<ul style="list-style-type: none"> • Municipality/PIU, PCU and Project Consultant, affected persons
resettlement plan Preparation	<p>Formulating compensation measures and rehabilitation measures</p> <p>Conducting discussions/ meetings/workshops with all affected persons and other stakeholders</p> <p>Draft Resettlement Plan will be made available in CDC and PCU office/ PIU office, to be translated in local language, Nepali</p>	<ul style="list-style-type: none"> • PCU and DPR Consultant with support form PIU,
IMPLEMENTATION		
Consultations	<ul style="list-style-type: none"> • Awareness generation about the project activities • 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. 	<ul style="list-style-type: none"> • 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"> • Disclosure of construction schedule, potential temporary disturbances and GRM • Updated/Final Resettlement Plan will be at the PCU office/ PIU office, to be translated in local language, Nepali 	<ul style="list-style-type: none"> • PIU, with the support of the DSC
Facilitation in civil works	<ul style="list-style-type: none"> • Constant coordination with APs and information to the road users during construction • Establish and implement the project grievance redressal mechanism to resolve the the grievances of local people 	<ul style="list-style-type: none"> • PIU/DSC/ contractor

V. GRIEVANCE REDRESS MECHANISM

A. Common Grievance Redress Mechanism

68. 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 GRM will ensure greater accountability of the project authorities towards affected persons. The project adopts a three-tier GRM. 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. All costs involved in resolving the complaints (meetings, consultations, communications, and reporting/information dissemination) will be borne by the project.

69. 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.

70. Grievance redress committees (GRCs) will be formed at three levels viz. project level, PIU level and field level as discussed below:

71. **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.

72. 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 women and one *janjanati* 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.

73. 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.

74. 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:

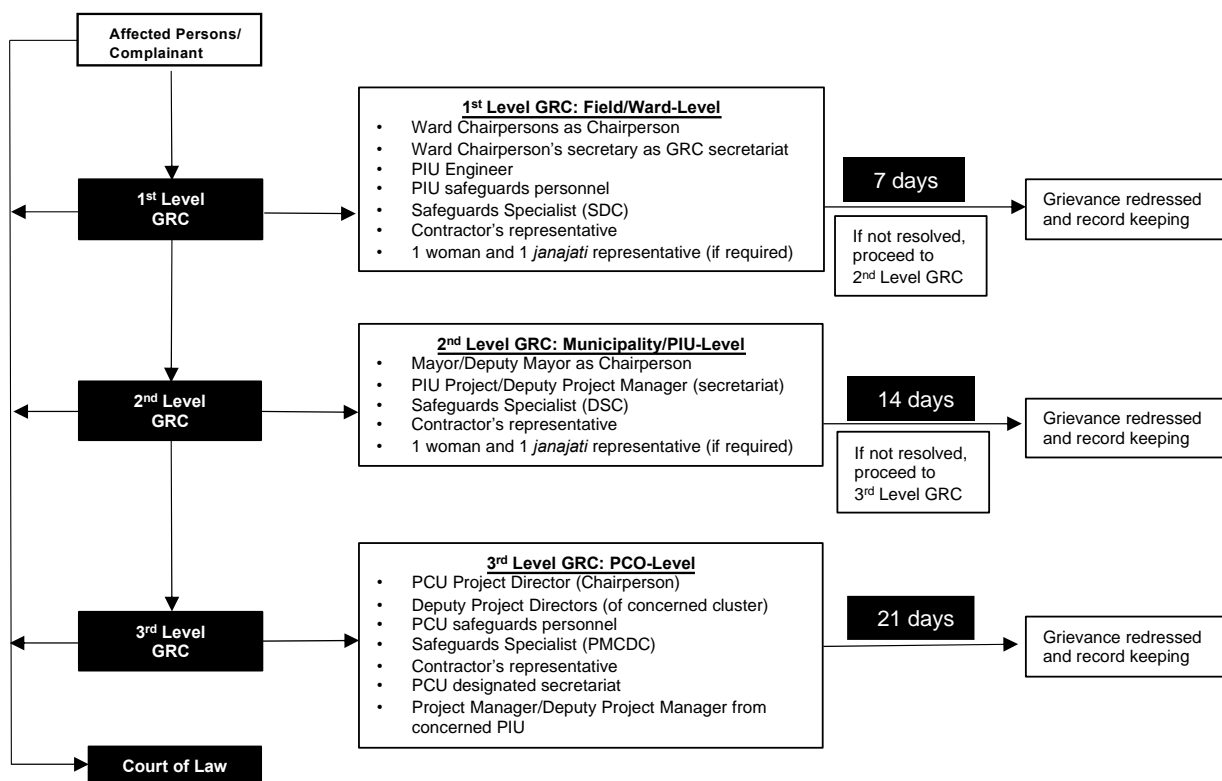
- (i) Mayor/Deputy Mayor (Committee Chairperson)
- (ii) PIU safeguard personnel
- (iii) SDC social/environment specialist
- (iv) Contractor's representative
- (v) Ward member representing vulnerable community (one women and one *janjanati* representative, if required)
- (vi) Project manager of the PIU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

75. 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.

76. The grievance redress process is represented in Figure 3.

Figure 3: Grievance Redress Process (URLIP)



77. 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 10. 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 analyzed 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.

78. 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.

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

80. **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).¹⁵ 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

81. The policy, legal framework, resettlement and indigenous peoples safeguards principles and entitlements in this RIPP 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. An 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

82. **Constitution of Nepal.** The Constitution of Nepal (2015), Article 25 (1) 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.

83. **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

¹⁵ ADB. Accountability Mechanism. <https://www.adb.org/who-we-are/accountability-mechanism/main>

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

84. **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).

85. **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.

86. **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.

87. **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'.

88. **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.

89. 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.

90. **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.

91. 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

92. **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.

93. 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.

94. 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>).

95. **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]).

96. 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.

97. 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

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

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

99. 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.

100. 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.

101. **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 13: Process Guidelines for Acquiring the Forest Land for other purpose

Steps	Procedures/Activities	Responsibility	Current Status
1 st	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 nd	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 rd	Document the details of forests conducting inventory of the proposed forest areas	Municipality/Project in presence of CFUG	
4 th	Get official approval from CFUG executive committee as well as General Assembly	CFUG with facilitation by Municipality/Project	Progress depends on step 2 nd above.

Steps	Procedures/Activities	Responsibility	Current Status
	<p>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.)</p> <p>Get recommendation letter from National Planning Commission (NPC) confirming that the proposed URLIP projects are of national priority</p>	<p>Municipality/Project & CFUG</p> <p>PCU/PD and Municipalities</p>	
5 th	If 4 th 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 th	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 th	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/PCU/Municipality	
8 th	Start project constructions	Municipality /Project	

D. Procedures for Voluntary Land Donation and/or Negotiated Settlement

102. **Voluntary Land Donation:** Voluntary donation of land will be considered if the 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 provide both options – donation and payment of market price, for a transparent process. Community consultations undertaken for sample projects indicate that the land donation process was 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 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 PCU 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.

103. 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 to ADB for review and approval including information on impact assessment, voluntary donation process and report of independent third party.

104. **Negotiated Settlement Processes:** 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.

105. 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 safeguards Requirements 2 and will preparation/updating of resettlement and Indigenous Peoples Plan.

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

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

Table 14: 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	Involuntary resettlement should be avoided wherever possible	Invoking eminent domain is only legally recognized when taking land for special needs of the State (Land Reform Acts 1964, LAA 1977, Town Development Act 1998, Land Act 1997 and Local Self Governance Act (998). These acts/rules do	. The project will aim at avoiding and minimizing LAR and replacement of lost assets and rehabilitation of livelihoods. If involuntary resettlement impacts cannot be avoided, mitigation measures will be taken as per ADB SPS policy.

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
		apply for any project where the land is acquired involuntarily.	
2	Minimize involuntary resettlement by exploring project and design alternatives	Not defined in the LAA and LAR	The resettlement planning documents defines the measures on how to minimize the involuntary resettlement through proper alternate engineering design and adequate consultation with stakeholders.
3	Conducting census of displaced persons and resettlement planning	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.	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.
4	Carry out meaningful consultation with displaced persons and ensure their participation in planning, implementation, and monitoring of resettlement program	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>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>But it does not provide for public meetings and project disclosure, so stakeholders may not inform about the purpose of land acquisition, its proposed use, or compensation, entitlements, or special assistance 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</p>

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
			post-implementation, including the monitoring phase.
5	Establish grievance redress mechanism	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.	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.
6	Improve or at least restore the livelihoods of all displaced persons	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.	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.
7	Land-based resettlement strategy	The LAA Section 14 provides for land for land compensation (if available), if the landowner loses his total land. In case of religious trust/ <i>Guthi</i> lands acquired, Section 42 of the Land Reform Act states that <i>Guthi</i> land required for development work must be replaced with another land (rather than compensated in cash).	Though this option may be a difficult proposition, given the lack of government land and the difficulties associated with the acquisition of private lands, the resettlement plans propose land-for-land compensation as its priority, if feasible. Attempt will be made to find alternate land for the loss of land, in case it is available and if it is feasible, looking at the concurrence of host community and land value.
8	All compensation should be based on the principle of replacement cost.	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 persons whose land is partially acquired.	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. 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. Valuation of structures is based on current market value, i.e. replacement cost of new construction of the structure without deduction of depreciation. Affected persons can be permitted to salvage materials.

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
9	Provide relocation assistance to displaced persons.	No mention of relocation assistance to affected persons in 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 resettlement plan(s) 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.
10	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 no land assets.	Only registered landowners and tenants can transfer their titles to other persons recognized under the Land Acts/regulations. Non-titled occupants of land as illegal possessors are not eligible to transfer the land occupied or receive compensation.	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 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. 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.
11	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 does not specifically mention the disclosure of resettlement plan. The ordinance only ensures the initial notification or the acquisition of a particular property.	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. The draft, final and revised resettlement plan/RIPP will disclosed on project's and ADB's website.

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
12	Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits.	The LAA has a provision to include all the costs related to land acquisition and compensation of legal property and assets for legal titleholders. However, it does not take into account the cost related to other assistance and involuntary resettlement.	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 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.
13	Pay compensation and provide other resettlement entitlements before physical or economic displacement.	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.	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.
14	Monitor and assess resettlement outcomes, and their impacts on the standards of living of displaced persons.	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.

2. Indigenous Peoples

F. GON policies for Indigenous Peoples

107. The GoN has recognized and defined indigenous groups in the "National Foundation for Development of Indigenous Nationalities (NFDIN) Act, 2002". The act established the National Foundation for Development of Indigenous Nationalities NFDIN.

108. Constitution of Nepal, 2015 recognizes the diversity of Nepalese peoples (Article 3) and defines the country as a secular, inclusive and democratic state (Article 4). It recognizes the right of each ethnic group to preserve and promote its language and cultural heritage, as well as to receive basic education in its mother tongue (Article 32). The constitution has provided right to employment in state structures on the basis of the principle of inclusion (Article 42). The constitution has clearly articulated the policies regarding the social justice and inclusion by means of making special arrangements for preserving and maintaining the traditional knowledge, skill, experience, culture and social practices of Adivasi and Janajatis and local communities (Article 51-J-8). In addition, the constitution has clear provision for the formulation of Adivasi and Janjati Commission, Tharu Commission for the upliftment of Adivasi and Janjati (Article 261 & 263).

109. National Federation for Development of Indigenous Nationalities (NFDIN) Act 2002 gives mandate (clause 6) for NFDIN to work for the overall development of the indigenous nationalities by formulating and implementing programs relating to the social, educational, economic and cultural development and advancement of the indigenous nationalities, and promotion of their

languages, scripts, cultures, arts, histories traditional knowledge, skills, and technologies of indigenous nationalities. As per the clause 2 (a) of the Act, indigenous or ethnic groups are a tribe, community or ethnic group which have its own mother language and traditional rites and customs, distinct cultural identity, distinct social structure and written or unwritten history.

110. The GoN has signed the ILO convention 169 on Indigenous and Tribal Peoples and UN Declaration for the Rights of Indigenous Peoples (UNDRIP, 2007) 2007. Both UNDRIP and ILO 169 advocate for the human rights and fundamental freedoms of IPs. ILO Convention 169 is a legally binding international treaty. Following ILO 169, the GoN has identified 59 indigenous ethnic groups. All development projects are required to pay high attention to such groups during consultation and mitigation of potential project impacts on them.

G. ADB SPS (2009) on Indigenous Peoples Safeguards

111. The objective of ADB's SPS related to IPs is to design and implement projects in a way that fosters full respect for IPs' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the IPs themselves so that they can (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

112. The SPS states that the IPs safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of IPs or affects the territories or natural or cultural resources that IPs own, use, occupy, or claim as an ancestral domain or asset. The term IPs is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party should be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under the SPS. Projects financed and/or administered by ADB are expected to observe the following policy principles related to IPs:

- (i) Screen early on to determine (i) whether IPs are present in, or have collective attachment to, the project area; and (ii) whether project impacts on IPs are likely.
- (ii) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on IPs. Give full consideration to options the affected IPs prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on IPs.
- (iii) Undertake meaningful consultations with affected IPs Peoples communities and concerned IPs Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance IPs' active participation, projects

affecting them should provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.

- (iv) Ascertain the consent of affected IPs communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IPs. For the purposes of policy application, the consent of affected IPs communities refers to a collective expression by the affected IPs communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.
- (v) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected IPs communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
- (vi) Prepare an IPP that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected IPs communities during project implementation; specifies measures to ensure that IPs receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vii) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates should also be disclosed to the affected Indigenous Peoples communities and other stakeholders.
- (viii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- (ix) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

H. Comparison Between Government of Nepal Policy on Indigenous Peoples and ADB SPS, 2009

113. A gap analysis of laws and policies of Government of Nepal and ADB SPS 2009 is undertaken and presented in the table below. Indigenous Peoples will be identified based on the definition of Indigenous Peoples by Government of Nepal in the NFDIN Act, 2002. Level of impact to Indigenous

Peoples and process to be followed in case of adverse impacts to Indigenous Peoples, will be as per ADB SPS 2009. In case of any discrepancy between the policies of ADB and the government, ADB policy will prevail.

Table 15: Comparison of Government of Nepal and ADB Policy on Indigenous Peoples, Gap Analysis and Recommended Measures

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
<p>1. Project Screening: Screen early on to determine (i) whether IPs are present in, or have collective attachment to, the project area; and (ii) whether project impacts on IPs are likely.</p>	<p>Nepal recognizes the existence and the marginalized conditions of the indigenous nationalities. The Local Government Operation Act 2017 mandates that municipalities commit to the promotion, preservation, and protection of language, religion, culture of indigenous people.</p>	<p>Lack of specific guidelines pertaining to screening of project impacts on IPs</p>	<p>Project screening procedures are developed and included in project document. Training and capacity support program coupled with periodic refresher targeting to project stakeholder will regularly organized to internalize the IP issues solving mechanism in project implementation arrangement.</p>
<p>2. Social Assessment Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on IPs. Consider options for the affected IPs prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples</p>	<p>Framework policies, prepared by development projects are guiding the social assessment: stand alone GON policy applicable to all development is not exist</p>	<p>Specific guidelines for social assessment are not ex existed</p>	<p>Social assessment will be undertaken following standard procedures (as defined by SPS), to identify different levels of impact on Indigenous Peoples. The IPPF or IPP will includes the process and area to be focused while designing SA.</p>

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
<p>that are culturally appropriate and gender and inter-generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on IPs.</p>			
<p>3. Meaningful Consultation. Undertake meaningful consultations with affected IPs Peoples communities and concerned IPs Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance IPs' active participation, projects affecting them should provide for culturally appropriate and gender inclusive capacity development.</p>	<p>Meaningful participation in the political, social, and administrative spheres will be ensured for the economically, socially, and geographically backward citizens through 'positive discrimination' and reservation. (15th Five-year plan)</p> <p>In states and districts in which several indigenous peoples live, the minority and marginalized indigenous peoples shall be ensured special representation in all decision-making levels, including at village, local, district and state levels.</p> <p>(Rights of Minorities and Marginalized Communities – constitution of Nepal):</p>	<p>There is lack of regulation and guidelines for implementation of policy provision in practice.</p>	<p>Meaningful consultation will be carried throughout the project from the very beginning of project identification down to the monitoring of project results. Capacity of stakeholders on planning for impact mitigation will be developed for long term sustainability.</p>

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
<p>Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.</p>			
<p>4. Broad Community Support: Ascertain the consent of affected IPs communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of IPs. For the purposes of policy application, the consent of affected IPs communities refers to a collective expression by the affected IPs communities, through individuals and/or their</p>	<p>The ownership, occupation, possession and use of lands, territories and natural resources by indigenous peoples shall be protected through special measures that prevent land alienation and exploitation without the free, prior and informed consent of the legitimate representatives of the peoples concerned. (Right on Natural Resources, Economic Rights and Revenue Allocation Constitution of Nepal)</p>	<p>No specific regulations/guidelines to translate the constitutional guarantee</p>	<p>All possible options will be explored to address impacts to Indigenous Peoples through a meaningful consultative process, consent-seeking (broad community support) and culturally sensitive response.</p>

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities			
<p>5. Avoid Impacts: Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources or ensure that project benefit are equally shared.</p>	Principally, the national policy and plans broadly speaks on the protection of IPs,	No formal mechanism to integrate protection measure in development projects, Local laws are silent (not specific) on assessment of differential impact and vulnerability	Based on the social assessment, multiple social, economic and project design/ technical alternatives and options will be explored to avoid or minimize adverse impacts to Indigenous Peoples, Possible measures will be explored for protection of Indigenous Peoples and their inclusion in project benefits, both direct and indirect through the stand-alone document (IPP) or incorporated into RIPP
<p>6. IPP Preparation Prepare an IPP that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected IPs communities during project implementation;</p>	<p>Project focused framework policies are guiding/ applicable to particular project only.</p> <p>Local self government Act 2017 includes the provision of GRC at municipal level.</p>	The existing structure of GRC may lacking the representation of IP in GRC. The GRC may require specific expertise to handle the specific natured grievances	<p>Indigenous Peoples Plans (IPP) will be prepared wherever ADB SPS safeguards on Indigenous Peoples are triggered. IPPs will explore possible options to avoid or mitigate adverse impacts to Indigenous Peoples. Capacity of stakeholders on planning for impact mitigation will be developed.</p> <p>A project specific grievance redressal mechanism will be crafted and placed with specific mandate.</p>

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
<p>specifies measures to ensure that IPs receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.</p>			
<p>7. Disclose IPP Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates should also be disclosed to the affected Indigenous Peoples communities and other stakeholders.</p>	<p>Public hearing on development project is widely exercised through all three level of government. The local Government Operational Act recognizes the disclosure of information.</p>	<p>Specific mechanism essential to reach out to IPS may lacking in ongoing public hearing process</p>	<p>The IPP/RIPP will be disclosed following multiple channels ensuring that the contents of the plan are understandable to the concerned communities</p>

ADB Safeguard Policy Statement 2009 Indigenous people Policy Principle	Government of Nepal Policy Provision for Indigenous Peoples	Gaps between Government of Nepal Law and ADB Safeguard Policy Statement Requirements	Gap Filling Measures
<p>8. Action Plan Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.</p>	<p>All government project requires preparing annual action plan with project targets and integrate the cross-cutting issues</p>	<p>The Indicator is very generic (not disaggregate by IP)</p>	<p>Activity based action plan with implementation timeline and specific targets will be included as an integral part of IPP/RIPP. Project design monitoring framework will also include the indicators related to the IPP/RIPP.</p>
<p>9. Monitoring of IPP Implementation Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.</p>	<p>No specific government policies exist for IPP monitoring</p>		<p>The IPP/RIPP will define the monitoring indicators ensuring enough resources as an integral part of IPP/RIPP. Project design monitoring framework will include specific monitoring indicator and targets from IPP/RIPP.</p>

VII. ENTITLEMENTS, ASSISTANCES AND BENEFITS

114. 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 as per the prevailing laws and practices.

A. Type of Losses

115. The anticipated type of losses due to the proposed project components under URLIP in the Lumbini sanskritik Municipality comprise of:

- (i) Expenses for resettlement implementation
- (ii) Partial/minor structure loss such as residential compound wall and annex structures
- (iii) Vulnerable allowance for project affected vulnerable people.

116. 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

117. 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.¹⁶ People moving in the area 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.

118. 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 PCU and PIU. Any damage during construction will be borne 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 17. 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.

¹⁶ In Lumbini sanskrit, the census date will serve as the cut-off date for non-titleholders.

Table 16: Entitlement Matrix¹⁷

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
1. Loss of Land (Agricultural, Residential and Commercial)				
1.1. Residential/ Commercial Land	Titleholders, including persons with traditional land rights ¹⁸	<p>(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,</p> <p>(ii) Cash compensation based on replacement value;¹⁹</p> <p>(iii) All fees, taxes and other charges as applicable under relevant laws and regulations will be borne by the project;</p> <p>(iv) Project will facilitate transfer of ownership of the land;</p> <p>(v) In case remaining land will no longer be viable after acquisition, option of compensation will also be offered;</p> <p>(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.</p> <p>(vii) Additional assistance to vulnerable households as specified in item 5.</p>	<ul style="list-style-type: none"> • CDC will determine land valuation and compensation as per procedure of the Land Acquisition Act • Payment will be made in full to the affected person prior to taking possession of the land • With the consent of titleholder, compensation will be paid preferably under the joint account of husband and wife • PCO will ensure provision of notices • PIU with support of SDC will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households. 	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 RIPP. 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,	Titleholders, including persons	(i) Land-for-land options of equal or more productive capacity will be offered if government unregistered land or <i>ailani</i>	• CDC will determine land valuation and compensation as	As per Land Acquisition Act (clause 13 and 16),

¹⁷ All cash compensations will be adjusted for inflation until the year of compensation payment.

¹⁸ 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.

¹⁹ 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
pastures, ponds, etc.)	with traditional rights	<p>land is available for affected persons losing entire land of his/ her ownership; or</p> <p>(ii) Cash compensation based on replacement value as per Land Acquisition Act;</p> <p>(iii) All fees, taxes and other charges as applicable under relevant laws and regulations will be borne by the project.</p> <p>(iv) Additional support will be provided for significantly affected persons and/or vulnerable affected persons as described in item 5, as applicable.</p> <p>(v) Project will facilitate transfer of ownership of the land;</p> <p>(vi) Preferential employment in project construction and maintenance work provided, if interested;</p> <p>(vii) Advance notice to harvest standing crops will be provided;</p> <p>(viii) Additional assistance to vulnerable households as specified in item 5.</p>	<p>per procedure of the Land Acquisition Act</p> <ul style="list-style-type: none"> • Payment will be made in full to the affected person prior to taking possession of the land • Affected household will be notified will be advance of the actual acquisition • With the consent of titleholder, compensation will be paid preferably under the joint account of husband and wife • PCO will ensure provision of notices • PIU with support of SDC will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households. 	<p>the compensation determination committee will determine the replacement value as per procedures outlined in Chapter VI in this RIPP. 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.</p> <p>PIU/PCO, with the support of SDC</p>
2. Loss of Structures				
2.1. Loss of Residential and Commercial Structures	Titleholder Tenant Landless squatters/ encroachers/non-titleholders	<p>(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;</p> <p>(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;</p> <p>(iii) Every physically displaced household will receive 12 months' rental assistance or</p>	<p>Full list of vulnerable households will be identified during DMS as part of resettlement plan update.</p> <p>Replacement value of affected structures will be determined by the CDC.</p> <p>Compensation payment for land and assets attached to the land will be paid before occurrence of impact.</p>	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
		<p>alternatively provided with temporary accommodation facilities;</p> <p>(iv) Rental assistance (3 months) OR facilities (alternate shop or space to operate) will be provided for permanent loss caused to business/commercial structure;</p> <p>(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;</p> <p>(vi) Provision of all taxes/fees, registration cost, and other fees incurred for the replacement of structures;</p> <p>(vii) Owners of affected structures will be allowed to take/reuse salvageable materials for rebuilding/rehabilitation of structures without deducting any cost;</p> <p>(viii) Additional assistance for vulnerable households as described in section item 5.</p>		
<p>2.2 Loss of Secondary or Associated Structures (Toilet, Safety Tank, Tap, Animal Shed, and others) 20</p>	<p>Owners of the structure with or without proof of ownership, including encroachers (non-titleholders)</p>	<p>(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.</p>	<p>The scope of work of the contractor should include the replacement and/or restoration of the structures if affected during project implementation.</p> <p>PCO to monitor restoration works made by the contractor.</p>	<p>CDC/PIU/PCO, supported by SDC</p>
<p>3. Additional Assistance to Vulnerable Affected Persons</p>				

²⁰ 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
3.1. Impacts to Vulnerable ²¹	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; (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.	<ul style="list-style-type: none"> Vulnerable persons to be identified during census survey. Permanently displaced vendors/hawkers, to be determined after detailed design is prepared and census survey of affected households conducted to identify and establish income/livelihood impacts. 	PIU, assisted by PCO and SDC
	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.		
4. Community Facilities and Resources				
4.1 Government and community structures, ²² and 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	<ul style="list-style-type: none"> Extreme care should be taken by the contractors to avoid damaging any properties during constructions. Reconstruction and/or restoration works will be done by the contractor to original or better condition. This will be a contractual requirement and 	PIU, assisted by PCO and SDC, Contractor/s

²¹ 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.

²² 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
		condition will be the responsibility of the project.	will be reflected in the contractor's contract. <ul style="list-style-type: none"> Impacts to cultural properties will be avoided to the maximum extent possible through special measures such as project alignment modification and/or alteration. 	
4.2. 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"> The time gap between the construction of new system and transfer from the old system should be minimized. 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) 	PIU, assisted by PCO and SDC, Contractor/ss
5. Unanticipated Impacts				
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

VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

119. The resettlement budget for the proposed components in Lumbini Sanskritik includes entitlement, as outlined in the entitlement matrix and contingency provision amounting to 25% of the total cost. The resettlement cost is presented in Table 18. PCO and PIU social safeguards personnel with the support of the DSC 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 **NPR 46,78,046**. DUDBD will be responsible to ensure payment of compensation to affected persons prior to the impact.

120. This draft RIPP will be updated during detailed design and detailed measurement survey. If any changes are 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 and 3 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 design and detailed measurement survey, and those found to be affected will be eligible to receive compensation as per entitlement matrix. The estimate used is based on the detailed quantity calculation during preliminary assessment.
- (ii) A provisional allocation has been considered for the restoration of a natural drain (based on the detailed quantity estimates as per prevailing rates);
- (iii) **Additional assistance for affected vulnerable**²³ – Additional assistance will be provided to the vulnerable affected persons facing permanent impacts. Budget allocations as per the entitlement matrix are included: (i) one-time vulnerability assistance equivalent to 3 months of the prevalent minimum wage rate amounting to NPRs 405,000.00; (ii) allocation for the livelihood enhancement program which will include (a) training cost for skill development. Training is conducted by a 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.
- (iv) Exact measurements of land will be identified during detailed design. Project is considering reducing the corridor impact through reducing the proposed width for improvement. A provisional sum is included for the vulnerable households' parcel of lands in case of negotiated settlement which will be utilized for the roads and roadside drains.
- (v) The cost of third-party certification which will be required whether land donation or negotiated settlement is adopted, is also included in the RIPP budget.

²³ 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.

Table 17: Estimated RIPP Budget

S. No.	Item	Unit/Number	Unit Rate (in NPRs)	Amount
				(in NPRs)
A. Resettlement Cost				
1	Provisional budget for the structure losses (minor/partial impacts to 2residential structures)	9	98,743.67*	888,693
2	Provisional budget for the structure losses (secondary/annexed structures)	1	98,743.67*	98,744
3	Provisional allocation for repair/restoration of 01 CPR**	1	500,000.00*	500,000
4	One-time rehabilitation allowance equivalent of 3 months minimum wage rate to permanently affected vulnerable households (minor/partial impacts to residential structures)****	9	15000	405,000.00
5	Training cost for livelihood enhancement program	9	59,000	531,000
6	Financial grant	9	15,000	135,000
Sub-total (A)				2,558,437
B. Negotiated Settlement				
7	Provisional sum for negotiated settlement of 1 vulnerable households	1	500,000	500,000
8	Third-party certification	1	7,000	7,000
Sub-total (B)				507,000
C. Voluntary Land Donation				
9	Third-party certification for 1landowners (non-VAPs)	1	7,000	7,000
Sub-total (C)				7,000
D. Administrative Cost				
10	DMS Survey for resettlement plan updating and documentation		Lumpsum	170,000
11	Consultations/Meetings, Grievance Redress		Lumpsum	250,000
12	Awareness generation and capacity-building		Lumpsum	250,000
Sub-total (D)				670,000
TOTAL = A +B + C +D				37,42,437
13	Contingency cost (25%)			9,35,609
Grand Total (in NPRs)				46,78,046

*Cost estimates were provided by the Project Engineers based on the Department of Urban Development and Building Construction schedule of rates. The detailed quantity estimate includes the dismantling and masonry works.

** Restoration of public/community utilities 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. In case of the irrigation canal. Restoration will be decided in agreement with the concerned user group/committee and documented in the minutes of the meeting.

***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

121. 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 and Gender Implementation Arrangement

122. **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.

123. 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/DDRs (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/DDRs/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/DDRs/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.

124. **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/IPP/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/IPP/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.

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

126. **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.

127. 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 ISPC in all awareness, training and capacity building activities related to social safeguards.

128. **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.

129. **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.

130. **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.

131. **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.

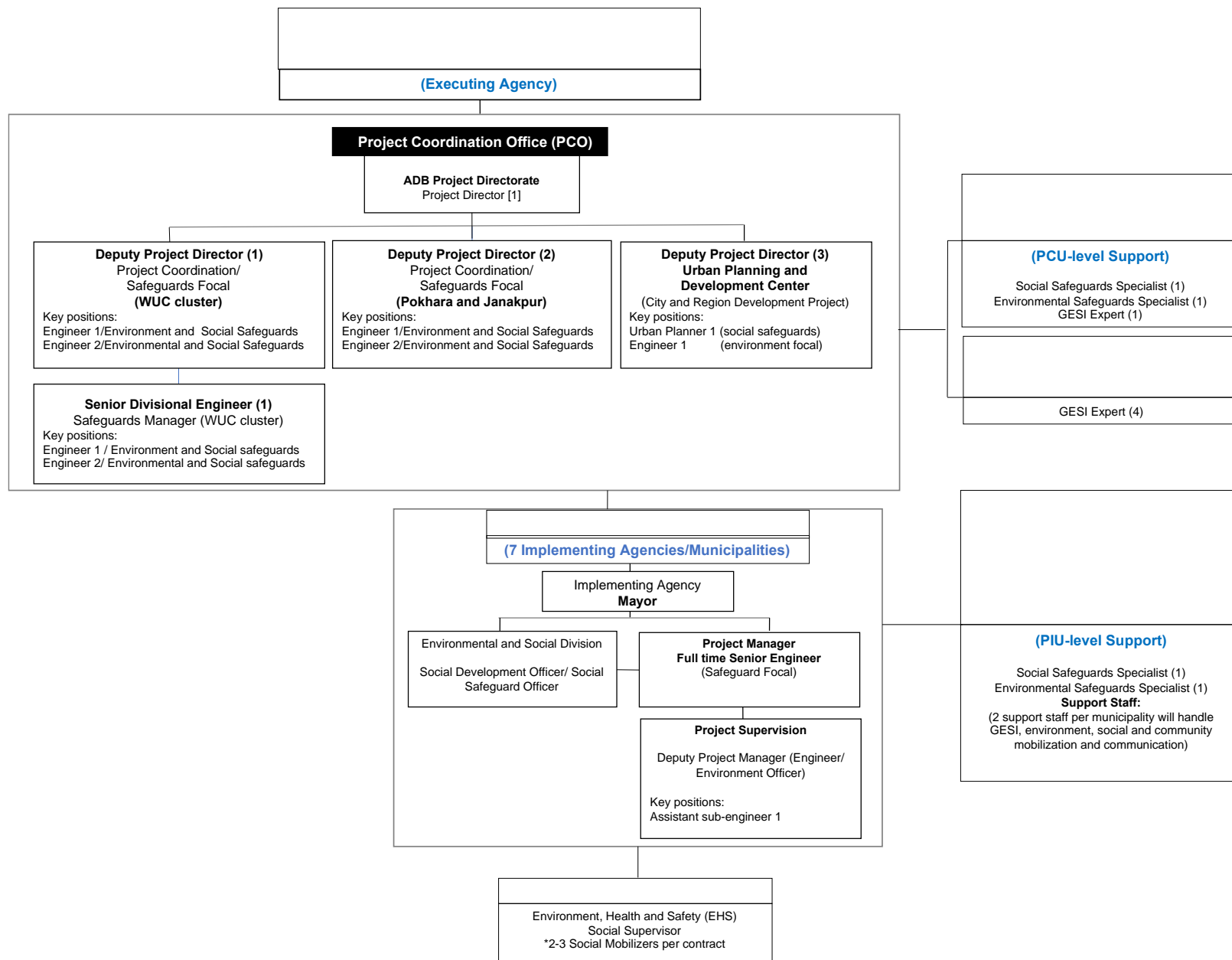
132. **Civil works contracts.** The resettlement plans/IPPs/RIPPs are to be included in bidding and contract documents and verified by the PIUs and PCO. All contractors will be required to designate a social supervisor to ensure implementation of resettlement plan/RIPP/DDR social safeguard provisions 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.

133. 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.

134. Figure 4 below depicts the implementation arrangement for safeguards (environmental and social), including gender-related aspects of the project.

Figure 4: Safeguards and Gender Implementation Arrangement



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

Table 18: Institutional Roles and Responsibilities

Activities	Agency Responsible
Project initiation stage	
Finalization of sites/alignments for projects	PIU/DSC
Finalization of detailed design/conduct of Detailed Measurement Survey (DMS)	PCU/PIU/DSC
Meetings at community/ household level with APs	PIU/DSC
RIPP preparation stage	
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	PCU/ADB
Compensation prior to displacement/shifting	PIU
RIPP implementation stage	
Implementation of proposed rehabilitation measures	PIU/DSC
Consultations with APs during rehabilitation activities	PIU/DSC
Implementation of Specific Action Plan for Benefit Enhancement	PIU/DSC
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 Office

C. Safeguard Capacity Development

136. 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 PCO 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 RIPPs/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.

137. PCO and PMCDC will also organize trainings for PIU staffs, DSC, contractors, municipal officials preparing them on RIPP implementation including ADB policy, GRM, and social safeguards monitoring requirements and mitigation measures. Table 20 provides the indicative training needs assessment. The cost of trainings will be borne under the Project's capacity building program by PMU.

Table 19: 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 RIPP Planning/IEE Process ADB policy and process, identification of impacts and mitigation measures, RIPP/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 RIPP/IEE Monitoring of RP/IEE implementation, Reporting Requirements, GRM	1 Day	PIUs, Contractors
Program 3 Experiences and Best Practices Sharing	Experiences on RIPP/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; PCU = Project Coordination Office

X. MONITORING AND REPORTING

138. 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.

139. 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
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 RIPP preparation																
Draft RIPP review and approval (PCO and ADB)																
Approval of Final RIPP by PCO and ADB																
Disclosure of RIPP and Distribution of RIPP 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

143. The primary tasks related to RIPP updating and implementation are given below:

- (i) A 100% census survey of project affected households will be conducted to measure the exact impact on land and structure including the socio-economic situation of all affected persons. The updated RIPP will be submitted with road-wise detailed measurement upon availability of the final detailed engineering design for roads before award of contract.
- (ii) Any additional impacts on temporary structures being used for residential purpose located along the roadside due to change in alignment or design (during detailed design and detailed measurement survey) are to be assessed, and compensation and assistances as per the entitlement matrix updated in RIPP before contract 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 RIPP.

- (iii) The legal status of adjoining plot proposed for Bus Park and associated facilities development needs verification. A copy of legal ownership document from the authorized government institution (land survey office) will be obtained and included in updated RIPP.
- (i) The voluntary land donation process and/or negotiated settlement, whichever is the preferred option of the landowners, requires engaging an independent third party to document the entire process and to verify that there is no coercion in the process. Record of meetings with land donor and municipality in presence of an independent third party and copies of minutes will be annexed in the updated version of RIPP before contract awarded. The socioeconomic profile and consent of the landowners with photographs agreed for land donation and/or negotiated settlement will be appended to the updated resettlement plan prior to contract award.
- (iv) Many of the small vendors' livelihood depends on the small-scale business operated in the road sides, especially in semi urban area. A careful examination of project impacts on business and livelihoods has to be conducted during detailed measurement survey. If the temporary structure are associated with income generation activities, an estimation of income loss has to be calculated and updated in RIPP.
- (v) ADB's clearance of the updated/revised resettlement plan will be obtained. 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 DSC, PIU and supervised by the PCO prior to resettlement plan updating.
- (vi) In case any involuntary resettlement and/or Indigenous Peoples impact is identified at any stage of the project implementation, this safeguard document will be revised in accordance with ADB's Safeguards Policy Statement 2009.
- (vii) A due diligence will be carried out during DMS to confirm associated involuntary resettlement impact due to realignment of the natural drain.
- (viii) PIU will verify ownership of the untitled lands. PIU will initiate rights to use of land to the eight untitled/unregistered parcels of lands. If found to be registered as government-owned lands, PIU with the support of the PCO will facilitate to obtain permission from the national government to use the lands for the proposed road project.
- (ix) Consultation will be organized with vulnerable HHs to access their livelihood need and updated in benefit enhancement plan before contract awards
- (x) To assess Involuntary resettlement impact for constructing drainage service with ancillary works and updating the RIPP based on findings of the assessments.
- (xi) To update the socio-economic profile of the affected persons along with their photographs and picture of impacted structures with necessary details.

Appendix 1: List of Affected People with their Socio-Economic Condition

Sex	Age	Marital status	Number of family member	Education	Occupation	Gender of HH head	Ethnicity	Vulnerability	Religion	Land ownership	Impact on Land	Structure loss	Impact (Structure)	Income	Percapita	BPL
1	52	Married	5	Primary	Trade Business	Male	Madhesi	NTH	Hindu	Untitled	No impact	RS/minor	RS/Minor	2,55,000.00	51,000.00	
1	36	Married	6	Primary	Service	Male	IP	BPL+IP+NTH	Hindu	Untitled	No impact	RS/minor	RS/Minor	1,20,000.00	20,000.00	BPL
1	35	Married	4	Primary	Labour	Male	IP	IP+NTH	Hindu	Untitled	No impact	RS/minor	RS/Minor	2,47,200.00	61,800.00	
1	38	Married	5	Literate	Labour	Male	IP	BPL+IP+NTH	Hindu	Untitled	No impact	RS/minor	RS/Minor	1,00,000.00	20,000.00	BPL
1	30	Married	6	Secondary	Agriculture	Male	IP	BPL+IP+NTH	Hindu	Untitled	No impact	RS/minor	RS/Minor	1,00,000.00	16,666.67	BPL
1	45	Married	6	Secondary	Foreign employment	Male	Musalman	None	Muslim	Titled	<10%	RS/minor	RS/Minor	3,60,000.00	60,000.00	
1	45	Married	4	Literate	Agriculture	Male	Madhesi	NTH	Hindu	Untitled	No impact	RS/minor	RS/Minor	2,00,000.00	50,000.00	
1	65	Married	11	Illiterate	Agriculture	Male	Musalman	BPL+NTF	Muslim	Untitled	No impact	RS/minor	RS/Minor	2,62,000.00	23,818.18	BPL
1	50	Divorce	4	Illiterate	Agriculture	Male	Musalman	NTH	Muslim	Untitled	No impact	RS/minor	RS/Minor	3,75,000.00	93,750.00	
1	78	Married	11	Primary	Agriculture	Male	Musalman	BPL	Muslim	Titled	<10%	SS/M Minor	SS/M Minor	2,00,000.00	18,181.82	BPL

Source: Socioeconomic Survey, May 2023

Appendix 2: Affected Structures in Road Section

S. N	Name of owner / HH head	Location / Side	Available ROW (ft)	Required Width within RoW (ft)	Chainage	Type of Structure	Affected Part	Individual Consent	Remarks (based on field verification May 2023)
1	Rajaram Kohar	L	24	2		RS/minor	H Wall		Length up to 23ft
2	Mithles Chaudhary	L	24	2f		RS/minor	H Wall		Length up to 32ft
3	Umakant Chaudhary	R	24.5	1.5		RS/minor	H Wall		Length up to 21ft
4	Fadindra Chaudhary	R	25	1		RS/minor	H Wall		In corner only
5	Govind Prasad Chaudhary	L	23.5	2.5		RS/minor	H Wall		Length up to 11ft
6	Wasiullah Nau	L	23.5	2.5		RS/minor	H Wall		Length up to 21ft
7	Avshram Yadav	R	23.5	2.5		RS/minor	H Wall		Length up to 18ft
8	Abdul Salam Shekh	L	24	2		RS/minor	H Wall		Length up to 32ft
9	Rahamtullah	R	24	2		RS/minor	H Wall		Length up to 21ft
10	Abdul Wadood Sekh	R	24	2		SS/M Minor	Wall		Length up to 21ft
<p>Legendry: T. Shed = Temporary Shed, T. Wall = Temporary Wall, BM House = Brick Masonry House, RCC House = Reinforced Cement Concrete House, B.Wall = Boundary Wall, H. Wall = House wall, RLBS: Residence Load Bearing Structure</p>									

Source: Preliminary assessment, June 2023

Appendix 3: Meeting Minutes with Municipality

DATE: _____	
<p>मिती 2063/12/29 शनि दिवस 15.30.00</p> <p>वसतः 90 अहमदजी विनायक फौजदार वरिष्ठ</p> <p>अहमदजी वरिष्ठ वरिष्ठ WPC आयोजनात</p> <p>असल वसत फौजदार विनायक योजनात वसत वरिष्ठ निमित्त</p> <p>प्रस्ताव माहिती घेतल्यात तरी निर्णय घेतिला</p>	
<p>नोंदः</p> <p>1 जी वसत वरिष्ठ मुसलमान वसत प्रमुख</p> <p>2 जी वसत विनायक काठल, वसत अहमदजी - 10.</p>	
<p><u>उपस्थित</u></p>	
1	विनायक वसत विनायक वसत
2	अहमदजी वरिष्ठ वरिष्ठ
3	वरिष्ठ वरिष्ठ वरिष्ठ
4	वरिष्ठ वरिष्ठ वरिष्ठ
5	वरिष्ठ वरिष्ठ वरिष्ठ
6	वरिष्ठ वरिष्ठ वरिष्ठ
7	वरिष्ठ वरिष्ठ वरिष्ठ
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22	वरिष्ठ वरिष्ठ वरिष्ठ

DATE:

प्रस्ताव :- वसु, पई निर्माण के लीजें जसा प्रस्ताव
 गरिका संकलन चयना ।

निर्णय :- वसु पई निर्माण के लीजें लु स. न. ली
 प्रस्ताव जसा - अद्यवनी - ५०.८, डि. नं. २३६२
 प्रस्ताव चयन के उद्देश्य निर्माण जसा निर्माण
 गरी हसी लाई कुंजी पावे डि. निर्माण संसकलन चयन
 व निर्माण गरी के लीजें हस वही हामी
 संकलन चयन के लीजें संकलन चयना निर्णय
 गरिका ।

निर्णयनाम पत्र

शुभम शर्मा
 कुंजी

डि. निर्माण - डि. निर्माण

जोशिका
 जयपाल

गंगा
 मंड

गंगा
 मंड

निर्माण

राजीव
 कौर

मन राम

Meeting -1 Unofficial translated version of meeting minutes presented above

A meeting was held under the chairmanship of Mayor of Lumbini Sanskritik Municipality, Mr. Sajaruddin Musalman, at ward number 10 on February 15, 2023 and the following conclusion was reached based on the discussion regarding proposed projects in Lumbini Sanskritik Municipality under the West Urban Corridor (WUC) project of ADB with participants as listed below.

Meeting Participants

S. No.	Name	Designation
1.	Mr. Sajaruddin Musalman	Mayor of Lumbini Sanskritik Municipality
2.	Ms. Kalpana Harijan	Deputy Mayor
3.	Mr. Tulsi Ram Lamichhane	Coordination Officer
4.	Mr. Binod Kahar	Ward chairperson (ward 10)
5.	Mr. Ashish Yadav	Engineer of municipality
6.	Mr. Hem Nidhi Sharma	ERMC Director
7.	Mr. Rikesh Chitrakar	Environment Expert
8.	Dr. Chan Bahadur Gurung	Social Development and Safeguard Expert
9.	Ms. Ayushmita Pokhrel	Environment Consultant

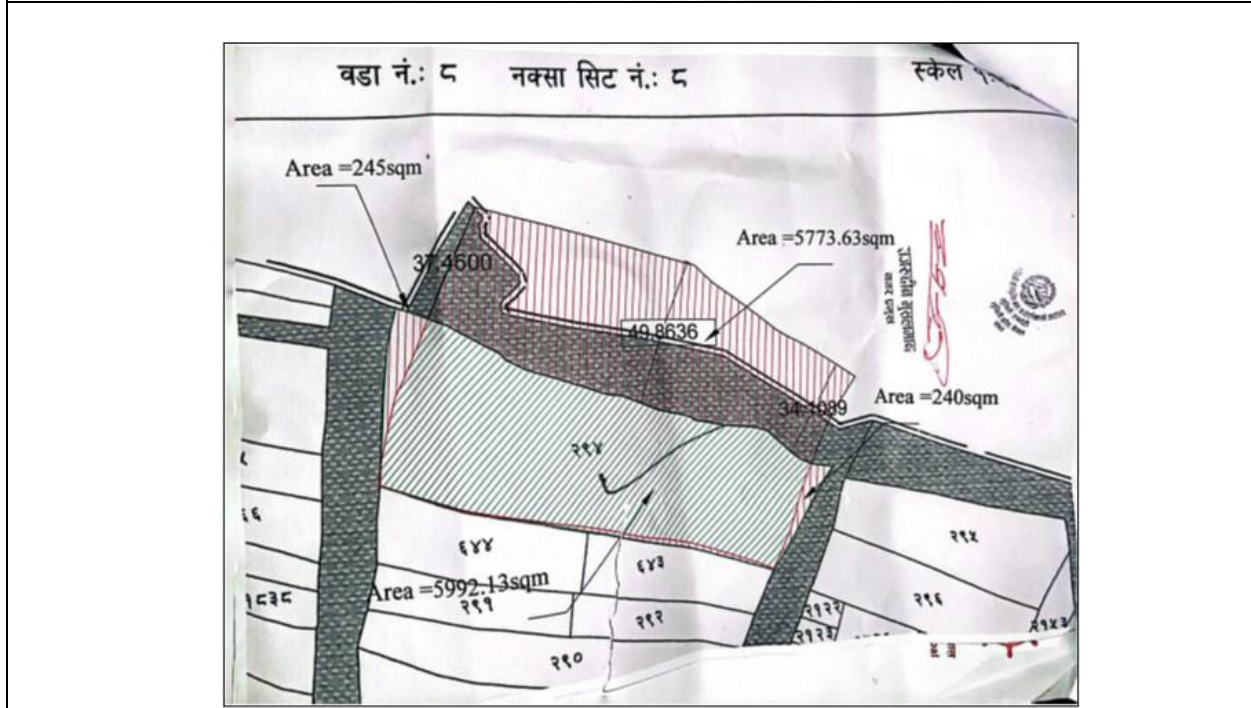
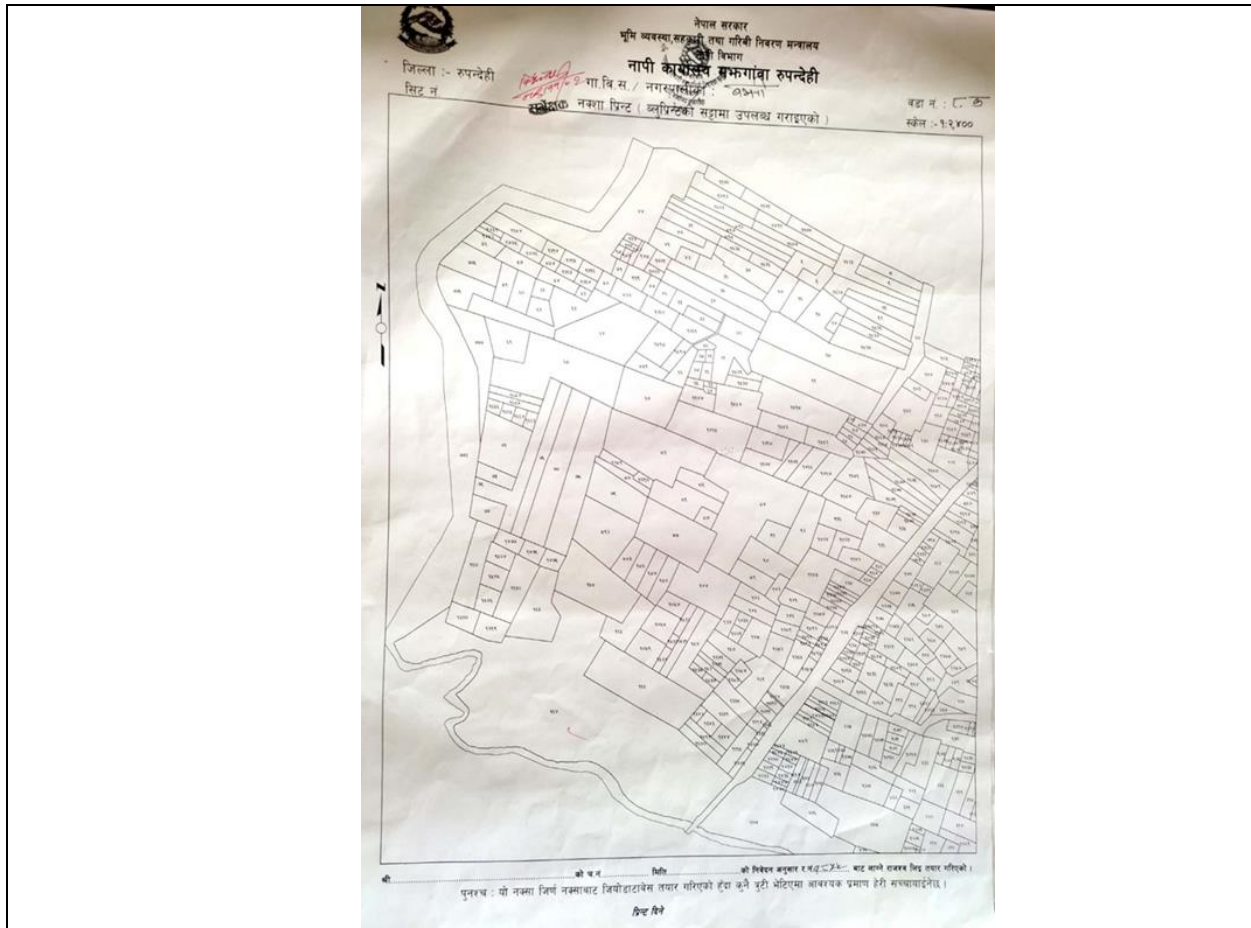
Meeting Agendas


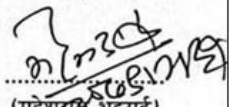
1. Regarding the land of bus terminal.
2. Regarding the land for access road of the proposed five ponds.
3. Regarding the provision of cadastral map.
4. Regarding ward level mass meeting.

Agreed Actions and Conclusions


1. It was decided that the municipality will coordinate with the survey office and determine the land area of the proposed bus park along with surrounding canals and provide the information on total area of coverage to WUC project within 1 week from the meeting date.
2. While discussing on agenda 2, it was decided that municipality will determine the land area of the access roads to five ponds and provide the information to WUC project.
3. It was decided that the municipality will provide cadastral map of proposed five ponds and its access roads, Bus Park and its access roads and global park and area coverage of each project.
4. While discussing the agenda 3, it was decided to hold a ward level mass meeting with affected people residing near the proposed access roads and provide the consent letter specifying voluntary land donation after determining the names of each affected individuals, affected plot number and respective area of plot from the meeting.

Appendix 4: Cadestral map showing the Bus terminal and legal documents




 <p>नेपाल सरकार भूमि व्यवस्था, सूक्ष्म तथा गरिबी निवारण मन्त्रालय भूमि व्यवस्थापन तथा अभिलेख विभाग मालपोत विभाग, भूमि प्रविष्टि शाखा। संविधान तथा अभिलेख विभाग काठमाडौं, नेपाल</p>	<p>फोन नं.- ५३३०५८५ महानिदेशक: ५३२३०४९ निदेशक प्रशासन:- ५३२५९८२ निदेशक योजना:- ५३२६९८८ क.प्र.शाखा:- ५३६६४९३ आ.प्र.शाखा:- ५३६६४९३ फिफ्ट एक्स:- ५३२००२८</p>
<p>पत्र संख्या:- २०७८/०७९/ज.प्र.९/३/१९०८ चलानी नं.:- २३६४</p>	<p>बबरमहल, काठमाण्डौ नेपाल । मिति:- २०७९/०२/३१</p>
<p>विषय:- निर्णय कार्यान्वयन सम्बन्धमा।</p>	
<p>श्री मालपोत कार्यालय, रुपन्देही, भैरहवा।</p>	
<p>उपरोक्त विषयमा तहाँ कार्यालयको च.नं.१०५६९ मिति २०७८।१०।२८ को पत्रसाथ प्राप्त लुम्बिनी सांस्कृतिक नगरपालिकालाई सरकारलाई सरकारी जग्गा लिजमा उपलब्ध गराउने सम्बन्धी फायल पेश हुँदा रुपन्देही जिल्ला साविक मधुवनी वडा नं.८ कि.नं. २९४ क्षेत्रफल ०-१८-१६ विगाहा सरकारी जग्गा लुम्बिनी बसपार्क र ऐ. साविक तेनुहवा वडा नं.५क कि.नं. १५९ क्षेत्रफल १-२-८ विगाहा सरकारी जग्गा १५ शैयाको अस्पताल भवन निर्माणार्थ सरकारी जग्गा दर्ता तथा लिजमा उपलब्ध गराउने सम्बन्धी कार्यनीति, २०७१ को दफा ४ को उपदफा (१) बमोजिम सोही कार्यनीतिको अनुसूची १ को सि.नं. ७ अनुसार निःशुल्क रुपमा दिर्घकालिन अवधि ३० (तीस) वर्षका लागि लिजमा उपलब्ध गराउन कार्यनीतिको दफा १२ को उपदफा (४) बमोजिम देहायका शर्त पालना गर्ने गरी लुम्बिनी सांस्कृतिक नगरपालिकालाई उपलब्ध गराउन स्वीकृति दिने भनी नेपाल सरकार (मन्त्रिपरिषद) वाट मिति २०७९।०२।२३ मा निर्णय भएको भनी भूमि व्यवस्था,सहकारी तथा गरिबी निवारण मन्त्रालयको च.नं.१६२७ मिति २०७९।०२।२६ को पत्रवाट लेखि आएकोले सोही बमोजिम गर्नुहुन तहाँ कार्यालयवाट प्राप्त फायल यसैसाथ संलग्न गरी पठाईएको व्यहोरा आदेशानुसार अनुरोध छ ।</p>	
<p>शर्तहरू:</p>	
<p>क. जग्गाको भौगोलिक अवस्थामा हानी नोक्सानी गर्न नपाईने र उक्त जग्गाको संरक्षण र सम्बर्द्धन गर्नुपर्ने ।</p>	
<p>ख. लिजमा उपलब्ध गराईएको जग्गामा जुन प्रयोजनका लागि लिजमा दिएको हो सो बाहेक अन्य प्रयोजनमा प्रयोग गर्न नपाइने ।</p>	
<p>ग. नगरपालिकाले संरचनाहरू निर्माण गर्दा ऐतिहासिक, पुरातात्विक, धार्मिक र सांस्कृतिक महत्त्वका स्थलहरूको मौलिकतामा असर नपर्ने गरी प्रयोग गर्नुपर्ने ।</p>	
<p>घ. लिजमा लिईएको जग्गा कुनै व्यक्ति वा अन्य निकायलाई प्रयोग वा भाडामा दिन नपाउने ।</p>	
<p>ङ. उद्देश्य अनुरूपको कार्यमा प्रयोग नगरेमा पूर्वाधार सहितका जग्गा नेपाल सरकारले लिन सक्ने ।</p>	
<p>च. नेपाल सरकारलाई कुनै प्रयोजनका लागि आवश्यक परेमा लिजमा दिएको जग्गा आंशिक वा पुरै प्राप्त गर्न बाधा नपर्ने ।</p>	
<p>अभिलेख विभाग मिति २२/२९/२१</p>	<p> (महेश्वर भट्टराई) शाखा अधिकृत</p>
<p>CS Scanned with CamScanner आवृत्तिका र युनितेजित प्रशासन: विकास, समृद्धि र सुशासन Email: admin@dolma.gov.np, website:https:// www.dolma.gov.np</p>	

Copy of the cabinet decision regarding the right to use of the parcel no 294 for bus terminal construction



लुम्बिनी साँस्कृतिक नगरपालिका
Lumbini Cultural Municipality

नगर कार्यपालिकाको कार्यालय
Office of the Municipal Executive



लुम्बिनी, रुपन्देही
Lumbini, Rupandehi

लुम्बिनी प्रदेश, नेपाल
Lumbini Province, Nepal

प.सं./Ref No.: २५०६५/८०

च.सं./Dispatch No.: ३६१५

श्री DOHWA Engineering Co. Ltd. in association with ERM(C) Ltd., SILT (P), and DIGICON (P),Ltd., Kathmandu


मिति: २०७९/१२/२२

विषय:- बस पार्क निर्माण गर्नको लागि जग्गा प्रस्ताव गरेको सम्बन्धमा ।

प्रस्तुत विषयमा यस लुम्बिनी संस्कृतिक नगरपालिकामा संचालित एसियाली विकास बैंकको सहयोगमा, क्षेत्रीय शहरी विकास कार्यक्रम अन्तर्गत प्रस्तावित बस पार्क निर्माणको लागि नेपाल सरकार बाट प्राप्त गरेको जग्गा लु.स.न.प-१० मधुवनी ८ कित्ता न. २९४ मा मुख्य संरचना र उत्तरमा भएको सार्वजनिक जग्गा ५८०० बर्ग मीटरमा पार्किंगको संरचना तपसिलको चार किल्ला भित्र निर्माण गर्न यस नगरपालिकाको मिति २०७९-१२-२९ गतेको कार्यपालिकाको निर्णयनुसार जानकारीको लागि व्यहोरा अनुरोध छ ।

तपसिल


पूर्व	पश्चिम	उत्तर	दक्षिण
बाटो	बाटो	मधुवनी ३ क कित्ता न १९७८, १०७७, १०४८, १०३१ र १०४६	मधुवनी ८ कित्ता न २९४




सजकरीन भण्डारी
नगर प्रमुख

फोन नं.: ०७१-५८०३०५, फ्याक्स नं.: ०७१-५८०३५०
Email: lumbiniculturalmunicipality@gmail.com
Website: www.lumbinisanskritikmun.gov.np

Copy of municipal decision allotting parcel no 294 and adjoint plat for bus park construction.


लुम्बिनी साँस्कृतिक नगरपालिका
Lumbini Cultural Municipality
नगर कार्यपालिकाको कार्यालय
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 लुम्बिनी, रुपन्देही
 Lumbini, Rupandehi


 लुम्बिनी प्रदेश, नेपाल
 Lumbini Province, Nepal

प.सं./Ref No.: २०६९१०२०
 च.नं./Dispatch No.: ३१२६

मिति:- २०७९/१२/२४

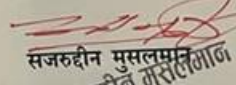
श्री DOHWA Engineering Co. Ltd. in association with ERM(P) Ltd., SILT (P), and DIGICON (P),Ltd. , Kathmandu

बिषय:- प्रस्तावित बाटोको चौडाई तोकिएको सम्बन्धमा।

प्रस्तुत विषयमा यस लुम्बिनी संस्कृतिक नगरपालिकामा संचालित एसियाली विकास बैंकको सहयोगमा शुरु हुन लागेको Western Urban Corridor (WUC) कार्यक्रम अन्तर्गत प्रस्तावित बाटोको तपसिल चौडाई अनुसार निर्माण गरि दिनु हुन व्यहोर अनुरोध।।

तपसिल

क.स	बाटो	चौडाई (फीट)	कैफियत
१.	आमा पोखरीको पहुँच बाटो	३०	
२.	करबाला पोखरीको पहुँच बाटो	२६	
३.	नौखनिया पोखरीको पहुँच बाटो	३०	
४.	पुरानिह्वा पोखरीको पहुँच बाटो		
	CH ०० देखि CH १७००	३४	
	चैनपुरवा गाउमा	२२	
	बाकी	२६	
५.	बस पार्क		
	CH ०० देखि २५००	६०	
	CH २५०० देखि माथि	३०	


 सजिद हुसैन मुसलमान
 नगर प्रमुख

फोन नं.: ०७९-५८०३०५, फ्याक्स नं.: ०७९-५८०३५०
 Email: lumbiniculturalmunicipality@gmail.com
 Website: www.lumbinisanskritikmun.gov.np

Declaration of ROW – for access road to bus park

Appendix 5: Photographs Bus Terminal

Photographs of Bus Terminal Site, Lumbini Sanskritik Municipality	
	
Proposed location of the Bus Terminal site	Proposed location of the Bus Terminal site
	
Existing canal at the Northern side of the proposed area	Consultation meeting at Municipality, Lumbini Sanskritik Municipality

Photographs Glimpses of Structure Verification, Lumbini Sanskritik-11, Panditpur (Moglaha-Masina-Shivagadiya Road, Ch-0+000-5+018)



Structure Verification at Panditpur (Moglaha-Masina-Shivagadiya Road

Structure Verification at Panditpur (Moglaha-Masina-Shivagadiya Road



Structure Verification at Panditpur (Moglaha-Masina-Shivagadiya Road

Structure Verification at Panditpur (Moglaha-Masina-Shivagadiya Road i

Appendix 6: 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 PCU/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 project activity, who is acceptable to each of the concerned parties (PCU/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 7: 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 PCU 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 8: 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.

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

FOR OFFICE USE ONLY

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

Appendix 9: 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 10: 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 Rehabilitation²⁴

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:

²⁴ 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.²⁵ If noncompliance or any major gaps identified, include the recommendation of corrective action plan.

²⁵ 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.

Appendix 1

- (i) List of Affected Persons and Entitlements
- (ii) Summary of Resettlement Plan/IPP with entitlement matrix

Appendix 2

- (i) Copies of affected persons's certification of payment (signed by the affected persons)
- (ii) Summary of minutes of meetings during public consultations
Summary of complaints received and solution status

Appendix 11: Specific Action Plan for Benefit Enhancement of Indigenous Peoples

Specific Activities	MOVs	Timeframe	Timeline	Remarks/Status
1. Identify and include Indigenous Peoples households in the project coverage area in project related activities	Data will be obtained from the census survey and primary data analysis	Contractor PIU with the support of the DSC	Year 1	
2. Proposed benefits to indigenous peoples and vulnerable households:	Project Documents	Contractor PIU with the support of the DSC PCO	(i) Year 2 onwards (ii) Year 1-3 (ii) Year 5 onwards	(i) IEC materials, information disclosure, consultations and other activities stated in the CAPP will be culturally sensitive and appropriate when implemented. A project information disclosure will be prepared, translated into language understandable to the IPs/VAPs.
(i) Participation of indigenous peoples in awareness campaigns				
(ii) Preferential employment during construction works				
(iii) Participation of eligible/interested indigenous peoples in training programs through social development and/or agriculture development in the municipality and other national government program/s The sub-activities will include: - assessment of training/capacity needs for indigenous peoples who are interested to join - Interested indigenous peoples will be linked to agricultural extension programs or community-based livelihood enhancement program under social development program of municipality.				
(iv) Number of indigenous peoples households using the improved roads				
(iv) Number of indigenous peoples benefitting from the cold storage facility				
3. Type of consultations planned with I indigenous peoples households (i) Pre-construction	Detailed report on consultation in the QPR/SSMR with signed attended sheets and	Contractor PIU with the support of the DSC	Year 1 onwards	Consultations with indigenous peoples households will be conducted in all

Specific Activities	MOVs	Timeframe	Timeline	Remarks/Status
(ii) Construction (iii) Post-construction	photographs			project stages which shall help in identifying any culture-specific requirements and traditions like avoidance of any specific festival days, and/or other activities with cultural significance to the indigenous peoples communities during civil work; and any other indigenous peoples - related issues and concerns that may be of importance to the community. Opinions and views of the indigenous peoples shall be taken into account as well.
4. Grievance Redress Mechanism	Project GRM includes representation of <i>janajati</i> in the GRC. Government order/notice/specifying inclusion indigenous peoples representation in GRC as described in the project GRM. Report related to project grievance reflected in the monitoring reports of the Project .	PIU/PCO	Year 1	
5. Monitoring survey including assessment of coverage and satisfaction levels of indigenous peoples with the project	Monitoring survey report and project completion report	PIU/PCO	Year 6-7	

Specific Activities	MOVs	Timeframe	Timeline	Remarks/Status
intended benefit vs. actual benefits to the indigenous peoples community.				

NOTE: * Census 2021 may not be the sole source. Other reliable sources may be explored such as municipality-wise indigenous peoples data.

Where applicable, the information provided in the table should be supported by detailed explanatory report, receipts, consultation, photographs and other details.

ADB = Asian Development Bank, DSC = Design and Supervision Consultant, GRC = Grievance Redress Committee, IP= Indigenous peoples, PIU = Project Implementation Unit, PMCDC = Project Management and Capability-Development Consultant, PCO = Project Coordination Office, QPR = Quarterly Progress Report

Appendix 12: Sample Monitoring Template

A semi-annual monitoring report shall be prepared on Resettlement and Indigenous Peoples Plan (RIPP) implementation and submitted to ADB by the DSC. It will include: (1) the list of affected persons, with compensation, if any due to each and details of compensation paid with signed receipts annexed to the report, socio-economic status and satisfaction levels of affected persons with the RIPP implementation process, compensation and mitigation measures; (2) the list of vulnerable affected persons and additional compensation / special protection measures planned/implemented for them (e.g. assistance to obtain project construction related jobs); socio-economic status and satisfaction levels of affected persons with the RIPP implementation process, compensation and mitigation measures; (3) list of roads for closure and actions planned / taken to minimize disturbance; (4) details of consultations held with affected persons (with number of participants by gender, issues raised, conclusion / agreement reached, actions required/taken); (5) details of grievances registered, redressed, outstanding complaints, minutes of GRM meetings held; (6) details of information disclosure and awareness generation activities, levels of awareness among target population, if any; and (7) any other relevant information showing RIPP implementation progress. The following checklist may be used for overall monitoring of Resettlement and Indigenous Peoples Plan (RIPP) implementation.

	Resettlement and Indigenous Peoples Plan (RIPP) Activities	Completed Y/N	Remarks
A. Pre-Construction Activities and RIPP Activities			
	Approval of final RIPP by ADB prior to contract award		
	Disclosure of final RIPP on ADB and EA websites		
	Circulation of summary RIPP in local languages to all stakeholders		
B. Resettlement and Indigenous Peoples Plan (RIPP) Implementation			
	Grievance Redress Mechanism established at different levels		
	Entitlements and grievance redress procedure disclosed		
	Finalization of list of affected persons, vulnerable affected persons and compensation due		
	Finalization of list of roads for full or partial closure; mitigation measures proposed and implemented (with photographic documentation)		
	Affected persons received entitlements as per entitlement matrix in the RIPP		
	Payment of compensation, allowances and assistance (No. of affected persons)		
	Additional assistance (project-related construction jobs, if willing and able) for vulnerable households given (No. of vulnerable affected persons assisted)		
	Grievances No. of grievances registered No. of grievances redressed Outstanding complaints Disclosure of grievance redress statistics		

	Resettlement and Indigenous Peoples Plan (RIPP) Activities	Completed Y/N	Remarks
	Consultation, participation and disclosure as per Plan		
C. Monitoring			
	Survey on satisfaction levels of affected persons with Resettlement and Indigenous Peoples Plan (RIPP) implementation completed		
D. Labour			
	Implementation of all statutory provisions on labour like health, safety, welfare, sanitation, and working conditions by Contractors. Ensuring no child labour used		
	Equal pay for equal work for men and women		

NOTE: Where applicable, the information provided in the table should be supported by detailed explanatory report, receipts and other details.

Appendix 13: 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 14: 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	Male1 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) [see attached sheet for classification of Janajatis in Nepal]	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 Muslim3 Kirat4 Christian 5 Prakriti----- -6 Other (Specify) 7
1.15	Type of Family: (Please circle only one)	Nuclear1 Joint2 Extended3

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

S. No.	Vulnerability Parameters	Tick '✓' 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)		

S. No.	Vulnerability Parameters	Tick '√' if applicable for family	If applicable, mention no. of members
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), Chhairotan, 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 (Complete d 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: Illerate-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 ¹	Number of parcels	Total Area			Unregistered land cultivated					
				B	K	D	Sq. ft	B	K	D	Sq. ft	
1												
2												
3												
4												
	Total											

B=Bigha, K=Kattha, D=Dhur (1 Bigha = 20 Kattha = 6772.63 m²: 1 Katha 20 Dhur = 338.63 m² : 1 Dhur = 16.93 m²)

¹Titleholder. 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			
2.1.1 Ownership of affected land	Private1	2.1.2 Status of ownership	Project Affected Persons Type/Category: Titleholder1
	GoN.....2		
	Religious.....3		

	Community4 Other specify...5	_____	Non-titleholder.....2 Right to use granted by Local Authority.....4 Encroacher.....5 Squatter.....5
2.1.3 Number of affected parcels No:	2.1.4 Area of affected parcels Kattha: Dhur:	2.1.5 % loss of affected parcels Less than 10%1 Above 10%.....2	2.1.6 Present use of affected land _____
			Cultivation.....1 Residential.....2 Commercial.....3 Barren.....4 Other5
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

2.2.2 Present use of affected structure	2.2.3: Type of construction material used in affected structures.	2.4.4 Type of the affected utilities and number
Residential1 Commercial2 Residential + commercial3 Toilet.....4 kitchen..... 5 store room6 cattle shed.....7 compound wall8 Other specify9	Permanent1 Semi permanent2 Temporary.....3 Dismantlable Projection / Extension4	Handpumps.....2 Open well3 Bore well4 Water tap.....5 Other6

2.2.5 Scale of impacts on affected structure	Affected structures	Total area of structure m ²	Affected area m ²	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

2.4.6: 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:

2.3. Impacts on Business

2.3.1: Name of the owner	2.3.2 Affected business run in Rental property1 Own property.....2	2.3.3: Year of establishment
2.3.4. Level of Impacts Permanent1 Temporary2		
2.3.5 Nature of business (name of affected shop)	Grocery1 Fresh house2 Furniture.....4 Dairy.....5 Kiosk6 Canteen.....7 Other specify8	2.3.6: 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? Yes1: No.....2

If yes, will there be the loss of income? Yes1: No.....2

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

Daily Income/Earnings from the business: _____

2.4 Employment loss						
Name of employees	Man	Women	Number of working year(s)	Monthly salary	Family member	Number of earning member in family
2.5 Agriculture						
2.5.1 . Is there likelihood of the loss of standing crops. Yes1 No.....2		Name of Crop Area covered by crops. Ha. Productivity in KG Net income from the crop NPR.				
2.5.2: 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
A.	Residential			
1.2	Kuchha (Jhupro with straw/ thatched roof)			
1.2	Semi Pukka			
1.3	Pukka			
B.	Other structures (cow shed/ warehouse)			
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	

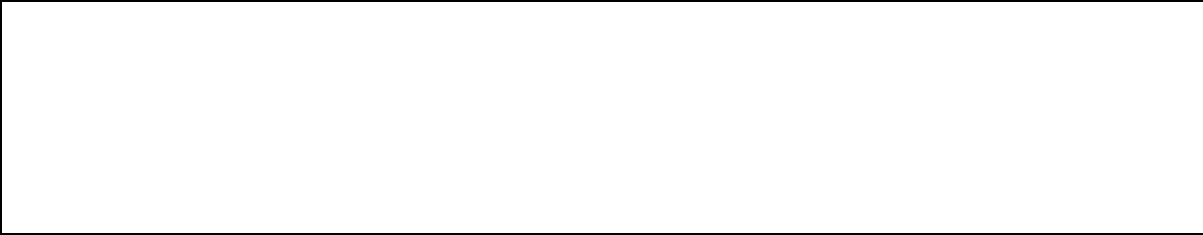
6.1 What is your opinion on the positive and negative impacts of URLIP project? (Tick the appropriate answers)

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!