

Resettlement Planning Document

Due Diligence Report Resettlement

Grant Number: 0093

November 2010

Nepal: Rural Reconstruction and Rehabilitation Sector Development Project

Gherabari-Chakchaki Road Sub-Project, Jhapa

Prepared by the Government of Nepal for the Asian Development Bank.

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1. Introduction

1. RRRSDP is funding rehabilitation of Gherabari - Chakchaki Road in Jhapa district as its sub project. The sub project is located in Jhapa District of far eastern Nepal. The road, 18.3 km long, connects with the Kaddu vitta village near of Indian Border. The sub-project passes through Gherabari, Rajgadh and Chakchaki Village Development Committees (VDCs) enabling these three VDCs in southern part of the district access to the public market, health facilities and government services.

2. Background

2. The sub project road is a part of a larger main road project called Sadhutar – Madanpur – Laxmipur – Gherabari Road. This 43.5 km long main road comprises 2 sections: first one starts from Gherabari and ends at Chakchaki VDC while the second one starts from Chakchaki and ends at Sadhutar of Khudunabari VDC. The first section of this road is 18.3 km long which would be constructed in first phase. The construction of the road first started in 1994 with funding of District Development Committee (DDC). The DDC Jhapa supports annual development of the road from its district budget. The road also receives contribution from affected Village Development Committees (VDCs) and local beneficiaries. This contributed to completion of entire km of this road in 1996. As an outcome of these investments, vehicles started plying on the Sadhutar - Gherabari Road from 1996. Some 20 public vehicles per day have been operating their services in this road sub project for last 15 years. From the above history of investment in the road alignment, it can be concluded that the activities undertake in the road are regular activities and continuation of past decision of the DDC and also not in anticipation of RRRSDP support.

3. Series of community consultations were carried out during the cadastral survey conducted in November 2010. The surveys included discussion with the beneficiaries on the history of road development and status of any outstanding issues on land acquisition and resettlement. The consultation process affirmed that a number of consultative meetings were held, at the time of initial development of the sub project road, between DDC, VDC and beneficiaries. The communities noted that the road could reduce existing time to reach district Headquarters to an hour's drive. The construction of road would enhance potential for income generation through increased business opportunities. The beneficiaries were convinced that the potential benefits as outlined above could only be accrued through the road construction. The resettlement survey team couldn't find any documentary evidence of agreement between DDC, VDC and beneficiaries.

4. This road is fair whether graveled/ earthen type with already consist 10 m right of way which suggests no further additional land acquisition. The road will be upgraded to the black top standard. The road sub project will open a commercial door to India, which consequently will benefit the road alignment's population at large. It has also a market potentiality in Gherabari, Rajgadh & Chakchaki which may helps to uplift economic status of the local population.

3. Scope of Land Acquisition

5. In this sub-project, total 18.3 ha land is occupied by the road where 4.3 ha private land and 14.0 ha of public land is falls under existing road. It was found that 75 HHs lose their land and 102 no. of plot's ownership need to be transferred. Out of three VDCs, deed transfer has already been conducted in two VDCs; Gherabari and Rajgadh prior to RRRSDP's intervention and remaining one VDC, Chakchaki is in the scope of RRRSDP to conduct ownership transfer. The RoW belongs to the road legally but officially belongs to the land owner. This is the only issue of legality which is not affecting the road construction. The project has been done cadastral survey and identified the land owner and this is no more issue in the further progress of the road. The land owners have donated their land some 15 years ago to the road and they are not demanding any compensation

for their land now. Informally they are agreed to donate their land and now they have shown willingness to transfer their ownership formally to GoN with signed commitment. Hence there would not be any issues regarding land acquisition during the road construction and not found any pending issues.

6. There is not any scope to require additional land, to cut-down trees & dislocate private and public structures in the entire alignment for road widening because this road sub-project already consists of existing track of 10 meter width. Hence, the private land already falls under existing track. None of the land owners will be displaced due to the construction of this proposed road. Hence this road alignment is justified for not acquiring additional land and ensures no loss of any kind of properties and pending issues in regards of land acquisition. In addition, there is no significant impact on project, hence this subproject falls under category "C" of Resettlement Framework of RRRSDP. Therefore, there is no need for Resettlement Plan preparation to the implementation of this road sub-project.

4. Community Consultation and Participation

7. The community meetings and interviews were conducted with the owners of existing land which is needed for upgrading the road. During the meeting people were requested to donate the land needed for the construction of the road as they already donated their land along with its complete deed transfer prior to awarding the contract. Four consultations meetings held with community and affected household at different dates and venues in the VDCs. In the meeting, proposed alignment and project modalities were discussed particularly focusing on the condition of no further additional land requirement. Further, the discussion was carried out about the deed transfer process for land under existing road. For detail participant list of consultation meetings, please refer **appendix: 1**

5. Budget for Solving Pending Issues

8. The financial resources necessary to conduct deed transfer is budgeted into the project costs and will be administered according to the Land Acquisition Act 1977. These include: (i) Official deed transfer fees (ii) Deed transfer assistants and (iii) Transportation allowances for deed transfer.

6. Cost Estimate for Solving Pending Issues

Table 1: Cost Estimate for Solving Pending Issues

Item	Unit	Total loss	Rate	Amount (NRs.)	
1	Transportation allowance	HHN	75	500	37,500
2	Official deed transfer fees	Plots	102	400	40,800
	Sub Total				78,300
3	Appreciation program for land owners	LS			75,000
	Total				1,53,300
4	Contingency (5%)				7665
	Grand Total				1,60,965

7. Deed Transfer Activities Implementation Schedule

Table 2: Implementation Schedule

S. N.	Tasks	Apr-11				May-11				Jun-11				Jul-11				Aug-11				Sep	Oct	Nov	
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4				
1	Finalize list of Land Owners	■																							
2	Preparation of Memorandum of Understanding (MoU) for Ownership of Land Transfer.		■	■	■																				
3	Submission of Draft RP to PCU					■																			
4	Submission of Final RP to ADB for approval						■																		
5	Community meeting with Land Owners for Deed Transfer Process									■	■														
6	Verify the application and prepare final list of Land Owners											■													
7	Inform to Land Owners for the Deed Transfer Process											■	■												
8	Collect application from the Land Owners for Deed Transfer																	■	■	■	■				
9	Transferring the Land Ownership																					■	■		
10	Verification of Deed Transfer activities by CISC																								■

8. Conclusion

9. This road sub project consists of 10 m. width as an existing track. The road sub project does not require further land acquisition to upgrade the road. Since it has been operating more than 15 years and plying some 20 vehicles per day, the land owner who have already been donated their land has not demanded compensation for their land. The owners have given written commitment to ownership transfer to GoN. Hence, this due sub project does not trigger ADB's Involuntary Resettlement Policy. There is not found any pending issues related to resettlement work except deed transfer of plots under existing road which ensures smooth implementation of sub project. This road sub project falls under category "C" of Resettlement Framework and therefore there is not further land acquisition and no resettlement plan is required.

Resettlement screening and categorization of the sub- project resettlement plan

A. Project Data

District/ Sub-project

Gherabari – Rajgadh – Chakchaki Rural Road Sub-project

B. Screening Questions for Resettlement Categorization

S.N.	Probable Involuntary Resettlement Effects	Yes	No	Remarks (Provide details of households, area of land, types of structures likely to be affected, where possible)
1.	Will the sub-project include any physical construction work?	√		RCC Bridge, side drain, Pipe culverts, Gabion Retaining wall, causeway, etc.
2.	Does the sub-project include upgrading or rehabilitation of existing physical facilities?	√		rehabilitation / upgrading of existing drainage, causeway, carriageway width, pipe culverts, gabion retaining wall etc.
3.	Are any sub-project effects likely leads to loss of housing, other assets, resource use or incomes/livelihoods?	√		4 numbers of House fully affected, & 4 no. of others structures (partially affected), 3 no. of community structures
4.	Is land acquisition likely to be necessary?	√		
5.	Is the site for land acquisition known?	√		People are known.
6.	Is the ownership status and current usage of the land known?	√		Will be conducted on cadastral mapping and household listing survey
7.	Will easements be utilized within an existing Right of Way?		√	No easement will be utilized.
8.	Are there any non-titled people who live or earn their livelihood within the Right of Way?		√	Not found non titled people in walk over survey.
9.	Will there be loss of housing?		√	
10.	Will there be loss of agricultural plots?		√	
11.	Will there be losses of crops, trees, and fixed assets?		√	
12.	Will there be loss of businesses or enterprises?		√	
13.	Will there be loss of incomes and livelihoods?		√	Not loss on livelihood due to displacement.
14.	Will people lose access to facilities, services, or natural resources?		√	
15.	Will any social or economic activities be affected by land use-related changes?		√	no hamper
16.	If involuntary resettlement impacts are expected:		√	
16.1	Are National/local laws and regulations		√	Difference on some issues

	compatible with ADB's involuntary resettlement policy?			
16.2	Will coordination between Government Agencies be required to deal with Land acquisition?	√		District level line agencies such as, agricultural office, and land survey office should be consulted.
16.3	Are there sufficient Skilled Staffs in the implementing Agencies for Resettlement Planning and implementation?		√	No sufficient staff.
16.4	Are training and capacity-building interventions required prior to Resettlement Planning and Implementation?	√		Training and information dissemination require for further capacity building to the district level officials.

Information on affected person

1. Any estimate of the likely number of households that the sub-project will affect?

No Yes If yes, approximately how many? _____ (losing < 10%)
 (<10% __ 10% __ 10% or more _____)

I Are any of them poor, female-heads of households, or vulnerable to poverty Risks?

No Yes.

2. Are any of them displaced?

No Yes If yes, approximately how many persons? ---

3. Are any APs from indigenous or ethnic minority groups? If yes, please explain?--None

C. Decision on Categorization

After reviewing the answer above, it is determined that the sub-project is:

Category A, Significant IR impact, a full Resettlement Plan is required.

Category B, Non-significant IR impact, a short Resettlement Plan is required.

Category C, No IR impact, no resettlement report is required.

Proposed by: Leena Kaflay

Reviewed by

Resettlement Specialist, (DPO/DIST)

Resettlement Specialist, PCU/CISC

Date: 2006/06/22

Date: _____

Endorsed by: Shambhu Karki

Approved by:

Project Coordinator, DPO, Jhapa

Project Coordinator, PCU

Date:

Date:

Location: Chakchaki VDC, Chakchaki

Date: 2067/12/08

Meeting No:1

S.N.	Name of Participants	Designation	Participants				
			M.	F.	Bra/Ch	Janjati/A	Dalit
1	Prem Prasad Kafle	Secretary of Chakchaki VDC & President of VICCC	*		*		
2	Som raj Tajpuriya	Member of VICCC & Representative of UCPN Maoist	*			*	
3	Tek pd. Acharya	VICCC Member & Representative of CPN UML	*		*		
4	Om Prakash Gautam	VICCC Member & Representative of NC	*		*		
5	Jahur Alam	VICCC Member & Representative of MJAF	*			*	
6	Sawari Hajam	VICCC Member & Representative of TMLP	*			*	
7	Damber lal Tajpuriya	VICCC Member & Representative of Sadbhawana	*			*	
8	Bal bd. Khadka	VICCC Member & Representative of RPP Nepal	*		*		
9	Ram kumar Sing Rajbansi	VICCC Member & Representative of RPP	*			*	
10	Sarita Khadka	VICCC Member & Representative of Nari kalian Sang		*	*		
11	Ser bd. Tamang	VICCC Member & Representative of Club	*			*	
12	Devi maya Pathak	VICCC Member & Representative of Women		*	*		
13	Buddin Murmu	VICCC Member & Representative of Women		*		*	
14	Ishwari Rai	VICCC Member & Representative of Women		*		*	
15	Margub Alam	VICCC Member & Representative of Nagarik Samaj	*			*	
16	Bhupati Sanjel	Resettlement Specialist	*		*		
17	Man bd. Karki	Social Mobilizer RRRsdp	*		*		

Location: RajghadVDC, Rajghad

Date: 2067/12/10

Meeting No: 2

S.N.	Name of Participants	Designation	Participants				
			M.	F.	Bra/Ch	Janjati/A	Dalit
1	Tej pd. Regmi	Secretary of Chakchaki VDC & President of VICCC	*		*		
2	Padam Thapa	Member of VICCC & Representative of CPN UML	*		*		
3	Moti Rajbansi	VICCC Member & Representative of CPNU Maoist	*			*	
4	Khadag pd. Rajbansi	VICCC Member & Representative of NC	*			*	
5	Kashi lal Rajbansi	VICCC Member & Representative of MJAF	*			*	
6	Brahma lal Rajbansi	VICCC Member & Representative of MJAF Loktantrik	*			*	
7	Aghan lal Rajbansi	VICCC Member & Representative of Sadbhawana	*			*	
8	Prem Ghimire	VICCC Member & Representative of SLRP	*		*		
9	Hut kumari Acharya	VICCC Member & Representative of RPP Nepal		*	*		
10	Samata Karki	VICCC Member & Representative of NGO		*	*		
11	Tila Thapa	VICCC Member & Representative of NGO		*	*		
12	Mina Century	VICCC Member & Representative of Dalit		*			*
13	Lakhiram Kisku	VICCC Member & Representative of Simantakrit		*		*	
14	Chandramaya Kharel Majhi	VICCC Member & Representative of Women		*	*		
15	Babulal Rajbansi	VICCC Member & Representative of Social Worker	*			*	
16	Damber kumari Rajbansi	VICCC Member & Representative of Social Worker		*		*	
17	Om Narayan Rajbansi	DDC (Member of Sanyantra)	*			*	
18	Kashi pd. Rajbansi	VDC (Member of Sanyantra	*			*	
19	Kedar Namsal	VDC (Member of Sanyantra	*		*		
20	Bhupati Sanjel	Resettlement Specialist	*		*		
21	Dibyaraj Koirala	Social Mobiliser RRRsdpa	*		*		

Location: Gherabari VDC, Gherabari

Date: 2067/12/10

Meeting No: 3

S.N.	Name of Participants	Designation	Participants				
			M.	F.	Bra/Ch	Janjati/A	Dalit
1	Jevan pd. Dhakal	Secretary of Gherabari VDC & President of VICCC	*		*		
2	Hansa Rajbansi	Member of VICCC & Representative of UCPN Maoist	*			*	
3	Khem raj Rajbansi	VICCC Member & Representative of NC	*			*	
4	Laxmi narayan Yadav	VICCC Member & Representative of MJAF	*			*	
5	Sunder Rajbansi	VICCC Member & Representative of TMLP	*			*	
6	Kanthu Rajbansi	VICCC Member & Representative of Sadbhawana	*			*	
7	Satya narayan Yadav	VICCC Member & Representative of RPP Nepal	*			*	
8	Pabitra Limbu	VICCC Member & Representative of SLRP		*		*	
9	Tej bd. Chengwang	VICCC Member & Representative of NGO	*			*	
10	Nirmala Thapaliya	VICCC Member & Representative of Women		*	*		
11	Puja Rajbansi	VICCC Member & Representative of Adibashi		*		*	
12	Bajarulal Rajbansi	VICCC Member & Representative of Adibashi	*			*	
13	Kamala Meche	VICCC Member & Representative of Luponmukh		*		*	
14	Damber bd. Priem	VICCC Member & Representative of Nagarik Samaj	*			*	
15	Ghagar lal Rajbansi	VICCC Member & Representative of Social Worker	*			*	
16	Bhupati Sanjel	Resettlement Specialist	*		*		
17	Dibyaraj Koirala	Social Mobiliser RRRsdp	*		*		