

**Government of Nepal
Ministry of Local Development
Department of Local Infrastructure Development & Agricultural Roads
District Development Committee/District Technical Office
Kavre**

**Rural Reconstruction and Rehabilitation Sector Development
Program**

**Updated Short Resettlement Plan of
Kamidanda-Taldhunga Subproject 10 Km Section
(From chaniage 22+000 till 32+000)**

February 2009

Abbreviation

ADB	Asian Development Bank
APs	Affected People
CDC	Compensation Determination Committee
CDO	Chief District Officer
CISC	Central Implementation Support Consultant
DDC	District Development Committee
DIST	District Implementation Support Team
DPO	District Project Office
DoLIDAR	Department of Local Infrastructure Development and Agricultural Roads
DTO	District Technical Office
EA	Executive Agency
GoN	Government of Nepal
GRC	Grievance Redress Committee
MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
PAF	Project Affected Families
PAP	Project Affected Person
PCU	Project Coordination Unit
PM	Project Manager
RP	Resettlement Plan
RoW	Right of Way
RF	Resettlement Framework
RRRSDP	Rural Reconstruction and Rehabilitation Sector Development Program
SPAF	Severely Project Affected Families
VG	Vulnerable Group
VDC	Village Development Committee
VICCC	Village Infrastructure Construction Coordination Committee

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Executive Summary

1. This Resettlement Plan (RP) describes the involuntary resettlement planning process and procedures that will be applied to Kamidanda-Taldhunga road Sub-project of Rural Reconstruction and Rehabilitation Sector Development Program which will trigger ADB's Involuntary Resettlement Policy. The total length of the proposed road is 41.4 km but currently this RP describes updated resettlement activities of 10 km section of Kamidanda -Taldunga road subproject and additional 31.4 km resettlement activities will be assessed and will be further updated and incorporated in new Resettlement Plan.

2. The road subproject is located in Kavre palanchowk District, Bagmati Zone, in the Central Development Region, about 58 km. southeast of Kathmandu. The road section starts from Kamidanda, 22 km. south of Khopasi Bazar and ends at Taldhunga. The subproject forms part of Khopasi-Taldhunga Rural Road, a north-south rural road which serves as a main access to settlements in the southwest neighboring villages of the district and connects to Makawanpur District. The subproject will be constructed into fair weather earthen road with 4.5 m formation width. While selecting the subproject, the EA has defined the sub project as Class 'A' standard Rural Road with 8 m Right of Way (RoW), i.e. 4 m either side width from the centre line. In some places additional land will be needed for road widening.

3. Information on the socioeconomic characteristics of the affected people (APs) residing in the 10 km section area has been collected using household surveys and focus group interviews as part of the feasibility study. This study also includes a census survey of all affected households. During the project design survey several alternatives were explored to avoid or minimize land acquisition, some impacts are unavoidable due to technical and road safety considerations. Hence, this RP has been prepared for setting out strategies to mitigate and compensate for adverse effects of resettlement.

4. The household listing and census survey shows that in the proposed 10 km section it will affect 9 households (approximately 52 people), primarily through the loss of land and trees. An analysis of pre and post project scenario indicates that the land holding pattern will remain similar after the project. It was found that all the 9 HHs will lose less than 20 percent of their total holdings in the road alignment. No plots were sharecropped and no squatter families were identified and thus no issue of land title.

5. The census was followed by a detailed socio-economic survey of 9 HHs focusing on their income, food sufficiency, poverty and ethnic background. The survey revealed that average annual income of the affected households is about Rupees 142457. Majority households have annual income above 50,000 rupees. The income trend shows that out of the total annual income, about 44% income comes from other sources and 56% comes from land. While no changes are expected on non-agricultural income as a result of the land loss but households are expected to experience some reduction in agricultural income in proportion to their loss of land. In terms of food sufficiency all the 9 households have above 12 months food security. While on an average households are expected to experience reduction of annual agricultural income and food sufficiency of less than 1135 rupees and 0.09 month respectively. It is expected that this will be off-set by benefits of the road well as compensation/assistance provided under the project.

6. The RP has been prepared based on ADB's Policy on Involuntary Resettlement. The objectives of the RP are to (i) avoid land acquisition and involuntary resettlement wherever feasible; and (ii) minimize it where it is unavoidable, and ensure that APs receive assistance, so that they would be at least as well off as they would have been in the absence of the project. The Project's key resettlement principles are as following:

- i) Involuntary land acquisition and resettlement impact will be avoided or minimized through careful planning and design of the project;
- ii) 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;
- iii) APs will not be forced for donation of their land, and there will be adequate safeguards for voluntary land donation.
- iv) APs will be fully informed and consulted during project design and implementation, particularly on land acquisition and compensation options;
- v) 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;
- vi) Land compensation and resettlement assistance will be completed before award of civil works contracts, while other rehabilitation activities will continue during project construction; and
- vii) Land acquisition and resettlement will be conceived part of the project and the costs related to resettlement are included in the RP and will be financed out of the project cost.

7. The sub-project selection and planning follow community-driven approach, which gives communities control 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 also will 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 provide direct benefit to community, the Project will also continue to some extent the Nepal's tradition of land donation. 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:

- (i) Full consultation with affected persons and communities on selection of sites and appropriate design to avoid/minimize additional land take and resettlement effects;
- (ii) As a first principle, APs will be informed of their right to entitle compensation for any loss of their property (house, land, and trees) that might be caused by the project construction, and the land donation might be accepted only as a last option;
- (iii) No one will be forced to donate their land and APs will have the right to refuse land donation
- (iv) 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 (Note: if the analysis shows that almost all APs losing >20 land holding fall under poverty line so excluded from land donation, and hence the land donation will be limited to 20% land holding);

- (v) 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
- (vi) The donation will be limited to only land and minor assets (houses and major assets will be excluded from donation);
- (vii) A Grievance Redress Committee (GRC) will be set up 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.

8. Different meetings were held in respective VDC and in the meeting project modalities were discussed communally with each affected family. People had also actively participated in finalization of the alignment during the project design and survey. During consultation meetings and household survey, affected households verbally communicated their willingness to donate part of their land to improve the road.

9. A Grievance Redress Committees (GRC), a sub-committee of VICCC at VDC level has been established for hearing the complaints and disputes relating to land acquisition and to bring appropriate resolution. GRC consist of 3 members from VICCC and 2 members from Affected People. APs can approach the sub-committee with his/her problem.

10. The survey team has assessed the various categories of loss envisaged in the entitlement matrix and finalized the estimated prices/costs for compensation at replacement cost. The Compensation Determination Committee (CDC) has been formed under the chairmanship of CDO. The CDC decided the compensation rates based on recommendation of resettlement survey. The main principle for the decision of compensation rates is to provide compensation at replacement value of the lost assets.

11. Furthermore, affected households will be given priority for employment as labourers on the sub-projects and this will be the main income restoration measure envisaged for this project. The project will provide job opportunities at least one adult from affected families for at least 90 days unskilled labour. The improvement in earning capability and project benefits will be maximised through the addition of a savings component and life skill training for labourers, run by the project. In addition to employment opportunities in construction work, the project will provide supplementary support to the identified APs through Livelihood Enhancement Skills Training program and other community infrastructure supplementary investment projects. A list of skills training and income generation has been prepared and total of Nrs 3, 96,802 has been budgeted.

12. The total private land acquired for this road subproject is 0.19 ha. As this road subproject already consists of existing track so the private land that already falls under existing track is 0.081 ha and additional land need for new construction of the road is 0.11 ha. The value of land for the road construction is equivalent to Nrs. 0.27 million. The total cost of resettlement including compensation for the loss of trees, structure, livelihood restoration programme and deed transfer is Nrs. 1.4 million.

1. Introduction

1. This Resettlement Plan (RP) describes the updated involuntary resettlement planning process and procedures that will be applied to the Kamidanda-Taldhunga road sub-project of 10 km section under the Rural Reconstruction and Rehabilitation Sector Development Program (RRRSDP) which triggers ADB's Involuntary Resettlement Policy. The subproject is located in Kavrepalanchowk District, about 58 km. southeast of Kathmandu. The road section starts from Kamidanda, 22 km. south of Khopasi Bazar and ends at Taldhunga. The subproject forms part of Khopasi-Taldhunga Rural Road, a north-south rural road which serves as a main access to settlements in the southwest neighboring villages of the district and connects to Makawanpur District.

2. Kavre district is The Kamidanda-Taldhunga subproject is one of the core subprojects selected for the feasibility level of the RRRSDP during the project preparation phase. The length of the proposed road is 41.4 km (35.7 km rehabilitation; 6 km new). The road will be of Rural Road Class 'A' District Road (RR-A) category according to DoLIDAR standard. The technical surveys of the road alignment, excluding some portion of the 41.4 km. length, were done previously under the ADB-assisted Rural Infrastructure Development Project (RIDP), and most of the alignment has been already constructed. Under the RRRSDP, the existing road will be upgraded to fair weather earthen road with 4.5 m formation width. It involves the geometry improvement of existing alignment and some realigning of the section. In normal case of Class 'A' standard Rural Road, full the Right of Way (RoW) of 20 m width (10 m both sides from the centre line) is fully acquired and owned by the requiring body. However, in case of Kamidanda-Taldhunga subproject the EA has decided to reduce the RoW to 8 m total width. The proposed project will limit within 4 m land from the center line land, with more width in selected switchback, lay-byes, extra widening and mass balance. Along road sections, additional private land will be needed for road construction/upgrading beyond the existing alignment.

3. Information on the socioeconomic characteristics of the affected people (APs) has been collected using household surveys and focus group interviews as part of the feasibility study. The study included a census survey and a socioeconomic survey of all affected households residing in the subproject area. During the project design several alternatives were explored during the project design to avoid or minimize land acquisition, some impacts are unavoidable due to technical and road safety considerations. The keen interest of the local communities to have an access of road near to their settlements also increase requirement of additional land. The survey team has selected the least valuable, least agriculturally productive land for the right of way and improvement and took care to avoid the demolition of houses. Being a rehabilitation project, the design of the road alignment is limited to the previously decided alignments which also need additional land for the construction.

4. The census survey listed all APs and determined the extent of the impact of the subproject on APs' properties and assets. The survey also involved community meetings and interviews with landowners who lost land to the existing alignment in the past and the owners of the additional land needed for widening and new construction of the alignment. Details of additional land requirements were discussed with affected persons and families and they were asked to suggest alternatives to minimize the land loss. Most of the affected persons are anxious to see the road upgraded to enable them to market their produce more easily.

5. This RP has been prepared based on the feasibility study findings regarding loss of land, trees and structures within 8 m RoW (4 m. from the center line) of the road alignment. It describes the resettlement activities and will help to set out strategies to mitigate and compensate for adverse effects and improve or maintain living standards of APs of 10 km section. Moreover, it will also set the parameters for the entitlement package for those affected, the institutional framework, mechanism for consultation and grievance resolution, the timeframe and cost estimates. In preparing the RP, ADB's Policy on Involuntary Resettlement and the Resettlement Framework (RF) for the Project has been closely followed. The remaining 31.4 km section information will be further assessed and incorporated in new RP.

6. Resettlement impacts arising from the construction of the subproject are expected to be experienced by about 52 persons due to loss of land and trees. Since none of the APs lose more than 10% of their total land holdings and none of the houses are being displaced due to the construction of the road. In addition, no significant impacts are being experienced by APs, in this road section and so this subproject falls under category B of Involuntary Resettlement policy of ADB. Therefore, a Short Resettlement Plan is prepared to mitigate the losses due to the implementation of the road subproject.

1.1 Alternative Options

7. The community meetings and interviews were conducted with land owners losing land in the existing alignment and with the owners of the additional land needed for widening the alignment. Details of land donation and compensation procedures were discussed with affected persons and families. The beneficiaries were asked to suggest best alignment which will require minimum area of individual land and serves greater number of population. The detail survey and design team has selected the alignment considering the technical feasibility of the alignment and offer of the community and adjusted the design to minimize the land acquisition.

8. To improve the access from the main district road up to settlement along the alignment and link local area market, acquisition of a considerable quantity of arable and productive land would be required. Most of the affected households are anxious to see the road to their houses and hoping to be able to link with the market to import and export the goods needed and produced. To reflect the enthusiasm of the beneficiaries the survey team has selected the proposed alignment. While there are very limited options with survey team to avoid or minimize the land requirement for the construction, the survey team has explored several alternatives to avoid and minimise further land requirement by using the existing pedestrian track. The survey team has selected the least valuable, least agriculturally productive land for the lay-bys, curves and cut/fill areas and took care to avoid the demolition of houses. These changes have been designed and incorporated into the sub-project detail design.

2. Scope of Land Acquisition and Resettlement

9. A total of 0.19 hectares of private land will be required for the road construction. As this road subproject already consists of existing track and the private land that already falls under existing track is 0.081 ha and additional land need for new construction of the road is 0.11 ha. This represents an average loss of 0.02 ha per household. It was found that about 56 percent of the HHs land holding size is ≥ 0.5 ha and 44 percent of the HHs land holding size is > 1.0 ha. Out of total HHs none of them will lose more than 20% of their total holdings. An analysis of pre and post

project scenario indicates that the land holding pattern will remain similar after the project. No plots were sharecropped and no squatter families were identified and thus no issue of land title. The list of APs and their detailed socio-economic information of land holding and extent of potential loss are summarized in Table 1. Entitlement matrix of APs losing land and tree has been attached in annex 1.

Table 1: Summary of Impacts

	Pre-Project		Post-Project		Remarks
	Number	%	Number	%	
1. Land Holding (HH)					
<0.5 ha	5	55.56	5	55.56	
0.5-1.0 ha	0	0	0	0%	
>1.0 ha	4	44.44	4	44.44	
Average (ha)	2.02	100		100	
2. Households by Land Loss					
Losing <20%	9	100%			
Losing >20%	0	0			
Losing only tree etc.	0	0			
Average ha	0.02	100%			
(%)	(1 %)				
3. Number of affected person					
Losing < 20%	52				
Losing >20%	0				
Losing only trees	0				
4. Total APs					
Households	9				
Population	52				
Male	50%				
Female	50%				
Average household size	5.8				
5. Types of Loss					
Total Area of the land (sqm)	20838.69				
Private land (sqm)	1919.91				
public land (sqm)	18918.78				
Total number of plots	10				
Houses	0				
Community Resource	1				Water Tap
No. of trees	1379				1230 tree of CFUGs

3. Socioeconomic Information of the Affected Households

10. The census was followed by a detailed socio-economic survey of 9 households, who were living in the village (in order to collect further information regarding APs income, food sufficiency, poverty and ethnic background. The Table 2 below summarizes the APs socio-economic information from the survey. Detail pre-post poverty information has been attached in annex 2.

Table 2-Socio-Economic Analysis of APs Households

Variable	Pre-Project		Post-Project	
	#	%	#	%
1. Income from Land (HH)				
<12,000	0	0%	1	11.11%
12000-25,000	0	0%	0	0%
>25,000	9	100%	8	88.89%
Average	80111		78976	
2. Non-agr. Income (HH)				
<12,000	0	0%	0	0 %
12000-25,000	0	0%	1	11.11%
>25,000	9	100%	8	8.88%
Average	62346		62346	100
3. Total Income(HH)				
<25,000	0	0%	1	11.11%
25000-50,000	0	0%	0	0%
>50,000	9	100%	8	88.89%
Average	142457		141322	
4. Food sufficiency (HH)				
< 9 months	0	0%	0	0
> 9 months	9	100%	9	100
Average (months)	15			
5. Ethnicity (HH)				
Dalit caste	0	0%		
Marginalized Ethnic Group (defined as IP by Project)	0	0%		
Other Janajati (ethnic)	2	22%		
Non-dalit caste	7	78%		
6. Poverty (HH)				
<20% land loss				
Above Poverty	9	100 %	9	100%
Below Poverty	0	0%	0	0%
>20% land loss	0	0%	0	0%
Above Poverty	0	0%	0	0%
Below Poverty	0	0%	0	0%
7. Women Headed Households	2	22%		

11. The survey revealed that average annual income of the affected households is about 142457 rupees.¹ Majority households have annual income above 50,000 rupees, and 11% households have annual income less than 12,000 rupees. If we observed the annual income trend than about 44% income comes from other sources and 56 % comes from land. While no changes are expected on non-agricultural income as a result of the land loss, households are expected to experience some reduction in agricultural income in proportion to their loss of land. In terms food sufficiency all the households have food security more than 9 months. On average, households are expected to experience reduction of annual agricultural income and food sufficiency of less than 1135 rupees and 0.09 month, respectively. It is expected that this will be off-set by benefits of the road well as compensation/assistance provided under the project.

12. Approximately 78% of the household are from non-dalit caste (Bahun/Chhetri), and 22% of households are from the ethnic groups (Tamang and Magar). Regarding their pattern of income about 51%, of the households work on their own land and involve in milk production and selling, while about 11% of household heads are doing business. In the same way, nearly 15% of the households are involved in livestock, 18% household works as wage labour within and outside the village and 5 % have pension and remittances.

13. Useful skills are held by the households. Few male members have experience of income generation projects (2 households have participated in skill development trainings). Members of 6 households have previous experience on infrastructure work for e.g. road, bridge, trail, water supply construction.

14. The average time taken to reach the District Headquarters is 4.85 hours on foot and 3 hours by bus cost 70 rupees single trip. Average walking time (round trip) to primary schools is around 8 minutes, to college 3 hours 54 minutes and to secondary schools, 65 minutes. Local traditional healers are located in all communities at about 14 minutes walk, *aayurvedic* center are at about 3 hours 10 minutes, sub-health posts at about 2 hours 6 minutes and a health post at about 1 hour 11 minutes hours. Hospital is found in Dhulikhel and 3.5 hours walk. Local markets are on average 83 minutes walk away whereas a larger market is around 4.3 hours walking. Veterinary and agro-center are found in average 5.4 hours walk and telephone service is available only after 3 hours 20 minutes walk.

4. Applicable Legal and Policy Framework

15. 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 over 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.

¹The National Living Standard Survey for 2004/5 has calculated poverty line for this district at NRs. 8,070 per capita income. In 2006/7 the inflation rate had grown to Nrs. 9,169. Based on the inflation rate of 2007/8 the figure went up to NRs. 9,856.

16. 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."

17. The **Land Reform Act (1964)** is also relevant. As per the Act, a landowner may not be compensated for more land than he is entitled to under the law. This Act also establishes the tiller's right on the land which 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. **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 will be set out in a resettlement framework that is prepared before the first management review meeting or private sector credit committee meeting and covenanted.

5. Definition, Objectives, Policies and Entitlement for the Project

24. The following are the definition of related terminology used in this RP:

- i) **Affected Person (AP):** 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.
- ii) **Cut-off Date:** The date of census survey to count the APs and their affected land and assets.
- iii) **Land Donation:** Land owners' willingness to provide part of his land for the project in expectation of project benefits. It must be voluntary or unforced and confirmed in written agreement witnessed by third part.
- iv) **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.
- v) **Nontitled:** 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 nontitled.
- vi) **Poverty Line:** The level of income below which an individual or a household is considered poor. Nepal's national poverty line (currently NRs 9,169 for Kavre district), 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 Project to count APs under the poverty line. The determination of poor

- households or persons under the Project will be based on the census and socio-economic survey and confirmed by community meeting that affected person/household falls below the poverty line.
- vii) **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.
 - viii) **Severely Project Affected Family/People (SPAF):** A Project Affected Family that is affected by the project such that:
 - 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.
 - ix) **Squatters:** People living on or farming land not owned by them selves and without any legal title or tenancy agreement. The land may belong to the Government or to individuals.
 - x) **Titled:** APs who have formal legal rights to land, including any customary or traditional rights recognized under the laws of Nepal.
 - xi) **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.
 - xii) **Vulnerable Group:** Distinct group of people or persons who are considered to be more vulnerable to impoverishment risks than others. The poor, women-headed, *Dalits* and IPs households who fall below poverty line will be counted as vulnerable APs.
 - xiii) **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, but where the woman takes the decisions about the use of and access to household resources.

25. The objectives of the RP are to (i) avoid land acquisition and involuntary resettlement wherever feasible; and (ii) minimize it where it is unavoidable, and ensure that APs receive assistance, so that they would be at least as well off as they would have been in the absence of the project. The key resettlement principles for the Project are as following:

- i) Involuntary land acquisition and resettlement impact will be avoided or minimized through careful planning and design of the project;
- ii) 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;
- iii) APs will not be forced for donation of their land, and there will be adequate safeguards for voluntary land donation.
- iv) APs will be fully informed and consulted during project design and implementation, particularly on land acquisition and compensation options;
- v) 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;

- vi) Land compensation and resettlement assistance will be completed before award of civil works contracts, while other rehabilitation activities will continue during project construction; and
- vii) 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.

26. The project resettlement framework has accepted the policy of land donations for very small parcels of land. The framework allows land donations in cases where the donation is made freely in public and without coercion, does not affect household food security and where adequate income restoration support exists for the household. The voluntary contribution will be accepted if the following criteria are met:

- The donation is unforced and not the result of community pressure
- Donated land shall be < 20% of total land holdings
- Food security above 9 months
- HH above poverty level calculated for the food consumption
- Full income restoration measures are in place

27. The sub-project selection and planning follow community-driven approach, which gives communities control 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 also will 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 provide direct benefit to community, the Project will also continue to some extent the Nepal's tradition of land donation. 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 take and resettlement effects;
- b. As a first principle, APs will be informed of their right to entitle compensation for any loss of their property (house, land, and trees) that might be caused 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 (Note: If the analysis of core sub-projects shows that all APs losing >20 land holding fall under poverty line so excluded from land donation, and hence the land donation will be limited to 20% land holding);
- 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 Committee (GRC) will be set up 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.

28. 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 ensuring that households headed by women and other vulnerable groups receive appropriate assistance to help them improve their status. The APs whose land was affected by the road was informed by the project office through publishing general notice at the VDC. Therefore, the date written in the notice will remain the “cut-off-date” (26-01-2009) 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 is in Table 3.

Table 3: Entitlement Policy/Matrix

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 unviable for use as a result of land acquisition, APs will have option to relinquish unviable remaining portion of land and receive similar benefits to those losing all their land parcel. Non-titled persons will receive compensation for crops and subsistence allowance for one year crop, and provided with replacement land if <i>Ailani</i> or Gov. 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	Cash compensation based on annual value of the produce and calculated according to the Department of Agriculture 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	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. 50% cash compensation of the lost crop for the sharecropper.

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.	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	<p>Voluntary donation is accepted only if AP:</p> <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 t 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.

6. Community Consultation, Participation and Disclosure

29. Altogether 4 consultation meetings were held and in the meeting proposed alignment and project modalities were discussed with community (including local leaders, women, etc.) and with each affected household.² The main agenda of the discussions were ADB Policy on involuntary resettlement, compensation and entitlement, resettlement framework of the RRRSDP, likely impacts and benefits of the subproject construction and availability of the fund/budget for RP implementation. APs actively participated in walk-through survey and selection of the road alignment and expressed their willingness to donate part of their land to improve the road. However, assessment of APs socio-economic status and potential impact of land loss revealed that none of the households falls below poverty line and thus are eligible for land donation. Social team disclosed the entitlement matrix of the APs along with criteria for voluntary land donation.

30. In the meeting majority of the APs were interested to donate the land and also agreed to go for deed transfer process. People were demanded for life skills training, employment opportunities, and renovation of water supply line damaged by the previous construction. In most of the meeting participants said that the project should ensure no further harm to the remaining land outside the construction embankment. The final design of the project has incorporated the issues raised by the people during consultation and the DOLIDAR has committed itself that there will be no further harm to the remaining land and structures outside the 8 m RoW. The RP includes provisions of life skill training, income generating activities, and preferential employment of APs in the construction works.

31. The social team of DIST assisted by VICCC and supported by DPO carried out an information campaign before conducting the registration of APs. The Household Census Survey of each household was also personally informed about the project, entitlements and procedures. This Resettlement Plan has been disclosed to the affected people and they are informed about their entitlements along with project procedure and planning. The disclosure and consultation process is aimed to:

- Explain the relevant details of the project scope and schedule
- Explain the RP and the various degrees of project impact
- Provide details of the entitlements under the RP and what is required of APs in order to claim their entitlement.
- Explain the Implementation Schedule with a timetable for the delivery of entitlements,
- Explain the compensation process and set out compensation rates,
- Provide a detailed explanation of the grievance process and other support in arbitration,
- Enlist the help of VICCC and other influential community officials in encouraging the participation of the APs in RP implementation, and
- Ensure that all vulnerable groups understand the process and that their needs are specifically taken into consideration and are met by assistance by the Project.

32. A continued information and consultation programme will be conducted during RP implementation and income restoration. These programs will be continued for purposes of grievance procedures and for post-implementation.

33. The resettlement specialist of DIST will act as the information conduit, informing communities about the progress of the sub-project and supporting and facilitating the VICCC in its community organisation role. The resettlement specialist will also support the DPO in land donation acquisition and resettlement compensation, and actively encourage and enable the affected people and women-headed households to participate in the process. This support will enable communities to prepare for participation more readily and help the less socially advantaged to negotiate employment, understand their compensation requirements, gain fairer compensation or acceptable alternatives and conclude land deed transfer to the Government.

² For the detail list of the participants see attachment 4 of this RP.

34. The land donation agreement has been made freely without social pressure or coercion in the presence of VICCC and GRC. The resettlement specialist will help the affected persons in payments and also increase awareness and reduce the potential for loss of compensation. Payment will be made at the family home or at public meetings in the local area for small amount and by cheque for land payments or amounts more than Rs 1000.

7. Grievance Redress Mechanism

35. A Grievance Redress Committees (GRC) will be established at subproject level for hearing the complaints of APs and for their appropriate resolution. 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. GRC comprises:

- i. Head of DDC/local leader (Chairperson),
- ii. One representative of the local bodies;
- iii. Two representatives of the APs (including VG member)
- iv. One representatives of civil society organizations;
- v. One representative of Project.
- vi. Social mobilisers/NGO to attend as observers and to give support to APs.

36. Each VICCC will form a Grievance Redresses Sub-committee at VDC level comprising 3 members from VICCC and 2 members from APs to hear complaints and grievances at local level. APs can approach the sub-committee with his/her problem which is then discussed locally with the aim of amicable settlement. The social mobilizers/NGOs will act as intermediaries to assist the vulnerable APs.

37. The key functions of the GRCs are to (i) provide support for APs to lodge their any complains; (i) record the complains, categories and prioritize them; (iii) settle the grievances in consultation with APs and DTO staff; (v) report to the aggrieved parties about the decision/solution; and (vi) forward the unresolved cases to higher authorities. The main steps to be followed for the grievance resolution are in Box 1:

Box 1: Steps for Grievance Resolution under the Project

Steps 1: APs shall first file their complaints at VDC level GR sub-committee. The complaints will be discussed among concerned parties to settle the issue locally (within 15 days). The social staff and NGOs working in the VDC will facilitate the consultation and deliberation in this regard.

Steps 2: If no amicable solution reached at VCD level (within 15 days), APs can appeal to District level GRC.

Steps 3: If APs are not contended with the decision of GRCs or in absence of any response from them, the AP may resort to the legal remedies available under the Land Acquisition Act.

7.1 Grievances Received and Mitigations

38. During RP preparation, the affected persons were informed about the grievance redress mechanism of the project and existence of grievance redress committees in VDC and in the District. In the course of time, there were no written complains filed with GRC. Some of the community people who do not lose land in the current road project raise an issue that their plots can be affected due to the excessive disposal of the materials during the construction phase. To address this issue, it has been proposed to manage mass balance. Further, in the road implementation phase construction of toe walls and management of tipping sides has been proposed where technically feasible.

8. Compensation and Income Restoration

8.1 Arrangements for Valuing and Disbursing Compensation

39. The survey and valuation of affected land and households was undertaken by an enhanced survey team at District level in the DTO (District Technical Office) assisted by the DIST. The team has assessed the various categories of loss envisaged in the entitlement matrix and fixed prices/costs for compensation. Cadastral mapping has been completed with the help of District Survey Office to verify the plot boundaries. Cadastral maps marked with the proposed alignment have been produced to make the deed transfer process easy. The date of the notice published will be the “cut off date (26 January 2009) and shared with the affected households

40. The Compensation Determination Committee (CDC) has been formed under the chairmanship of CDO. The Chief of the Land Revenue Office, a representative of DDC and the Project Manager were the members of the CDC and other related officials were invited. In case of loss of fruit trees the compensation will be calculated based on annual value of the produce according to the Department of Agriculture norms and for fodder and trees according to the district norms as decided by Department of Forestry. As in case of this subproject (Kamidanda-Taldunga 10km section) the land was voluntarily donated so only the compensation for trees has been calculated based on the replacement cost principle and was forwarded in the CDC meeting according to the entitlement matrix. Compensation payments for trees will be disbursed by cheque/cash. Payment will be made at the family home or at public meetings in the local area for small amount and by cheque for land payments or amounts more than Rs 1000.

8.2 Assessment of Voluntary Land Donation Process

41. The identified APs losing land in the road alignment were called for community meeting to discuss on resettlement planning and procedures. In the consultation they were informed about the land donation process as described in resettlement framework of the project. Altogether 4 consultation meetings were held and in the consultation the project modalities were discussed with community (including local leaders, women, etc.) and with each affected household. The main agenda of the discussions were on ADB Policy on involuntary resettlement, compensation and entitlement, resettlement framework of the RRRSDP, likely impacts and benefits of the subproject construction and availability of the fund/budget for RP implementation. Majority of the APs were ready to donate their land for the development of their village.

42. Further, the concerned households losing land were informed individually and the ³Memorandum of Understanding (MoU) was prepared. The households donating the land signed in a written agreement with DCC/DPO. Total 9 Households consisting of 10 plots signed the MoU. The agreement is witnessed by a third party District NGO federation, VDC level Grievance Redress Sub-committee, and VDC secretary to ensure that the donation was unforced. Furthermore, the APs who have voluntarily donated the land in the name of project will be rewarded by District Project Office with a token of appreciation.

8.3 Income Restoration and Rehabilitation

43. Affected households, particularly who are poor, vulnerable or are at risk of impoverishment will be assisted through income restoration programs. APs will be given priority for employment in sub-project construction. The contract documents will include provisions regarding preferential employment of APs. 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 to restore their income. It is expected that the unskilled APs selected for the construction work will be developed in to skilled workers through

³ A copy of land donation agreement and verification letters has been attached in Annex 3.

such employment and that such knowledge will be useful for APs income generation even after the project completion. The project benefits for APs will be maximised through their inclusion in the Project's savings and life skill training program. This scheme will encourage labourers to save 20% of wages in a savings scheme while payments are made. The APs join savings groups and develop the ability to manage money, learn more life skills and, as a result, can further enhance their income earning capacity. APs will also be given priority to become maintenance workers after completion of the sub-project construction.

8.4 Livelihood Enhancement Skills Training (LEST) for APs

44. In addition to sub-project employment, APs will be provided with further income restoration measures known as Livelihood Enhancement Skills Training (LEST) to restore APs livelihoods. The LEST will include a) income generating activities, and, b) non-income generating activities, which will be delivered through life skills development, training and supplementary investment schemes. This will provide support to affected persons with the reestablishment of their livelihoods, development of new income-generating opportunities and training in life skills.

45. Household Listing, Census and Socio-economic Survey of the affected family shows that there are 9 households are being directly affected by the land acquisition due to the construction of the road and these households will be particularly address in LEST. All interested members of the affected family will be given preference on employment in project construction. A special condition of contract will be added in contractor's contract to include the affected family member to join the labour group.

46. Based on the existing skills and preferences by the APs, multiple options of income generating and life skill training have been explored and a package of income restoration program for APs (Table 4). The cost of Nrs. 3, 96,802 for this program is included in the RP and will be financed under the Project's community empowerment program budget heading.

Table 4: Livelihood Enhancement Skills Training for Affected Persons

S. N.	Description	Targeted trainee			Duration	Rate (Nrs.)	Estimated Budget (Nrs.)	Starting date
		Male	Female	Total				
1	Skills training							
1.1	Dairy processing	3	3	6	1 month	2,000	12,000	May 2009
1.2	Veterinary	3	1	4	3 months	15,000	60,000	May 2009
1.3	TV/radio repairing	2	1	3	3 months	16,667	50001	June 2009
1.4	Sewing Cutting		5	5	6 months	9,000	45000	May 2009
1.5	Carpentry/Furniture	5		5	3 months	9,000	45,000	Sept.2009
1.6	Fruit /Vegetable	4	5	9	3 days	1,200	10800	Oct. 2009
1.8	Agro production, Marketing, exposure	5	3	8	1 month	5,000	40,000	May 2009
1.9	Masonry and house construction	3	0	3	2 months	4,000	12,000	July 2009
	Total	25	18	43			3,96,802	
Note: The proposed date and training may change as per need of the APs during implementation.								

47. District Technical Office (DTO) will deliver the skills training through training institutions/professional, which are available locally and in neighboring districts. The DIST social team will identify and employ professional experts/institutions to impart this special package. Preference will be given to locally based resource persons/institutions having expertise in the subject area towards building local-base resource network and continuity of support services even

after the project completion. The district level sector-wise line agencies of the government, especially the Cottage and Small Industry Office, District Agricultural Office, Department of Animal Services, Department of Horticulture, District Forest Office, District Soil Conservation Services available in the districts will be mobilized by the DPO for additional resource and training.

9. Resettlement Budget and Financing Plan

48. The financial resources necessary for acquisition and compensation are budgeted into the project costs and will be administered according to the Land Acquisition Act 1977. These include: (i) Direct compensation costs for acquisition of assets; (ii) Costs associated with enhancement measures for affected households and persons; and (iii) Costs associated with the implementation and management of resettlement activities and capacity building of the project agencies

49. The costs required for RP implementation (including land compensation) will be financed out of sub-project grant provided to the district. The district will include the required budget in its yearly budget under the heading RP implementation. The cost will be channelled to pay all cost for RP implementation through the following route: (i) to the district development fund and then into each DDC's project operating account, and (ii) then payment to the concerned stakeholders.

9.1 Costs of Compensation for Assets

50. **Land:** According to the government categorization, mainly two types (*Khet and Pakho*) with four different qualities/classes of land are affected by the project. Official land prices are calculated annually at district level for each of the different land types and classes. Government rate of land for the registration purpose (NRs./Ropani⁴) is as follows:

Land Quality	Khet ⁵				Pakho ⁶				
	VDC	Abbal ⁷	Doyam ⁸	Sim ⁹	Chahar ¹⁰	Abbal	Doyam	Sim	Chahar
(a) Mahankal		8000	6700	5300	4000	3400	2600	2000	1300

51. However, the market rate of the land is found to be same for all categories of land as followings:

VDC	Rate (Rupees/Ropani)	
	Khet	Pakho
a) Mahankal	2, 40000	50,000

52. **Structure:** The replacement cost of structures is as following:

- a) Water supply pipeline: Rs. 1, 91000

53. **Crops:** The market rate of crops is as following:

- (a) Paddy: Rs. 900 per *muri*¹¹ = 55 kg (per kg. Rs. 16)
 (b) Maize: Rs. 1000 per *muri* = 60 kg (per kg. Rs. 17)

⁴ *Ropani* refers to land measurement unit common in Nepal equivalent of 508.74 sqm.

⁵ *Khet* refers to irrigated paddy wet land.

⁶ *Pakho* refers to unirrigated arable land.

⁷ *Abbal* refers to first class land with 3 crops per year.

⁸ *Doyam* refers to second class land with 2 crops per year

⁹ *Sim* refers to third class land with single crop per year.

¹⁰ *Chahar* refers to fourth class land barren land with no crops.

¹¹ *Muri* refers to grain/crop measurement unit to in Nepal for paddy. One *muri* is equivalent to 55 kg.

54. **Trees:** The quantity of tree production and valuation is carried out on basis of Ministry of Forest and Soil Conservation (MoFSC) norms 2050. The norms has following provision for felling of trees having girth of more than 12 cm when measured at 1.3m above the ground including the sectioning of trunk, branches, and stumps up to a distance of 15m along the road with the indicated size would need the following labor input:

above 12 cm to 30 cm girth	0.13 person day
above 31 cm to 60 cm girth	0.39 person day
above 61 cm to 90 cm girth	0.52 person day
above 91 cm to 120 cm girth	1.56 person day
above 121 cm to 180 cm girth	2.50 person day
above 181 cm to 240 cm girth	4.00 person day
above 241 cm to 300 cm girth	12.99 person day
above 301 cm girth	41.67 person day

55. Transportation of the logs (poles), or the indicated distance would require the following man-power input:

first 10m distance from the source	0.50 manday/cubic meter
for each additional 10m	0.08 manday/cubic meter
for the first 1000m	8.42 manday/cubic meter
for each additional 1000m (0.08 manday/cubic m x 100)	8.00 manday/cubic meter
for the first 5000m (8.42 x 4 x 8)	40.42 manday/cubic meter

For the small seedling less than 12 cm girth Rs. 10 per seedling.

District wage rate decided for the fiscal year 2065/66 is 180 per day.

9.2 Allowances for Rehabilitation Support

56. Allowances in this category cover support measures for affected individuals and households. The formal price of the rehabilitation support will be assessed during the socio-economic survey and will be set according to the current market price. The final decision for rehabilitation allowance will be made by Compensation Determination Committee. The following allowances need to be provided to the affected households in case of loss of structures.

57. Displacement and transportation allowance for residential and commercial structures (for the transfer of household goods from old house to rented house and then to new house and to support income loss due to closing of business because of project and transfer the business stock to new place). Rental stipend equivalent of 3 months rent for tenants who have to relocate.

9.3 Travel Allowances

58. If APs need to travel outside their village in the land acquisition process, travel allowances will be paid based on district agriculture wage rate. While the Project will try to facilitate the land acquisition process locally, the estimated cost for such travel allowance is NRs. 9000.

9.4 Total Cost Estimate for RP

59. The total cost compensation for the loss of trees, structure, livelihood restoration programme and allowances is NRs. 0.84 million. The detail cost is given in table 5.

Table 5: Summary of Cost for RP

Item	Unit	Total loss	Amount (NRs.)
1. DIRECT COST			
1.1	Compensation for private land	sqm.	1919.91
1.2	Private Trees	No.	147
1.3	CFUGs Tree	No.	1230
1.4	Community Structure (water Tap)	No.	1
	Sub Total		735,074.4
2. INDIRECT COST			
2.1	Displacement allowance	LS	0
2.2	Rental Stipend	LS	0
2.3	Transportation Allowance	LS	0
2.4	Deed Transfer Assistance	HHN	9
2.5	Official Deed Transfer fees	LS	10,000
	Sub Total		19,000
3	Income generation and Livelihood improvement programme		3,96,802
4	Appreciation Program for APs		3000
	Total		1,372,562.40
5	Contingency (2.5%)		34,314.06
	Grand Total		1,406,876.46

Note: * This cost will be covered by the overall project management cost.

10. Implementation Arrangements

10.1. Institutional Arrangements

60. The key agencies involved in implementation of this framework are as follows:

- Project Coordination Unit (PCU) supported by Central Implementation Support Consultants (CISC) at Department of Local Infrastructure and Agricultural Roads (DoLIDAR), Ministry of Local Development (MLD);
- District Project Office (DPO) supported by District Implementation Support Team (DIST) at District Development Committee (DDC); and
- Village Infrastructure Construction Coordination Committee (VICCC)

10.1.1 Central Level Arrangements

61. The Project Executing Agency has been established PCU to handle and coordinate RRRSDP management works. The PCU has overall responsibility for the coordination of the resettlement activities. The CISC will support PCU in effective planning and implementation of the resettlement, compensation and rehabilitation measures outlined in this resettlement plan. The resettlement specialists under PCU/CISC will look after the policy compliance and monitoring of the proper implementation of the plan and its recommendations.

10.1.2 District Level Arrangements

62. At district level, District Project Office (DPO) will be established to ensure that ADB's Policy on Involuntary Resettlement is followed in preparation and implementation of subproject resettlement plans. DPO will coordinate with the Chief District Officer, Land Revenue and Survey Office, District Agriculture Development Office, District Forest Office. The DIST will assist the DPO in planning, preparing and implementing the resettlement activities and plan. DIST will help the affected person with information campaigns to promote clarity and transparency, and help with community level consultations about entitlements and of what to do with compensation payments and income generation opportunities. DIST will also act as advocates for APs to access government programmes for income generation and local development

10.1.3 Subproject Level Arrangements

63. Project Manager of the district will lead the implementation of the plan in sub-project level. He will establish the coordination among the district offices for the successful implementation of the plan. The project manager will integrate construction, land acquisition and compensation activities within sub-project. The District Infrastructure Coordination Committee (DICC) and Village Infrastructure Construction Coordination Committee (VICCC) will provide necessary support to the project manager in the planning, implementation and monitoring of the resettlement activities.

10.1.4 Compensation Determination Committee (CDC)

64. The Land Acquisition Act 1977 provides for the establishment of Compensation Determination Committee to decide compensation levels at District level. This is composed of the CDO, the LRO, a representative of the DDC and the project manager. To make the decision taking process transparent and representative of the affected persons, someone from the VICCC and DIST member will be invited as observers.

10.2. Implementation Schedule

65. An Implementation Schedule for Kamidanda-Taldhunga 10 km section road is included as Table 6.

Table 6: Implementation Schedule

S. No.	Tasks	January-09				February-09				March-09				April-09				2009											
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	M	J	J	A	S	O	N	D				
1	Submission of Draft RP to PCU						*	*																					
2	Submission of Final RP to ADB for approval									*																			
3	Finalize list of affected people consultation with APs.	*	*																										
4	Consultation, and grievance resolution			*	*																								
5	Submit final report to CDO for compensation determination	*																											
5	CDC meeting and Compensation Determination	*																											
6	Inform APs for the compensation claim	*	*	*																									
7	Collect application from the APs for compensation			*	*																								
8	Verify the application and prepare final list of APs				*																								
9	Preparation of Memorandum of Understanding (MoU) for voluntary contribution				*																								
10	Pay compensation for eligible APs									*	*																		
11	Implementation of AP's Livelihood Restoration Programme									Continuous along with community development program																			
12	Implement social impact monitoring system (internal and external monitoring programmes).													Continuous along with physical construction works															
13	RP implementation verification survey									*																			
14	Resettlement verification report and concurrence from ADB for signing of contract												*																
15	Contract agreement with BG and Contractors																	*	*										
16	Transferring the land ownership									Up to 1 year or 365 days of contract signing																			
17	Monitoring and evaluation of RP implementation, progress and achievements									Continuous along with community development program																			

11. Monitoring and Evaluation

A. Monitoring at District Level

66. The District Project Office (DPO) will be 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 reports to ADB for its review. Such reports will be posted on websites of ADB and PCU.

67. Project Manager or his/her representative will attend VICCC meetings when required. Progress on resettlement implementation and any concerns will be discussed in such meetings. The VICCC and social staff will facilitate the monitoring of progress and resolution of any grievances locally.

68. DPO will organize periodic progress review workshops involving APs representatives. Special attention will be given to securing the participation of women. The workshops will provide households with the opportunity 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. Social development and resettlement coordinator will facilitate such workshops.

B. Verification by PCU

69. 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 Social /Resettlement Specialist and submitted to ADB along with proposal to award the contract(s). The verification report has to have investigated 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.

C. External/Third Party Monitoring

70. The implementation activities will be monitored and evaluated externally during mid term and final impact assessment 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 with 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 caused by 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 7 include following monitoring indicators for external monitoring.

Table 7: Monitoring and Evaluation Indicators

Type	Indicator	Examples of Variables
Process Indicator	Staffing	Number of DoLIDAR staff on RRRSDP, for sub-project Number of other line agency officials available for tasks Number of Social mobilisation coordinators located in the field
	Consultation	Number of Building Groups contacted or established and meetings held Grievances by type and resolution Number of field visits by DoLIDAR/project staff and social mobilisation coordinators Number of NGOs/CBOs participating in project
	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 DPO and other line agencies
Output Indicators; data disaggregated by sex of owner/ head of household	Acquisition of Land	Area of land acquired by road section and contract Area of private land acquired Area of communal/government land acquired Area of the land voluntarily donated
	Buildings	Number, type and size of private buildings acquired Number, type and size of community structures acquired
	Trees and Crops	Number and type of private trees acquired Number and type of government/community 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 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

Annex: 1 List of HHs Losing Trees and Land with Estimated Cost

Annex 2: Pre-Post Poverty Analysis of the Affected Households

Annex: 3 Voluntary Land Donation Agreement Papers and Verification Letters

Annex 4: List of Participants of Public Consultation Meeting

Consultation Meeting

Mahankal ,VDC, Ward No: 4

S. No.	Participants Name	Address/Designation
1	Mohan Kumar Bhujel	President,RCC,School Teacher
2	Daibalal Ghising	Area Secretry,CPN(Maoist)
3	Buddhiman Tamang	Mahankal,3,Villager
4	Sanukanchha Tamang	Mahankal,3,Villager
5	Thulo Kanchha	Mahankal,3,Villager
6	Dhan Bdr Tamang	Mahankal,3,Villager
7	Devhari Dahal	Mahankal,3,Villager
8	Hasta Bdr tamang	Mahankal,3,Villager
9	Vijay Lama	Mahankal ,3 Villager
10	Krishna Budathoki	YCL ,Member,Mahankal,5
11	Bhim Lama	YCL,Member,Merchant Mahankal 5
12	Mohan Sing Waiba	Mahankal ,3 Villager
13	Dhan Bdr tamang	Mahankal ,3 Villager
14	Tanka Prasad Dahal	Mahankal,4
15	Jhamaknath Timalsina	Mahankal,5
16	Arjun Prasad Dahal	Mahankal,4
17	Sitaram Budathoki	Mahankal,4
18	Purna Prasad Parajuli	Mahankal,4
19	Nar Bdr Budathoki	Mahankal,5
20	Chock Bdr Bhujel	Mahankal,6
21	Shyam Bdr Waiba	Mahankal,5