

Resettlement Planning Document

Resettlement Plan

Grant Number: 0093

September 2010

Nepal: Rural Reconstruction and Rehabilitation Sector Development Project

Sankhu-Jarsingpauwa-Fatkeshor Rural Road Road Sub-Project, Kathmandu (From Chaniage 0+000 to 13+530)

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

This resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of this website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

Government of Nepal
Ministry of Local Development
Department of Local Infrastructure Development & Agricultural Roads

District Development Committee/District Project Office
Kathmandu District

Rural Reconstruction and Rehabilitation Sector Development Program
(RRRSDP)

SHORT RESETTLEMENT PLAN

Sankhu - Jarsingpauwa – Fatkeshor Rural Road Sub-project
(Chaniage: 0+000 to 13+530)

September, 2010

RURAL RECONSTRUCTION AND REHABILITATION SECTOR DEVELOPMENT PROGRAM.....	I
(RRRSDP).....	I
SHORT RESETTLEMENT PLAN.....	I
SANKHU - JARSINGPAUWA – FATKESHOR RURAL ROAD SUB-PROJECT.....	I
(CHANIAE: 0+000 TO 13+530).....	I
SEPTEMBER, 2010.....	I
EXECUTIVE SUMMARY.....	III
GLOSSARY OF TERMS.....	V
ABBREVIATION	VI
1. INTRODUCTION	1
2. SCOPE OF LAND ACQUISITION AND RESETTLEMENT.....	3
3. SOCIO-ECONOMIC INFORMATION OF THE AFFECTED HOUSEHOLDS.....	5
4. POLICY FRAMEWORK, OBJECTIVES AND ENTITLEMENTS FOR THE PROJECT	8
4.1 Applicable Legal and Policy Framework.....	8
4.2 Objectives.....	10
4.3 Entitlement Matrix/Policy.....	12
5. INFORMATION DISSEMINATION, CONSULTATION, PARTICIPATION, DISCLOSURE AND APPROVAL OF RP	14
6. GENDER IMPACTS AND MITIGATING MEASURES.....	15
7. GRIEVANCE REDRESS MECHANISMS.....	16
8. COMPENSATION AND INCOME RESTORATION.....	18
8.1 Valuation and Compensation Determination.....	18
8.2 Income Restoration and Rehabilitation Program.....	18
8.3 Livelihood Enhancement Skills and Training (LEST) Program.....	18
8.4 Voluntary Land Donation Process.....	19
9. INSTITUTIONAL ARRANGEMENT	21
9.1 Institutional Arrangement of the Project	21
9.1.1 Central Level Arrangement.....	21
9.1.3 Sub-project Level Arrangement	21
9.1.4 Compensation Determination Committee	22
10. RESETTLEMENT BUDGET AND FINANCING	23
10.1 Cost of Compensation for Assets	23
10.1.1 Cost of Compensation for Land	23
10.1.2 Cost of Compensation for Trees.....	23
10.1.3 Cost of Compensation for Structures	24
10.2 Cost of Rehabilitation Support.....	25
10.2.1 Travel Allowances.....	25
10.3 Total Cost Estimate for RP	25
11. IMPLEMENTATION SCHEDULE	27
12. MONITORING AND EVALUATION	29
12.1 Monitoring at District Level	29
12.2 Verification by PCU.....	29
12.3 External/Third Party Monitoring.....	29
13. CONCLUSIONS.....	31

List of Appendix

Appendix	1: Summary sheet of Aps APs list
Appendix	2: List of Aps Lossing Land with Cost Estimated
Appendix	3: Poverty Level Analysis of APs
Appendix	4: Valuation sheet of structures
	4.1: Photographs of APs structures
Appendix	5: Loses of trees (Estimate cost for harvesting and transportation)
Appendix	6: Voluntary Contribution Consent Form
Appendix	7: Letters from Third Party NGO, VDC and Grievance Redress Committee
Appendix	8: List of Participants of Public Consultation Meeting along the Alignment
Appendix	9: Cadastral Survey Report
Appendix	10: Summary of Resettlement Framework in Nepali
Appendix	11: Summary of RP in Nepali
Appendix	12: Labour list

List of Tables

Table 1:	Details of the Affected Population in the Sub-project
Table 2:	Land to be acquired for the Subproject
Table 3:	Landholding Status of the APs
Table 4:	Summary of Affected Structures along the Alignment
Table 5:	Summary of Affected Trees
Table 6:	Socio-economic Status of APs
Table 7:	Entitlement Matrix/Policy
Table 8:	Livelihood Enhancement Skills Trainings for APs
Table 9:	Deed transfer Action Plan
Table 10:	Labor requirement for cutting trees
Table 11:	Labour Requirement for Transportation of Trees
Table 12:	Valuation of affected Houses\Structure
Table 13:	Summary of Cost for RP
Table 14:	RP Implementation Schedule
Table 15:	Monitoring and Evaluation Indicators

EXECUTIVE SUMMARY

1. The Short Resettlement Plan (RP) has been prepared for the Sankhu - Jarsingpauwa – Fatkeshor Rural Road sub-project under the Rural Reconstruction and Rehabilitation Sector Development Program (RRRSDP). The RP presents the process adopted for preparation of the voluntary and involuntary resettlement plan, and its implementation with mitigating measures of the sub-project impacts.

2. The Sub-project is located at Kathmandu District, and involves rehabilitation and reconstruction of more than 12 years old existing vehicle earthen pliable earthen road. The formation width of the into blacktop road with 6m 5m formation width. The Sub-project was prioritized in District Transport Master Plan, 2004 (DTMP), and selected and approved from the formal meeting of District Council. The Sub-project starts from Jarsingpauwa of Lapsephedi Village Development Committee (VDC), passes through Nanlebhare VDCs, and ends at Fatakshila of Fatkeshor VDC. The total length of the proposed road is 13.53 km. The Subproject requires The Subproject requires 113.530 ha land in total. which consists 8.008 ha private land. Out of Total 8.08 ha this are private land in which 4.523 ha are in existing road and 3.48 ha are in new cutting track. Out of 5.29 ha total Total additional private land public land, requirement for this road is 3.486 ha 2.84 ha an existing and 2.45 ha additional land to be acquired by this subproject.

3. A census socio-economic and loss assessment survey of the project affected peoples (APs) was carried out to document complete socioeconomic analysis as well as loss assessment. Minor impacts were found unavoidable due to technical and road safety considerations. Total 316 households including 124 unavailable households are found to be affected by the sub-project. 1008 persons of the 192 households belonging to 100 HHs from Janajati (Ethnic), 74 HHs from Brahmin/Chhetri, 18 HHs from Newar are the Affected Persons (APs). The socio economic analysis shows one household fall below district poverty line.

4. The average food sufficiency month of the APs is 10.55 months per year. The 2 households have less than 3 months of food sufficiency, 10, 10 households have 3-6 months of food sufficiency, 32 have 6-9 months and 148 have more than nine months from their own or tenancy land. The food during the deficit period is covered through income from non-agriculture sector.

5. Altogether nine structures i.e 1 residential private structure, 7 private *Bardali*, and 1 public structure (Ganesh Temple) will be fully affected due to the reconstruction/upgrading of road.

6. One of the major objectives of the Resettlement Framework (RF) is to avoid or minimize land acquisition and involuntary resettlement wherever possible. In unavoidable situation, the project aims to ensure that the AP's rights are ensured and they receive assistance so that they would be at least as well-off as they would have been in the absence of the Project. All involuntary land acquisition (other than voluntary land donation) will be compensated at replacement cost. APs are not forced to donate their land voluntarily and have been informed and consulted during the Sub-project implementation process. This is confirmed through a 'no coercion' clause verified by an independent third party. Special attention has been paid to ensure that the vulnerable groups and the women-headed households receive appropriate assistance. The national laws, regulation, resettlement framework and ADB's resettlement safeguard policy has been followed during the land and property acquisition and compensation process.

7. A Compensation Determination Committee (CDC) has been formed under the chairpersonship of the Chief District Officer (CDO). NRs. 4.58 million has been proposed for implementation of the RP where the compensatory costs have been decided by the CDC. The RP has made provisions to restore/rehabilitate APs by providing employment opportunity during construction. Besides, APs will also receive opportunity through Livelihood Enhancement Skill Training (LEST) to restore their livelihood.

8. A Grievance Redress Committee (GRC) has been formed at district level for hearing the complaints of APs and for their appropriate resolution. Similarly, 3 Grievance Redress Sub-

Committees (GRSCs) have been formed at the village level, and includes three representatives from Village Infrastructure Construction Coordination Committee (VICCC) and two from the APs. The GRC and GRSCs facilitate in hearing the complaints and disputes relating to land acquisition and compensation.

9. Project Coordination Unit (PCU) supported by the Central Implementation Support Consultant (CISC) at the central level, District Project Office (DPO) supported by the District Implementation Support Team (DIST) at the district level, and VICCC at the Sub-project VDC level will be involved in implementing the RP.

10. The DPO will be responsible for the internal monitoring of the resettlement planning and implementation throughout the subproject cycle. A verification report on RP implementation will be prepared by PCU and submitted to ADB recommendation of contract award. The activities will be monitored and evaluated externally during project period an independently appointed agency not involved with any aspects of the Project. They will perform the monitoring based on established indicators and provide report to both PCU/DPO and the ADB.

11. The Subproject implementation will incur less than 200 people physically displaced from housing or losing 10% or more of their productive land, and hence fall under category B of Involuntary Resettlement Policy of ADB. Therefore, a Short Resettlement Plan has been prepared to address the land and property acquisition, compensation and resettlement from the road subproject.

GLOSSARY OF TERMS

Affected Persons (APs)	All persons who as of the cut-off-date stand to lose for the project all or part of their land or other assets, irrespective of legal or ownership title.
Cut-off Date	The date of census survey to count the APs and their affected land and assets.
Land Donation	Land owners' willingness to provide part of his/her land for the project in expectation of project benefits. It must be voluntary or unforced and confirmed in written agreement witnessed by third party.
Legalizable	Those who do not have formal legal rights to land when APs are recorded, but could claim rights to such land under the law of Nepal.
Non-titled	Those who have no recognizable rights or claims to the land that they are occupying. However illegal inhabitants as per law of Nepal will be excluded from non-titled.
Poverty Line	The level of income below which an individual or a household is considered poor. Nepal's national poverty line which is based on a food consumption basket of 2,124 calories and an allowance for non food items of about two thirds of the cost of the basket will be adopted by the sub project to count APs under the poverty line. Whereas this poverty level may vary in accordance to district. Reference poverty line for poverty measurement 2009/10 for Kathmandu district is Rs 22450.00/-, calculated based on inflation rate of 26.6 percent from base year 2003/04. The determination of poor households or persons will be based on the census and socio-economic survey and further confirmed by community meetings.
Project Affected Family	A family consisting of APs, his/her spouse, sons, unmarried daughters, daughters-in law, brothers or unmarried sisters, father, mother and other legally adopted members residing with him/her and dependent on him/her for their livelihood.
Severely Project Affected Family/People (SPAF)	A Project Affected Family that is affected by the project such as: a. There is a loss of land or income such that the affected family fall below the poverty line; and/or b. There is a loss of residential house such that the family members are physically displaced from housing.
Squatters	People living on or farming land not owned by themselves and without any legal title or tenancy agreement. The land may belong to the Government or to individuals.
Titled	APs who have formal legal rights to land, including any customary or traditional rights recognized under the laws of Nepal.
Third Party	An agency or organization to witness and/or verify "no coercion" clause in an agreement with APs in case of voluntary land donation. One independent agency (i.e. not involved in project implementation), preferably working on rights aspect, will be recruited in each development region to serve this function.
Vulnerable Group	Distinct group of people or persons who are considered to be more vulnerable to impoverishment risks than others. The poor, women-headed, <i>Dalits</i> and IPs households who fall below poverty line will be counted as vulnerable APs.
Women-headed household	Household headed by women, the woman may be divorced, widowed or abandoned or her husband can be working away from the District for long periods of time, where the woman takes decision about the use of and access to household resources.

ABBREVIATION

ADB	The Asian Development Bank
AP(s)	Affected Person(s)/People
CDC	Compensation Determination Committee
CDO	Chief District Officer
CISC	Central Implementation Support Consultant
DADO	District Agriculture Development Office
DDC	District Development Committee
DIST	District Implementation Support Team
DoLIDAR	Department of Local Infrastructure Development and Agricultural Roads
DPCC	District Project Coordination Committee
DPO	District Project Office
DTMP	District Transport Master Plan
DTO	District Technical Office
EA	Executive Agency
FGD	Focus Group Discussion
FY	Fiscal Year
GAP	Gender Action Plan
GoN	Government of Nepal
GRC	Grievance Redress Committee
GRSC	Grievance Redress Sub-committee
ha	Hectare
HHN	Household Number
HHs	Households
IA	Implementing Agency
IPDF	Indigenous People Development Framework
IPDP	Indigenous People Development Plan
IR	Involuntary Resettlement
Kg	Kilogram
LEST	Livelihood Enhancement Skills and Training
m	meter
MoFSC	Ministry of Forest and Soil Conservation
MoLD	Ministry of Local Development
MoU	Memorandum of Understanding
NGO	Non Government Organization
NRs	Nepalese Rupees
PAF	Project Affected Families
PAP	Project Affected Person
PC	Project Coordinator
PCU	Project Coordination Unit
RBG(s)	Road Building Group(s)
RF	Resettlement Framework
RoW	Right of Way
RP	Resettlement Plan
RRRSDP	Rural Reconstruction and Rehabilitation Sector Development Program
RS	Resettlement Specialist
SAP	Social Action Plan
SDS	Social Development Specialist
SM	Social Mobilizer
SPAF	Severely Project Affected Family
Sq. m.	Square meter
VDC	Village Development Committee
VICCC	Village Infrastructure Construction Coordination Committee
Zol	Zone of Influence

1. INTRODUCTION

1. The Short Resettlement Plan (RP) presents a brief of the involuntary resettlement planning, preparation and implementation process that will be applied to the **Sankhu - Jarsingpauwa – Fatkeshor** rural road Sub-project under the Rural Reconstruction and Rehabilitation Sector Development Program (RRRSDP).

2. The proposed road Sub-project is 13.53 km, and lies in north-eastern part of the Kathmandu District. The road starts from Jarsingpauwa of Lapsephedi VDC and passes through Nanglebhare and Fatkeshor of Fatakshila VDC. The Sub-project has been highly anticipated as short way for Lamidanda-Melamchi and access to all 3 VDCs along the road corridor. The road ends at Fatakshila of Fatkeshor VDC.

3. The Sub-project follows more than 12 years old existing earthen track. Currently 22 buses (Jorpati to Melamchi and various places of Sindhupalchok) and other private vehicles are plying on the road (*source: Local People*). The road was prioritized in District Transport Master Plan, 2004 AD (DTMP-Code: 27A070R) approved by the formal meeting of District Council. The road will be upgraded to blacktop standard. Formation width of the road will be 5m with 10m road width. The road is Rural Road Class "A" category.

4. Household listing along with cadastral survey, socio-economic and loss assessment survey, and community consultation meetings with APs and local stakeholders in the Subproject area were carried out as the part of detail feasibility study to determine socio-economic status of the APs and the involuntary resettlement impacts due to subproject.

5. Implementation of the Sub-project impacts 316 households, among which 192 households were interviewed while preparing the RP (please refer Appendix 1). These household families consist of 1008 members, and belong to 510 Janajati, 424 Brahmin/Chettri and 74 Newar communities. None of the households belong to indigenous peoples group as defined by the Indigenous Peoples Development Framework (IPDF) of the RRRSDP. Total 9 structures (House, Bardalis and Temple) will dismantle by the road construction where one hhs is landless and physically displaced by the project. The Sub-project is expected not to incur significant impacts to the APs (total AP population <200 who become physically displaced and number of APs losing more than 10% of their productive assets). Thus, a short resettlement plan has been prepared. Table 1 presents the summary of the APs.

Table 1: Details of the Affected Population in the Sub-project

Variable	Number	Remarks
Total Affected Household	316	
Total Affected Population	1008	In 192 surveyed hhs
Interviewed Household	192	
Ethnicity of Affected Household		
<i>Janajati</i>	100	
<i>Brahmin/Chettri</i>	74	
<i>Newar</i>	18	
Unavailable HHs	124	Excluded in socio-economic analysis
Male	541	
Female	467	
Average HH size	5.25	
No. of Women Headed Household among APs	16	

Source: Socio-economic survey, June, 2010.

6. The road sub-project will provide access and socio-economic benefits to the local people after its completion. The Sub-project has been highly anticipated as short way for Lamidanda-Melamchi and will provide easy access to all 3 VDCs along the road corridor. This will also help to promote the different livelihood development opportunities like, production/distribution of vegetables products to markets, for easy transportation, to facilitate to educational services in the settlements and to improve living standard of local inhabitants.

2. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

7. Detailed socio-economic and loss assessment survey of APs were carried out in order to document the losses due to implementation of the road Subproject. The Cadastral survey has reported requirement of land acquisition from individual and public ownership. It has also distinguished the total area of alignment into new cutting and existing areas.

8. The Subproject requires 13.530 ha land in total which consists 8.008 ha private land. Out of this land, 4.523ha are in existing road track. Total additional private land requirement for this road is 3.486ha. Following Table 2 presents the detail of affected land:

Table 2: Land to be acquired for the Subproject

Land to be acquired	Area (ha)	No. of plots	Remarks
1.Total area of the land	13.530	376	Total requirement for the road subproject
2. Total area of public land	5.297	54	
3. Guthi Sansthan Land requirement for new cutting	0.053	2	
4. Private Land under existing road	4.523	320	
5. Private Land requirement for new cutting	3.486	320	
6. Total private land affected by the road	8.008	320	

Source: Household Survey, June, 2010

9. Among the 192 households surveyed, the landholding status of all households has been analyzed. Pre project average land holding of 192 households is 1.71 which will reduce to 1.67 after project implementation. There are 82 households out of 192 households own less than 0.5 ha land at present and it will be 88 households after the project intervention similarly, 58 households are 0.5-1.0 ha present and it will be 57 households after the project intervention. Table 3 presents the landholding pattern of the APs.

Table 3: Landholding Status of the APs

Land Holding (ha)	Pre Project		Post Project	
	Number	Percent	Number	Percent
<0.5	82	42.71	88	45.83
0.5-1.0	58	30.21	57	29.69
>1.0	52	27.08	47	24.48
Average Holding	1.71	100.00	1.67	100.00

Source: Household Survey, June, 2010

10. 9 structures will be affected by the Sub-project which are, 1 private house fully affected, 7 Bardalis and 1 public structure (Ganesh Temple) are also fully affected. Table 4 presents a brief account of affected structures. Photographs of the affected structures are enclosed in Appendix 4 and 4.1 with their valuation.

Formatted: Centered

Formatted: Font: 10 pt

Formatted: Centered

Formatted: Font: 10 pt

Formatted: Centered

Formatted: Font: 10 pt

Formatted: Centered

Formatted: Font: 10 pt

Formatted: Centered

Formatted: Font: 10 pt

Formatted: Centered

Table 4: Summary of Affected Structures along the Alignment

SN	Name of Owner	Name of Structure	Storey	Affected Status	Affected Area (sq ft)	Remarks
1	Dil Kumari Lamichhane	Bardali	2	Fully	456.01	
2	Seti Shrestha with four person	Bardali	2	Fully	373.16	
3	Bharat Man Shrestha	Bardali	2	Fully	278.9	
4	Saroj Raj Shrestha	Bardali	1	Fully	52.48	
5	Ganesh Mandir (temple)	Temple	1	Fully	117.16	
6	Krishna Bdr. (Thakur Rame) Shrestha	Bardali	2	Fully	285.79	
7	Khil Prasad Dangal	Bardali	2	Fully	406.73	
8	Sukuram Tamang	house	1	Fully	414.48	
9	Badri Dhakal	Bardali	1	Fully	80.7	

Source: Household listing survey June, 2010.

11. In addition to land and structures, 19 trees are affected. All trees belong to Community Forest Users Group (CFUG's). Table 5 presents the description of the trees affected by the project.

Table 5: Summary of Affected Trees

SN	Chainage		Ownership types	VDC/Ward	Number of Affected trees
1	11+026	13+493	Bhasmebasurane community Forest User Group	Fatakshila -1	7
2	13+493	13+583	Nepalthok Community Forest Users Group	Fatakshila-2	12
Total					19

Source: Household listing survey June, 2010.

3. SOCIO-ECONOMIC INFORMATION OF THE AFFECTED HOUSEHOLDS

12. Socio-economic information of affected people (APs) residing in the Subproject area was collected through household survey and focus group discussions (FGDs). The socio-economic survey covered only 192 households. However, losses of the 124 unavailable household is also documented and have safely reserved provisions for them. Table 6 presents the AP's socio-economic information from the survey.

Table 6: Socio-economic Status of APs.

Variables	Pre-Project		Post-Project	
	No. /Income	Percent (%)	No. /Income	Percent (%)
1. Agricultural Income (HH)				
<12000	43	22.396	46	23.96
12000-25000	29	15.104	28	14.58
>25000	120	62.5	118	61.46
Average (NRs)	38,574.31	100	37,025.33	100
2. Non-Agricultural Income (HH)				
<12000	10	5.21	10	5.208
12000-25000	19	9.90	19	9.896
>25000	163	84.90	163	84.9
Average (NRs)	1,20,366.66	100.00	1,20,366.66	100
3. Total Income (HH)				
<25000	4	2.08	4	2.08
25000-50000	2	1.04	3	1.56
>50000	186	96.88	185	96.35
Average (NRs)	1,59,704.16	100	1,57,392.00	100
4. Food Sufficiency (HH)				
< 3 months	2	1.04	11	5.73
3 - 6 months	10	5.21	18	9.38
6 - 9 months	32	16.67	18	9.38
>9 Months	148	77.08	145	75.52
Average (months)	10.55	100	9.96	100
5. Poverty (HH)				
<u>Land less</u>	<u>1</u>		<u>Among 192 hhs</u>	
<u>Landless</u>	<u>1</u>	<u>0.52</u>		
<u><20% Land Loss</u>	<u>191</u>	<u>99.48</u>		
<u>Above Poverty (PCI)</u>	<u>191</u>	<u>99.48</u>		
<u>Below Poverty (PCI)</u>	<u>1</u>	<u>0.52</u>		
<u>>20% Land Loss</u>	<u>0</u>			
<u>Above Poverty (PCI)</u>	<u>192</u>	<u>100</u>		
<u>Below Poverty (PCI)</u>	<u>0</u>			
<u><20% Land Loss</u>	<u>191</u>		<u>Among 192 hhs</u>	
<u>>20% Land Loss</u>	<u>0</u>		<u>Among 192 hhs</u>	
<u>Above Poverty (PCI)</u>	<u>191</u>			
<u>Below Poverty (PCI)</u>	<u>1</u>		<u>Among 192 hhs</u>	

Formatted: Font: 9 pt

Formatted: Font: 9 pt, Not Bold

Formatted Table

Formatted Table

Formatted: Right

6. Age Group (years)	Among 192 hhs surveyed			
	Total	Male	Female	
< 6	87	43	44	
6-16	242	122	120	
16- 45	525	282	243	
45 - 60	101	61	40	
> 60	53	33	20	

Source: Household Survey, June, 2010

13. Income and expenditure data of surveyed households reveals that families have more income from non-agriculture sector compared to agriculture sector. Out of total income, 68 percent of the share is from non-agricultural income. Therefore, these households are depending on non-agriculture source of income such as, shop, small business, government services, wage labour and foreign employment etc.

14. Out of 192 households, 43 households earn less than Rs 12,000 per year from own or tenant land, whereas all of them additionally earn more than that from non-agricultural income. As presented in table 5, loss of agricultural income is Rs 1548.98 per household on an average as a result of sub-project intervention. The project will provide LEST program and restore the agriculture loss.

15. The average food sufficiency month of the APs is 10.55 months per year. The 2 households have less than 3 months of food sufficiency, 10 households have 3-6 months of food sufficiency, 32 have 6-9 months and 148 have more than nine months from their own or tenancy land. The food during the deficit period is covered through income from non-agriculture sector.

16. The data analysis of the APs shows that 1 household are landless and they fall below district poverty level.

16. About half of the population among the APs are in active age¹ group. The age distribution of APs shows that 87 persons are < 6 years, 242 are in school going age of 6-16 years, 525 persons are 16-45 years age group, who are eligible for Livelihood Enhancement Skill Training (LEST), 101 peoples are 46-60 years and 53 people are > 61 years of age.

17. The Resettlement Framework of the RRRSDP states that the economic future of the APs must be same as they are before the project. The donation is accepted from those households who do not fall below poverty line². As major source of income of majority households are from non-agriculture sources, there will be no change in earning level and food security before and after the sub-project intervention. It is expected that the loss incurred due to the sub-project will also be off-set by benefits of the road as well as rehabilitation assistance and skill training provided under the Sub-project.

¹ Priority will be given to the age group between 16-45 years while planning LEST for APs.

² The poverty line for this district was NRs. 11056.80 in the year of 2003/004. In year 2009/10, the figure has grown up to NRs. **13997.73** due to the inflation, which has been increased at 26.6 % from the base year of 2003/4 (The National Living Standard Survey for 2003/4).

18. About 50.60 percent of the households are from Janajati, 42.06 percent are from Brahmin/Chhetri percents and 7.34 percent are from Newar communities.

19. The APs expressed willingness to be involved in road construction activities. Altogether 82 APs were listed out in the labour list who show their willingness to work (skilled and unskilled) in road construction (Please see in Appendix 12) According to the multiple responses given by the project affected hhs, 3 hhs have knowledge on tree planting, 30 hhs have knowledge on water supply and sanitation and 50 hhs have knowledge on road and bridge construction. Some of them are skilled on carpentry, food processing, dairy processing, and house construction as well. APs. Various types of income generation and awareness trainings like adult literacy, agriculture extension, livestock farming and health sanitation awareness have been taken by the APs through different agencies in the past.

4. POLICY FRAMEWORK, OBJECTIVES AND ENTITLEMENTS FOR THE PROJECT

4.1 Applicable Legal and Policy Framework

20. This section provides the review of national laws, policies of the donor agency and the Resettlement Framework of the RRRSDP that applies to the project.

21. The **Interim Constitution of Nepal (2007)** guarantees the fundamental rights of a citizen. Article 19(1) establishes the right to property for every citizen of Nepal, whereby every citizen is entitled to earn, use, sell and exercise their right to property under existing laws. Article 19 (2) states that except for social welfare, the state will not acquire or exercise authority upon individual property. Article 19(3) states that when the state acquires or establishes its right over private property, the state will compensate for loss of property and the basis and procedure for such compensation will be specified under relevant laws.

22. The **Land Acquisition Act (1977)** and its subsequent amendment in 1993 specify procedures of land acquisition and compensation. The Act empowers the Government to acquire any land, on the payment of compensation, for public purposes or for the operation of any development project initiated by government institutions. There is a provision of Compensation Determination Committee (CDC) chaired by Chief District Officer to determine compensation rates for affected properties. The Act also includes a provision for acquisition of land through negotiations. It states in Clause 27 "notwithstanding anything contained elsewhere in this Act, the Government may acquire any land for any purpose through negotiations with the concerned land owner. It shall not be necessary to comply with the procedure laid down in this act when acquiring land through negotiations."

23. The **Land Reform Act (1964)** is also relevant. As per the Act, a landowner may not be compensated for more land than s/he is entitled to under the law. This Act also establishes the tiller's right on the land which s/he is tilling. The land reform act additionally specifies the compensation entitlements of registered tenants on land sold by the owner or acquired for the development purposes. The Act amendment most recently in 2001 has established a rule that when state acquires land under tenancy, the tenant and the landlord will each be entitled to 50 percent of the total compensation amount.

24. The **Land Revenue Act (1977)** is also applicable, as the land acquisition involves change of ownership of land. Article 8 of the Act states that registration, change in ownership, termination of ownership right and maintenance of land records are done by Land Revenue Office. Similarly article 16 says, if land revenue is not paid by the concerned owner for long period of time, the revenue can be collected through auction of the parcel of the land for which revenue has been due.

25. The **Public Roads Act, 2031 (1974)** empowers the government to acquire any land on a temporary basis for storage facilities, construction camps and so on during construction and upgrading of roads. Any buildings and other structures such as houses, sheds, schools, and temples are to be avoided wherever possible. The government is required to pay compensation for any damages caused to buildings, standing crops and trees. Compensation rates are negotiated between the government and the landowners.

26. Land acquisition must also comply with the provisions set out in the **Guthi Corporation Act 1976**. The Section 42 of the Act states that Guthi (religious/trust) land acquired for a development must be replaced with other land.

27. The government has drafted, with ADB's technical assistance, a **National Policy on Land Acquisition, Compensation and Resettlement Development Projects**. The Policy is still in the draft form, but once approved will provide clear guidelines to screen, assess and plan land acquisition and resettlement aspects in development projects. The draft Policy highlights the need to handle resettlement issues with utmost care and forethought particularly in case of vulnerable groups. There are provisions of voluntary land donation by non-poor and providing assistance to poor families.

28. The **ADB's Policy on Involuntary Resettlement** states that involuntary resettlement should be avoided where feasible. Where population displacement is unavoidable, it should be minimized by exploring all viable options. People unavoidably displaced should be compensated and assisted, so that their economic and social future would be generally as favourable with the project as it would have been in the absence of the project. People affected should be informed fully and consulted on resettlement and compensation options. Existing social and cultural institutions of resettlers and their hosts should be supported and used to the greatest extent possible, and resettlers should be integrated economically and socially into host communities. The absence of formal legal title to land by some affected groups should not be a bar to compensation; particular attention should be paid to households headed by women and other vulnerable groups, such as indigenous peoples and ethnic minorities, and appropriate assistance provided to help them improve their status. As far as possible, involuntary resettlement should be conceived in the presentation of project costs and benefits. The policy addresses losses of land, resources, and means of livelihood or social support systems, which people suffer as a result of an ADB project.

29. **ADB's Operational Manual Section F2/OP** states that where projects provide direct benefits to communities, and are amenable to a local decision-making process, arrangements to deal with losses on a transparent, voluntary basis may be included in resettlement plans, with

appropriate safeguards. Such safeguards include (i) full consultation with landowners and any non-titled affected people on site selection; (ii) ensuring that voluntary donations do not severely affect the living standards of affected people, and are linked directly to benefits for the affected people, with community sanctioned measures to replace any losses that are agreed to through verbal and written record by affected people; (iii) any voluntary “donation” will be confirmed through verbal and written record and verified by an independent third party such as a designated non government organization or legal authority; and (iv) having adequate grievance redress mechanisms in place. All such arrangements are set out in a resettlement framework that is prepared before the first management review meeting or private sector credit committee meeting and covenanted.

4.2 Objectives

30. The major principles of the Resettlement Plan are as followings:

- a. Involuntary land acquisition and resettlement impact will be avoided or minimized through careful planning and design of the project;
- b. For any unavoidable involuntary land acquisition and resettlement, APs will be provided compensation at replacement cost and/or assistance so that they will be as well-off as without the project;
- c. APs will not be forced for donation of their land, and there will be adequate safeguards for voluntary land donation.
- d. APs will be fully informed and consulted during project design and implementation, particularly on land acquisition and compensation options;
- e. The absence of formal legal title to land will not be a bar to compensation for house, structures and trees/crops, and particular attention will be paid to vulnerable groups and appropriate assistance provided to help them improve their socio-economic status;
- f. Land compensation and resettlement assistance will be completed before award of civil works contracts, while other rehabilitation activities will continue during project construction; and
- g. Land acquisition and resettlement will be conceived part of the project and the costs related to resettlement will be included in and financed out of the project cost.

31. The sub-project selection and planning follow community-driven approach, which gives communities ownership over planning and project implementation. The Sub-project will provide direct benefits to community, including improved access to markets and services such as schools, health and other public services. It is believed that the improved road will also lead to higher value and production of local land because of improved access and availability of agricultural inputs. Given that most local people are willing to voluntarily donate part of their land in road improvement that provides benefit to community. However, adequate process and safeguards are built in the RP ensuring that the voluntary land donation is unforced and it doesn't lead to impoverishment of affected people, including:

- a. Full consultation with affected persons and communities on selection of sites and appropriate design to avoid/minimize additional land acquisition and resettlement effects;
- b. As a first principle, APs were informed of their right to entitle compensation for any loss of their property (house, land, and tree) that might be resulted by the project construction, and the land donation might be accepted only as a last option;
- c. No one will be forced to donate their land and APs will have the right to refuse land donation;

- d. In case APs are directly linked to project benefits and thus are willing to voluntarily donate their land after they are fully informed about their entitlement, the project will assess their socio-economic status and potential impact of land donation and accept land donation only from those APs who do not fall below the poverty line after the land donation.
- e. Any voluntary land donation (after the process as mentioned above) will be confirmed through a written record, including a "no coercion" clause verified by an independent third party.
- f. The donation will be limited to only land and minor assets (houses and major assets will be excluded from donation);
- g. A Grievance Redress Sub-Committee (GRSC) will be set up at VDC level in every road section (chaired by local leader, and including representatives of APs) and APs who are not satisfied with the land donation can file their complaint with GRC. If GRC found out that the above provisions were not complied with, APs will be excluded from the land donation.

32. All involuntary land acquisition (other than exceptional voluntary land donation) will be compensated at replacement cost and APs assisted so that their economic and social future would generally be as favourable as it would have been in the absence of the project. The absence to formal title to land will not be a bar to compensation assistance for loss of assets and special attention will be paid to ensure that households headed by women and other vulnerable groups receive appropriate assistance to help them improve their status. The APs land affected by the road will be informed by the project office through publishing general notice at the VDC. Therefore, date written in the notice will remain the cut-off-date, which is 05-06-2010 for the entitlement and owners (including non-titled) of affected assets till such a date will be eligible to be categorized as APs. The entitlement policy/matrix of the Project is presented in Table 7.

4.3 Entitlement Matrix/Policy**Table 7: Entitlement Matrix/Policy**

Type of Loss	Application	Definition of Entitled Persons	Policy/Entitlement
1. Acquisition of private, tenancy, or Guthi land	Entire or part of land to be acquired from owner of the land as recorded at cut off date	<ul style="list-style-type: none"> Titleholder Tenants 	<ul style="list-style-type: none"> Land with equivalent size and category, or cash compensation at replacement cost In case of vulnerable group, preference will be in replacing land for land Any transfer costs, registration fees or charges Registered tenant will receive the 50% value of the land Land registration in the name of both land owner and spouse (in case of land for land compensation) If remaining land becomes unavailable for use as a result of land acquisition, APs will have option to relinquish unavailable remaining portion of land and receive similar benefits to those losing all their land parcel persons having non titled land will receive compensation for crops and subsistence allowance for one year crop, and provided with replacement land if (<i>Ailani</i>) Government land is available in the village. Any up-front costs for the tenancy agreement will be reimbursed either through an agreement with the land lord or by the EA
2. Temporary loss of land	Temporary land taken by the project	<ul style="list-style-type: none"> Titleholder Tenants 	<ul style="list-style-type: none"> Compensation at replacement cost for the net loss of income, damaged assets, crops and trees etc. An agreement between contractors and APs before entering the site if case of involvement of contractors.
3. Loss of residential, commercial, and other structure	Structures, buildings including cattle shed, walls, toilets etc. affected by the project.	<ul style="list-style-type: none"> Owner Tenants Non-titled (encroachers/squatters) 	<ul style="list-style-type: none"> Compensation for full or partial loss at replacement cost of the affected structure without depreciation or deduction for salvaged material. Displacement and transportation allowance for residential and commercial structures to cover actual cost as estimated in the RP. Rental stipend equivalent of three months' rent for tenants who have to relocate from tented building.
4. Loss of community structures / resources	Community facilities (e.g. irrigation, water, etc.) affected by the project.	The users of the facility or community or group	<ul style="list-style-type: none"> Reconstruction by the project leaving such facilities in a equivalent or better condition than they were before. or Cash compensation at full replacement cost without depreciation or deduction for salvaged material.
5. Loss of trees and crops	Affected fruit/nut trees	Owner of the affected fruit/nut trees	<ul style="list-style-type: none"> Cash compensation based on annual value of the produce and calculated according to the Department of Agriculture (DoA) norms. RPs to confirm that the DoA norms and techniques are sufficient and updated regularly.
	Affected timber and fodder trees	Owner of the affected timber and fodder trees	<ul style="list-style-type: none"> Cash compensation based on calculation of the production and calculated according to the norms as decided by the Ministry of Forestry and Soil Conservation.
	Affected crops	Owner of the affected crops Sharecropper of the affected crops	<ul style="list-style-type: none"> Cash compensation based on the local market prices for the produce of one year and calculated as per the norms of District Agriculture Development Office (DADO). 50% cash compensation of the lost crop for the sharecropper.

Short Resettlement Plan of

Sankhu – Jarsingpauwa – Fatkeshor Rural Road Sub Project, Kathmandu District

Type of Loss	Application	Definition of Entitled Persons	Policy/Entitlement
6. Loss of economic opportunity	Economic opportunity lost as result of loss of livelihood base.	Persons in the road vicinity who may be adversely affected, although they do not lose assets as such	<ul style="list-style-type: none"> • Preferential employment in wage labour in project construction works. • Skills training support for economic restoration • Priority in poverty reduction/social development program
7. Loss of time and travel expenses	All expenses incurred in travelling to fill application and making claims and time lost.	The entire project affected persons eligible for compensation.	<ul style="list-style-type: none"> • Project facilitates to avoid time and travel expenses by providing the compensation at site.
8. Land donations	Loss of land and other assets by means of voluntary donation	Voluntary donation is accepted only if AP: <ul style="list-style-type: none"> • Is project beneficiary and is fully consulted and informed about their rights; • Doesn't fall below poverty line after land donation; • Donating up to 20% land holding, • Unforced or freely willing to donate (with an agreement, including a "no coercion" verified by third party 	<ul style="list-style-type: none"> • No compensation for the donated land, but entitled for compensation of other assets such as house, structures., etc. • Transfer of land ownership by negotiation (DDC and the owner). • Free/escape of any transfer costs, registration fees or charges. • Preferential employment in wage labour in project construction work.
9. Additional Assistance			
	9.1 Preference in employment in wage labour in project activities	All APs	<ul style="list-style-type: none"> • Construction contracts include provision that APs will have priority in wage labor on project construction during implementation. • APs shall be given priority after construction for work as maintenance worker, mandated in local body agreement.
	9.2 Skill training and income generation support	One member of each PAF belonging to vulnerable group/below poverty line	<ul style="list-style-type: none"> • Skill training and income generation support financed by project • RP to include a need assessment and skill training program for APs.
	9.3 Priority in poverty reduction/social development programs	All APs	<ul style="list-style-type: none"> • Participation of APs with priority in saving credit scheme facilitated by the Project. • Participation of APs with priority in life skills, income generation, and other entrepreneurship.

Sources: Report RRRSDP, 2007

5. INFORMATION DISSEMINATION, CONSULTATION, PARTICIPATION, DISCLOSURE AND APPROVAL OF RP

33. The Subproject organized 10 public consultation meetings with APs, VICCCs, Grievance Redress Sub-committees and the other stakeholders along the subproject area. They were provided information on the resettlement framework of the project. These meetings were used to get wider public input from both the primary and secondary stakeholders. The details of consultation including the number of meetings organized, number and profile of the participants, issues raised in the meetings have been presented in the Appendix 6.

34. The community meeting and interviews were carried out in 3 VDCs with the owners of land and structures for widening the road. During the meeting, people were requested to provide the additional land needed for upgrading the existing alignment. The resettlement specialist (RS) along with other social and technical staff of District Implementation Support Team (DIST) in coordination with VICCC facilitated the information campaign during walkover survey, cadastral and household listing and socio-economic and loss assessment survey of the households. During hh survey, each hh was again informed about the Subproject, entitlements and project procedures. This RP in summary form disclosed to the APs and informed about their entitlements through these consultation meetings. The communities were explained about:

- a. Relevant details of the Subproject scope and schedules,
- b. RP and various degrees of project impact,
- c. Details of the entitlements under the RP and requirement of APs to claim their entitlement,
- d. Implementation schedule with time sheet for entitlements delivery,
- e. Compensation process and compensation rates to be considered,
- f. Detail explanation of the grievance process and other support in arbitration,
- g. Role of DPCC, VICCC, GRC and other community officials to encourage the APs in RP implementation, and
- h. Special consideration and assistance of all vulnerable groups.

35. Information sharing and consultation program during the project period will be conducted during RP implementation and income restoration. The RS of DIST will act as information conduit. RS and Social Mobilizers (SM) will also facilitate DPO in land and other property acquisition and compensation processes. They will actively encourage and enable the APs to participate in the Subproject processes.

36. A summary of RP (final) has been prepared in Nepali and made available to the affected people by DIST (Appendix 11). The final RP will also be disclosed on the website of the RRRSDP as well as ADB.

6. GENDER IMPACTS AND MITIGATING MEASURES

37. During the course of socio-economic and loss assessment survey of Affected Households, special attention was paid for women's participation to assess the impact of the subproject on them. Data analysis revealed that illiteracy, lack of ownership of property, lack of decision making authority, extensive involvement in household activities are some of the main features of female's socio-economic status in the subproject area.

38. It was also pointed out that the main problem faced by women in the subproject area, is the difficulty in accessing immediate health care services during child bearing. As perceived by women as well as men, improvement of road will provide easy access to health facilities for them thereby reducing the related maternal and child health risks. Besides that, discussions among the women revealed that the subproject, by improving transport facilities in their area, will also contribute to their mobility to nearby towns and villages for accessing socioeconomic facilities particularly for sale and purchase of goods as the majority of the women in the subproject comprise of the main income earners in the family. Likewise they were also of the opinion that commencement of the subproject may also provide them employment opportunity during the construction phase.

39. The reconstruction and rehabilitation of the subproject, as per the women participants, will have far-reaching impacts on them and their lives. The women participants expressed that their mobility will be greatly enhanced both in terms of access to social services, as well as access to higher levels of education and health facilities, also outside the village such awareness program will mitigate the above problem. The cost for such informative boards is kept in environmental and engineering part.

40. The Subproject is anticipated to have direct adverse impacts on 16 women headed hhs and 1 hh below poverty line residing in the subproject area. Beyond that, 58 hhs of aborigine Tamangs are also considered as vulnerable. Provisions have therefore been made in this RP to provide additional assistance through Livelihood Enhancement Skill Training (please refer table 8) to these hhs to restore their lives and livelihood.

42. Some of the possible unenthusiastic impacts of the subproject as voiced by women comprised of (i) increased risk of accident as a result of speeding vehicles (ii) heightened access of outsiders in the villages during construction phase thereby affecting women's mobility and (iii) girl trafficking.

42. Women in the subproject area were extensively involved in farming, cattle rearing and household activities. However, few women were reported to be engaged in other activities apart from household and agricultural activities, such as vegetable farming, bamboo craft work and other small shops.

7. GRIEVANCE REDRESS MECHANISMS

39. A Grievance Redress Committee has been established for the Sub-project for hearing complaints of APs and for their appropriate resolution.³ Other than disputes relating to legal rights, it will review all grievances relating to land acquisition. Grievances will be redressed within two to four weeks from the date of lodging the complaints. The Grievance Redress Committee (GRC) comprises of:

- Head of DDC/local leader (Chairperson),
- One representative of local bodies,
- Two representatives of APs (including Vulnerable Group member),
- One representative of civil society organizations,
- One representative of project,
- RS /SDS to attend as observers and to support the APs

40. GRSCs are formed in each VDC which consists of three members from VICCC and two members from APs to hear the complaints and grievances at local level. APs can approach the Subcommittee with their problem which is then discussed locally with an aim of finding an amicable solution. Social Mobilizers (SMs) will also act as intermediaries to assist the APs.

41. The key functions of the GRSCs are to (i) provide support for APs to lodge their complains; (ii) record the complains, categories and prioritize them; (iii) settle the grievances in consultation with APs and DPO staff; (v) report to the aggrieved parties about the decision/solution; and (vi) forward the unresolved cases to higher authorities. Following process will be followed to find resolution on the grievances:

³ The complaints that are likely to arise include: (i) APs not enlisted; (ii) losses not identified correctly; (iii) problems related to land donation; (iv) inadequate compensation/assistance; (v) dispute about ownership; and (vi) problems/delays in disbursement of compensation/assistance.

- **Step 1:** APs file complaints at GRC sub-committee at VDC level. The complaints will be discussed among concerned parties to settle the issue locally within 15 days from appeal date. RS, SMs and VICCC in the concerned VDCs will facilitate consultation and deliberation in this regard
- **Step 2:** If no amicable solution is reached at VDC level within 15 days, APs can appeal to GRC at district level.
- **Step 3:** If APs are not satisfied with the decision of GRC or fail to receive response from them, they may resort to legal remedies available under the Land Acquisition Act (1977).

42. Three GRSCs have been formed in Lapsephedi, Nanglebhare and Fatakshila VDCs. The affected persons were also informed about the grievance redress mechanism of the project and existence of grievance redress committees in VDCs and district level. They were also informed about their rights to file their complaints about the Sub-project and about compensations. APs were also informed about CDC compensatory rates, and the RP documents. Few normal complaints were submitted with GRSCs until this reporting period. Mainly the complaints were regarding the compensation of land and private structures but it solved by the community along with VICCC and VDC.

8. COMPENSATION AND INCOME RESTORATION

43. APs will be compensated at replacement cost for any involuntary land acquisition. The Compensation Determination Committee (CDC) has been formed at the district level to decide compensation rates for land and property to be acquired. The CDC is formed under the chairmanship of the Chief District Officer (CDO), and Land Revenue Officer, a representative of District Development Committee, and the Project Coordinator of the DPO are the members. Two representatives of the APs and VICCCs are also invited in the committee meeting as observers. The design survey team will assess the compensation rates for the lost assets and recommend it to the Compensation Determination Committee (CDC) for final valuation and compensation distribution. APs losing houses will be assisted in relocation by providing additional transportation and displacement allowances along with the compensation of structure and land, according to the entitlement matrix. Vulnerable APs will be provided additional assistance/allowances as stated in the policy/entitlement matrix.

8.1 Valuation and Compensation Determination

44. The survey and valuation of affected land and households were undertaken by survey team at DPO assisted by DIST. The team has assessed losses and estimated value for compensation. Cadastral mapping has verified the land plots under road alignment for the deed transfer.

45. Members from APs and VICCCs were invited in the CDC meetings as observers where the DIST facilitated and explained the RP policies and framework. CDC has decided to approve valuations that were proposed in the RP document. CDC has also made decision to keep aside the estimated amount for the absentee family until they return to claim their compensation. Payments for the losses will be made at public meetings in local area for small amounts and cheque will be used for larger amounts.

8.2 Income Restoration and Rehabilitation Program

46. APs who lose their income sources (land, business) and are at risk of impoverishment will be assisted through income restoration programs. Special attention will be given to poor and vulnerable groups. APs will be given priority for employment in road construction work. The contract documents will include provisions regarding preferential employment of APs and vulnerable groups in wage labour in construction works. The sub-project will provide at least 90 days of unskilled job to one adult from each affected families to enable them to earn sufficient income to restore their income. The APs will develop skills in construction works while working in the sub-project, which will also be a useful means of income for them in future.

8.3 Livelihood Enhancement Skills and Training (LEST) Program

47. Analysis of the census socio-economic and loss assessment survey of the subproject reveals that there are 16 women headed hhs and 50 Tamang ethnic community are at vulnerable stage. These groups were also verified as vulnerable groups in consultation with local community and will be particularly addressed in the LEST. The training program has been designed for the one person from these hhs of 16-45 years age group. The cost of the training program is included in the RP and will be financed under the community empowerment program budget of the project. Additionally, Social Action Plan (SAP) prepared for the Subproject will

incorporate all families from the Zone of Influence (Zol) and provide opportunities to the Communities to enhance their abilities for socio-economic advancement.

Table 8: Livelihood Enhancement Skills Trainings for APs

SN	Trainings	Male	Female	Total	Event	Duration	Rate/ person	Total cost (Rs.)
1	Bee Keeping	2	4	6	1	10 days	30,000	180000
2	Plumber	4	1	5	1	1 month	6,000	30,000.00
3	Electrical (house wiring)	4	1	5	1	1 month	8,000	40,000.00
4	Candle Production	0	5	5	1	7 days	7,000	35,000.00
5	Beauty Parlor	0	5	5	1	1 month	10,000	50,000.00
6	Bakery	2	4	6	1	1 month	7,000	42,000.00
7	Electronics(Radio/TV /mobile)	5	0	5	1	3 months	15,000	75,000.00
8	Sweet and Dairy Product Processor	3	3	6	1	7 days	4,000	24,000.00
9	Sewing cutting & weaving	0	5	5	1	3 months	10,000	50,000.00
10	Total	20	28	48				5,26,000.00

Note: The training type may change as per the changed need of the APs during implementation.

48. The DPO will deliver the skill training in partnership with training institutions/professionals, available locally and in neighbouring districts. DIST social team will help in identifying and employing professionals to impart the training package where preference will be given to locally based resource persons or institutions having expertise in the subject area. District level sector line agencies of the government (such as Cottage and Small Industry, District Agriculture Office, District Forest Office) will also be mobilized by DPO for additional expert resources, if required.

8.4 Voluntary Land Donation Process

49. The identified APs losing land and other properties were called for community meeting to disclose the draft Resettlement Plan and discuss resettlement procedures. The APs were informed about the land donation provisions as described in the RF of the project. After the information, majority of the APs agreed to donate their land already occupied by the existing road as well as additional land needed for the reconstruction and rehabilitation. The concerned landowners were informed individually and the Memorandum of Understanding (MoU) was signed with the DPO. The APs donating land signed a written consent without any pressure or coercion in the presence of the officials from NGO, VDC, GRSC and VICCC as third party witness. All 192 Hhs have signed the MoU (Appendix 6). Furthermore, the APs who have voluntarily donated the land for the Subproject will be rewarded by DPO by issuing an appreciation letter.

50. The absentee owners will be regularly followed-up by the DPO. They will be given further consultation on entitlement, compensation and land donation procedures whenever they become available. Depending on their choice, they will either be compensated or an MoU for land donation will be signed with them. The amount of compensation has been separated in the reserve fund for unavailable land owner as a precautionary measure.

Table no. 9:- Deed Transfer Action Plan of Sankhu – Jarsingpauwa - Fatkeshor Road Subproject

S. N	Activities	Oct-10				Nov- 10				Dec-10				Jan-11			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1	Meeting with Land Revenue Office																
2	Letter Collection for the land owner for Deed transfer																
3	Conduct meeting with land owner																
4	Informed landowner for their presents to deed transfer																
5	Conduct deed transfer																
6	Distribute the new land registration Certificate to the landowner																
7	Conduct Appreciation Programme with landowner																
8	Distribute Compensation for the losses																

9. INSTITUTIONAL ARRANGEMENT

9.1 Institutional Arrangement of the Project

51. The key agencies involved in the implementation of this sub-project are as follows:

9.1.1 Central Level Arrangement

52. The Project Coordination Unit (PCU) established at DoLIDAR has overall responsibility for the coordination and facilitation of the resettlement activities. The CISC will support PCU in effective planning and implementation of the resettlement, compensation and rehabilitation measures outlined in the RP. The PCU/CISC will also look after the policy compliance and monitoring of the proper implementation of the RP.

9.1.2 District Level Arrangement

53. The District Project Office (DPO) has been established under DDC/DTO to ensure that the Resettlement Framework is followed in preparation and implementation of the resettlement plan for the Sub-project. The DPO has the primary responsibility of planning, coordination and financing of the RPs in the district. The DPO coordinates with the Chief District Officer, Land Revenue and Survey Office, District Agriculture Development Office, District Forest Office, District Soil Conservation Office and Drinking Water and Sanitation Office and other concerned line agencies as per need.

54. The DIST will assist the DPO in planning, preparing and implementing the resettlement plan. The DIST will also liaise with DPO to ensure that the contractor will provide employment opportunity to the affected persons, especially women and other vulnerable persons. DPO will make provision in the civil works contracts for preferential employment of qualified affected persons. DIST will also help the affected person with information campaigns to promote clarity and transparency, and help in community level consultations about entitlements and saving and credit and income generation opportunities.

9.1.3 Sub-project Level Arrangement

55. Project Coordinator (PC) of the district will lead the implementation of the resettlement plan in sub-project level. PC will integrate construction, land acquisition and compensation activities within the sub-project. The DPCC and VICCC will provide necessary support to the PC in the planning, implementation and monitoring of the resettlement activities. In addition, GRC and its sub-committees and RBGs will also have important facilitation role at the sub-project level.

9.1.4 Compensation Determination Committee

56. The Land Acquisition Act, 2034 (1977) provides for the establishment of Compensation Determination Committee to decide compensation levels at District level. This is composed of the CDO, the LRO, representative of the DDC and the Project Coordinator. To make the decision making process transparent, two representatives from the APs and VICCC member will be invited as observers. CDC under the Land Acquisition Act 1977 plays a major role in deciding rates of compensation. The committee also listens grievance of the APs if they are not satisfied from the response of district level GRC.

10. RESETTLEMENT BUDGET AND FINANCING

57. The costs required for implementation of the Resettlement Plan will be financed under the project's rural transport program budget and will be administered according to the Land Acquisition Act 1977. These costs include (i) compensation for acquired assets; (ii) costs for rehabilitation of APs; and (iii) administrative costs for RP implementation. Yearly budgeted will be arranged by the DPO for the RP implementation. The detail estimation of the RP is described under following paragraphs.

10.1 Cost of Compensation for Assets

58. Compensation for assets includes land and structures. Compensation of such assets is based on replacement cost at current market price. Land rates are based on prevailing market rate. Valuations of structures are done with the help of DPO by DIST as per district valuation rate provided by District Technical Office (DTO). Additionally, displacement and transportation allowance will be also calculated for residential structures. Rental stipend equivalent of three months rent for tenants who have to relocate from rented building. All these valuations are finally endorsed by CDC.

59. There is also voluntary land donation provision by APs, and it is acceptable only if an AP is losing less than 20 percent of their total land holding, and their poverty level is above the district poverty level. Voluntary land donation has to be without any pressure or coercion. In this Sub-project, APs are willing to donate the land for construction works. The APs have signed a MoU with DPO accordingly.

10.1.1 Cost of Compensation for Land

60. According to the Resettlement Framework of RRRSDP, APs who are losing more than 20% land of total land holding, such APs are liable to get the compensation from the project. From analysis of socio-economic survey data we have not found **HHs losing** more than 20% land of total land holding. Regarding one AP of at Nanglebhare VDC at Pangrebas, he will be displaced by the project implementation.

10.1.2 Cost of Compensation for Trees

61. The valuation of community trees were carried out on the basis of the Ministry of Forest and Soil Conservation (MoFSC) Norms, 2060 by District Forest Office of Kathmandu. The Subproject does not compensate product of the tree. The MoFSC Norms 2060 is presented in table 10.

Table 10: Labor Requirement for Cutting Trees

Girth of Tree	Labour Requirement (Person days)
Above 12 cm to 30 cm	0.13
Above 31 cm to 60 cm	0.39
Above 61 cm to 90 cm	0.52
Above 91 cm to 120 cm	1.56
Above 121 cm to 180 cm	2.50

Above 181 cm to 240 cm	4.00
Above 242 cm to 300 cm	12.99
Above 300 cm	41.67
For small seedling less than 12 cm girth is Rs. 10 per seedling	

⁴Source: Ministry of Forest and Soil Conservation, 2060

62. A total of 19 trees equivalent to Nrs. 24,283.18 will be compensated as per the MoFSC Norms, which has been decided by the CDC meeting. Detail cost calculations of the trees are presented in Appendix 5.

Table 11: Labour Requirement for Transportation of Trees

Distance between felling spot and stacking yard	Labour Requirement (person days)
First 10 m	0.5
For each additional 10 m	0.08
For first 1000 m	8.42
For each additional 1000 m	8.00
For first 5000 m	40.42
Kathmandu district wage rate decided for FY 2066/67 is Rs 250 /	

Source: Ministry of Forest and Soil Conservation, 2060

10.1.3 Cost of Compensation for Structures

63. Costs for structures are based on age of the building for its replacement cost. A total of 6 structures will be affected by the Sub-project. Details of the affected structures and their

⁴ MFSC. 2060. Norms, 2060. Ministry of Forests and Soil Conservation, Kathmandu.

photographs are annexed (Ref. Appendix- 4). Valuation of the structures was endorsed by the CDC. A detail of the affected structures is given in the table 12.

Table 12: Valuation of affected Houses\Structures

SN	Affected Structures	Name of VDCs	No of structures	Total cost	Remarks
1	Bardali	Nanglebhare	2	200,643.9	
2	Bardali	Nanglebhare	2	164,188.99	
3	Bardali	Nanglebhare	2	122,715.6	
4	Bardali	Nanglebhare	1	23080.20	
5	Temple	Nanglebhare	1	51,549.9	dismantle cost is included in indirect cost of RP
6	Bardali	Nanglebhare	2	125,745.7	
7	Bardali	Nanglebhare	2	178,960.3	
8	Private house	Nanglebhare	1	182,369.1	dismantle, transportation and rented cost is included in indirect cost
9	Bardali	Nanglebhare	1	35,508.0	
Grand Total Cost				10,84,761.69	

10.2 Cost of Rehabilitation Support

64. Cost in this category cover support measures for affected individuals and households. The following are the estimated allowances for the loss of structures:

- **Rs. 20,814.41/-** displacement and transportation allowance for residential structures (for the transfer of household goods from old house to rented house and then to new house.)
- **Rs. 12,000/-** rental stipend equivalent of 3 months' rent for households who have to relocate due to project impact.

10.2.1 Travel Allowances

65. If APs need to travel outside their village in the land acquisition process, travel allowances will be paid based on unskilled district rate. While the Project will try to facilitate the land acquisition process locally, the estimated cost for such travel allowance is **Rs. 4,82,500.00**

10.3 Total Cost Estimate for RP

66. The total cost of the affected private land is calculated to be NRs. 62,08,63,043.01 and all cost has been donated by the local communities and not included in the budget. The CDC meeting held on 5th September, 2010 (2067/05/20 BS) approved the budget for property acquisition. The total cost of land acquisition and resettlement including compensation for the loss of structure, land, livelihood restoration programme and various allowances is NRs. 4.58 million. Detail budget break down of RP is presented in the Table 13:

Table 13: Summary of Cost for RP

	Item	Unit	Total loss	Amount (NRs.)	Remarks
1. DIRECT COST					
1.1	Public structure (Ganesh Temple)	No.	1	51,549.90	
1.3	Private structure (house,& Bardali)	No.	48	1,033,211.79	
1.4	Trees (Community Forest)	No.	19	24,283.18	
1.5	Reserve fund for unavailable land owner	plots	129	1,500,000.00	
	Sub-total			2,609,044.87	
2. INDIRECT COST					
2.1	Transportation and dismantling allowance	LS	2hhs	20,814.41	
2.2	Rental Stipend	LS	1hh	12,000.00	for 3 months
2.3	Deed Transfer Assistance	Plots	193	482,500.00	@ 2500 per plot
2.4	Official Deed Transfer fees	LS		500,000.00	
	Sub-Total			1,015,314.41	
3	Income generation and Livelihood improvement programme	LS		526,000.00	
4	Appreciation Program for APs	LS		300,000.00	
	Sub-Total			826,000.00	
	Total			4,450,359.28	
5	Provisional Sum (5%)			130,452.24	
GRAND TOTAL				4,580,811.52	

11. IMPLEMENTATION SCHEDULE

67. Proposed RP implementation schedule for Sankhu – Jarsingpauwa – Fatkeshor Rural Road Sub Project is shown in Table 11.

Table 14: RP Implementation Schedule

S. N.	Tasks	Sept-10				Oct-10				Nov-10				Dec-10				Jan-11				Feb-11				March-11			
		1	2	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	
1	Submission of Draft RP to PCU			*																									
2	Submission of Final RP to ADB for approval				*																								
3	Consultation, and grievance resolution	Ongoing activity																											
4	Inform APs for the compensation claim					*																							
5	Collect application from the APs for compensation																												
6	Verify the application and prepare final list of APs																												
7	Final collection of Memorandum of Understanding (MoU) for voluntary contribution (for land)				*	*	*	*	*	*	*																		
8	Transferring the land ownership														*	*													
9	Pay compensation for eligible APs																												
10	Implementation of AP's Livelihood Restoration Programme																Will be initiated after approval of RP and may be Continuous along with community development program												
11	Prepare resettlement implementation status report by DPO																	*											
12	Verification survey of RP implementation by CISC																		*										

Sankhu – Jarsingpauwa – Fatkeshor Rural Road Sub Project, Kathmandu District

Sankhu – Jarsingpauwa – Fatkeshor Rural Road Sub Project, Kathmandu District

12. MONITORING AND EVALUATION

12.1 Monitoring at District Level

68. The Project has a mechanism to monitor and evaluate the resettlement and compensation process.

69. The District Project Office (DPO) is responsible for the internal monitoring of the resettlement planning and implementation throughout the Sub-project cycle. The DPO shall submit monthly progress reports to PCU on implementation of resettlement plan. The PCU will submit quarterly monitoring report to ADB for its review. Such reports will be posted on websites of ADB and PCU.

70. The Project Coordinator (PC) or his/her representative will attend VICCC meetings, as and when required. Progress on resettlement implementation and any concerns will be discussed in such meetings. The VICCC and resettlement social staff will facilitate the monitoring of progress and resolution of any grievances locally.

71. The DPO will organize periodic progress review workshops involving APs representatives. Special attention will be paid on securing the participation of women in the review workshops. The workshops will provide households with opportunities to discuss both the positive and negative aspects of their resettlement, compensation and reestablishment. An inclusive problem-solving approach will be followed, using local experiences and realities as the basis for solutions. Resettlement Specialist / Social Development Specialist will facilitate such workshops.

12.2 Verification by PCU

72. The verification of satisfactory implementation of RP including completion of land compensation is a condition for contract award and commencement of civil works. A verification report in this regard will be prepared by PCU assisted by Resettlement Specialist and submitted to ADB along with proposal to award the contract(s). The verification report has to have investigated to the extent to which any land donations were freely made and with adequate safeguard, and whether assessed compensation/assistance has been paid to the APs. About 10 % APs may be surveyed as part of the verification.

12.3 External/Third Party Monitoring

73. The implementation activities will be monitored and evaluated externally once in a year through an independently appointed agency, consultant or NGO not involved with any aspects of the project, which will provide report to both PCU/DPO and to ADB. The PCU will hire such external monitoring agency/consultant with the ADB concurrence. A sample survey of affected households needs to be undertaken to assess the degree to which the project's resettlement objectives have been met. The socio-economic survey undertaken for land acquisition will form a baseline data, from which many of the indicators can be measured. A sample survey at the end of the sub-project period will cover all the categories of APs and assess changes resulted from the project. The aim of the sample monitoring survey will be to measure the extent to which APs living standards have been restored/improved. The table 15 include monitoring indicators for external monitoring.

Table 15: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
Process Indicator	Staffing	Number of DoLIDAR staff on RRRSDP, by district project office and job function Number of DIST staff on RRRSDP, by district and job function Number of other line agency officials available for tasks Number of resettlement/Social mobilization personnels located in the field
	Consultation	Number of consultation and participation program held with various stakeholders VICCC, GRC formed by Sub-project in district Number of VICCC meetings held Grievances by type and resolution Number of field visits by CISC/PCU staffs Number of field visits by resettlement/social mobilization staffs
	Procedures in Operation	Census and asset verification/quantification procedures in place Effectiveness of compensation delivery system Number of land transfers (owner to GoN) effected Coordination between PCU, DTO/DPO and other line agencies
Output Indicators; data disaggregated by sex of owner/ head of household	Acquisition of Land	Area of cultivated land acquired by Sub-project road Area of other private land acquired Area of communal/government land acquired Area of the land compensated Area of land voluntarily donated
	Structures	Number, type and size of private structures acquired Number, type and size of community structures acquired Number, type and size of government structures acquired
	Trees and Crops	Number and type of private crops and trees acquired Number and type of government/community crops and trees acquired Crops destroyed by area, type and number of owners
	Compensation and Rehabilitation	Number of households affected (land, buildings, trees, crops) Number of owners compensated by type of loss Amount compensated by type and owner Number and amount of allowances paid Number of replacement houses constructed by concerned owners Number of owners requesting assistance with purchasing of replacement land Number of replacement land purchases affected Livelihood restoration cost
	Reestablishment of Community Resources	Number of community structures repaired or replaced Number of trees planted by government agency
Impact Indicator – data disaggregated by sex of owner/ head of household	Household Earning Capacity	Employment status of economically active members Landholding size, area cultivated and production volume, by crop Selling of cultivation land Changes to livestock ownership – pre- and post disturbance Changes to income-earning activities (agriculture) – pre- and post disturbance Changes to income-earning activities (off-farm) – pre- and post disturbance Amount and balance of income and expenditure
	Changes to Status of Women	Participation in training programmes Use of credit facilities Participation in road construction Participation in commercial enterprises
	Changes to Status of Children	School attendance rates (male/female) Participation in road construction
	Settlement and Population	Growth in number and size of settlements Growth in market areas Influx of squatters/encroachers Increase in trips made to DPO/DDC Increase in use of modern facilities

13. CONCLUSIONS

75. Sankhu – Jarsingpauwa – Fatkeshor Road Subproject additionally requires 3.166 ha of private land affecting 316 households. It affects 9 structures of 8 Hhs and 19 trees of Community Forest Users Group (CFUG). Since the study does not reveal significant impact on APs, this Subproject is not expected to have significant adverse involuntary resettlement impacts and hence falls under Category B of ADB operational procedures. In this context, this short resettlement plan has been prepared for the implementation of subproject.