

Resettlement Framework

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Nepal: Urban Resilience and Livability Improvement Project

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CURRENCY EQUIVALENTS

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Currency unit	–	Nepalese rupee (NPR)
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\$1.00	=	NPR 73.53

ABBREVIATIONS

ADB	-	Asian Development Bank
CBO	-	community based organization
DBO	-	design-build-operate
DDR	-	due diligence report
DMS	-	detailed measurement survey
DUDBC	-	Department of Urban Development and Building Construction
EHS	-	environment health and safety
EMP	-	environmental management plan
FGD	-	focus group discussions
GON	-	Government of Nepal
GRC	-	grievance redressal committee
GRM	-	grievance redress mechanism
LAA	-	land acquisition act
LARRA	-	land acquisition, rehabilitation and resettlement authority
NGO	-	non-government organization
NOC	-	no objection certificates
PMCDC	-	project management and capability development consultants
PCO	-	project coordinating unit
ROW	-	rights-of-way
SIA	-	social impact assessment
SPS	-	safeguard policy statement, 2009

WEIGHTS AND MEASURES

m ²	-	square meter
km ²	-	square kilometers

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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I. INTRODUCTION

A. Background

1. In recent years, Nepal has made significant improvements in economic growth and poverty reduction at the national level. During fiscal years (FY) 2017–2019, gross domestic product (GDP) growth averaged 7.3% annually, and between 2011 and 2018 the poverty rate fell from 25.0% to 18.7%.¹ Despite these gains, the coronavirus disease (COVID-19) pandemic has posed a setback, shrinking national GDP growth to an estimated 2.3% in FY2021 and exacerbating vulnerability of the poorest. Despite ongoing uncertainty related to the pandemic, modest growth of 3.9% is expected for FY2022 as the country's vaccination rollout expands, industrial output rises, and tourist arrivals gradually increase.² In September 2021, the Government of Nepal (the government) and development partners endorsed the “Kathmandu Declaration,” a vision for Nepal's COVID-19 recovery that hinges on a green, resilient, and inclusive development strategy, while addressing the interlinked challenges of climate and rising inequality.³

2. The Constitution of Nepal (2015) entrusts provinces and local governments with the functions of developing public infrastructure and delivering services. Nepal's Fifteenth Plan, FY2020–FY2024 identifies sustainable urbanization as a key driver of the country's socioeconomic transformation to make cities inclusive, safe, resilient, and sustainable (footnote 4). Aligning with the government's National Urban Development Strategy (footnote 9), the fifteenth plan emphasizes improved service delivery, interlinked urban corridors, and targets high and inclusive economic growth through capital investment in quality and resilient urban infrastructure and services. Maintaining the cultural heritage assets of Nepal's cities is noted by the government as an integral part of urban development and livability improvement. Specific priorities of the government include a national program for integrated urban development, policies and investments implementation from urbanizing corridor strategies, heritage conservation, and tourism infrastructure thereby opening major opportunities for development and providing a significant source of employment and contribution to poverty reduction.⁴ The government has identified several municipalities with high tourism potential, with recently improved access that is likely to increase visitors, and where investment is urgently required to safeguard heritage and enhance the visitor experience while improving quality of life for residents.

3. Accordingly, the government requested ADB to focus on municipalities that are of strategic importance and build on integrated development strategies for the better performance of the tourism sector. The project will target eight municipalities, benefiting 1 million people. These municipalities are strategically important economically but have unique physical, spatial, and cultural characteristics and challenges.⁵ Project municipalities were selected given their high economic growth potential especially as it relates to the expansion of the tourism sector: (i) Pokhara, which is in the foothills of the Himalayas, is Nepal's second-largest city, is a gateway for trekking in the Annapurna circuit, and has its own unique biodiversity and ecosystems centered around a cluster of nine lakes; (ii) Janakpur, which has cultural and religious significance, and is

¹ ADB. 2019. [Country Partnership Strategy: Nepal, 2020–2024—Promoting Connectivity, Developed Services, and Resilience](#). Manila.

² ADB. 2022. [Asian Development Outlook 2022: Transforming Agriculture in Asia](#). Manila.

³ World Bank. 2021. [Government of Nepal and Development Partners Join Forces on Nepal's Green, Resilient, and Inclusive Development](#). Washington, DC.

⁴ Department Urban Development and Building Construction. 2019. *Integrated Development Strategies for Two Terai Corridors: Western Urbanizing Corridor and Easter Urbanizing Corridor*. Kathmandu.

⁵ Pokhara, Janakpur, and a cluster of six municipalities includes Devdaha, Lumbini Sanskritik, Sainamaina, Siddharthanagar, and Tilottama.

known for a network of traditional water ponds that attracts domestic and international visitors (particularly from India); and (iii) the western Terai region, an agglomeration of five cities within the Greater Lumbini Buddhist Circuit, a network for religious pilgrimage and cultural tourism based around the birthplace of the Buddha. New international airports in Siddharthnagar (gateway to cultural and religious tourism in the Greater Lumbini Buddhist Circuit and Pokhara) are expected to increase tourist arrivals and facilitate trade in both areas.⁶ All project municipalities are prioritizing the use of the cultural and natural heritage conservation combined with tourism to sustain the local economy, protect natural resources, and improve urban livability.

4. The project will contribute to achieving Sustainable Development Goals 1, 5, 10, 11, 12, 13, 16, and 17 as it supports to make resilient, inclusive, safe, and sustainable project municipalities. The project is aligned with the priorities of ADB Strategy 2030 for (i) addressing remaining poverty and reducing inequalities by establishing GESI-responsive infrastructure assets; (ii) accelerating progress in gender equality by benefiting women and girls from improved infrastructure; (iii) tackling climate change, building climate and disaster resilience, and enhancing environmental sustainability by supporting risk-informed urban plans and climate awareness; (iv) making cities more livable by improving urban infrastructure; (v) strengthening governance and institutional capacity by improving management functions and financial stability of entities; and (vi) fostering regional cooperation and integration as it supports a flagship initiative for SASEC as a tourist destination, by supporting theme-based circuits, such as religious and ecotourism circuits.⁷ It is aligned with the two pillars of the country partnership strategy for Nepal (2020–2024) on devolved services and strengthening resilience (footnote 1).

B. Project Outputs

5. The project will be aligned with the following impact: inclusive economic growth and improved living standards.⁸ The Project will have the following outcome: improved resilience, livability and sustainability of urban service delivery by project municipalities.⁹ The outcome will be achieved through the following three outputs:

6. **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 Tiltotama to ensure food security during climate and disaster events.

7. **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

⁶ Prior to the pandemic, tourist arrivals in Pokhara exceeded 300,000 in 2016 (up 31% from 2010) and were expected to grow faster once the airport was operational. Tourism in the Greater Lumbini Buddhist Circuit is poised for growth due to the recent opening of the Gautam Buddha International Airport, with projections of 6.1 million visitors by 2035 from 1.5 million in 2018.

⁷ ADB. 2018. *Strategy 2030: Achieving a Prosperous, Inclusive, Resilient, and Sustainable Asia and the Pacific*. Manila

⁸ Government of Nepal. National Planning Commission. 2020. *Fifteenth-Year*, FY2020-2024. Kathmandu.

⁹ The design and monitoring framework is in [Appendix 1](#).

experience.¹⁰ 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.¹¹

8. 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, 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,¹² 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.¹³

C. Implementation Arrangements

9. The Department of Urban Development and Building Construction on behalf of the Ministry of Urban Development will be the executing agency. A project coordination office (PCO) headed by a project director will be established and will be responsible for overall project management. Seven project implementation units (PIUs) will be established in the project municipalities. PCO will be supported by Project Management and Capacity Development Consultant (PMCDC) in project management and implementation and will provide training and support in monitoring and

¹⁰ Cultural, natural, and heritage assets under municipalities' jurisdiction.

¹¹ Public toilets will have male, female, and all-gender toilets with adequate wash facilities and design friendly to persons with disabilities.

¹² Including seismic microzoning and multi-hazard disaster risk assessment of Pokhara.

¹³ GESI action plan (accessible from the list of linked documents in Appendix 2).

reporting of safeguards compliance. PIUs will focus on day-to-day project implementation issues and ensure effective coordination.

D. Resettlement Framework

10. This Resettlement Framework for URLIP is prepared for project components under output 2 that will be prepared after loan approval. This outlines the objectives, policy principles and procedures for land acquisition (if any) and involuntary resettlement, compensation and other assistance measures for affected persons. This framework is guided by the Land Acquisition Act and ADB's Safeguard Policy Statement (SPS) 2009. A detailed description of compensation measures and assistance is provided in the entitlement matrix. This framework will be applicable to any land acquisition/donation/purchase and any involuntary resettlement undertaken in anticipation of the project and will be applicable to projects identified after ADB board approval under the loan.

11. An entitlement matrix, consistent with the existing national laws and ADB SPS, 2009 has been prepared to cover losses identified in this Project. The matrix recognizes that the lack of title/customary rights recognized under law will not be a barrier to entitlement and has special provisions for non-titleholder persons. The eligibility for compensation will be determined through a cut-off date. This resettlement framework will be the reference document for preparation of resettlement planning documents for projects proposed under the project.

E. Scope of Involuntary Resettlement and Measures to Avoid or Minimize Project Impacts

12. Component under Output 2 is not expected to have significant an/or adverse land acquisition and involuntary resettlement impacts. Category A project is not anticipated, and none will be selected. Efforts will be made to avoid and/or minimize the land acquisition and involuntary resettlement impacts of the project through adoption of technical design that can make best use of the existing available lands, exploring all viable alternative design and alternative sites or locations. Continuous consultations will be undertaken with the community from the design to implementation stage to obtain feedback of the community. Based on preliminary assessment, Output 2 components are mostly proposed in government lands which are not being used for any purpose. Involuntary resettlement impacts are expected to be insignificant. Detailed assessment and due diligence will confirm the categorization of each component indicated in para 8. Resettlement planning documents and/or due diligence reports will be developed for the project in the covered municipalities.

II. APPLICABLE POLICY FRAMEWORK

13. This section of the report outlines the laws, policies and regulations that are applicable for this project and will guide the project activities. The legal framework and principles adopted for addressing resettlement issues for this project is guided by the existing legislation and policies of the GON and ADB SPS, 2009. A brief review of applicable acts and policies is presented in the following paragraphs.

A. Government of Nepal Policies

1. The Land Acquisition Act, 2034 (1977)

14. The Land Acquisition Act (1977) specifies the procedures for land acquisition and compensation. The act empowers the government to acquire any land for public interest or for

the execution of any development works. There is a provision for a compensation determination committee (CDC) under the chairmanship of the Chief District officer, which will fix the rate of compensation for the affected property. The other members in the committee are the Chief of Land Revenue Officer, a representative from the district development council (DDC), and the concerned project director/manager. The committee can also invite the representatives from among the affected persons, and a representative from the affected village development council (VDC)/municipality. After fixing the compensation rates for the lost assets (land, structures, etc.), a list of entitled persons is prepared and submitted to the local officers for publication. Anyone who disagrees with the list can register a complaint with the Ministry of Home Affairs within 15 days of the issuance of notice. The ministry is required to solve any complaints within approximately 15 days, except for those that have to be resolved in a court of law. Section 37 of the act mentions the compensation to be received within the prescribed time limit. Section 37 states, "In case the concerned person fails to receive compensation within the time limit prescribed for the purpose under the different provisions of this act, or refuses to accept, the local officer shall issue a notice prescribing a final time limit of 3 months for receiving such compensation. In case the concerned person fails to receive such compensation even within such time limit, he/she shall not be entitled to any compensation."

15. The basic function of the CDC is to review the verification of lands to be acquired, review and determine the compensation rate, identify the proper owners, distribute compensation, and address the issues related to land acquisition and compensation distribution. The District Administrative Office (DAO) is also responsible for notifying the public regarding the details of the land area, structure affected, and other assets affected in the concerned VDC/municipality for the project purposes. The Land Reform Act (1964) is relevant to compensation distribution, as it specifies the compensation entitlements for the registered tenant. Where the tenancy right is legally established, the owner and tenant each will be entitled to 50% of the total compensation amount. Section 42 of the Land Reform Act states that *guthi* (religious/trust) land required for the development work must be replaced with another piece of land.

16. CDC functions under the chairmanship of chief district officer (CDO) of the respective districts. The other members to be included in the committee comprise of the Chief of Land Revenue Office (LRO), an officer assigned by CDO, representative from district development committee (DDC), and concerned project manager. The project chief functions as the member secretary of the committee. The CDC determines the amount of compensation considering the following factors: (i) current price of land value; (ii) value of standing crops, houses, walls, sheds or other structures; (iii) loss incurred as a result of shifting residence or place of business; and (iv) relevant acts and periodic guidelines of government.

17. Clause 27 of the act provides an option for land acquisition through mutual agreement with the plot owners. Following this clause, the government may acquire any land for any purpose through negotiations with the concerned landowner. It shall not be necessary to comply with the procedure laid down in the Land Acquisition Act while acquiring lands through negotiations. Where Clause 27 is enacted, and the plot owner not satisfied with the compensation agreement offered, Clause 18 (Sub clause 2) states that the owner can file a complaint with the Ministry of Home Affairs.

18. Other key provisions under the Act include (i) clause 14 to compensate land-for-land provided that government land is available in the area, (ii) clause 13, 3 (1) envisages the possibility of two separate rates of compensation, distinguishing between families who lose entire land and those who lose only some part of their landholdings, (iii) clause 10 has provision for the affected households to take the crops, trees and plants from land and salvageable from the structures, (iv) clause 39 indicates options that allow affected households to take all salvageable assets without

deduction of any costs from the affected households (v) clause 20 provides entitlement to the legal tenant for 100% compensation for the structure built on the land with the permission of the land owners.

2. Local Government Operation Act, 2017

19. 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 in land ownership certificate distribution is also defined in these sub clauses.

20. 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.

21. 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>).

3. The Working Policy on Registration, Use, and Leasing of Government Land (WPRULGL), 2079 (2022)

22. 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 and 3]).

23. 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.

24. 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 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

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

4. Land Reform Act, 2021 (1963)

26. 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).

5. Land Acquisition, Resettlement and Rehabilitation Policy for the Infrastructure Development Projects (LARRP), 2015 (2071)

27. Land Acquisition, Resettlement and Rehabilitation Policy for the Infrastructure Development Projects (LARRP), 2015 (2071 BS) has the following key provisions regarding land acquisition and indigenous peoples:

- (i) Recognizes the need of resettlement and rehabilitation plan to ensure the livelihood of the project affected persons or households at least above the pre-project conditions;
- (ii) Emphasize that the project development agency undertakes meaningful consultation with the project affected persons including all vulnerable groups such as 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;
- (iii) Requires compensation payment, resettlement and rehabilitation efforts to the project affected person/households including non-title holders;

- (iv) Emphasizes land acquisition through negotiation with the project affected person/ households through transparent, free, fair and justifiable process;
- (v) Requires land-based compensation and resettlement to persons/households who lose all of the property or whose livelihood is agriculture based;
- (vi) Requires relocation and resettlement of the affected persons/households close to the current place of residence until and otherwise he/she willingly prefer to relocate him/ herself;
- (vii) Requires inclusive programs for the enhancement of their socioeconomic development of disadvantageous groups such as facility less groups (Dalit, indigenous or *Janajati* groups and single women etc.);
- (viii) Requires compensation of the built properties including resettlement and rehabilitation benefits for persons/ households who do not have land or legal right for the currently operated land;
- (ix) Requires determination of compensation rates for affected land and property based on scientific methods such that the compensation rates are not less than the minimum market price;
- (x) Requires access on project benefit (share allocations) to the affected persons/ households for projects where return on investment is potential;
- (xi) Requires provisioning of subsidized rates to the project affected persons/ households for projects providing services; and
- (xii) Requires following additional project assistance on the top of the compensation and resettlement to the physically displaced groups;
 - (a) Residential facilities;
 - (b) Goods transportation assistance;
 - (c) Relocation assistance;
 - (d) Relocation for business assistance;
 - (e) House rental assistance;
 - (f) Additional assistance as recommended by plan to seriously project affected households and vulnerable groups (Dalit, Janajati or marginalized indigenous single women, helpless, disabled, senior citizen etc.); and
 - (g) Employment opportunity and livelihood restoration to the seriously project affected households and vulnerable groups (Dalit, Janajati or marginalized indigenous, single women, helpless, disabled, senior citizen etc.) based on their skills and capabilities.
- (xiii) Requires an adequate mechanism to listen, register and resolve the grievances of the project affected persons and communities;
- (xiv) Requires project development agency to ensure the allocation of resources required for resettlement/ rehabilitation and livelihood restoration of the project affected persons/households; and
- (xv) Requires acquisition of economically unviable fragmented land parcels on request of the affected owners.

6. Town development Act 2045 (1998)

28. Town Development Act 1988 (clause 4) of have provision for the formation of the Town Development Committee to execute the town plans for providing necessary services and facilities to the residents of the town by maintaining health, convenience, and economic interest of general public. In line with the spirit of state restructuring, of the government Nepal through **Some Nepal Acts (Amendment) Act, 2072** has redefined the structure of Town Development Committee and placed Mayor/chairperson of Municipality as ex-officio chair of TDC while Chief Administration Officer as the member secretary. Other member institution defined in the Act are Member from

District Coordination Committee, District Administration Office, Forest, Land Survey, or related entities of local/district level. It has also provisioned for two members from executive committee and a reputed person from the society nominated by municipality executive committee.

29. With the spirit of the preamble of the Act, the TDC provides its property for the development of new public utilities like school, health services, social activities etc. Clause 5 of the act defined the TDC as an autonomous corporate body with perpetual succession. The committee may, like an individual, acquire, dispose, sell, or otherwise manage moveable and immovable property. This provides the legal ground to TDC for providing land essential for the development.

7. Association Registration Act 2034

30. In Nepal, many people used to donate their immovable property like land for religious/education or wide social/ community benefit. For the management of such properties and associated social/religious activities, Institutions are created and registered under Association Registration Act 2034. For the construction of public utilities like hospitals, school and other community centers such institution provides the land for specific purpose. Clause 5 of the Act states that each Association registered pursuant to this Act shall be an autonomous body corporate with perpetual succession. The Association shall have a separates seal of its own for all activities of the Association. Similarly, the is considered like an individual, obtain, use, and dispose of movable and immovable property. This provides the legal ground to such association for providing land for the construction/development of public utilities.

8. Procedure for Providing Forest Areas for Other Purposes 2063 (2007)

31. 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 1: 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 Forest Users 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 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,	CFUG with facilitation by Municipality/Project Municipality/Project & CFUG	Progress depends on step 2 nd above.

Steps	Procedures/activities	Responsibility	Current Status
	approval letter of CFUG, inventory report etc.) Get recommendation letter from National Planning Commission (NPC) confirming that the proposed URLIP projects are of national priority	PCU/PD and Municipalities	
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 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	

B. Asian Development Bank, SPS (2009)

32. ADB has adopted SPS in 2009 including safeguard requirements for environment, involuntary resettlement and indigenous people. The objective of the SPS, 2009 is (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; 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.

33. 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. The SPS covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. The following are the policy principles of ADB's SPS, 2009:

- (i) Screening to identify past, present, and future involuntary resettlement impacts and risks and determination of the scope of resettlement planning;
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations; inform all affected persons of their entitlements and resettlement options; ensure particular attention to the needs of the vulnerable groups; establish a grievance redress mechanism to received and facilitate resolutions of the affected persons' concerns;
- (iii) Improvement or at least restoration of the livelihoods of all displaced persons;
- (iv) Ensure physically and economically displaced persons with needed assistance;

- (v) Improvement of the standards of living of the displaced poor and other vulnerable groups;
- (vi) Development of procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement;
- (vii) 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 non-land assets;
- (viii) Preparation of a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule;
- (ix) Disclosure of resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders;
- (x) Execution of involuntary resettlement as part of a development project or program.
- (xi) Payment of compensation and provide other resettlement entitlements before physical or economic displacement; and
- (xii) Monitoring and assessment of resettlement outcomes, their impacts on the standards of living of displaced persons.

34. The project will recognize three types of displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all 3 types of displaced persons.

C. Comparison of Government of Nepal Policies, and ADB's SPS, 2009

35. Table below presents a comparison of the Government of Nepal policies, the state policies vis-à-vis ADB's SPS, 2009, and identifies gaps and gap filling measures.

36. A comparison of the key requirements has been made, and how the gaps will be addressed through this resettlement framework in case of any instance of involuntary land acquisition as given in Table 2. The resettlement framework addresses the following identified gaps, namely: (i) screening past, present and future involuntary resettlement impacts and risks, the Project will undertake screening of all projects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks; (ii) gap in establishing a project-level GRM for projects that do not have significant resettlement impacts. The Project will establish project-level GRM. (iii) define vulnerable group as per SPS, policy principle 2. The Entitlement Matrix outlines assistance for vulnerable groups, as defined by ADB policy; (iv) third party monitor of negotiated settlement and voluntary land donation: to ensure a fair and transparent process, a third party independent monitor will be hired to certify the process the volunteer land donation was undertaken in a transparent, consistent and equitable manner; (v) non-titled users of project locations identified in accordance with the cut-off date will be eligible for compensation; (vi) disclosure of resettlement plan and resettlement framework to affected persons; (vi) frequency of resettlement plan monitoring: frequency of monitoring will be semi-annual, as per ADB SPS.

37. The following goals are common between the Government of Nepal's legal frameworks and ADB's guidelines on resettlement:

- (i) Involuntary resettlement shall be avoided to the extent possible or minimized where feasible, exploring all viable alternative project designs.
- (ii) Where displacement is unavoidable, people losing assets, livelihood, or other resources shall be assisted in improving status at no cost to them.

38. However, there are certain key differences and gaps between ADB's guidelines and the Government of Nepal's legal frameworks. Table 2 summarizes the differences and gaps, and the remedial measures required to bridge those gaps between ADB's guidelines and the national policy.

Table 2: Detailed Policy Comparison

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
1	Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	The Government of Nepal has formulated Land Acquisition, Rehabilitation and Resettlement Policy 2071 (2015) to facilitate the land acquisition process for infrastructure project. The policy outlines the need to conduct an economic and Social Impact Assessment (SIA) of the development project, which was not a requirement under the Land Acquisition Act 1977. Based on this assessment, projects will be categorized as high, medium, and low risk. The LAA spells out that physical inventory of assets and properties found on the land belonging to legal titleholders is prepared. No cut-off date is specifically mentioned in the LAA; the affected persons need to apply for compensation for buildings, trees, crops etc. within 15 days of being served notice for acquisition, if not satisfied with compensation offered or if he/she wants compensation for assets in addition to land.	The Project will undertake screening of all projects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks. 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.
2	Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
	<p>displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.</p>	<p>interest, a notice is to be given at specified offices and house door/compound wall in the prescribed form and manner, stating that the property is proposed for acquisition.</p> <p>Section 11 of LAA allows the landowner to file complaints / raise objections in writing within a time frame of 7 days plus time taken for travel from the date of publication of notice. Complaints are to be filed with the Ministry of Home Affairs, Government of Nepal through the local officer in charge of land acquisition.</p>	<p>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. The LAA does not provide for public meetings and project disclosure, so stakeholders may not be informed about the purpose of land acquisition, its proposed use, or compensation, entitlements, or special assistance measures. The resettlement planning documents for this project will be prepared following a consultation process which involves all stakeholders (affected persons, government department/line agencies, local community including indigenous peoples and women etc.), and the consultation will be a continuous process at all stages of the project development such as project formulation, feasibility study, design, implementation, and post-implementation, including the monitoring phase.</p> <ul style="list-style-type: none"> The resettlement planning documents include an appropriate grievance redress mechanism to resolve complaints at project

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
			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.
3	<p>Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.</p>	<ul style="list-style-type: none"> • 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 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. 	<ul style="list-style-type: none"> • 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. • 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 is allowed 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
4	Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.	Relocation assistance to affected persons is not specified in the LAA, although Section 16 (b) states the losses suffered by the concerned person as a result of his having been required to shift the residence or the place of his/her business by reason of acquisition of the land should be taken into account for computation of compensation.	The project will provide for the eligibility and entitlement for relocation of the affected persons, in the form of relocation assistance which includes shifting allowances, right to salvage materials, and additional transitional assistance for the loss of business and employment. Relocation/physical displacement, however, is not envisaged under the project.
5	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.	The LAA does not address the issues related to income loss, livelihood, or loss of affected persons particularly the vulnerable groups. It only deals with the compensation for loss of land, structures, buildings, crops and trees, etc. for the legal titleholders and for tenants with registered deeds.	The project will provide compensation at replacement cost and will provide additional assistance to vulnerable affected persons to maintain their pre-project conditions or improve their standards of living. The resettlement plan(s) will include eligibility and entitlement for the affected persons.
6	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who	The Civil Code of Nepal is the legal basis for contractual agreements on the transfer of land from affected persons to the government. A negotiated purchase clause is provided	The project will ensure a fair and transparent process, an independent third-party will be required to certify whether the process of negotiated settlement was undertaken without coercion, in a transparent, consistent and equitable manner.

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
	enter into negotiated settlements will maintain the same or better income and livelihood status.	under the Land acquisition Act (LAA) of Government of Nepal	
7	Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland asset	The LAA does not provide such provision.	The LAA only takes into consideration the legal titleholders. The resettlement planning documents will ensure compensation and assistance to all affected persons, whether physically displaced or economically displaced, irrespective of their legal status, in compliance with the ADB SPS. Lack of formal legal title to land by any affected persons is not a bar to entitlements. Titled, legalizable and non-titled affected persons are eligible to receive different entitlements. Titled and legalizable affected persons are entitled to compensation and rehabilitation. Non-titled affected persons are eligible for entitlements such that they are no worse off than before the project. All affected persons are entitled to compensation at replacement cost of non-land assets. Affected persons without possession or ownership certificate but occupying 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.
8	Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting	The LAA does not specify preparation of the resettlement planning document.	The project will prepare a resettlement plan for projects with impact following the template provided in this framework.

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
	framework, budget, and time-bound implementation schedule.		
9	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	No specific provision in the LAA. Section 1 (6) of the LAA provides that whenever any property is needed or is likely to be needed for any public purpose or in the public interest, a notice is to be given at specified offices and house door/compound wall in the prescribed form and manner, stating that the property is proposed for acquisition.	The LAA does not specifically mention the disclosure of resettlement plan. The project will ensure adherence to SPS requirement that the resettlement plan, along with the necessary eligibility and entitlement, will be disclosed to the affected persons in the local language (Nepali) in the relevant project locations and concerned government offices, and the same resettlement plan will also be disclosed on the executing agency's website and on the website of ADB.
10	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. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	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.
11	Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation. Disclose the resettlement plan,	The LAA has the provision that at least 50% or a reasonable amount of compensation will be paid prior to possession of the acquired land. The ordinance only ensures the initial notification or the acquisition of a particular property.	It shall be specified in the resettlement planning documents that all compensation and other entitlements are to be paid prior to physical and economic displacement and prior to contract award. The LAA does not specifically mention the disclosure of resettlement plan. The project will ensure adherence to SPS requirement that the resettlement

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
	including documentation of the consultation in an accessible place and a form and language understandable to affected persons and other stakeholders.		plan, along with the necessary eligibility and entitlement, will be disclosed to the affected persons in the local language (Nepali) in the relevant project locations and concerned government offices, and the same resettlement plan will also be disclosed on the executing agency's website and on the website of ADB.
12	Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.	This is not defined in the LAA.	The LAA does not have provision on monitoring and assessment of resettlement outcomes. The resettlement planning documents will have a detailed provision for a monitoring system within the executing agency. The executing agency will be responsible for proper monitoring of resettlement plan implementation, and the monitoring reports will be submitted to ADB for review and disclosure.

D. Involuntary Resettlement Safeguard Principles for the Project

39. Based on Government of Nepal's state policies and regulations, and the ADB SPS, the following resettlement principles are adopted for this project:

- (i) Screening of the project to identify involuntary resettlement impacts and risks. Minimizing and avoiding resettlement impacts of each project by exploring all viable alternative designs;
- (ii) Carrying out consultations with affected persons, host communities and non-government organizations; informing all displaced persons of their entitlements and resettlement options; ensuring their participation in planning, implementation, and monitoring and evaluation of resettlement programs;
- (iii) Where the resettlement impacts are unavoidable, the affected persons should be assisted in improving or at least regaining their standard of living;
- (iv) Vulnerable households, those affected by the project will be given special assistance to improve their socioeconomic status. 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;
- (v) The absence of formal title to land does not bar affected persons to policy entitlements;
- (vi) Compensation for all lost assets acquired or affected is based on the principle of replacement cost;
- (vii) Restoration of livelihoods and residences of the affected persons will be facilitated with adequate resources and with a time-bound action plan in coordination with civil works;
- (viii) Affected persons are to be assisted in integrating economically and socially into host communities where physical displacement takes place, so that adverse impacts on the host communities are minimized and social harmony are promoted;
- (ix) All payments, including compensation for loss of land, assets, structures, trees, income, and common properties will be made prior to physical or economic displacement and commencement of civil construction work; and
- (x) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner to affected persons and other stakeholders. Disclose the final resettlement plan and other documents such as the monitoring reports to affected persons and other stakeholders.

40. In accordance with the involuntary resettlement principles of this resettlement framework, all affected persons will be entitled to compensation/resettlement assistance. Compensation and assistance will be based on the nature of ownership rights on lost assets and the impacts, including vulnerability status of the affected persons.

41. **Negotiated settlement.** The implementing agency is encouraged to use negotiated settlement to obtain land for project requirements. This helps avoid expropriation and eliminates the need to use force by governmental authority. ADB SPS safeguards requirement 2 does not apply to negotiated settlement; provided, there is no coercion (held by the affected person/ land seller) or use of eminent domain being applied, should the negotiated settlement fail and where direct negotiations with land owners are conducted in a transparent, consistent and equitable manner and land is purchased upon agreement of a negotiated price. This resettlement framework and the policy guidelines encourage acquisition of land and other assets through a

negotiated settlement wherever possible, based on meaningful consultations with the affected people including non-title holders. In a negotiated settlement both the parties (each affected person/family including non-titled) agree on a fair price for all losses incurred. In such settlement, in line with ADB policy, government will however ensure that any negotiation with affected persons openly addresses the risks of asymmetry of information and bargaining power of the parties involved in such transactions. If an expropriation results upon the failure of negotiation, all safeguard requirements as per the ADB SPS, 2009 will be applied and resettlement plan will have to be prepared in line with this resettlement framework. In this project, the process of negotiation will ensure the following steps:

- (i) Negotiation will take place when there is a willing seller. 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) Consultation with the affected person must be carried out and documented;
- (iii) 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. The minimum negotiated price to start negotiations should be offered in an adequate and fair price and shall not fall below the valuation of land based on the market value of land. 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) All negotiations must be carried out in a transparent manner and validated by an independent external party (eminent citizen/any party without any interest in the process, appointed by the PCO. Third party will document the negotiation and settlement process (refer to Appendix 1 for terms of reference for engaging a third party and Appendix 2 for the sample third-party certification); The third party will also verify whether any person (e.g. tenants/users of the land or asset) will be rendered vulnerable as a result of the negotiated settlement.
- (v) The government will also agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; third-party validation; mechanisms for calculating the replacement costs of land and other assets affected; and record-keeping requirements. PCO/PIU will document and keep record of all processes undertaken in the negotiated settlement;
- (vi) In case of failure of negotiations, compensation will be paid as outlined in the entitlement matrix of the resettlement framework and the entire process has to be documented. The third party will have to submit reports during and on conclusion of negotiations; costs related to third party certification will be borne by the project proponent;
- (vii) The land transfer and updated records of the purchased lands will have to be completed prior to the start of civil works. Land transfer costs for registering new land titles should be borne by the government; and
- (viii) People who enter into a negotiated settlement will maintain the same or better income and livelihood status.

42. **Voluntary Land Donation.** The project may accept voluntary donation of land. Such offer would be considered only if donated land does 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);¹⁴ (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.

43. The process and steps to be followed for assessing eligibility of voluntary donation and documentations are given below:

- (i) **Step 1:** The project will be open to the possibility of voluntary land donation from any interested person/community. The land requirement will be explained to the interested donor(s). ADB's SPS, 2009 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, who shall assess if land parcel under consideration for donation meets the stipulated criteria (as described in paragraph above);
- (ii) **Step 2:** After donation of land is decided by the donor(s), the PIU 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). The donor will signify its consent through signing the voluntary donation consent form (sample template is attached in Appendix 3. The PIU, with the help of PCO,) will take necessary legal steps to formalize the donation of land. PIU/PCO will facilitate the entire donation process and maintain its documentation; and
- (iii) **Step 3:** The Deed of Gift will be executed and the ownership transfer for land parcels will be registered in the name of the land (gift) receiving department/agency (as designated by government) and all necessary fees, stamp duties will be borne by this department/agency. Henceforth, the land ownership and related land record will be revised/amended with Record of Rights showing the transfer of ownership.

44. A mechanism will be established ensuring transparent process is followed and coercion was not used for donation of land. The whole process will be verified and validated by an independent third party for all voluntary offer of land for the project. The above information has to 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.

¹⁴ <10% of the total landholding is only allowed for donation.

45. The resettlement framework broadly defines three types of involuntary resettlement impacts that are eligible to have mitigation measures. The types of impacts are (i) loss of assets, including land and structures; (ii) loss of income or livelihood; and (iii) collective impacts on groups, such as loss of common property resources and loss of access or limited access to such resources. Every effort will be made during the preparation of detailed design to minimize acquisition of land and other assets and to reduce any involuntary resettlement impacts. Other unforeseen impacts, including relocation,¹⁵ will also be compensated and addressed in accordance with the principles of this resettlement framework.

46. A detailed description of each compensation measure and assistance is provided in the entitlement matrix (Table 3). Affected persons will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons.

E. Project Screening Criteria and Checklists

47. Resettlement screening for projects will be carried out during the project identification. The PIU with the support of the PCO of URLIP will be responsible for screening and categorizations. The screening criteria will be based on the degree of resettlement impacts. For the preparation of resettlement plans or any other safeguard reporting (due diligence report), the involuntary resettlement and Indigenous Peoples checklist will be used to identify land acquisition and resettlement impacts, and Indigenous Peoples impact (Appendix 4 and 5).

48. The PIU, with the support of the Design and Supervision Consultant will prepare ADB's involuntary resettlement checklist along with Safeguards Officers of PCO for each proposed project, based on the above checklist. Screening will be conducted immediately after identification of the project site. If the screening is done simultaneously when the project site is being identified, the magnitude of impacts can be estimated at the same time, and if required, alternative options can be examined. This will be done by the PIU and DSC team under guidance from PCO. ADB's Operational Manual Section F1/Operational Procedures defines the criteria for screening and categorization of projects, which will be adopted. PCO will submit completed checklists to the ADB for review.

49. The impact assessment checklist shall also help to screen the projects into following categories. To ensure that the project meets ADB's social safeguard requirements, as stipulated in the ADB SPS 2009, projects will be screened. The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks.

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts.¹⁶ A resettlement plan, including an assessment of social impacts, is required;
- (ii) **Category B.** A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement

¹⁵ Should relocation be required, consultations will be carried out with affected persons in terms of the choice of their relocation options. Affected persons requiring relocation of residential or commercial structures will be assisted by the PCO in identifying sites that minimizes social disruption and have access to similar services and facilities. Tenant affected persons will be assisted by the PCO in finding suitable rental accommodations.

¹⁶ The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income-generating).

- plan, including assessment of social impacts, is required; and
- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts. No further action is required.

50. The project's involuntary resettlement category is determined by the magnitude of involuntary resettlement impacts. The involuntary resettlement impacts of ADB-supported projects are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks. For category B projects, a resettlement plan is required. For category C project, a due diligence report (DDR) is required. For output 2 under the URLIP, the project impacts of proposed project components will not be significant and will mostly be category B or C. Any projects which will cause significant resettlement impacts (category A) will not be selected.

51. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternatives for project designs and alternative sites or locations for project components to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized. These measures and criteria will be applied and rehabilitation within existing facility premises will be prioritized over new construction so as not to require land acquisition and result in resettlement impacts. Based on thorough survey of all possible site alternatives, project components will be proposed on existing facilities and/or vacant government land, where available.

III. ELIGIBILITY, ENTITLEMENTS AND BENEFITS

A. Eligibility

52. The following displaced persons are eligible for compensation, assistance, and benefits under the project. This entitlement policy, in line with the applicable laws and policies of the Government of Nepal particularly the provisions made under the Land Acquisition Act 1977, and Policy on Land Acquisition, Resettlement and Rehabilitation for the Infrastructure Development Projects 2015, and ADB SPS 2009. Eligible persons include:

- (i) persons who will lose land/assets/income in their entirety or in part, and have formal legal rights to the land;
- (ii) persons who will lose the land they occupy in its entirety or in part, and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g., tenants and leaseholders;
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g., sharecroppers, squatters, encroachers, wage labour without formal contracts; and vulnerable households.¹⁷

B. Entitlements, Assurances and Benefits

53. **Entitlements:** The identified affected peoples will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets, and scope of the impacts including socio-economic vulnerability of the affected

¹⁷ 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.

persons and measures to support livelihood restoration, if livelihood impacts are envisaged as per resettlement principles and policy discussed above.

54. The project entitlement policy addresses potential direct and indirect impacts of project construction and operation on displaced persons, households and communities due to involuntary acquisition, including those that will be acquired through LAA. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and impacts to residential and commercial structures. Other potential losses include impact to secondary structures and common property resources. Mitigation is provided through compensation and assistance to project-displaced persons, households, and group on the basis of this policy framework adopted by the project. The policy provides mitigation for:

- (i) Structure Loss (Partial/Minor)
- (ii) Loss of livelihood or income opportunities;
- (iii) Collective impacts on groups, such as loss of community assets, common property resources, and others; and
- (iv) Temporary impacts or disruptions due to project construction work.

55. Compensation eligibility is limited by a cut-off-date. Date of notification for land acquisition (as per the #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. The project Entitlement Matrix identifies and lists various types of losses resulting out of the project and specific compensation and resettlement packages for each category.

56. All affected persons who are identified in the project-impacted areas by the cut-off date¹⁸ will be entitled to compensation for their affected assets, and sufficient rehabilitation measures to help them to improve or at least maintain their pre-project living standards, income-earning capacity, and production levels will be carried out. The absence of legal/formal titles to the affected assets will not prevent the affected people from receiving full compensation and assistance as required by ADB SPS (2009) on involuntary resettlement.

57. Damages/unanticipated losses caused during construction, if any will be eligible for compensation. Such issues will be identified and closely monitored by the safeguard monitoring unit of the PCO and PIUs. Compensation for unanticipated temporary impacts and damage during construction will be borne by the contractor. Unanticipated losses, if any, will be mitigated/compensated as per the Entitlement Matrix of this resettlement framework. Loss of drinking water, sanitation and/or any other facility due to damage of existing infrastructure during construction will be mitigated through provision of alternate facilities (e.g., alternate means of water supply).

¹⁸ Those who encroach into the area after the cut-off date will not be entitled to compensation or any other assistance.

Table 3: Entitlement Matrix¹⁹

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 ²⁰	<ul style="list-style-type: none"> (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, (ii) Cash compensation based on replacement value;²¹ (iii) All fees, taxes and other charges as applicable under relevant laws and regulations will be borne by the project; (iv) Project will facilitate transfer of ownership of the land; (v) In case remaining land will no longer be viable after acquisition, option of compensation will also be offered; (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. 	<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 • PCU 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 V of this resettlement plan. The committee comprises of CDO, Land Administrator or Chief of the Land Revenue Office, concerned Project Manager or Officer assigned by CDO and representative from CDC.
1.2. Agricultural Land (crops, pastures, ponds, etc.)	Titleholders, including persons with traditional rights	<ul style="list-style-type: none"> (i) Land-for-land options of equal or more productive capacity will be offered if government unregistered land or <i>ailani</i> land is available for affected persons losing entire land of his/ her ownership; or 	<ul style="list-style-type: none"> • 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 	As per Land Acquisition Act (clause 13 and 16), the compensation determination committee will determine the

¹⁹ All cash compensations will be adjusted for inflation until the year of compensation payment.

²² 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.

²² 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
		<ul style="list-style-type: none"> (ii) Cash compensation based on replacement value as per Land Acquisition Act; (iii) All fees, taxes and other charges as applicable under relevant laws and regulations will be borne by the project; (iv) Additional support will be provided for significantly affected persons and/or vulnerable affected persons as described in item 5, as applicable; (v) Project will facilitate transfer of ownership of the land; (vi) Preferential employment in project construction and maintenance work provided, if interested; (vii) Advance notice to harvest standing crops will be provided; 	<ul style="list-style-type: none"> • 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 • PCU 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>replacement value as per procedures outlined in Chapter V in this resettlement plan. The committee comprises of CDO, Land Administrator or Chief of the Land Revenue Office, concerned Project Manager or Officer assigned by CDO and representative from CDC.</p> <p>PIU/PCO, with the support of SDC</p>
1.3. Loss of tenanted agricultural, residential and commercial by permanent tenants/ sharecropper	Landowner, Registered tenants Non-registered sharecropper	<ul style="list-style-type: none"> (i) 50% cash compensation to the sharecropper (registered tenants) of the affected plots as per the prevailing laws (LAA, Clause 20). Other 50% to the landowner; (ii) Cash compensation at replacement cost to the standing crops in line with informal agreement between the owner and sharecropper; (iii) Income disruption allowance up to 3 months of wage labor for the affected registered tenants/ sharecroppers and landowners; (iv) Provision under item 5 will also apply. 	<ul style="list-style-type: none"> • Payment will be made in full to the affected person before taking possession of the land • Concerned local body shall validate the person has reached an agreement of sharecropping and cultivating the land and the person has not violated any by-laws once they declared effective. 	CDC, PIU/PCO, with the support of SDC

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
1.4. Leased or rented land	<p>Person leasing or renting out the affected land, tenants</p> <p>Persons using land with formal leasing or renting agreement</p>	<p>(i) Loss of income and investment will be compensated based on actual days loss incurred;</p> <p>(ii) Lease holder or renter will get notice of termination as specified in agreement.</p> <p>-</p>	<ul style="list-style-type: none"> • The owner will reimburse tenants/leaseholders on rental deposit or unexpired lease and will provide proof of such reimbursements to the project. • The lease holder shall provide original copy of agreement paper with renters (landowners) to be eligible for the entitlements. The user occupying land prior to cut off date will be eligible for entitlements. The date of completion of census survey/or DMS will be the cut-off date for entitlement. The PIU will publish cut-off date in a communication media easily accessible to affected persons. • PIU, with the support of SDC will ensure provision of notice 	PIU, assisted by PCO and SDC
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>		
2.2 Loss of Secondary or Associated Structures (Toilet, Safety Tank, Tap,	Owners of the structure with or without proof of ownership, including encroachers (non-titleholders)	<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>-</p> <p>-</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>	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
Animal Shed, and others) ²²				
3. Loss of Crops and Trees				
3.1 Loss of crops and trees (fruit bearing and timber)	Owner of crops and trees- Titleholder Tenant/Sharecrop per Crops owned by encroachers/ squatters/ non-titleholders	<ul style="list-style-type: none"> (i) Advance notice of 3 months to harvest their crops; (ii) Cash compensation for loss of crops at replacement rate (if destroyed) based on average production in last 2 years. The unit rates for the same will be determined based on wholesale market and in consultation with the concerned Agriculture Knowledge center; (iii) Cash compensation at replacement rate calculated based on their productive life for loss of fruit trees that have been grown for both self-consumption and commercial production. The unit price at replacement rate will be determined based on wholesale price and in consultation with the concerned Agriculture Knowledge Centre; (iv) Compensation for loss of wood-trees at current market value of wood (timber or firewood, as the case may be); (v) Compensation for loss of future harvest at net value of 3 times the harvest for seasonal crops; (vi) Compensation for felling and transportation of timber trees from field to residence computed based on Ministry of Forest and Environment norms. 	Compensation for loss of agricultural crops at current market value of mature crops, based on average production.	PIU, assisted by PCO and SDC.
4. Loss of Income and Livelihood				

²² 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
4.1. Permanent Loss of Livelihood (without the possibility of establishing alternative business or job)	Legal titleholder/tenant/leaseholder/non titled/ employee of commercial structure, farmer/agricultural worker	<ul style="list-style-type: none"> (i) Subsistence allowance for a period of 6 months as per the current minimum wage rate; (ii) One-time shifting allowance of NPR 10,000 will be provided; (iii) Included in livelihood resilience program. This includes (i) skill training for one member of the household; and (ii) a livelihood development grant of NPR 15000. (iv) For employees, compensation will be provided equivalent to their net income for the duration of twelve months based on the payment/salary/wage receipts. If income documents are not available, compensation will be calculated as per the minimum wage rate. (v) Preferential employment in wage labour in project construction and maintenance work, if interested. (vi) Additional assistance for vulnerable households as per item 5.1 (i) 	<ul style="list-style-type: none"> • Determination of livelihood loss will be carefully done during socioeconomic survey and impact assessment. • Skill training will be based on a training needs assessment, market assessment and skills matching. 	PIU, assisted by PCO and SDC
4.2. Temporary Income Loss	Legal titleholder/tenant/leaseholder/non titled/ employee of commercial structure	<ul style="list-style-type: none"> (i) 30 days' advance notice regarding construction activities, including duration and type of disruption; (ii) Contractor's actions to ensure there is no income/access loss consistent with the IEE;²³ (iii) For construction activities involving unavoidable livelihood disruption, compensation for loss of income will be paid as per average daily income arrived at from census or as per applicable 	<ul style="list-style-type: none"> • Identification of alternative temporary sites to continue economic activity. • PIU will ensure that civil works will be done in phases to minimize disruption through construction scheduling in coordination with the contractors. This will be included in the contractor's contract. 	PIU, assisted by PCO and SDC.

²³ This includes: (i) leaving spaces for access between mounds of soil, (ii) providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, (iii) increased workforces to finish work in areas with impacts on access, (iv) timing of works to reduce disruption during business hours, (v) phased construction schedule and (vi) working one segment at a time and one side of the road at a time.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		<p>minimum wage, whichever is greater. This assistance shall be paid for the actual period of disruption;</p> <p>(iv) Assistance to vendors/hawkers to temporarily shift for continued economic activity (NRs. 2000 as one- time assistance)²⁴.</p>	<ul style="list-style-type: none"> • PIU with support of SDC and contractor will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households. • After a detailed assessment and in case livelihood impact is unavoidable, the project will be responsible for providing compensation/assistance. • The census survey will serve as the cut-off date. All businesses identified in the project-impacted areas on the cut-off date will be entitled to compensation for their lost income based on the tax records, or the option of using the actual income based on survey followed by a verification of the income data based on comparable incomes in the project area. The contractor shall bear the cost of any impact on structure or land due to movement of machinery during construction restoring it to former state or better and providing cash compensation for crop 	

²⁴ For example, assistance to shift to the other side of the road where there is no construction. Such assistances will be given only to non-movable businesses (which are not on wheels).

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
			<p>damage at market value replacement cost.</p> <ul style="list-style-type: none"> • Contractor shall be responsible for regulating time of usage of heavy machineries, dust suppression, schedule of construction to allow normal traffic during morning and evening and signage of sensitive areas where safety is a concern. • GRC will be used to measure the construction-induced impact in both scenarios. 	
5. Additional Assistance to Vulnerable Affected Persons				
5.1. Impacts to Vulnerable ²⁵	A. All permanently affected vulnerable households	<ul style="list-style-type: none"> (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

²⁵ The vulnerable groups include households falling below poverty line, households with persons with disability, female-headed households, households having elderly (JesthaNagarik) and children, dalits, indigenous people, landless households and households without legal title to land.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
	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.		
6. Community Facilities and Resources				
6.1 Government and community structures, ²⁶ 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 condition will be the responsibility of the project.	<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 will be reflected in the contractor's contract. • Impacts to cultural properties will be avoided to the maximum extent possible through special measures such as project alignment modification and/or alteration. 	PIU, assisted by PCO and SDC, Contractor/s
6.2. Loss of access to water supply, wells, sewerage network/sanitation and sanitation facilities (public/private toilets, solid waste	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 	PIU, assisted by PCO and SDC, Contractor/ss

²⁶ 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
collection points, etc.)			through water tanker, mobile toilets, increased frequency of solid waste collection)	
7. 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

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

IV. SOCIOECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION

A. Social Impact Assessment

58. Social impact assessment (SIA) surveys will be undertaken in each project location. The PIUs with support from DSC, and the PCO and along with the contractor/s will undertake detailed measurement and socio-economic census surveys for each identified project based on technical design. The PIUs will be guided by the PCO which will have a Safeguards Officers. The SIA will determine the magnitude of impacts and prospective losses, identify vulnerable groups for targeted interventions, ascertain costs of resettlement, and prepare a resettlement plan for implementation. As part of the social impact assessment, a social safeguards specialist placed in DSC will guide PIU with the support of the PCO to identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the project will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development.

59. **Census.** The purpose of the census and detailed measurement survey (as part of the SIA) is to register and document the status of potentially affected persons²⁷ within the project impact area. The census will cover 100% of affected persons. The census will provide a demographic overview of the population and will cover people's assets and main sources of livelihood. The survey will cover the following: (i) boundaries of the site identified for the proposed project components in case of projects involving new interventions; (ii) proposed right-of-way (RoW) boundaries, which will include titleholders and non-titleholders occupying the proposed RoW; (iii) current occupants of the project site, including businesses, vendors, and crop holders, whether titleholders or otherwise, experiencing temporary or permanent disruptions during construction; and (iv) list of potential loss of assets and income opportunities of affected persons due to the project activity.

60. The detailed measurement survey (DMS) and inventory of loss surveys will be conducted for each of the project sites and alignments based on detailed design, before implementation. The DMS will establish the number of affected persons/businesses along each proposed components with potential impacts (both temporary and permanent). It will collect only essential information for determining entitlements. The DMS will gather personal information on the affected person, type of business, type of structure, number of persons employed, income and profits per day, vulnerability, if any of the owner or employees, and will record the type of distress likely.

61. SIA will also be conducted for those landowners from whom land will be procured either through negotiated purchase or voluntary land donation, to assess the socio-economic profile of the land owners and to assess whether the land donation or land selling process would render them landless/vulnerable.

B. Resettlement Plan Formulation

62. The PCO with the support of PIU will prepare a resettlement plan, if the proposed project will have involuntary resettlement impacts. The resettlement plan will be based on the SIA and through meaningful consultation with the affected persons. The resettlement plan will be prepared

²⁷ The potentially affected persons will include both the titleholders and the non-titleholders and those with traditional rights within the project impact zone.

based on the results of the census and socio-economic survey; the database on affected persons should be completed before resettlement plan preparation. Some of the key steps to be followed during resettlement plan preparation include:

- (i) screening of projects and project involuntary resettlement categorization;
- (ii) conducting SIA covering 100% census and socio-economic surveys;
- (iii) preparation of draft resettlement plan including extent of loss, list of affected persons, entitlements, budget, implementation schedule, consultation and grievances etc., requirements for resettlement plan implementation;
- (iv) disclosure of draft resettlement plan with various stakeholders including with affected persons and the ADB;
- (v) addressing various grievances (if any) in line with the procedures outlines in the resettlement framework/resettlement plan;
- (vi) preparation of final resettlement plan incorporating suggestions/outcome of consultations from various stakeholders;
- (vii) submission and clearance of final resettlement plan from the ADB and its final disclosure.

63. PIU Safeguard Officers, with the support of DSC and PCO safeguards personnel, will carry out preliminary investigations and field visits to understand the extent of impacts due to proposed projects. An inventory of key indicators such as extent of land/structure loss, number of affected persons, broad social-economic profile of affected persons etc. will be collected and based on this involuntary resettlement checklist and indigenous people checklist will be prepared. The involuntary resettlement and Indigenous People checklists will specify the safeguard category of the project in line with the resettlement framework/ADB SPS, 2009 and identified impacts. It will also specify the requirement for appropriate plan to mitigate the identified impacts. These checklists along with category suggested will be reviewed and cleared by the ADB prior to the preparation of actual resettlement plan.

64. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the PCO/PIU will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, socially inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a resettlement plan is presented in **Appendix 10**.

65. The draft resettlement plan will also be shared with affected persons and host communities and revised to reflect their views. The entitlements and the grievance redress mechanism will be prepared in local language or translated and disclosed to affected persons and the public through posters and/or resettlement information handouts. The completed resettlement plan based on detailed design and the detailed measurement survey will include the census of affected persons, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and participatory results monitoring mechanisms. As per the ADB's SPS, 2009, the resettlement plan should be broadly structured in the following manner:

- (i) Executive summary;
- (ii) Project description;
- (iii) Scope of land acquisition and resettlement;
- (iv) Socioeconomic information and profile;
- (v) Information disclosure, consultation and participation;
- (vi) Grievance redress mechanisms;
- (vii) Legal framework;
- (viii) Entitlements, assistance and benefits;
- (ix) Relocation of housing and settlements;
- (x) Income restoration and rehabilitation;
- (xi) Resettlement budget and financing plan;
- (xii) Information disclosure;
- (xiii) Institutional arrangements;
- (xiv) Implementation schedule; and
- (xv) Monitoring and reporting

66. The draft resettlement plan will be revised as the final resettlement plan incorporating the outcomes of final census of affected persons, final involuntary resettlement impacts upon completion detail design and final consultations and resettlement plan disclosure activities (suggestions made by various stakeholders including the affected persons).

C. Gender Impacts and Mitigation Measures

67. The project will identify any specific needs to address the issues of 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. The resettlement plan will formulate measures to ensure that socioeconomic conditions, needs, and priorities of these groups are considered. The resettlement plan will also ensure that gender impacts are adequately addressed and mitigated. Women's focus group discussions (FGDs) will be conducted to address specific women's issues. In addition to the measures provided for gender concerns of the affected households, the resettlement plan will be implemented in accordance with the gender equality and social inclusion (GESI) action plan prepared for this project. Similarly, issues of indigenous people will be addressed, and if required, mitigation measures will be provided during the preparation of resettlement plan. In the event indigenous peoples issues are identified, the project authorities will inform ADB and prepare an Indigenous Peoples Plan (IPP) following the SPS (2009) Safeguards Requirements 3 procedures and requirements.

68. Any negative impacts of a project on female-headed households will be taken up on a case-to-case basis and assistance to these households will be treated on a priority basis. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs, and priorities of women are identified, and the process of land acquisition and resettlement does not disadvantage women. The resettlement plan will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households. Joint ownership in the name of husband and wife will be provided in cases of non-female-headed households.

V. CONSULTATION, PARTICIPATION AND DISCLOSURE

69. Consultation, participation, and disclosure constitute an integrated part in the preparation and implementation of a resettlement plan. A range of formal and informal participatory methods will be carried out for all projects including, but not limited to, focus group discussion (FGDs), public meetings, community discussions, one-to-one consultation, in-depth and key informant interviews, in addition to the census and socioeconomic surveys. Consultations will be held with special emphasis on vulnerable groups. PIUs with the support of DSC and ISPC will disseminate information to affected persons and consult with them in a manner that is commensurate with the anticipated project impacts on the affected communities. PIU will inform and consult with the affected persons on resettlement and compensation options and provide them with project-related information during resettlement planning and implementation.

70. Comprehensive planning is required to ensure that affected persons, communities, local government, project staff and other key stakeholders interact regularly, and meaningful consultation is conducted at all stages of the project through FGD, public community meetings, key informant interviews and participation in census and survey. The following are the key stakeholders who will be consulted with at various stages of the program implementation:

- (i) all affected persons, project beneficiaries, including representatives of various sectors such as women, youth, indigenous peoples, elderly, persons with disabilities and other vulnerable groups;
- (ii) decision makers, policy makers, government officials, community members;
- (iii) CSOs, including community-based organizations, policy makers, elected local officials, community leaders and members; and
- (iv) representatives from concerned local government authority and various government departments, as required.

71. It is expected that consultative process will be carried forward to ensure that the ensure that the affected population and other stakeholders are informed, consulted, and allowed to participate actively in the development process. This will be done throughout the project, during preparation, implementation, and monitoring of project results and impacts. During implementation and monitoring, information will be disseminated to affected persons and other key stakeholders. This information will be prepared in the local language, as required, describing the main project features including the entitlement matrix.

A. Consultation

72. The objectives of involuntary resettlement safeguards are to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels and to improve the standards of living of the affected persons and other vulnerable groups. Achieving these objectives requires engaging the affected persons, communities, and key stakeholders in a transparent, public, and deliberative process of participation in planning resettlement.

73. PCO and PIUs will carry out meaningful consultations with the affected persons, communities, vulnerable groups, and other key stakeholders. The consultation process established for the project will employ a range of formal and informal consultative methods such as focus group discussions (FGD), public community meetings, and key informant information (KII). To understand the socioeconomic profile of city residents, questionnaires are designed to collect information from individuals. The consultations will be held with special emphasis on

vulnerable groups. The key informants during the project preparation phase and resettlement plan implementation are the following:

- (i) heads and members of households likely to be affected;
- (ii) groups/clusters of affected persons;
- (iii) local CSOs and CBOs;
- (iv) government agencies and departments; and
- (v) key project stakeholders, such as women and trader's associations.

74. Resettlement Plans for projects will be prepared and implemented in close consultation with stakeholders, particularly with affected households. All affected persons and households will participate in the census of households and individuals located within the Project to register and document the status of the potentially affected population within the impact area for the preparation of resettlement plan. The census will provide basic demographic and socioeconomic data, such as household size, age, gender, (especially of the head of household), ethnicity, occupation, household income, vulnerability and profiles of household assets. It will cover 100% of the potentially affected population within the project impact area. Consultations with affected persons during resettlement plan preparation will ensure that views of affected persons on compensation and rehabilitation measures are fully incorporated while consultations conducted during resettlement plan implementation will further identify assistance required by the affected persons. The most important thing is that the affected households and communities are taken into confidence and meaningful consultation is carried out with them during resettlement plan preparation, implementation, and monitoring resettlement activities.

75. The Safeguards Officers of PCO and PIUs with assistance of DSC safeguards staff 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 process. Vulnerable affected persons will particularly be given special attention and will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the project life during preparation, implementation, and monitoring of project results and impacts.

B. Information Disclosure

76. Summaries of resettlement plans will be made available in the Nepali language in a timely manner, in an accessible place, and in a form and language that the affected persons can understand. In the initial stage, the PIU will be responsible for informing potential affected persons and the general public of the project and any resettlement-related requirements through project information brochures, leaflets and other means. The relevant information includes the project components and location, impact estimates, entitlements, and implementation schedule and GRM will be presented to affected persons. This will enable stakeholders to provide inputs on the resettlement process. The project information disclosure leaflet will also contain the contact numbers of PCO, PIU, contractor, project engineers and social safeguards personnel and concerned engineer, and grievance redress hotline number which will be distributed among affected persons and project beneficiaries. Furthermore, suggestions and comments raised by the affected persons will be documented in the project records and summarized in project monitoring reports. The sample project information disclosure leaflet is in Appendix 8 of this document.

77. In addition to disclosure to the affected persons, DUDBC will submit to ADB the resettlement documents such as draft and final resettlement plan/framework, new or updated

resettlement plan (if there is a change in scope or there are unanticipated impacts), corrective action plan (if any) and social safeguards monitoring reports (SSMR) for disclosure on the ADB website.

78. The approved entitlement matrix and resettlement plans will be placed in the DUDBC and PIU offices, and will be made accessible to affected persons. Further, the electronic version of resettlement framework/resettlement plans will be placed in the official website of the PCO. The PCO, PIU along with DSC will continue the consultations, information dissemination and disclosure. The updated and final resettlement plans will be disclosed on the DUDBC. Project information will be continually disseminated through disclosure of resettlement planning documents, as and when updated. Information relating to resettlement planning, management, and entitlements for loss of income will be made available in local language and the same will be distributed to affected persons. The consultation process will continue throughout the project cycle.

C. Continued Consultation and Participation

79. The extent and level of involvement of stakeholders at various stages of the project from design and throughout the implementation of the project activities will entail opening up the line of communication between the various stakeholders and the project implementing authorities, thereby aiding the process of resolving conflicts at early stages of the project rather than letting it escalate into conflicts resulting in implementation delays and cost overrun. Participation of the local community in decision-making will help in mitigating adverse impacts.

80. Further, successful implementation of the resettlement plans is directly related to the degree of continuing involvement of those affected by the Project. Consultations with affected persons have been proposed during resettlement plan implementation and the JSV will be responsible for conducting these consultations.

81. Public consultation and disclosure activities to be followed by JSV for the Project as per the following Table 4.

Table 4: Public Consultation and Disclosure Plan

Activities	Details	Responsible Agency
A. Initial Stage		
Mapping of the Project area	Project area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	Project implementation unit (PIU) in coordination with CDO/CDC, under the overall supervision of the Project coordination office (PCO).
Stakeholder identification	Mapping/identification of stakeholders in order to facilitate their participation in the project.	PIUs, under the overall supervision of the PCO.

Activities	Details	Responsible Agency
Project information dissemination; Disclosure of proposed land acquisition and project details	Leaflets containing information on project to be prepared. Notification of Land Acquisition Act (as per LAA) and public notices will mention the names and survey nos. of titleholders of land/property proposed for acquisition along with project details.	PIUs in coordination with local government authorities will be involved in information dissemination, under the overall supervision of the PCO. PIUs will be assisted by consultants for leaflet preparation.
Stakeholder Meetings	Meetings at community/household level with titleholders of affected land/property and their family members during project scoping.	Respective PIUs with local government authorities handling land acquisition will facilitate to the meeting with the affected landowners. At least two such meetings should be conducted.
B. Resettlement Plan Preparation Stage		
Socio-economic surveys and social impact assessment	Resettlement framework will be made available in the local government office handling land acquisition and PCO office, to be translated in local language.	PCO and PIUs will ensure the availability of resettlement framework.
Formulating compensation measures and rehabilitation measures	Conducting discussions/ meetings/workshops with all affected persons and other stakeholders	PIUs under overall supervision of PCO will conduct all required discussions/ meetings/ workshops and will invite all secondary stakeholders.
Disclosure of Resettlement Framework and Resettlement Plan with entitlements and other rehabilitation packages	Specific activities will include: (i) Disclosure of the resettlement plan in the project websites (ii) Circulation of copies of resettlement plans to all stakeholders including affected persons (iii) Translation and preparation of resettlement plan summarized in local language Conduct of public meetings for resettlement plan approval by affected persons.	PIU will undertake all activities related to circulation of Resettlement Plan with the SSS of the DSC. PIU will arrange public meetings of all stakeholders with affected persons for resettlement plan approval. PIU will document all the comments and suggestions made by affected persons and will send it to the PCO along with the resettlement plan.
C. Resettlement Plan Implementation Stage		
Disclosure of the ADB-cleared updated and/or final resettlement plans to all important stakeholders	(i) Final resettlement plans reviewed and cleared by ADB, to be updated/disclosed on the implementing agency/executing agency's website. (ii) The final plans will be disclosed to affected persons and other stakeholders. (iii) Ensuring the availability of copy of the updated and/or approved resettlement plans and ADB Involuntary resettlement policy at PCO, PIU offices.	Executing agency/PCO and PIUs, SDC
Consultation with affected persons during	(i) Meetings/discussions will be arranged with affected persons	PIUs will arrange the meetings/discussions.

Activities	Details	Responsible Agency
income restoration/rehabilitation activities	(ii) Households to identify help required by Affected persons during rehabilitation	Designated staff from the PCO and PMCDC will participate while the PIU/PCO will monitor consultation activities.

VI. GRIEVANCE REDRESS MECHANISM

A. Common Grievance Redress Mechanism

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

83. 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.

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

85. **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.

86. 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.

87. 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.

88. **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:

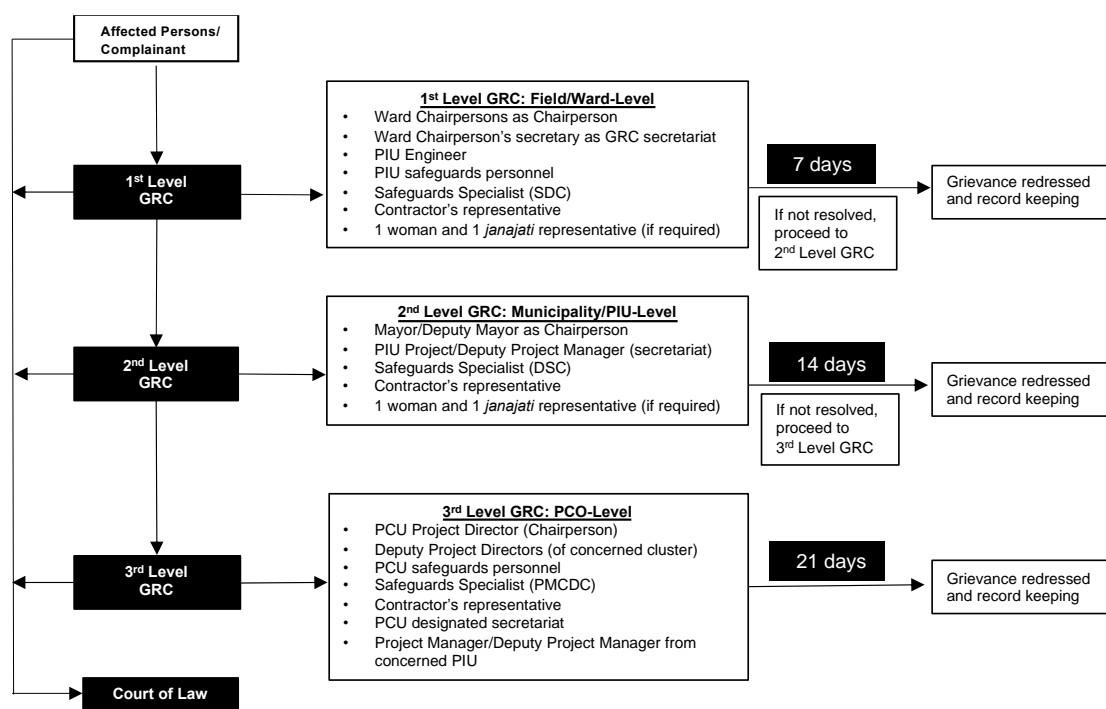
- (i) Mayor/Deputy Mayor (Committee Chairperson)
- (ii) PIU safeguard personnel
- (iii) SDC social/environment specialist
- (iv) Contractor's representative
- (v) Ward member representing vulnerable community (one women and one *janjanati* representative, if required)
- (vi) Project manager of the PIU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

89. **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.

90. The grievance redress process is represented in Figure 1.

Figure 1: Grievance Redress Procedures – URLIP



91. **Record-keeping.** The PIU/PCO/ PMC 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 11. An acknowledgement to the effect that the complaint has been received by the coordinator's office should be promptly sent to the complainants. 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 complainants 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.

92. **Periodic review and documentation of lessons learned.** The PCO project officers (Social and Environment) 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.

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

94. **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 (AM) through directly contacting (in writing) the Complaint Receiving Officer (CRO) at ADB headquarters or the ADB Nepal Resident Mission (NRM).²⁸ 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.

VII. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation

95. Land acquisition and resettlement impacts will be compensated in accordance with the provisions of the entitlement matrix. Compensation for loss of land will be determined on the basis of market price or replacement cost whichever is higher. The valuation committee will comprise of CDO, Land Administrator or Chief of the Land Revenue Office, concerned Project Manager or Officer assigned by CDO and representative from CDC. The valuation committee will finalize the replacement cost without any depreciation cost.

96. The following displaced persons are eligible for compensation, assistance, and benefits under the project. All affected persons will be eligible for assistance/compensation as per the entitlement matrix. Eligible persons include:

- (i) persons who will lose land/assets/income in their entirety or in part, and have formal legal rights to the land;
- (ii) persons who will lose the land they occupy in its entirety or in part, and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g., tenants and leaseholders;
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g., sharecroppers, squatters, encroachers, wage labour without formal contracts; and vulnerable households.

B. Eligibility and Cut-off Date

97. Date of notification for land acquisition (as per 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.

98. All affected persons who are identified in the project-impacted areas by the cut-off date²⁹ will be entitled to compensation for their affected assets, and sufficient rehabilitation measures to help them to improve or at least maintain their pre-project living standards, income-earning capacity, and production levels will be carried out. The absence of legal/formal titles to the affected assets will not prevent the affected people from receiving full compensation and assistance as required by ADB SPS (2009) on involuntary resettlement.

²⁸ ADB. Accountability Mechanism. <https://www.adb.org/who-we-are/accountability-mechanism/main>

²⁹ Those who encroach into the project area after the cut-off date will not be entitled to compensation or any other assistance.

C. Income Restoration and Rehabilitation

99. Income restoration schemes will be designed in consultation with affected persons. The strategy for income restoration will be prepared prior the resettlement impact. Based on the information collected from the census and the socio-economic surveys, income restoration strategies will be framed, and activities planned. Social Safeguards Specialists of DSC/SDC in coordination with PMCDC will consider the resource base of affected persons and their socio-economic characteristics and preferences to develop appropriate income restoration schemes.

100. The objective of income restoration is to ensure that each affected person will have at least the same or improved income after the project. DSC/SDC through its PIU level support staff will identify the number of eligible affected persons based on the census of affected persons and will conduct training need assessment in consultations with the affected persons. The PIU/DSC will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by the DSC in consultation with local training institutes.

101. The project will provide short-term income restoration activities intended to restore affected person incomes in the period immediately focusing on rehabilitation and providing short-term allowances such as (i) transitional allowance and (ii) shifting assistance. Medium-term income restoration activities such as provision of longer-term training will also be provided. Longer-term training will be developed based on the degree of disruption to livelihood activities. These will be derived from detailed socio-economic survey information, conducted as a part of the resettlement plan. The time frame will be decided based on training to be provided and will also be outlined in the resettlement plan. The resettlement plan budget will reflect the cost of providing training. The PIU/DSC/SDC with the support from PCO and PMCDC will facilitate affected person access to Government schemes that could help them to restore income and livelihood.

102. Key steps to be undertaken in livelihood skills training by the DSC/SDC for vulnerable households are:

- (i) Identification of affected, vulnerable households³⁰ through the census and socio-economic survey of affected persons;
- (ii) Identification of potential trainees and training needs assessment for vulnerable households, which would require a detailed survey and assessment of the literacy, educational level, and/or skill sets of one member of the household nominated for skill training. The needs assessment will also document income from various sources, assets, resources, and coping strategies currently used by the household. The strategy will improve/maximize returns from present occupation of the principal earning member or introduce a new/supplementary occupation aimed at achieving the right mix of activities in order to enable the household to improve/maintain its living standards. Baseline details will be documented for post-training impact assessment;
- (iii) Identification of requirements for credit support and assistance in accessing employment;
- (iv) Identification of local trainers, resource persons or training institutes by PMCDC.

³⁰ 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.

- A maximum time frame of 3 months is planned for training;
- (v) Internal monitoring of training and submission of progress reports; and
- (vi) Post-training impact assessment will be conducted, one year after project implementation. Indicators would be developed during detailed design stage.

D. Assistance for Temporary Impacts

103. Loss of land and impact to common property resources are not expected based on the preliminary assessment of the tentative list of components as per output 2. Nonetheless, the resettlement framework provides provisions through the entitlement matrix should there be partial losses (please see items 1 and 6, for the detailed provisions). To highlight, the affected persons will be provided with:

- (i) Compensation for assets lost at replacement value/cost, including trees and crop loss in accordance with the entitlement matrix;
- (ii) Restoration, replacement or provision of alternative access in consultation with the affected communities in case of common resources.

104. Proposed projects requiring work on rights-of-way (ROW) such as rehabilitation or construction of output 2 components are not expected to require land acquisition nor affect permanent structures. However, minimal impacts on access and livelihood may occur. In case of temporary impacts, affected persons will be provided with:

- (i) 30 days advance notice regarding construction activities, including duration and type of disruption;
- (ii) Contractor's actions to ensure there is no income/access loss consistent with the initial environmental examination. This includes: leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time;
- (iii) Assistance to mobile vendors/hawkers to temporarily shift for continued economic activity. For example, assistance to shift to the other side of the road where there is no construction or NRs.2, 0000 as one-time cash shifting assistance; and
- (iv) For construction activities involving unavoidable livelihood disruption, compensation for loss of income will be paid as per average daily income arrived at from census or as per applicable minimum wage, whichever is greater. This assistance shall be paid for the actual period of disruption.

VIII. BUDGETING AND FINANCING

105. Detailed budget estimates for involuntary resettlement will be prepared for each resettlement plan, by the PIU with the support of the DSC/SDC, under the guidance of the PCO and PMCDC. It will be included in the overall project estimate. The budget will include (i) detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement, (ii) source of funding, (iii) cost for GRM and to be provided in a timely manner to ensure all entitlement are provided prior to displacement, and (iv) monitoring costs. Funds for land acquisition (including land acquisition for non-titled affected persons) if any, compensation for all assets lost, related resettlement assistance, and relocation and transfer will be provided by the GoN. Administrative and implementation costs, including engagement of the DSC/SDC and PMCDC, cost of census and

survey of affected persons and inventory of assets, cost of information and consultations, third-party verification (in case of voluntary land donation or negotiated settlement) training and monitoring, and rental of office space and required physical facilities and materials will be funded under the project. Land acquisition and resettlement costs will be considered as an integral component of costs.

106. All entitlements will be paid directly into the individual accounts of displaced persons. The PIU will be involved in facilitating the disbursement process and rehabilitation program, and will facilitate opening bank accounts for the displaced persons who do not have them. The PCO will ensure that affected persons are compensated prior to land acquisition and commencement of civil works.

IX. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

A. Institutional Arrangement

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

B. Safeguards Implementation Arrangement

108. **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.

109. 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.

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

- (i) fill up involuntary resettlement and indigenous people impact checklist and classify safeguards categorization of the project;
- (ii) oversee and conduct census and socioeconomic surveys, detailed measurement surveys, and verification surveys of affected persons together with the SDC during detailed design;
- (iii) prepare list of affected persons and inventory of losses, and ensure that all data required to prepare and/or update the resettlement plan/RIPPs, including specific plan for benefit enhancement for indigenous people, if/as required, with the assistance of the social safeguards specialist;
- (iv) Ensure updated information is submitted to PCO for preparation and/or updating of documents with PMCDC and contractor's support;
- (v) hold consultations with affected persons, finalize list of affected persons prepare/update resettlement plan/RIPP with the assistance of SDC, and submit to PCO for review and approval and further submission to ADB;

- (vi) inform and/or disseminate information to the affected persons on (a) the project cut-off date; (b) public notice for schedule of land acquisition, if any (c) public notice on the start of construction works; (d) entitlement matrix; and (e) compensation packages against different categories of loss, and tentative schedule of land clearing/ acquisition for starts of civil works activities; issue identity cards;
- (vii) facilitate and oversee updating of resettlement plans/RIPP, with the support of SDC; coordinate valuation of assets, trees of various species, etc. Based on proper due diligence and assessment, finalize compensation packages;
- (viii) liaise/facilitate compensation processes in consultation with the chief district officer; coordinate, supervise and monitor disbursement of compensation;
- (ix) obtain NOCs, land documents, third party certifications for negotiated settlement and voluntary land donation as required for the project and ensure compliance with all government rules and regulations and ADB SPS safeguards requirements;
- (x) include resettlement plans/IPPs/RIPP in bidding documents and civil works contracts;
- (xi) responsible for the day-to-day implementation and monitoring of resettlement plans/RIPP; and ensure timely payment of compensation and other assistance are provided prior occurrence of impacts;
- (xii) oversee resettlement plan/IPPs/RIPP and maintenance of data for monitoring;
- (xiii) take corrective actions when necessary to ensure no adverse social impacts;
- (xiv) Conduct continuous public consultation and information-disclosure with the support of the SDC social safeguards specialist and support staff;
- (xv) ensure timely report submission of monthly, quarterly progress reports and semi-annual social monitoring reports to PCO, with the support of SDC;
- (xvi) facilitate establishment of project-GRM at the ward-level and PIU level and ensure it is fully functional prior or during the award of the first contract or within one month of loan effectiveness, whichever is earlier; address any grievances brought about through the grievance redress mechanism in a timely manner as per the resettlement plans/ IPPs/RIPPs;
- (xvii) organize course for the training of contractors, preparing them on resettlement plan/IPP/RIPP implementation, social safeguard monitoring requirements related to mitigation measures, and on taking immediate action to remedy unexpected adverse impacts found during implementation.
- (xviii) Extend support in carrying out awareness campaigns, as needed.

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

112. **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.

113. 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.

114. **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.

115. **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.

116. 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.

117. **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.

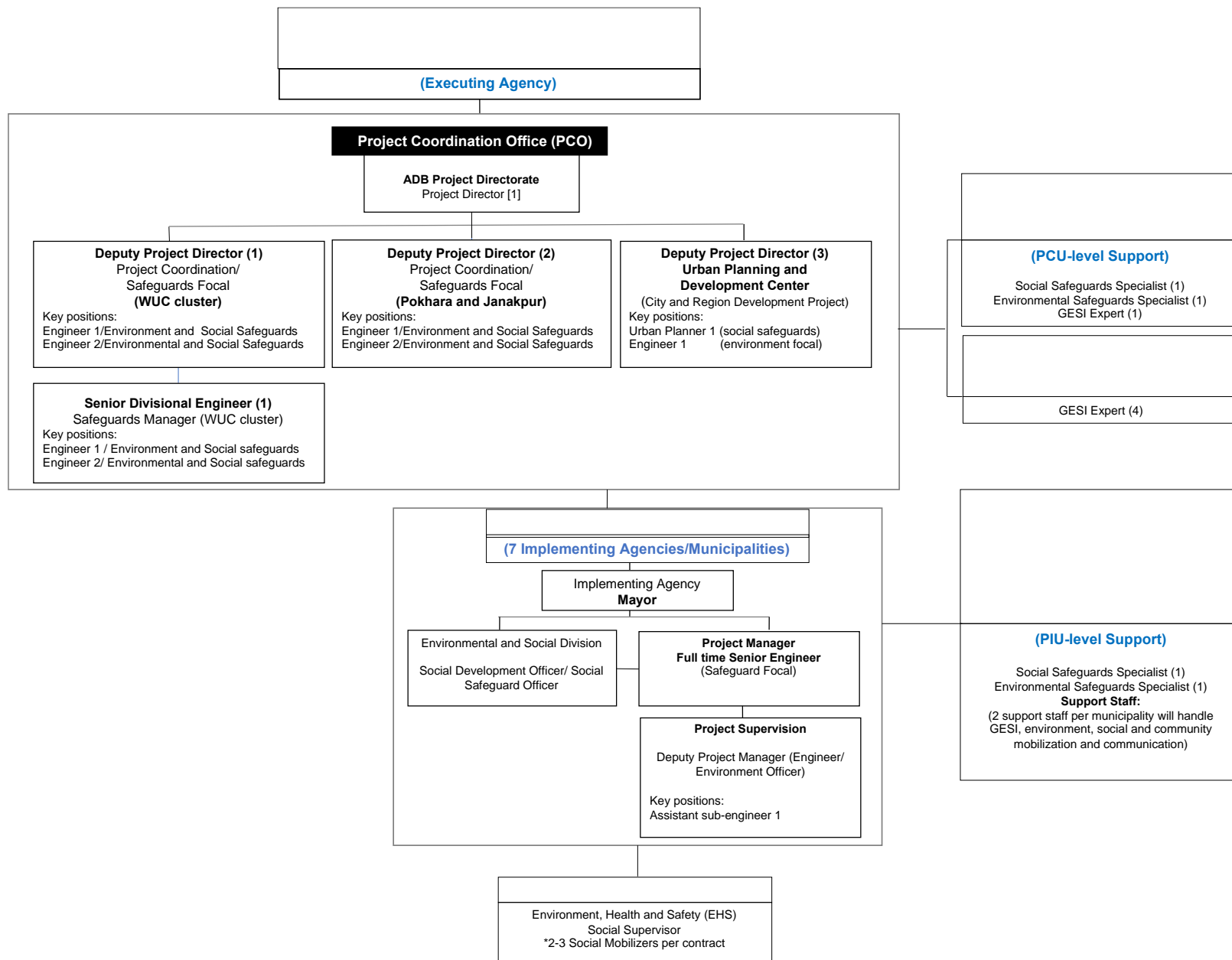
118. **Civil works contracts.** The resettlement plans/IPPs/RIPPs are to be included in bidding and contract documents and verified by the PIUs and PCO. All contractors will be required to designate a social supervisor to ensure implementation of resettlement plan/RIPP/DDR social safeguard provisions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

119. 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.

120. Figure 2 below depicts the implementation arrangement for safeguards (environmental and social), including gender-related aspects of the project.

Figure 2: Implementation Arrangement for Safeguard Implementation



E. Social Safeguards Implementation

121. The PIUs will be responsible for implementation of the resettlement plans/RIPPs/DDR and the PCO for monitoring of the resettlement plans/RIPP/DDR. The PIU will undertake surveys and record observations throughout the construction period to ensure that safeguards and mitigation measures are provided as intended. The PCO through the PIUs will arrange for disbursement of compensation to affected persons, implementation and monitoring of safeguards compliance activities, stakeholder consultation and public awareness activities, and ensure gender mainstreaming activities. It will also arrange for obtaining statutory clearances and obtaining no objection certificates from government agencies and/or other entities, as/if required. It will also coordinate for obtaining ROW clearances with related state and national agencies. The PMCDC Social Safeguards and safeguards personnel of PIUs will supervise data collection for resettlement plan/RIPP/DDR updating, preparation and implementation and prepare progress reports with respect to resettlement plan RIPPs/IPPs implementation. They will record IR/IP impacts at field level during implementation, need to update resettlement plans/DDRs/IPPs and need to prepare resettlement plans/RIPP where earlier no impacts were envisaged and only DDRs prepared.

122. The PIU/SDC will finalize the entitlements for each affected person, disclose with affected persons, and will receive approval from PCO. The PIU along with SDC will ensure disbursement of compensation to affected persons prior to start of the construction work.

123. The PIU will assist the PCO in implementing and monitoring the resettlement plans/RIPP (duly approved by ADB prior to implementation). PCO and PIU staff capacity needs to be built to ensure that they are fully conversant with public awareness generation activities, consultations and field surveys and an understanding of data entry and quality control.

Table 5: Institutional Roles and Responsibilities

Activities	Agency Responsible
Project Initiation Stage	
Finalization of sites/alignments for project (on ground)	PCO/PIUs/Contractors
Meetings at community/household level with affected persons and beneficiaries	PCO/PIUs/PMCDC
Resettlement Plan Preparation/ Updating Stage	
Conducting DMS and Survey/Census of all affected persons	PIUs/PMCDC/Contractor
Conducting FGDs/meetings/workshops during census surveys	PIUs/PMCDC/Contractor
Verification of survey results, vulnerable households	PCO/PIU/PMCDC
Computation of compensation	PCO/ PIU assisted by PMCDC
Conducting discussions/FGD/meetings/workshops with all affected persons and other stakeholders	PIUs/PMCDC
Finalizing entitlements	PCO/PIUs with support of PMCDC
Disclosure of final entitlements and compensation packages	PIUs/PMCDC
Approval of Resettlement Plan Budget	PCO/CDO
Clearance of Resettlement Plan	ADB
Resettlement Plan Implementation Stage	
Payment of compensation	PCO/ PIUs
Consultations with affected persons during rehabilitation activities	PIUs/PMCDC

Activities	Agency Responsible
Grievances Redressal	PCO/PIUs/PMCDC/ Contractor
Internal Monitoring	PCO/PIU

DMS= detail measurement survey; FGD= focus group discussion; GRC = Grievance Redress Committee; PCO = project coordination office; PMCDC= project management and capacity development consultant; PIU= project implementation unit

124. The above institutional arrangement will ensure that:

- (i) Social safeguard issues are addressed;
- (ii) Social safeguards planning document is followed in all resettlement;
- (iii) Approved resettlement plans and impact avoidance and mitigation measures are implemented;
- (iv) Implementation of resettlement plans and impact avoidance and mitigation measures is monitored;
- (v) Periodic monitoring reports are prepared in a timely manner and submitted to Project Director, PCO for onward submission to ADB for review;
- (vi) Database on resettlement plan implementation, action plan monitoring and due diligence is updated and maintained;
- (vii) Project grievance redress mechanism established and functional.

F. Institutional Capacity Development

125. The safeguards experts (environmental and social) will be responsible for capacitating the PCO's safeguards officers, and PIU's engineers and safeguards officers. The resettlement plans include indicative training modules on safeguards. The PMCDC will coordinate with PCO and PIUs on specific capacity development program.

126. The specific capacity development program, which will include but will not be limited to:

- (i) Sensitization on ADB's policies and guidelines on social and indigenous peoples safeguards (ADB's Safeguard Requirement 2 and 3: Involuntary Resettlement and Indigenous Peoples) including meaningful consultation, information disclosure, 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 roads, and drainage projects;
- (iii) Functioning of the GRM and how to make the process effective;
- (iv) Preparation and review of resettlement plans/RIPPs/IPPs/DDR based on preliminary design, and updating of the documents based on the final design;
- (v) Disbursement of compensation, consultation; and
- (vi) Monitoring and reporting requirements.

X. IMPLEMENTATION SCHEDULE

127. The project will be implemented over a period of 5 years. The resettlement plan implementation schedule will vary from project to project. In general, the project implementation will consist of the three major phases, namely project preparation, land acquisition (if required), and rehabilitation of affected persons and construction and operational phase. In line with the principles laid down in this resettlement framework, the executing agency and implementing agency will ensure that project activities are synchronized between the resettlement plan implementation activities and the project implementation. The executing agency and implementing agency will ensure that no physical or economic displacement of affected households will occur until: (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan are provided to the displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons improve, or at least restore, their incomes and livelihoods.

128. All land acquisition, resettlement, and compensation for a project will be completed before award of civil works contracts.³¹ All land required will be provided free of encumbrances to the contractor prior to handing over of project sites and the start of civil works. The implementation of the resettlement plan will include: (i) identification of cut-off date and notification; (ii) verification of losses and extent of impacts; (iii) finalization of entitlements and distribution of identity cards; (iv) consultations with affected persons on their needs and priorities; and (v) resettlement, provision of compensation and assistance, and income restoration for affected persons. The expected implementation schedule for a project is given in Table 6.

³¹ In case of DBO contract, all land acquisition, resettlement and compensation shall be completed prior commencement of works, and prior occurrence of impact.

Table 6: Implementation Schedule

Activities	2023 (Q)		2024(Q)				2025 (Q)				2026 (Q)				2027 (Q)				2028 (Q)				2029 (Q)			
	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Setting up of PIU/PCO																										
Setting up of project level GRM and Formation of GRC																										
Prepare a community awareness and participation plan (CAPP) and submit it to ADB for review by the end of the first quarter after loan effectiveness																										
Awareness campaign among affected persons on entitlements, impact avoidance and mitigation measures to be implemented by the contractor																										
Conduct DMS, census surveys and issuance of ID cards in sections ready for construction by PIU with the support of the DSC/SDC																										
Identification of vulnerable affected persons, (if any)																										
Update draft resettlement plan to reflect surveys, consultations, design changes, and due diligence results																										
Consultations and Information Disclosure																										
Review and approval of updated resettlement plan (ADB)																										
Training/capacity building of PCO and PIU safeguards officers, engineers, and other staff, PMCDC supervision staff and contractor's staff																										
Payment of compensation																										
Handover of sites and alignments to contractors																										
Start of civil works																										
Internal monitoring, including surveys of affected persons on entitlements, satisfaction surveys																										
Repair/reconstruction of affected facilities, structures, utilities, if any																										

ADB = Asian Development Bank, GRM = grievance redress management, CAPP= community awareness and participation plan, DSC = design and supervision consultant, PMCDC= project management and capacity-development consultant, PIU = project implementation unit, PCO = project coordination office, SDC = supervision and design consultant

XI. MONITORING AND REPORTING

129. The Executing Agency, through the PCO with the support of the PMCDC, will establish a monitoring system with pre-designed, discussed and approved indicators for monitoring social safeguards prior to approval of the project. During implementation, monitoring will involve collecting, analyzing, reporting and use of information about the progress of resettlement, based on the resettlement policy. PCO will be responsible for monitoring the progress of all aspects of resettlement and income generation. During project implementation, PCO will establish a monthly monitoring system involving staff at the PIU level who will prepare monthly progress reports on all aspects of social safeguards implementation. The PIU will submit monthly and quarterly report with the support of the DSC/SDC to PCO. The PCO will consolidate the reports and submit a semi-annual monitoring report to ADB for review and disclosure. The PCO will report to the ADB on resettlement and income regeneration by APs in semi-annual reports, including identification of any unanticipated impacts. The prescribed semi-annual monitoring reporting template is in **Appendix 9**. The start of SSMR report submission is six months from date of loan effectiveness. The monitoring activities will continue until a Project Completion Report describing all social safeguards significant activities and outcomes will be prepared and submitted to the ADB by the PCO.

130. The resettlement plan implementation monitoring will be done internally to provide feedback to PCO through monitoring and evaluation reports and other relevant data, to identify any action needed to improve resettlement performance or to respond to changing circumstances. Evaluation of the resettlement activities will be undertaken during and after implementation of each resettlement plan to assess whether the resettlement objectives were appropriate and whether objectives were met, including specifically whether livelihoods and living standards have been restored or enhanced. The evaluation will also assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement planning.

Appendix 1: 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.

A. Terms of Reference for Independent Third-Party Witness

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

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 (PCO/PIU and concerned land owner/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, socio economic background of the land/ assets owner(s) and a certificate/report as witness to the purchase/donation process and mitigation measures to owner/donor, if any, shall be submitted by the third party to PCO/PIU and owner/donor in the local language and share with ADB for review.

Appendix 2: Sample Certification Formats

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

Date: _____

Officers (PIU or PCO representative) and land donor

1. _____

2. _____

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

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

Signed/ Name

Date: _____ Place: _____

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

Appendix 3: Sample Consent Form of Voluntary Land Donation from the Landowners³²

I, _____, (name of land donor) am a permanent resident of Ward No. _____, _____(name of the municipality), Province of _____, Nepal, do hereby solemnly affirm and declare that I own the land comprising of _____(land details such as plot no.). I hereby give my consent to donate _____m² of land to the _____(name of concerned project authorities)for the construction of _____ under the _____(name/title of the project component).

Signature of Landowner:

1. _____ (sign/stamp)
2. _____ (sign/stamp)

Project Authorities representative:

Sign/stamp

³² This consent form will be followed by a legal agreement between the landowner and project proponents on no land compensation and/or formal transfer of land own/Deed of Donation and formal transfer of ownership reflected in the land records will be involved. In addition, a third-party certificate will be obtained.

Appendix 4: Involuntary Resettlement Impact Assessment

A. Introduction

1. Each component needs to be screened for any involuntary resettlement impacts which will occur or have already occurred. This screening determines the necessary action to be taken by the project team.

B. Information on subsection/section:

- (i) District/Province: _____
 (ii) Municipality: _____
 (iii) Civil work dates (proposed): _____
 (iv) Technical description: _____

C. Screening Questions for Involuntary Resettlement Impact

2. Below is the initial screening for involuntary resettlement impacts and due diligence exercise. Both permanent and temporary impacts must be considered and reported in the screening process.

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing right of way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes				
If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes				

Note: The project team may attach additional information on the project, as necessary.

Appendix 5: Indigenous Peoples Impact Assessment

A. Introduction

1. Each project component needs to be screened for any indigenous people impacts which will occur or have already occurred. This screening determines the necessary action to be taken by the project team.

B. Information on project//component:

(i) District/Province: _____

(ii) Municipality: _____

(iii) Civil work dates (proposed): _____

(iv) Technical description: _____

C. Screening Questions for Indigenous Peoples Impact

KEY CONCERNS (Please provide elaborations in the "Remarks" column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous People Identification				
1. Are there sociocultural groups present in or using the project area who may be considered "tribes" (hill tribes, scheduled tribes, tribal people), "minorities" (ethnic or national minorities), or "indigenous communities" in the project?				
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities," scheduled tribes, tribal people, national minorities, or cultural communities?				
3. Do such groups self-identify as being part of a distinct social and cultural group?				
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
6. Do such groups speak a distinct language or dialect?				
7. Have such groups been historically, socially, and economically marginalized, disempowered,				

KEY CONCERNS (Please provide elaborations in the "Remarks" column)	YES	NO	NOT KNOWN	Remarks
excluded, and/or discriminated against?				
8. Are such groups represented as "indigenous people," "ethnic minorities," "scheduled tribes," or "tribal populations" in any formal decision-making bodies at the national or local levels?				
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target indigenous people?				
10. Will the project directly or indirectly affect indigenous people' traditional sociocultural and belief practices (e.g., child-rearing, health, education, arts, and governance)?				
11. Will the project affect the livelihood systems of indigenous people (e.g., food production system, natural resource management, crafts and trade, employment status)?				
12. Will the project be in an area (land or territory) occupied, owned, or used by indigenous people, and/or claimed as ancestral domain?				
C. Identification of Special Requirements Will the project activities include:				
13. Commercial development of the cultural resources and knowledge of indigenous people?				
14. Physical displacement from traditional or customary lands?				
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, and spiritual uses that define the identity and community of indigenous people?				
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied, or claimed by indigenous people?				
17. Acquisition of lands that are traditionally owned or customarily used, occupied, or claimed by indigenous people?				

D. Indigenous Peoples Impact

After reviewing the answers above, executing agency/ safeguard team confirms that the proposed subsection/ section//component (tick as appropriate):

- has indigenous people (indigenous people) impact, so an indigenous people plan (IPP) or specific indigenous people action plan is required.
- has No indigenous people impact, so no IPP/specific action plan is required.

Appendix 6: 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 7: 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 Janjati (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 -----7 Other (Specify) 8
1.14	Religion: (Please circle the correct one)	Hindu 1 Buddhist 2 Muslim 33 Kirat44 Christian 5 Prakriti-----6 -----6 Other (Specify) 7
1.15	Type of Family: (Please circle only one)	Nuclear1 Joint22 Extended33

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)		

6.	Household is 'Below Poverty Line' or BPL* family or in abject poverty or having no income source		
7.	Household is landless (not having land with or without title)		
8.	Household does not have legal title for any land parcel		
9.	Any other (please mention).....		
*Disability, Elderly, BPL, ethnic minority, indigenous or tribal as defined by the government			

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

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

1.2. Demographic Information

Household Profile

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

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

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

3. Education: 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 GoN.....2 Religious.....3 Community4 Other specify...5	2.1.2 Status of ownership _____ _____ _____	Project Affected Persons Type/Category: Titleholder1 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%)

2.2. Impacts on Structure and other Assets					
	1			1	2
	2			1	2
	3			1	2
	4			1	2
<p>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:</p>					
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.

5.1 Skill requirements:

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

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

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

Name of enumerator: _____

Date: _____

Enumerator's Observations: Please note key observations.

Thank You!

Appendix 8: 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 Benefits	
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 9: Outline of Social Safeguards Monitoring Report During Project Implementation Period

1. Under 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 people) and with the current status of the project implementation phase.

2. This outline can be used for periodic monitoring report (semiannual) and resettlement plan/indigenous peoples plan (IPP)/combined resettlement and indigenous peoples plan (RIPP) completion report to start the civil works in the impacted areas. A safeguard monitoring report may include the following elements:

A. Executive Summary

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

B. Background of the Report and Project Description

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

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

C. Scope of Impacts

5. This section outlines the detail of

- (i) Scale and scopes of the project's safeguards impacts;
- (ii) Vulnerability status of the affected people and/or communities; and
- (iii) Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final resettlement plans and IPPs.

D. Compensation and Rehabilitation

6. This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan, including:³³

³³ Depending on the status of the final detail design during the submission of the report, this activity might not yet have started. Provide instead the information on the expected date the activity will be conducted.

- (i) Payment of compensation for the affected assets, allowances and/or loss of incomes to the entitled persons; and
- (ii) Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.
- (iii) Specific provisions or beneficial and mitigation measures identified for indigenous peoples.

7. Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

E. Public Participation and Consultation

8. This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with affected people/indigenous peoples during resettlement plan/IPP/RIPP finalization after the completion of the detail design, the numbers of activities conducted, issues raised during consultations, and responses provided by the project team, implementing nongovernment organizations, project supervision consultants, and/or contractors.

F. Grievance Redress Mechanism

9. This section described the implementation of the project's grievance redress mechanism (GRM) as designed in the approved resettlement plan. This includes evaluations of its effectiveness, procedures, complaints received, timeliness to resolve issues and complaints, and resources provided to solve the complaints. Special attention should be given if there are complaints received from the affected people or communities.

G. Institutional Arrangement

10. 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 or team and appointment of staff in the executing agency and/or implementing agency, implementation of the GRM and its committee, supervision and coordination between institutions involved in the management and monitoring of safeguards issues, and the roles of nongovernment organizations including indigenous peoples organizations and women's groups in the monitoring and implementation of the plan, if any.

H. Monitoring Results – Findings

11. This section provides a summary and describes the key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of involuntary resettlement compensation rates and timeliness of payments, adequacy and timeliness of involuntary resettlement rehabilitation measures including livelihood support measures, and training; budget for implementing EMP, resettlement plan, or RIPP, timeliness and adequacy of capacity building.). The section also compares the findings against the objectives of safeguards or desired outcomes documented (e.g., involuntary resettlement impacts avoided or minimized; livelihood restored or enhanced). If noncompliance or any major gaps are identified, include the recommendation of corrective action plan.

I. Compliance Status

12. This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) and the approved final social safeguards planning documents.

J. Follow up Actions, Recommendations, and Disclosure

13. 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, with the following:

- (i) List of affected persons and entitlements;
- (ii) Summary of resettlement plans with entitlement matrix
- (iii) Copies of affected people's certification of payment (signed by the affected peoples);
- (iv) Summary of minutes of meetings during public consultations; and
- (v) Summary of complaints received and solution status.

Appendix 10: Outline of Resettlement Plan

1. The comprehensiveness of a resettlement plan would be according to the potential involuntary resettlement impacts/risks and size of the project. The resettlement plan must adequately address all involuntary resettlement issues pertaining to the project, describes specific mitigation measures that will be taken to address the issues and outlines institutional requirement and resources required to implementation of the resettlement plan. The following outline of resettlement plan is suggested for the present project.

A. Executive Summary

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

B. Project Description

3. This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

4. This section:

- (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of any common property resources that will be acquired.

D. Methodology for Impact Assessment

5. This section outlines the methodology and tools adopted for:

- (i) resettlement screening;
- (ii) land acquisition planning;
- (iii) socioeconomic survey;
- (iv) census survey or inventory of assets and livelihood loss; and
- (v) consultation with stakeholders.

E. Socio-economic Information and Profile

6. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;

- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

F. Stakeholders Consultation and Participation

7. This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan; and
- (iv) describes the process for consultation with affected persons during project implementation.

G. Legal Framework

8. This section:

- (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed.
- (ii) describes the legal and policy commitments from the executing agency for all types of displaced persons;
- (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided.
- (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

9. This section:

- (i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and.
- (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

10. This section:
- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
 - (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
 - (iii) provides timetables for site preparation and transfer;
 - (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
 - (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
 - (vi) describes plans to provide civic infrastructure; and
 - (vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation

11. This section:
- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
 - (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
 - (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
 - (iv) describes special measures to support vulnerable groups;
 - (v) explains gender considerations; and
 - (vi) describes training programs.

K. Resettlement Budget and Financing Plan

12. This section:
- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation;
 - (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items);
 - (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
 - (iv) includes information about the source of funding for the resettlement plan budget.

I. Information Disclosure

13. This section:
- (i) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;

- (ii) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (iii) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) during project implementation.

J. Grievance Redress Mechanisms

14. This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

K. Institutional Arrangements

15. This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management,

L. Implementation Schedule

16. This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction and provide land acquisition process and timeline.

M. Monitoring and Reporting

17. This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

Appendix 11: 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	Project Town			
		Project:			
Contact information/personal details					
Name		Gender	* Male * Female	Age	
Home address					
Place					
Phone no.					
E-mail					
Complaint/suggestion/comment/question Please provide the details (who, what, where, and how) of your grievance below:					
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?					

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Registered by: (Name of official registering grievance)	
Mode of communication: Note/letter E-mail Verbal/telephonic	
Reviewed by: (Names/positions of officials reviewing grievance)	
Action taken:	
Whether action taken disclosed:	Yes No
Means of disclosure:	