

Resettlement Plan

49215-001
Loan 3260-NEP

January 2017

NEP: Earthquake Emergency Assistance Project Dhagdhing- Gorkha Road Project

Main Report (1 of 7)

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

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MINISTRY OF PHYSICAL INFRASTRUCTURE & TRANSPORT
DEPARTMENT OF ROADS
PROJECT DIRECTORATE (ADB)

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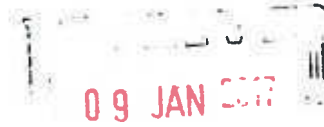
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Bishalnagar
Kathmandu, Nepal

PD ADB.EEAP.DS/073-74/Cha. No. 529

Date: January 8, 2017.

Mr. Kenichi Yokoyama,
Country Director
Asian Development Bank,
Nepal Resident Mission
Metropark, Lazimpat, Kathmandu



- Y: _____

Subject: ADB Loan No. 3260 NEP: Earthquake Emergency Assistance Project (EEAP)
Final Resettlement Plan Report for Dhading-Gorkha Road

Dear Mr. Yokoyama,

Please find enclosed herewith the Final Resettlement Plan Report for Dhading-Gorkha Road with incorporating ADB, NRM's comments under Earthquake Emergency Assistance Project (EEAP) for your Kind information and necessary action.

Thanking you.

Sincerely yours,

Keshab Kumar Sharma
Project Director

CC:

Mr. Gagan R. Rai, Senior Project Officer, ADB, NRM, Lazimpat, Kathmandu



ज्यामरुङ गाउँ विकास समितिको कार्यालय

Office of Jyamrung Village Development Committee

ज्यामरुङ गाउँ विकास समिति
Jyamrung Bouding

पत्र संख्या (R/Y) :

संख्या नम्बर (Ref.No.) :- ६८८

मिति (Date) : २०६२/११/१८

विषय (Subject) : सिफारिस दायन्धमा ।

श्री (Shree) : ध्यागो जरा निर्देशनालय (ए.सी.सी)
(ITECO Nepal) काठमाडौं ।

प्रस्तुत विषयमा, ताला निर्देशनालयको च.नं. २४९

मिति २०६२/०८/०५ को पत्रानुसार टाटिङ-पेसी-गोराखा सडकको
अन्तर्गत ज्यामरुङ गा.वि.सं.मा सडकको सामाजिक कार्यहरू तथा
पुनर्वास कामहरूको अनुसन्धान तथा विभिन्न नदघातु संकलन
गर्नु आउनु भएका कर्मचारी फिर्तामा आउने क्रममा
निम्न कडाइका सडकमा जग्गा भएका जग्गा धनीहरू समक्षमा
भेट नभएको कुरा जानकारीको लागि सिफारिस साथ
अनुरोध गर्नु

तर्फबाट

वडा नं. १, २, ३, ४, ५, ६, ७, ८, ९, १०, ११, १२, १३, १४, १५, १६, १७, १८, १९, २०, २१, २२, २३, २४, २५, २६, २७, २८, २९, ३०, ३१, ३२, ३३, ३४, ३५, ३६, ३७, ३८, ३९, ४०, ४१, ४२, ४३, ४४, ४५, ४६, ४७, ४८, ४९, ५०, ५१, ५२, ५३, ५४, ५५, ५६, ५७, ५८, ५९, ६०, ६१, ६२, ६३, ६४, ६५, ६६, ६७, ६८, ६९, ७०, ७१, ७२, ७३, ७४, ७५, ७६, ७७, ७८, ७९, ८०, ८१, ८२, ८३, ८४, ८५, ८६, ८७, ८८, ८९, ९०, ९१, ९२, ९३, ९४, ९५, ९६, ९७, ९८, ९९, १००

(Signature)
०६२/११/१८



Government of Nepal
Ministry of Physical Infrastructure and Transport
Department of Roads
Project Directorate (ADB)

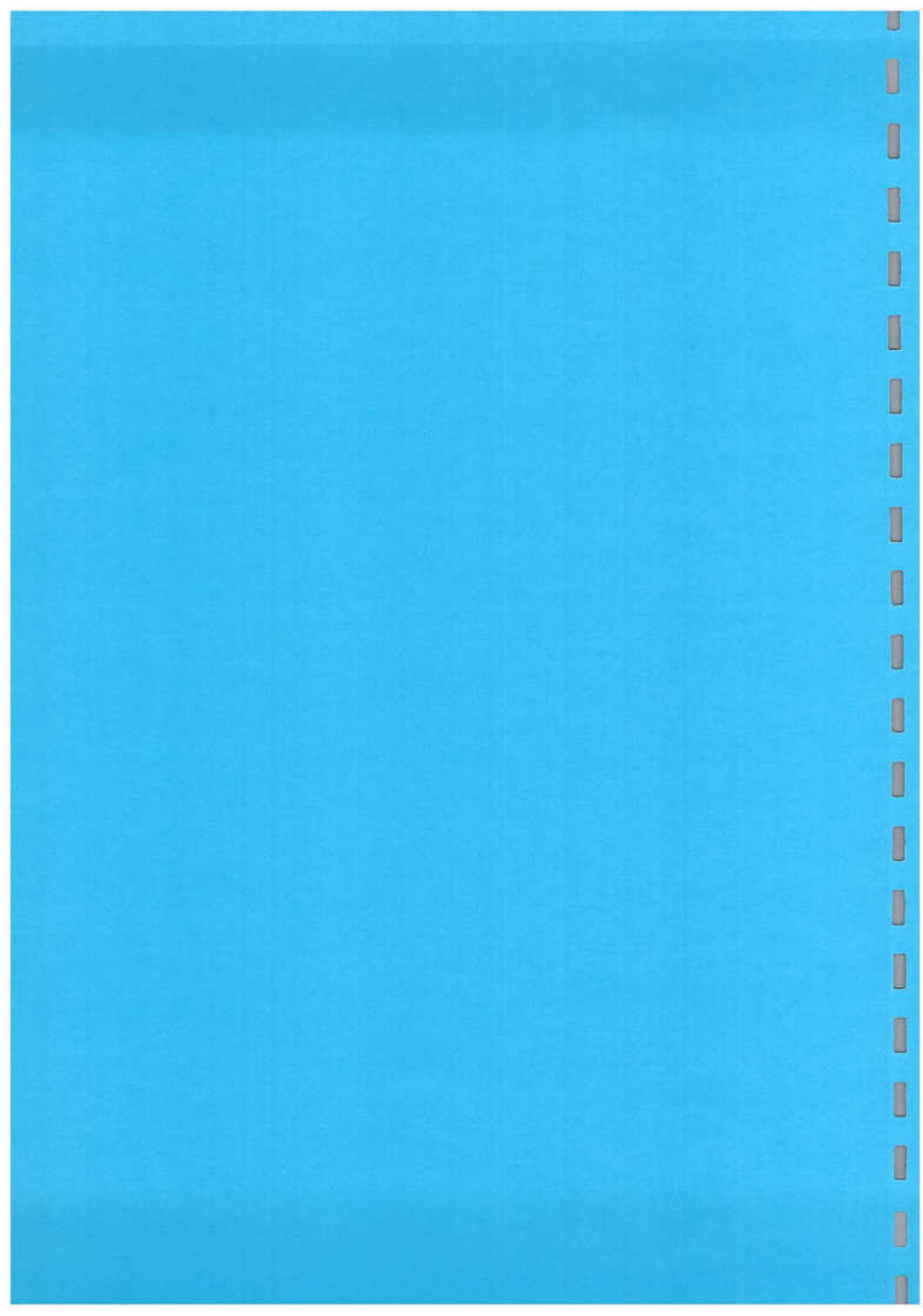
Project Preparatory Consultant (PPC-2 Road) of
Earthquake Emergency Assistance Project
(ADB Loan No. 3260-NEP)



**RESETTLEMENT PLAN
OF
DHADINGBESI – ARUGHAT – GORKHA
ROAD**

MMM Group, Canada
In association with
ITECO Nepal (P) Ltd.
Total Management Services Pvt. Ltd.
Material Test Pvt. Ltd.

December 2016



TRANSPORT PROJECT PREPARATORY FACILITY (TPPF)

PROJECT PREPARATORY CONSULTANT (PPC - 2)

Consultants:

MMM Group Limited, (Canada)
in association with
ITECO Nepal (P) Ltd., Total Management Services Pvt. Ltd.
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12 December 2016

Ref : 6015004.810/374

Mr. Keshab Kumar Sharma
Project Director
Project Directorate, ADB
Department of Roads
Bishalnagar, Kathmandu
Nepal

**Re: ADB Grant No.0227 NEP: Transport Project Preparatory Facility, Road
Transport Project Preparatory Consultant-2 (PPC-2): Submission of
Resettlement Plan (Final) for Dhadingbesi – Arughat – Gorkha Road**

Dear Sir,

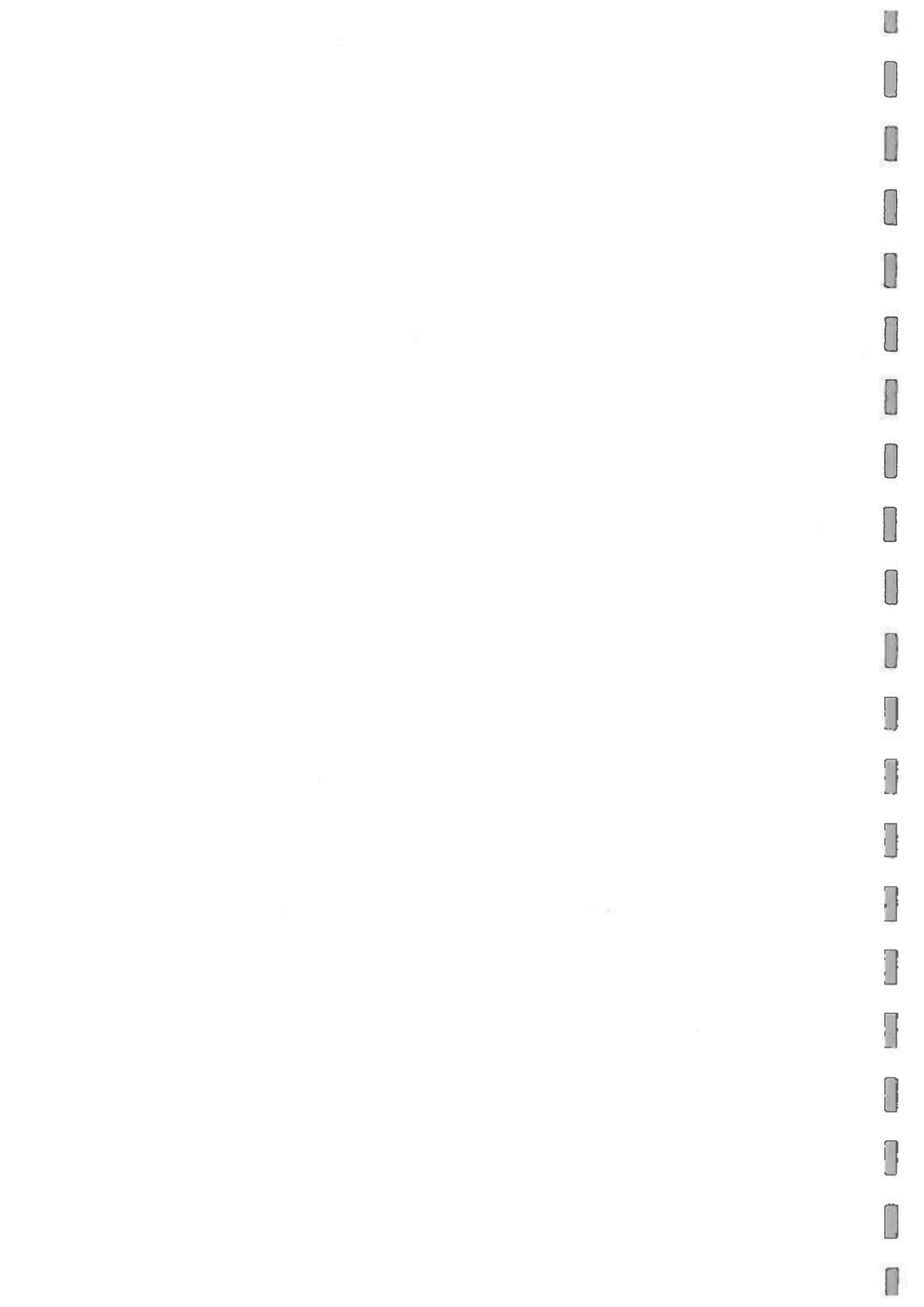
With reference to your letter no.: PD/Consultant/PPC-2/073-74 Cha No.: 423, we have pleasure of informing that compiling of Resettlement Plan Final Report of Dhadingbesi – Arughat – Gorkha road has been completed. Six hard copies are submitted herewith for your further action please.

We assure you our quality of services at all times.

Yours sincerely,


J. Alan Crone
Acting Team Leader





**Government of Nepal
Ministry of Physical Infrastructure and Transport
Department of Roads
Project Directorate (ADB)**

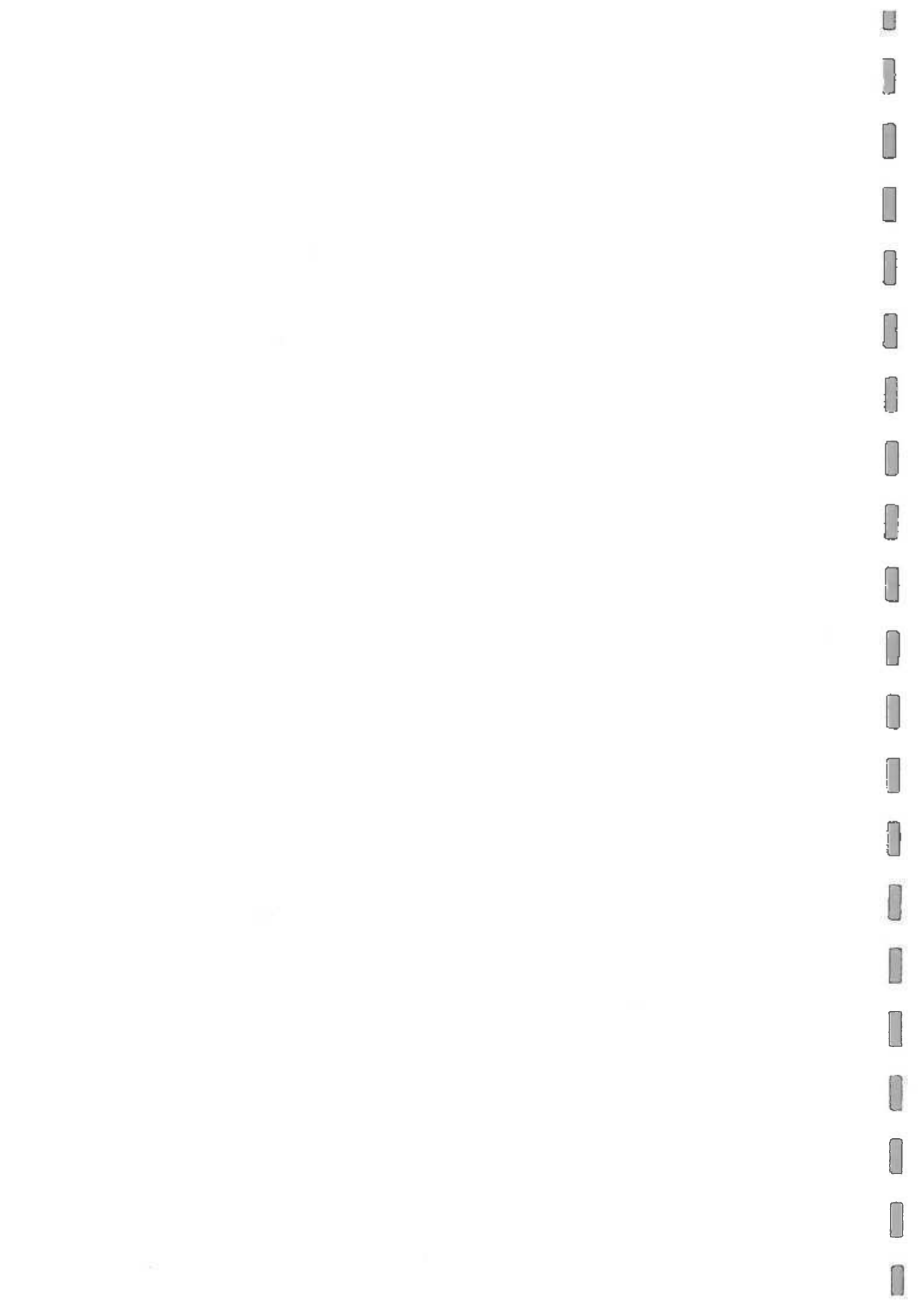
**Project Preparatory Consultant (PPC-2 Road) of
Earthquake Emergency Assistance Project
(ADB Loan No. 3260-NEP)**

**RESETTLEMENT PLAN
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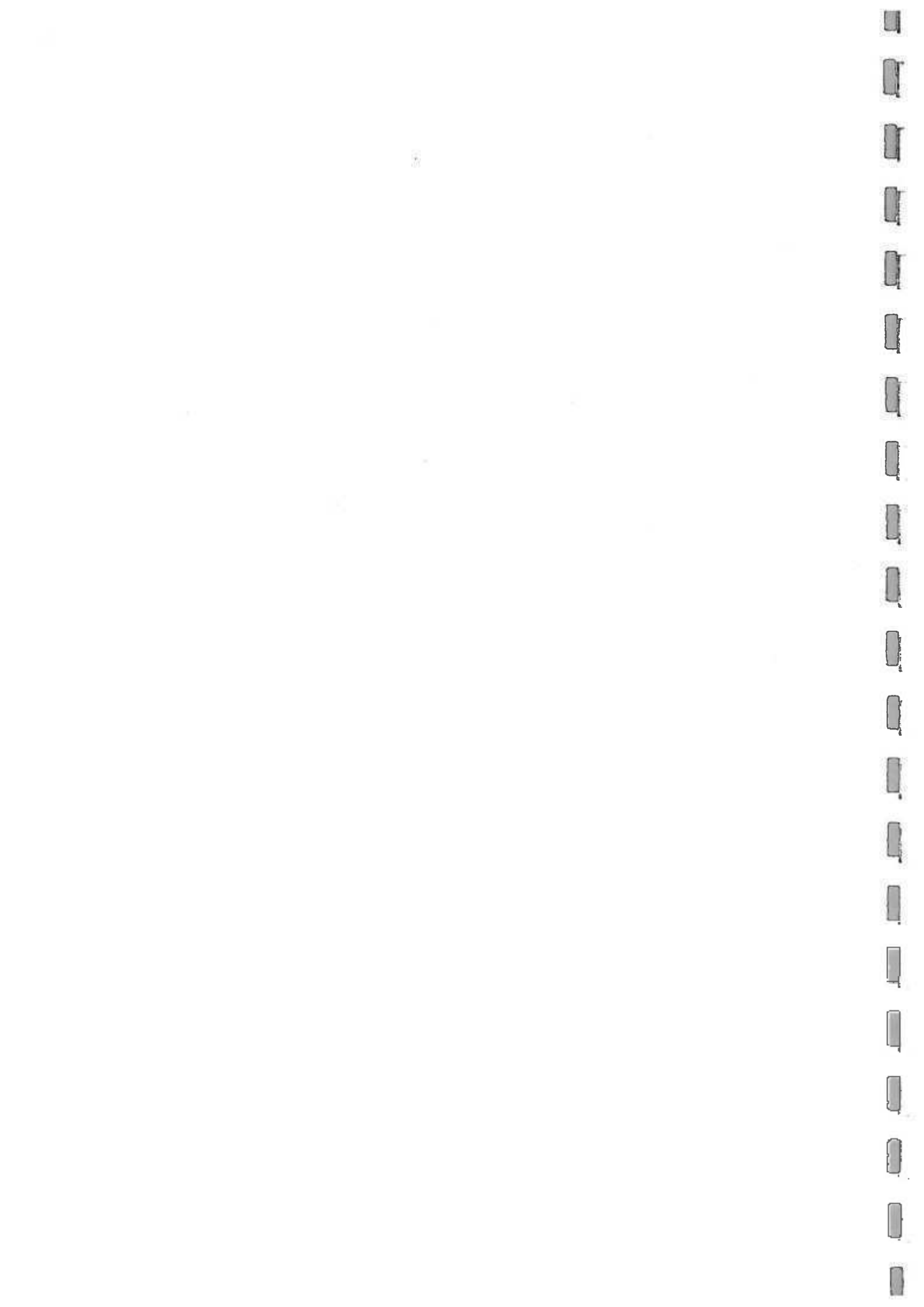
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ACRONYMS

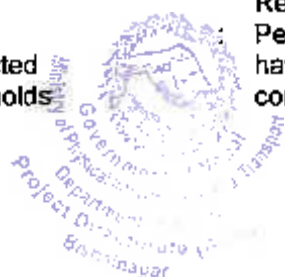
ADB	–	Asian Development Bank
BMN	–	Basic Minimum Need
BPL	–	Below Poverty Line
CDC	–	Compensation Determination Committee
CDO	–	Chief District Officer
Col	–	Corridor of Impact
CSC	–	Construction Supervision Consultant
DAO	–	District Agriculture Office
DDC	–	District Development Committee
DoLIDAR	–	Department of Local Infrastructure Development and Agricultural Roads
DLRO	–	District Land Revenue Office
DLSO	–	District Land Survey Office
DP/AP	–	Displaced Person/Affected persons
EA	–	Executing Agency
EM	–	Entitlement Matrix
EEAP	–	Earthquake Emergency Assistance Project
FGD	–	Focus Group Discussion
GoN	–	Government of Nepal
GRC	–	Grievance Redress Committee
HH	–	Households
HPI	–	Human Poverty Index
IEE	–	Initial Environmental Examination
LAO	–	Land Acquisition Officer
MHH	–	Mid-Hill Highway
MoPIT	–	Ministry of Physical Infrastructure & Transport
NFIN	–	National Foundation of Indigenous Nationalities
OM	–	Operational Manual
PD	–	Project Director
PIU	–	Project Implementation Unit
PSA	–	Poverty And Social Analysis
RoW	–	Right of Way
RP	–	Resettlement Plan
LAC	–	Local Area Committee
SPS	–	Safeguard Policy Statement, 2009
SRO	–	Social and Resettlement Officer
ToR	–	Terms of Reference
VDC	–	Village Development Committee





DEFINITION OF THE TERMS

Acquisition	:	Acquisition of land and other assets for the purpose of development projects in accordance to prevailing Act (Land Acquisition Act 1977).
Compensation:	:	The payment in cash or kind for private property acquired by the government for the project, based on replacement value.
Residential cum Commercial Structure	:	Structure being used for both residential and business purposes.
Affected Families/ Households/ Persons	:	All the families/households/persons within the project locations are considers affected households/persons.
Corridor of Impact (COI)	:	Minimum width of land required for the construction of roads and provision of shoulder, width plus safety zone on either side of the road. Col defined as 12 m for this road section. COI is generally within the RoW.
Cut-off Date	:	The completion date of census survey to count the APs and their affected assets. 7 th Feb 2016 is to be considers as cut-off date
Economic displacement	:	Loss of land, assets, access to assets, income sources, or means of livelihood as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Income restoration	:	Re-establishing productive livelihood of the displaced persons to enable income generation equal to or, if possible, better than that earned by the displaced persons before the resettlement.
Physical displacement	:	Relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas
Relocation assistance	:	Support provided to persons who are physically displaced by a project. Relocation assistance may include transportation, food, shelter, and social services that are provided to the displaced persons during their relocation. It may also include cash allowances that compensate displaced persons for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost workdays.
Replacement Cost	:	Replacement cost involves replacing an asset at a cost prevailing at the time of its acquisition. This includes fair market value, transaction costs, interest accrued, transitional and restoration costs, and any other applicable payments, if any. Depreciation of assets and structures should not be taken into account for replacement cost. Where there are no active market conditions, replacement cost is equivalent to delivered cost of all building materials, labor cost for construction, and any transaction or relocation costs.
Resettlement	:	Resettlement denotes the consequence that may occur due to acquisition of land and other assets as well as the entire process and activities related to acquisition and implementation of Resettlement Plan (RP) in accordance to prevailing Acts.
Significantly Displaced/affected Person/Households	:	Person/households including vulnerable, encroachers/ squatters, having more than ten percent loss of their agricultural land, complete loss of residential structures, and business/ livelihood.





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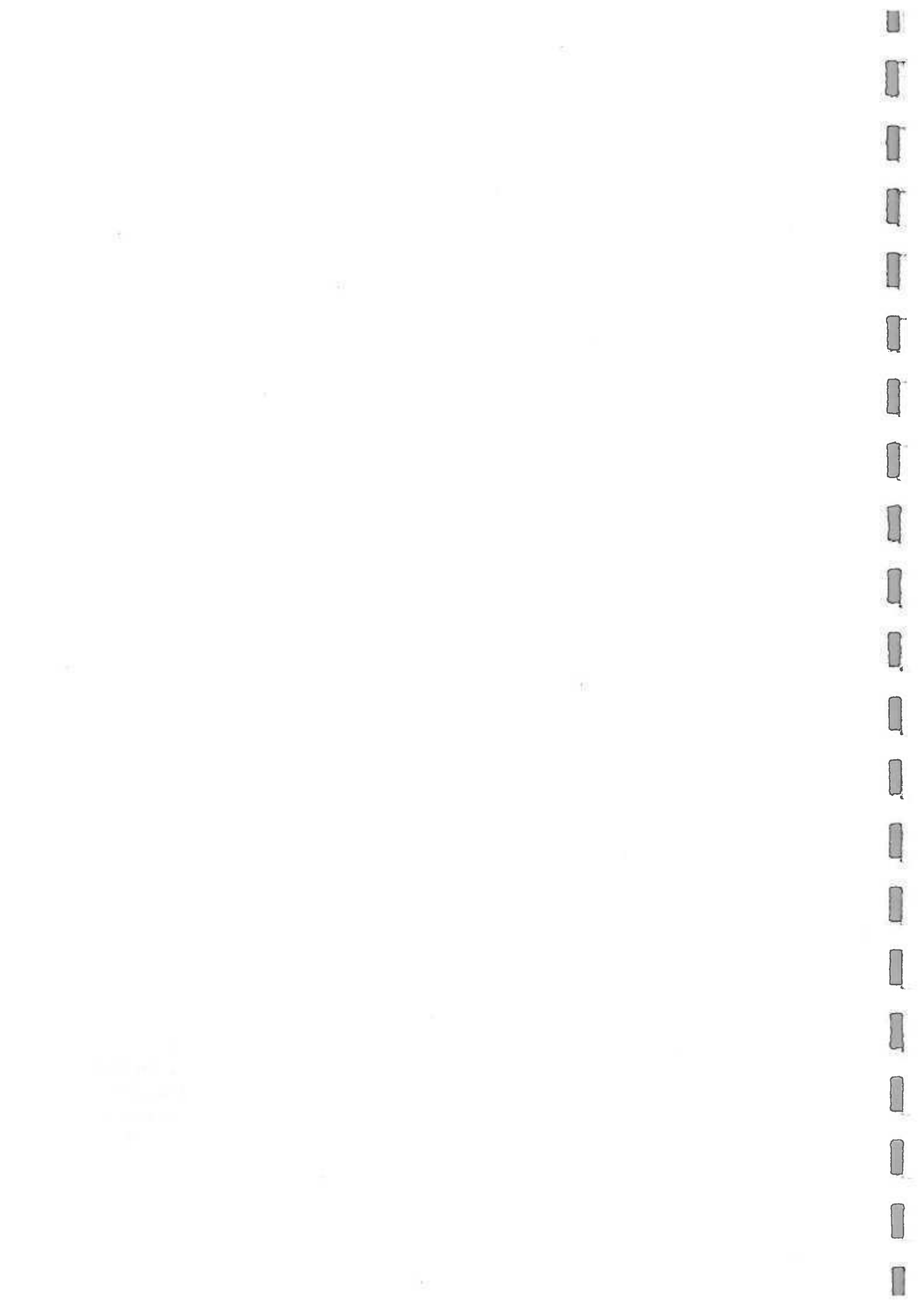
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EXECUTIVE SUMMARY

Project Description

The Government of Nepal has received financial assistance from the Asian Development Bank (ADB) to implement the Earthquake Emergency Assistance Project (EEAP). The project will finance three feeder roads, in the central and western regions of Nepal. While the Project will contribute to development and expansion of the Strategic Road Network (SRN), it will include an institutional capacity assessment in the areas of road safety and road maintenance. Gender and social inclusion will address through a livelihood program that will be targeting women involved in road construction activities in the project-affected area.

1. Resettlement Impact

All efforts have been to avoid involuntary resettlement wherever possible by adopting an appropriate technical design that minimized social impacts. Although the RoW is 30 meters, its utilization was minimized and the resettlement impacts are limited to the Corridor of Impact (CoI) in built-up sections. Structures and private land acquisition have been avoided to the extent possible. The road improvements will require acquiring 16.3 ha of land from 760 households. Similarly, 8 private structures from 7 households need to relocate from the acquisition process. About 26,122 kg of crops are expected to be affected. The table below summarizes total affected households in road alignment.

Summary of Project Impact

Out of 760 affected households, 481 Households (63%) were interviewed and 37% were absentees during time of census survey. The number of absentees are higher because most of them have migrated to district headquarter and Kathmandu after devastating earthquake occurred in April 2015.

Table 2: Number of Affected People

Types of Affected Assets	Affected Households	Survey HHs people	Estimated Affected Peoples	Land parcels	Land Area to be acquired (sq.m)
Land only	753	2533	3991	1201	1,63,347.7
Land with structures	7	37	37		
Total	760	2570	4028		

Note: During the RP survey, 481 households were interviewed and remaining 279 households are considered as absentees their social profile could not be elicited

2. Stakeholder Consultation and Participation

Consultations were undertaken at different levels, in particular with affected persons, but also with local level social workers, representatives of political parties, civil-based organizations, businesspersons, and representatives of vulnerable groups. At least one meeting was held in each major settlement to get feedback of people's perceptions of the project and suggestions. For resettlement cost estimation consultation were focused to district government officials and affected households. A total of 90 persons were consulted for the preparation of this RP in different 8 location of road alignment.

3. Legal Framework

The Resettlement Plan (RP) is guided by the ADB Safeguard Policy Statement 2009, Land Acquisition Act of Nepal 2034 (1977) and other relevant policies and guidelines. The main objective of the RP is to identify impacts and mitigation measures to address the various losses due to the project road. The RP has been prepared based on the findings of the field reconnaissance survey, verification of land records with the land revenue offices, the census and socioeconomic survey of affected households and consultations with affected persons, broader community residents and line agencies at district and local levels.

4. Entitlements, Assistance and Benefits

ADB's Safeguard Policy Statement (2009) on involuntary resettlement requires the compensation for the loss of land and assets on land at replacement cost, relocation assistance, assistance for the loss of income and livelihoods as well as special measure for affected households. The entitlement matrix (EM) has provisions in line with the requirements mentioned above. In addition, SPAPs will receive other cash grants, resettlement assistance, such as transportation and reconstruction allowances.

5. Resettlement Budget and Financing Plan

The total estimated RP implementation cost for the Subproject is NRs. 210,498,419.88 equivalent to US\$ 1,967,274.95 @ of exchange rate NRs. 107.00 per 1 US\$ (Rate of October 2016). All cost required for compensation and RP implementation will be borne by the Government of Nepal. The estimated resettlement cost for the Subproject includes eligible compensation, resettlement assistance, and support cost for RP implementation. The cost estimate for compensation has been prepared based on the information about the likely resettlement impacts on different assets (land, structures etc.) derived from the census survey. The rate for cost calculation is based on the Government & market rate subject to be finalized by Compensation Determination Committee (CDC) in accordance to Land Acquisition Act 1977.

6. Grievance Redress Mechanism

With a view to likeliness of grievances during RP implementation, provision of constituting Grievance Redress Committee (GRC) has been made in the RP to cut down the lengthy litigation. The GRC to be coordinated by Project Implementation Unit (PIU) safeguard focal persons and other five members (to be nominated as needed) will be representatives of affected persons. Prior to road construction work, the PIU will insure local committee meetings are held to notify local residents and business of any temporary disturbances, and to inform them of the project.

7. Institutional Arrangement

The National Reconstruction Authority (NRA) will be the Executing Agency (EA), and Department of Roads (DoR) will be the implementing Agency (IA). A Project Implementation Unit (PIU) will establish at Project Directorate (ADB/PD) under the DoR to take the responsibility of overall implementation of the Subproject. A Social/Resettlement Specialist (SRS) under the Construction Supervision Consultant (CSC) will be responsible to support the PIU/PDs on the overall RP implementation mechanism and process. At the field level, a Subproject office will be established under the PD, headed by Project Managers (PM) in the rank of Senior Divisional Engineer (SDE). The consultant SRS with the support of PIU and

Ministry of Transport, Government of Nepal
Department of Roads
Project Directorate (ADB)
Bhaktapur

PM, CDC, GRC and local community will carry out all the RP implementation activities. He/she will be supported by PM in coordinating with the CDC and CDO in the matters related to compensation rate, resolving grievances, and monitoring of day-to-day RP implementation activities.

8. Implementation Schedule

As per the technical design, the Subproject is expected to start from January 1st 2017 and will be completed at 2019. The RP implementation timeframe will be scheduled based on the overall project implementation program. However, all the tasks of distributing compensation to the APs and other rehabilitation/relocation assistance will complete within project period.

9. Monitoring and Reporting

The Project Directorate (ADB) with the support of Subproject Office (SPO) and Construction and Supervision Consultant (CSC) will oversee and monitor the RP implementation activities at the field level. The SPO will monitor the day-to-day resettlement activities carried out by the CSC and will conduct field monitoring. The Project Manager (PM) based on the review of RP implementation activities and CSC's progress report, will submit quarterly progress reports to PD and PD will forward semiannual safeguard monitoring report to ADB. The semi-annual monitoring reports will be disclosed in the ADB website in compliance with SPS (2009)





1. PROJECT DESCRIPTIONS

1.1 General

The Government of Nepal has received financial assistance from the Asian Development Bank (ADB) to implement the Earthquake Emergency Assistance Project (EEAP). The project finance three feeder roads, in the central and western regions of Nepal. The project roads are: (i) Dolakha – Singati (35 km an intermediate lane road), (ii) Dhading – Arughat – Gorkha (50 km an intermediate lane road excluding 30 km overlap with Mid-Hill highway), and (iii) Panchkhal – Melamchi – Timbu Road (41 km intermediate feeder road). The Department of Roads (DoR) intends to improve these roads to an all-weather bituminous intermediate lane Feeder Road Standard. Project roads have been selected based on environment, resettlement, social and economic impacts, and project readiness. The Project is relevant to achieving results of the Country Strategy and Program (2013-2017), enhancing global-local connectivity to facilitate regionally balanced economic growth. The detail of sub project are listed below.

Table 1.1: List of Sub project Under EEAP

S. No.	Road	Length (Km)	Road Classification
1	Dolakha – Singati	35	Feeder Road
2	Gorkha – Dhading	50	Feeder road
3	Panchkhal – Timbu	41	Feeder road

Source: Detail Design Report, 2016

1.2 The Subproject

Dhading- Arughat - Gorkha road, originates at Dhadingbesi from district headquarter of Dhading, Bagmati Zone and Central Development Region and ends at Haramtari Chowk of Gorkha Bazaar, district headquarter of Gorkha district in Gandaki zone of Western Development Region. For the design purpose, the road is divided in to two sections (i) Dhadingbesi – Ankhu Khola Section and (ii) Ghyampesal - Gorkha Section. The middle section from Ankhu Khola to Ghyampesal section falls on Mid Hill Highway alignment and is under construction as a high priority project of GoN. The total length of both the road section is 50 Km.

1.3 Brief Description of the project area and works

Initially the road was constructed by the assistance of GTZ as Green road Project concept. Later on, the road was improved by DOLIDAR under DRLIP and Rural Access Improvement and Decentralization Project (RAIDP). The formation width of this section varies from 4m to 5.5m (acquired land is 8 m) at most locations. The title transfer of acquired road has already been completed (Ref. Annex- B) through compensation. The land was already acquired by RAIDP & DRILP project under DOLIDAR.

Table 1.2: Salient Features of the Sub-project Road

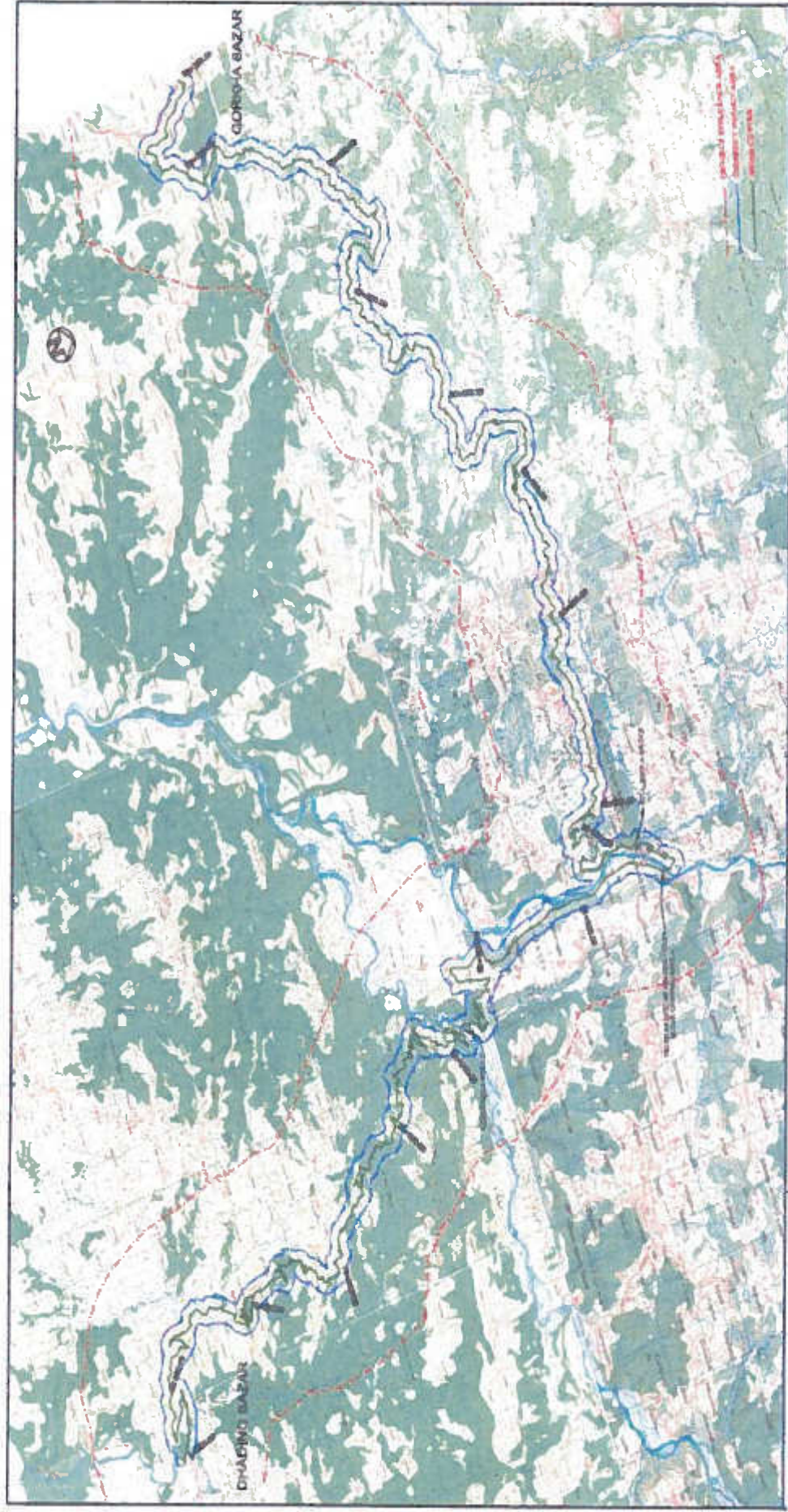
Name of the Project	Earthquake Emergency Assistance Project
Name of the Road Section	Dhadingbesi – Arughat – Gorkha Road

Name of the Project	Earthquake Emergency Assistance Project
Name of the Road Section	Dhadingbesi – Arughat – Gorkha Road
LOCATION	
Development Region	Central and Western
District	Dhading and Gorkha
Municipality/VDCs	Nilkantha Municipality, Jyamrung VDC of Dhading district, and Baguwa, Asrang, Taple VDCs and Gorkha Municipality of Gorkha district
Start Point	Dhadingbesi Bazar
End Point	Gorkha Bazaar
Road Type	
Classification of road	Feeder Road
Right of Way	30 m (15 m on either side from center line of the road)
Carriage way width	5.5 m (Intermediate Lane) with 0.75 m shoulder on both sides
Formation width	7.0 m
Length of Road	50 km
Type of Pavement	DBST
Standard of Pavement	Overseas Road Note 31 (RN 31) and/or AASHTO design method

Source: Detail Design Report, 2016



Figure 1: Alignment Map of Dhadingbesi – Arughat – Gorkha Road



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Department of Transport
Bishnuagar
Biratnagar
(ADB)
Ministry of Transport

1.3.1 Project Components

The major activities to be carried out under this sub-project include;

- Pavement improvement;
- Minor widening;
- Additional roadside structures;
- Slope protection works;
- Bio-engineering works; and
- Black top



1.4 Benefits and Impacts

Some of the specific tangible benefits of the road improvement are:

- Easy access to transportation facilities by reducing travel time and cost;
- Increase in the scope of economic, and tourism related activities;
- Increase in the scope of developing other infrastructure facilities;
- Increase the value of land;
- Economic diversification;
- Employment opportunities to the local people during the construction phase.

1.5 Minimizing Resettlement Impacts

Efforts to avoid or minimize involuntary resettlement impacts have been made by adopting a technical design using the best utilization of the available space in the available width and limiting impacts to the corridor of impacts. The Subproject activities will be carried out along the existing road with 4 m either side for widening, and construction works but acquiring minimum additional land for this subproject.

1.6 Objective of Resettlement Plan

The objective of this resettlement plan (RP) is to assess and document impacts as well as develop mitigation, compensation and rehabilitation measures to restore the assets and livelihoods of all persons affected by this project. The resettlement plan covers the Dhadingbesi – Arughat – Gorkha road improvement and complies with the Land Acquisition Act of Nepal 2034 (1977) and ADB's Standard for Involuntary Resettlement outlined in the Safeguards Policy Statement (2009).

1.7 Methods of Social Impact Assessment

Social impact in the Subproject road has been finalized by conducting a detail field survey, and consultations with stakeholder in different field locations during the month of January to 7th Feb 2016. Following methods was applied for Social impact Assessment (SIA).

1.7.1 Cadastral Survey

Cadastral survey of the likely affected land parcels done under the leadership of Cadastral Surveyor from the District Land Survey Office. The Cadastral Surveyor with the knowledge of engineering design identified upgrading requirements and likely areas of land to be acquired. The team pegged the alignment and impact boundaries and verified the affected land areas, assets and structures. The affected lands and other assets were determined at the site and the cadastral surveyors enumerated and measured other affected assets (e.g. structures, trees etc.) within the premises of affected land parcels.

1.7.2 Assets Inventory

Inventories of affected assets and affected households were also prepared through field visit. Affected households were also participated in the process.

1.7.3 Socio-economic information of the affected Persons

Socio-economic information of the directly project affected households were carried out to assess the key socio-economic indicators of the displaced households like; sources of income and average annual income of the displaced households, vulnerability status of the households, issues related to resettlement impact in the households, and other relevant information and to solicit their suggestion.

1.7.4 Consultations

Qualitative socio-economic information such as; perception about the project, potential benefits and likely resettlement issues, key issues related to women and children, and other local issues were also assessed during the census survey. Such information were solicited through discussion with the family members of displaced households, local community, representative of local level institutions and political parties, and other key informants (e.g. VDC/ward representatives, significantly affected persons, women, schoolteachers etc.) individually or in groups.



2. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

2.1 Scope of Land Acquisition

The Corridor of Impact (Col) of this road section is defined as 8 meter either side from centerline of road required for improving the existing road. An average available existing width of the road is about 4.0 - 5.5 meters (acquire land is 8 meter width). Initially the road was constructed with the assistance of GTZ as Green road Project. Then after road was improved by DRILP and RAIDP Project under DOLIDAR. (Letter attached in Annex B. Based on detail final design of road, cadastral survey team was deployed to assess the land required. An average (2 meters either side) additional land is required for the implementation of the sub project. Based on survey report about 16.3 ha land and eight houses need to be relocated. A letter has been received from district Survey Office and Land Revenue Office mentioning land parcel number, map number, name of the land owners attached at annex, (ref. annex A)

Altogether 1201 land parcels form 760 household² will experience impact for the improvement of road. Based on detail designed of the road about 16.3 ha land needs to be acquired. (Ref Annex K). Among the affected households, eight structures from seven households need to be relocated and they will be physically displaced. Of them five are commercial and residential and three are using for residential purpose. Of the total affected households, no one of them will lose more than 10% of land of their total landholding. (Ref Annex A-2. The table below 2.1 shows the detail of loss of road alignment.

Table 2.1: Project Impacts on land

Affected HHS	Land Area to be Acquired (ha)	No of affected land parcel	Affected population
760	16.3	1201	4028

Source: Census Survey, Feb 2016

2.2 Impacts on private structures

A total of 8 structures belonging to 7 affected household will be affected by the project. Seven households representing 37 persons will be displaced. Among the affected structures three are using residential purpose and five are residential cum commercial purpose. The below table and annex C provides detail of the structure loss and type.

Table 2.2: Types of assets by loss and affected people

Type of Asset Affected	No of affected HHS	No of affected structures	No. of APs
Residential Structures	2	3	11
Residential cum commercial structure	5	5	26
Total	7	8	37

Source: Field Survey, Feb 2016

2.2.1 Affected Structures by Construction Materials Types

Among the affected residential & commercial structures, two are constructed with frame (i.e. concrete with pillars) structure and three are stone wall with zink roofing and remaining three are mud & stone and slate roof (Ref. Annex C). Table 2.3 provide details of construction materials.

Table 2.3: Affected Structures by Type of Construction Materials

S. No.	Type of Structures	No. of structures	Total Affected Area(Sqft)
1	Mud and stone mortar wall with slate roof	3	1223.66
2	Stone, mud mortar wall with zink sheet roof	3	1140.70
3	Bricks and cement mortar wall with RCC roofing	2	943.67
Total		8	3308.03

Source: Census Survey, February 2016

2.2.2 Loss of Agricultural Crops

Based on the detailed design about 26,122.00 kg of crops likely to be affected due to the project (Annex E). The estimated quantity of crops loss has been calculated based on the area of land to be acquired, average quantity of major crops produced/ yield based on the Government's standard¹. The Entitlement Matrix (EM: 5 &1) provisions three months advance notification to APs to harvest the standing crops. In case of loss of standing crops, cash compensation will be paid as decided by CDC.



¹ Statistical Information of Nepalese Agriculture 2013/2014, a publication of Ministry of Agriculture, Nepal & Selected Indicators of Nepalese Agriculture and Population, A brochures of the Ministry of Agriculture and Co-operatives, 2014

3. SOCIOECONOMIC PROFILE AND INFORMATION

3.1 Profile of the Subproject Districts

According to the Census 2011 (CBS), total population of Dhading and Gorkha districts are 336,067 and 271,061 respectively and having 178233 (53.03%) and 150020 (55.35% female population respectively. The average family size of project districts is 4.55 and 4.07 respectively. The population density per square kilometer is 174.49 sq. km in Dhading and 74.98 sq. km in Gorkha.

Table 3.1: Demographic features of the project districts

District	Total HHs	Total Population	Male	(%)	Female	(%)	Average HH Size	Population density	Area in Sq. km
Dhading	73,851	336,067	157834	46.96	178233	53.04	4.55	174.49	1926.00
Gorkha	66,506	271,061	121041	44.65	150020	55.35	4.07	74.98	3814.70
Total	140,357	607,128		45.81		54.20	4.31	124.73	2770.35

Source: CBS 2011

3.1.1. Demographic status of project affected VDCs & municipalities

According to 2011 census, total population of 2 municipalities and 4 VDCs touched and traversed by the proposed upgrading road section is estimated at 56443 with 13800 households. Which accounts for 9.30 % of the project districts population. Gender-wise population distribution is estimated at 44.94% male and 55.06% female.

Table 3.2: Demographic description of Project Affected VDCs/Municipality

Municipality/VDCs	Total HHs	Population			Average HH Size
		Total	Male	Female	
Dhading District					
Nilkantha Municipality ²	9702	39578	18111	21467	4.10
Jyamrung VDC	1653	6998	3024	3974	4.23
Gorkha District					
Asrang	831	3,406	1,443	1,963	4.10
Baguwa	494	1965	862	1103	3.98
Taple	1120	4496	1925	2571	4.01
Prithvi Narayan Municipality	10585	39262	17585	21677	3.77
Total	24385	95705	42950	52755	4.03

Source: CBS 2011

3.2 Profile of the Affected Households

Based on detailed design, the improvement of road will be affect 1201 land parcels of 760 households. Out of total affected 760 households, only 481 household were interviewed during Census survey. Remaining 279 households were absent during the socio-economic survey. According to information provided by local people, most of the absent households were out of district. The survey revealed that number of affected population of 481 households is 2570 and average household size is 5.3. Based on the Census survey, it is

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estimated that 4028 population will be affected of 760 households. The details of affected households and it's demographic structures is given below.

Table 3.3: Demographic information

Districts	VDC/Municipality	HHs	female	%	Male	%	Total	Average HHs
Dhading	Nilkantha NP (Muralibhanjyang)	168	419	50.12	417	49.88	836	4.98
	Jyamrung VDC	74	225	53.57	195	46.43	420	5.68
Gorkha	Asrang VDC	11	42	55.26	34	44.74	76	6.91
	Baguwa VDC	34	96	54.55	80	45.45	176	5.18
	Prithivi Narayan NP (Finam)	23	72	55.81	57	44.19	129	5.61
	Prithivi N.P/Gorkha	25	74	54.41	62	45.59	136	5.44
	Baguwa VDC/ Khanchowk	21	66	55.93	52	44.07	118	5.62
	Taple VDC	105	313	54.82	258	45.18	571	5.44
	Total	481	1367		1203		2570	5.34

Source: Census Survey, Feb 2016

3.2.1 Distribution of Affected Households by Caste/ethnicity

Out of 481 interviewed affected households, 17.67 percent HHs are identified as indigenous including Magar, Gurung, Newar and Tamang. Other occupational caste group Dalit consists of 18.09 percent HHs. Others caste groups including Brahmin, Chhetris & religious minority (muslaman) are 64.13 percent households. Based on the field observation and interview with affected person, the IP households and Dalit are assimilated and absorbed with the mainstream society, sharing common social values, norms and culture

Table 3.4: Caste/Ethnic Composition of the affected Households

S.N	Caste/Ethnicity	No of HHs	%
1	Brahmin	180	37.42
2	Chhetri	74	15.38
3	Dalit	87	18.09
4	Janjati	85	17.67
5	Mushalman	55	11.43
	Total	481	100.00

Source: Census Survey, Feb 2016

3.2.2 Literacy Status of Affected Population

The overall literacy status of affected household reveals that 5.57% population are illiterate, and 26.28% can just able to read and write. However, the highest percent 17.01% population of affected households have been found within primary level. The proportion of people obtaining higher education or above bachelor's level has been found 8.61%. Women literacy status is comparatively low in compare to male literacy status. The population not school going age i.e. below five years was not accounted on literacy indicator Table 3.5 provides the details.



Table 3.5: Literacy Status of Affected Population

S.N	Education	Gender(above 5 years)			%
		Male	Female	Total	
1	Literate	248	384	632	26.28
2	Primary	249	160	409	17.01
3	Lower Secondary	182	157	339	14.10
4	Secondary	219	163	382	15.88
5	Higher Secondary	200	102	302	12.56
6	Bachelor	130	77	207	8.61
7	Illiterate	45	89	134	5.57
Total		1273	1132	2405	100.0

Source: Census Survey, Feb 2016

3.2.3 Occupational Status of Affected Population

While collecting information on occupation, below 14 years population was not accounted. The survey shows that among the affected population majority of them 34.60% are involved in agriculture sector. Similarly, 24.61% are students and 10.03% involved in foreign employment. The details of occupational status of affected population is presented in Table 3.6.

Table 3.6: Occupational Status (above 14 years)

S.N	Occupation	Population			
		Male	Female	Numbers	%
1	Agriculture sector	276	500	776	34.60
2	Wage Labour	25	14	39	1.74
3	Services	90	13	103	4.59
4	Private job	111	35	146	6.51
5	Business	97	60	157	7.00
6	Students	295	257	552	24.61
7	Unemployed	39	57	96	4.28
8	Foreign Employment	213	12	225	10.03
9	Others (old age, not respondent etc.)	33	116	149	6.64
Total		1197	1064	2243	100.0

Source: Census Survey, Feb 2016

3.2.4 Food Sufficiency of Affected Households

Among the affected household's, about 26% have sufficient food production for 9-12 months from their own farming. Only 4.3% households have grown food production for more than 12 months. The table 3.7 shows the food sufficiency status (own production) level among affected households.



Table 3.7: Food Sufficiency Level

S.N	Food Sufficiency Level	HHs	Percentage
1	No production	24	4.99
2	Less than 3 Months	72	14.97
3	3 to 6 Months	130	27.03
4	6 to 9 Months	111	23.08
5	9 to 12 Months	123	25.57
6	Saving	21	4.37
	Total	481	100.00

Source: Census Survey, Feb 2016

3.2.5 Impact on Vulnerable Households

Of the total 481 interviewed households, 25 households are reported as vulnerable of different categories. Among them, 15 households fall below poverty level and 10 households are female headed. Tables 3.8 provide the breakdown of affected vulnerable households by type of vulnerable categories.

Table 3.8: Affected Vulnerable Households

S.N.	Vulnerable Category	No. of HHs	Percentage
1	Below Poverty Level	15	60.00
2	Female headed	10	40.00
	Total	25	100.00

Source: Census Survey, February 2016

3.2.6 Household Income and the Poverty

According to the Nepal Living Standard Survey 2011, an individual is considered poor if his/her per capita total annual consumptions is below Rs. 19,261. It has also categorized the food items and non-food items and the expenses required to be above the poverty line. Accordingly, the income required for providing adequate calories (2,220 kilocalorie) for an average Nepali to be active is Rs 11,929. For non-food items, on average, the average income required is Rs. 7,332. For the food item only, this has been calculated as NRs.11, 929 per person per year (CBS, Nepal Living Standard Survey 2010/2011). The poverty line for Nepal, in average 2010/11 prices has been estimated at Rs. 19,261 (NLSS). The report mentions Nrs 18,910 for rural western hill of the country. Considering the average HH size of 5.3 of project affected alignment project roads, the poverty line for this road alignment has been assumed as Rs. 100,000 per household of a year. The table below shows the poverty status among interviewed affected households.

Table 3.9: Average Annual Household Incomes

Income Range	No of HHs	%
<50000	1	0.21
50000- 100,000	14	2.41
130500- 200000	79	16.42
200000- 300000	144	29.94
300000- 400000	107	21.21

Income Range	No of HHs	%
400000- 500000	45	9.30
>500000	96	19.36
Total	481	100.00

Source: Census Survey, Feb 2016

Based on the CBS criteria of consumption requirement for minimum subsistence, out of 481 census households, 15 (2.82%) fall under the below poverty line.³



³ The poverty status was calculated based on the national poverty line estimated by the CBS Nepal. While calculating the poverty status, first, the average annual household income was calculated. After this, the poverty line was measured by converting the average household income into per capita income required for BMN based on the average family size. Then the households are having less than NRs 100,000 per households annual income is determined as below poverty households.

4. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

4.1 Consultation and Review

The available published and unpublished project related documents from the DoR and ADB reports, prepared from the design team, and other relevant documents collected from different sources were reviewed while finalizing this RP. Similarly, formal and informal discussions and consultations were also held with the officials of relevant institutions/stakeholders at different levels in order to assess information related to the Subproject road and scope of resettlement impacts. A conceptual framework prepared for consultation and review is included in Table 4.1.

Table 4.1: Conceptual Framework for Stakeholder Consultation

Stakeholders	Purpose	Method
Central Level	<ul style="list-style-type: none"> To seek advice and to share issues and progress related to the project tasks 	<ul style="list-style-type: none"> Frequent formal/informal meetings to share the project related issues and progress with the DoR, Project Directorate (ADB) officials, and team members of design consultants
District Level Line Agencies	<ul style="list-style-type: none"> To assess the available width of road in field situation To assess the availability of Government (<i>Ailan</i>) land that may not require to compensate To collect district land price To verify the land owner of the affected plots. To collect cadastral maps related to the subproject road. To identify the road alignment in the cadastral map and affected area. To collect other relevant secondary information 	<ul style="list-style-type: none"> Official letter and formal and informal meeting with district level stakeholders (e.g. officials of land measurement and land revenue office, district land survey office, district administration office, and other relevant district level agencies)
Local Communities and Project Affected Households	<ul style="list-style-type: none"> Information dissemination about the project, to collect information on likely resettlement impacts, and mitigating measures, and assessing information on social perception, common social issues and collecting suggestions 	<ul style="list-style-type: none"> Group meetings/consultation, individual meeting/sharing with the local communities, family members of Affected households, local leader, school teachers, local business men, displaced women and vulnerable groups
Local Communities and Project Affected Households	<ul style="list-style-type: none"> Socio-economic information of the project affected families 	<ul style="list-style-type: none"> Interview with the family members of the sampled households through socio-economic questionnaire and group discussion with APs and local communities at different places
	<ul style="list-style-type: none"> Census of Aps/DPs and information of their affected assets 	<ul style="list-style-type: none"> Listing of the households and detailing inventory of affected assets after plotting the road in cadastral map. Interview of the family members of affected households through census questionnaires

Stakeholders	Purpose	Method
		<ul style="list-style-type: none"> Use if appropriate inventories to record the affected assets by APs

4.2 The Stakeholders

The key stakeholders consulted in the course of preparing this RP include; (i) officials at DoR, and Project Directorate (ADB) at central level; and (ii) Officials of DoR Divisional Office, District Land Survey Office (DLSO), District Land Revenue Office (DLRO), District Development Committee DRLIP/RAIDP), District Administration Office (DAO). Similarly, local community, APs and their family members, local leaders, VDC representatives, and other key persons were consulted at the Subproject location.

4.3 Findings of the Public Consultation and Issues Discusses

Some of the key focuses and feedbacks from the community have been summarized in **Table 4.3**.

Table 4.2: Key Focus and Feedbacks of Community Consultation

Focuses	Feedbacks
<ul style="list-style-type: none"> On ensuring the accountability of census data of affected assets and APs, and effective RP implementation 	<ul style="list-style-type: none"> The verification of RP need to be carried out with the presence of relevant representatives (land surveyor, resettlement specialist of the project, engineers, local communities and DPs) Responsible staff and team willing to stay in the field having adequate knowledge about the social and resettlement issues in the rural context need to be mobilized to implement RP Information on the absentee APs and their affected assets should also be included during the RP implementation
<ul style="list-style-type: none"> There are number of public structures throughout the Subproject road alignment. Water supply pipe & Electric poles are located along the side of existing road likely to be affected. Hence, to protect these public structures, adequate attention of the project authorities is extremely needed. 	<ul style="list-style-type: none"> During construction special attention should be paid by PIU regarding the likely affected structures public utilities like drinking water tap stand irrigation canal etc within the COI (6m either side) should be relocated in a convenient places as suggested by the local community
<ul style="list-style-type: none"> On ensuring effective compensation distribution if extra land will be affected at present design 	<ul style="list-style-type: none"> Local communities including DPs/ community based organization and local land surveyor need to be involved for effective implementation of resettlement activities in the construction phase.

4.4 Key Issues Raised During Social Consultation

Eight numbers of consultation meetings were held throughout the road alignment. During consultation, 90 affected persons were participated whereas 70 were male and 20 were female. The feedbacks of social consultation as summarized in above table is based on the issues discusses with the local people and APs with Indigenous people. The synopsis on the issues raised by local community and DPs involved in consultation and the response made is briefed in the following consultation matrix (**Table 4.4**). The minutes of public, consultation (in Nepali) has been incorporated in **Annex F** for reference.

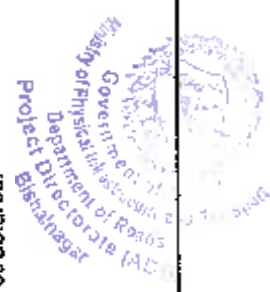
Table 4.3: Social Consultation Matrix

Name of Place	VDC/ Municipality	Consulted Persons	Questions/Issues Raised and Discussed	Answers Given /Measures adopted in RP to Address the Issues
Muralibhanjyang	Nilakantha NP Ward No. 9, Dhading	Male : 13 Female : 5	<ul style="list-style-type: none"> The existing road is 8 m width in an average, and the Col was fixed 6 m either side. Hence, the compensation of 2m either side should be arranged in reasonable price. The existing private structures and community utilities should be relocated at proper places. 	<ul style="list-style-type: none"> Compensation for affected land and other assets will be paid by the Government and the compensation rate will be fixed by Compensation Determination Committee (CDC) to be formed under the chairmanship of the Chief District Officer (CDO) including Project affected personal also
Jyamarumung	Jyamarumung VDC Ward No. 7, Dhading	Male : 7 Female : 3	<ul style="list-style-type: none"> The existing road is 8 m width in an average, and the Col is fixed 8m either side. Hence, the compensation of 2m either side should be arranged in reasonable market prices. Income generation activities (like agricultural production training) appropriate to site specific should be provided to the project affected people Employment opportunities should be provided to the local during construction phase and income generation activities should be provided to the local people especially to the displaced people. 	<ul style="list-style-type: none"> Compensation for affected land and other assets will be paid by the Government and the compensation rate will be fixed by Compensation Determination Committee (CDC) to be formed under the chairmanship of the Chief District Officer (CDO) During the construction period priority should be given to the affected persons as far as possible.
Khanchok	Baguwa Ward No. 4, Gorkha	Male : 7 Female : 2	<ul style="list-style-type: none"> The existing road is 8 m width in an average, and the Col is fixed 6m either side. Hence, the compensation of 2m either side should be arranged in reasonable market cost. Skilled based training to generate income for the local people should be provided. 	<ul style="list-style-type: none"> Compensation for affected land and other assets will be paid During the construction period priority will be given to the affected persons as far as possible Program will be designed during implementation
Jhigati	Asrang VDC No. 3, Gorkha	Male : 9 Female : 0	<ul style="list-style-type: none"> The existing road is 8m width in an average, and the Col is fixed 12m. Hence, the compensation of 2 m either side should be arranged in reasonable market cost. Employment opportunities should be provided to the local during construction phase and income generation activities should be provided to the local people especially to the displaced people. 	<ul style="list-style-type: none"> Compensation for affected land and other assets will be paid by the Government and the compensation rate will be fixed by Compensation Determination Committee (CDC) to be formed under the chairmanship of the Chief District Officer (CDO) During the construction period priority should be given to the affected persons as far as possible.

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Name of Place	VDC/ Municipality	Consulted Persons	Questions/Issues Raised and Discussed	Answers Given /Measures adopted in RP to Address the Issues
Tapla	Tapla VDC No. 7, Gorkha	Male :10 Female : 1	<ul style="list-style-type: none"> The existing road is 8m width, and the Col is fixed 12m. Hence, the compensation of 2m either side should be arranged in reasonable market cost. Road should be upgrading as soon as possible, quality should not be consider in the implementation period. If possible employment opportunities should be provided to the local during construction phase as per the community capacity and their skill 	<ul style="list-style-type: none"> Compensation for affected land and other assets will be paid by the Government and the compensation rate will be fixed by Compensation Determination Committee (CDC) to be formed under the chairmanship of the Chief District Officer (CDO) During the construction period priority should be given to the affected persons as far as possible
Tapla	Tapla VDC Ward No. 4, Gorkha	Male :07 Female : 02	<ul style="list-style-type: none"> The existing road is 8 m width in an average, and the Col is fixed 6 m either side. Hence, the compensation of 2m either side should be arranged in reasonable market cost. The existing private structures, crops affected due to project, the reasonable compensation cost should be provided. Employment opportunities should be provided to the local during construction phase as per the community capacity 	<ul style="list-style-type: none"> Compensation for affected land and other assets will be paid by the Government and the compensation rate will be fixed by Compensation Determination Committee (CDC) to be formed under the chairmanship of the Chief District Officer (CDO) During the construction period priority should be given to the affected persons as far as possible.
Phinam	Phinam VDC, Ward No 5, Gorkha VDC	Male-5 Female-2	<ul style="list-style-type: none"> As soon as possible road should be up graded in the quality works at implementation period. Extra two meters of land should be required for construction of the road extra land compensation should be provided for land owners. Special provision of local employment opportunities should be arranged with focusing to likely affected People during construction phase 	<ul style="list-style-type: none"> DoR will play key role to provide employment opportunity and appropriate income generation activities during construction phase especial focus to the indigenous People's Displaced households.
Baraha Bazar	Prithivi Narayan NP-6, Gorkha	Male-8 Female-5	<ul style="list-style-type: none"> Being a land scarcity road should be constructed a at government land which was voluntarily received from land owners of Gorkha district The existing road is 8 m width in an average, and the Col is fixed 6 m either side. Hence, the compensation of 2m either side should be arranged in reasonable market price. Implementation/ construction work should be completed at stimulated period. 	<ul style="list-style-type: none"> DoR will apply methods to minimize the impact and if not avoidable compensation will be paid to affected structures.



4.5 Disclosure of RP

The project Implement Unit (PIU) will carry out following disclosure activities in order to ensure transparency and active involvement of DPs and other relevant stakeholders in resettlement planning, and implementation process:

- The draft resettlement plan with summary will be uploaded in the website of Nepal Reconstruction Authority is Executing Agency (EA) and updated in accordance to revision; and
- A copy of approved RP will be officially submitted to ADB to upload in ADB web site.
- A summary of resettlement plan and entitlement matrix will be (translated into Nepal language) by CSC and will be disclosed to the APs, local community and other relevant agencies at project district during the implementation once it get finalized. During implementation phase, the assigned social mobilizer will make necessary efforts to deliver/disclose the required information through local language as far as possible. Similarly, the social mobilizer also verbally read out to the APs during consultations.

4.6 Cut-off Date

The cutoff date for this Subproject is date of Census Survey completed, which is 7 Feb 2016. In the case of land acquisition, the date of publication of preliminary notification for acquisition as provisioned by Land Acquisition Act 1977 will be treated as the cut-off date.



5. GRIEVANCES REDRESS MECHANISM

The objective the grievance redress mechanism (GRM) is to resolve complaints as quickly as possible and at the local level through a process of conciliation; and, if that is not possible, to provide clear and transparent procedures for appeal. A well-defined grievance redress and resolution mechanism will be established to resolve grievances and complaints in a timely and satisfactory manner. All affected persons will be made fully aware of their rights, and the detailed grievance redress procedures will be publicized through an effective public information campaign. The grievance redress process includes four levels:

First level of GRM: The first level and most accessible and immediate contact for the fastest resolve of grievances are the contractors, and design and supervision consultants on site. Prior to construction of any works, the PIU will ensure local community meetings are held to notify local residents and businesses of any temporary disturbances, and to inform them of the Project. If a Local Area Committee (LAC) exists in the area, they should also be informed. If any complaints arise, the contractors, consultants, and PIU can immediately resolve the complaint on site. The PIU can also be involved in grievance redress at this stage. The PIU office phone number will be posted in public areas within the subproject areas and construction sites. Any person with a grievance related to the project works can contact the project to file a complaint. The PIU offices will have a safeguards focal person to field and resolve complaints. The safeguards (environment and resettlement) focal person will document the complaint, and immediately address and resolve the issue with the contractor within 1-2 days, if the complaint remains unresolved at the field level. The PIU may seek the assistance of the consultant safeguards specialists (the environmental specialist or social safeguards specialist) to resolve the issue. The PIU safeguards focal person will notify the PIU safeguards focal person that a complaint was received, and whether it was resolved. The PIU safeguards focal person will fully document the following information: (i) name of the person; (ii) date complaint was received; (iii) nature of complaint; (iv) location, and (v) how the complaint was resolved.

Second level of GRM: Should the grievance remain unresolved; the PIU will forward the complaint to the PIU safeguards focal person. The person filing the grievance will be notified by PIU safeguards focal person that the grievance was forwarded to the PIU safeguards focal person. The PIU will address the grievance. Grievances will be resolved through continuous interactions with affected persons, and the PIU will answer queries and resolve grievances regarding various issues including environmental or social impacts. Corrective measures will be undertaken at the field level by the PIU safeguards focal person within 7 days. He/she will fully document the following information: (i) name of the person; (ii) date complaint was received; (iii) nature of complaint; (iv) location and (v) how the complaint was resolved.

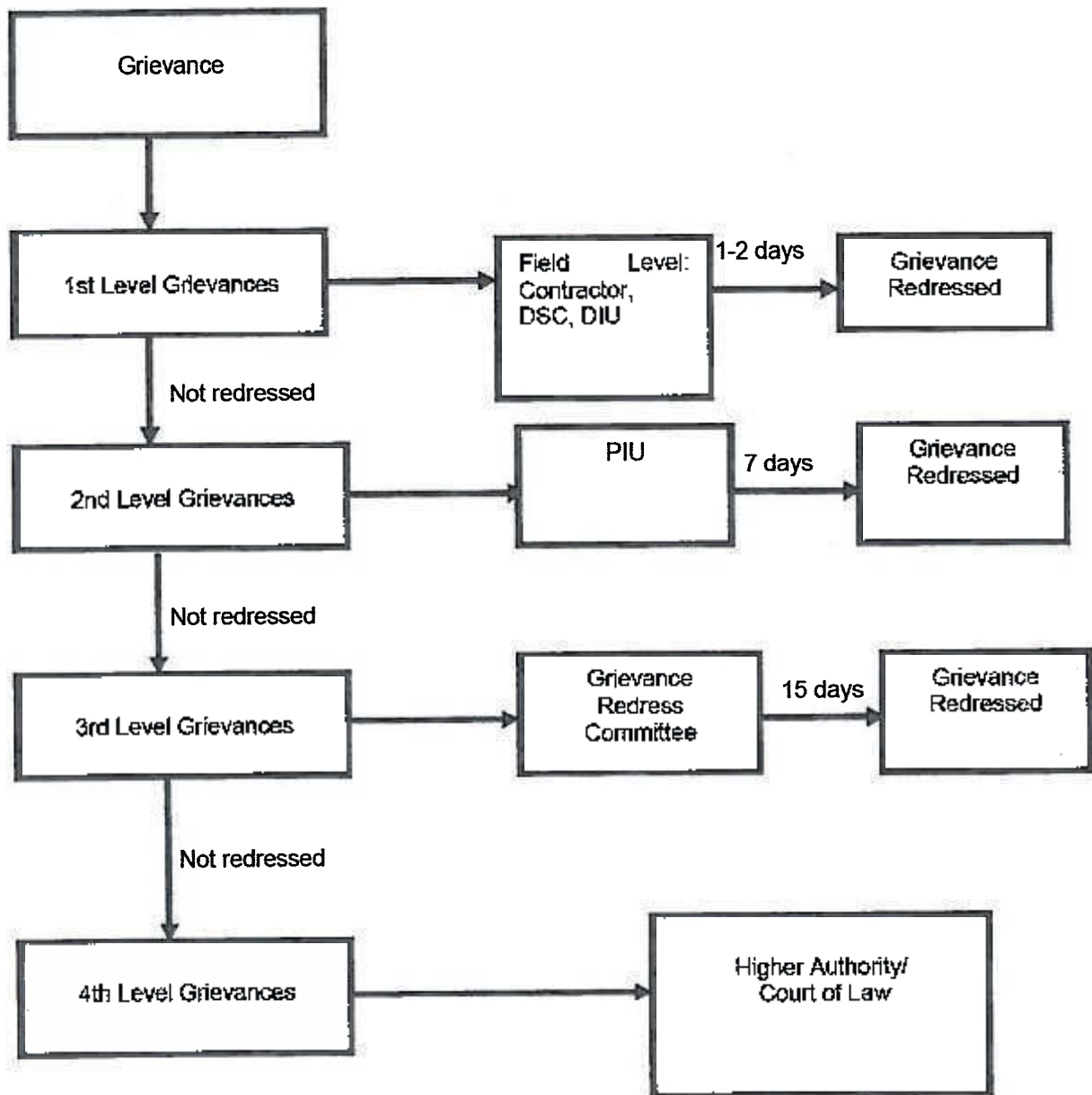
Third level of GRM: Should the grievance remain unresolved, the PIU's project director will activate the third level of the GRM by referring the issue (with written documentation) to a Grievance Redress Committee (GRC) constituted by the EA, which will, based on review of the grievances, address them in consultation with the PMU, PIU, and affected persons. The GRC will consist of PMU leadership, affected persons, and local area committee, among others determined to provide impartial, balanced views on any issues. The GRC should consist of at least five persons. A hearing will be called with the GRC, if necessary, where the affected person can present his/her concern and issues. The process will promote

conflict resolution through mediation. The GRC will meet as necessary when there are grievances to be addressed. The GRC will suggest corrective measures at the field level and assign clear responsibilities for implementing its decision within 15 days. The functions of the GRC are as follows: (i) to provide support to affected persons on problems arising from environmental or social disruption, asset acquisition (where required), and eligibility for entitlements, compensation, and assistance; (ii) to record grievances of affected persons, categorize and prioritize them, and provide solutions within 15 days; and (iii) to report to the aggrieved parties developments regarding their grievances and decisions of the GRC. The PMU safeguards focal person will be responsible for processing and placing all papers before the GRC, recording decisions, issuing minutes of the meetings, and taking follow-up action to see that formal orders are issued and the decisions carried out.

Fourth level of GRM: In the event that a grievance is not addressed by the contractor, CSC, PIU or GRC, the affected person can seek legal redress of the grievance in the appropriate courts, the fourth level of the GRM, which is the formal legal court system. The GRM however does not prevent affected persons from seeking legal redress at any time. The grievance redress mechanism and procedure is depicted in Figure 1.



Figure 2: Grievance Redress Mechanism



Note: CSC-Construction and Supervision Consultant, PIU=Project Implementation Unit



6. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

6.1 Government of Nepal Laws

6.1.1 Land Acquisition, Rehabilitation and Resettlement Policy of 2015

The Government of Nepal has recently formulated Land Acquisition, Rehabilitation and Resettlement Policy 2071 (2015) to facilitate the land acquisition process for infrastructure project. The policy outlines the need to conduct an economic and social impact assessment (SIA) of the development project, which was not a requirement under the Land Acquisition Act 1977. Based on this assessment, projects will be categorized as high-, medium- and low-risk⁴. The act also provisioned for the project affected families to be entitled to compensation if works like installation of transmission, telephone and underground drinking water pipe lines affect livelihood. And in case the projects affect yields of registered commercial crop, fruit or flower producers, compensation equivalent to five years of revenue must be given in cash.

The policy adds that all expenses related to land acquisition, compensation and the implementation of resettlement and rehabilitation plans should be considered as project cost and interest should be paid on compensation amount depending on the days it took to release funds to those affected by the project. The interest calculation begins from the day a formal decision was taken to operate the project, says the policy.

The compensation amount for those affected by the project will be fixed by a five-member compensation committee formed under the chief district officer. The committee can form a technical team to determine the compensation amount. This team should derive the compensation amount as close a possible to the minimum market rate by working closely with members of families that are likely to be displaced.

Those not satisfied with land acquisition, resettlement and rehabilitation processes can lodge complaints at a body formed at the project office and complaint hearing offices at district and regional levels. If verdict issued by the regional level complaint hearing office is also deemed unsatisfactory, the person can knock on the doors of appellate court.

6.1.2 Resettlement Policies and Acts

The Land Acquisition Act, 2034 (1977) is the core legal document on land acquisition and resettlement activities in Nepal. There is provision in Clause 3 of the Act to acquire land for any public purpose, subject to award of compensation. According to Clause 4, institutions seeking land acquisition may also request the Government of Nepal to acquire land under regular provisions, subject to compensation by such institutions.

⁴High-risk projects refer to those which displace 50 or more households in the mountainous region, 75 or more households in the hilly region and 100 or more households in the Tarai. Medium-risk projects, on the other hand, are those that force relocation of less than 50 households in the mountainous region, less than 75 households in the hilly region and less than 100 households in the Tarai. Likewise, low-risk projects refer to those which cause productive property to shrink by up to 10 per cent.



Clause 27 of the Act provides for land acquisition through negotiation with the plot owners, where all processes specified in the Act is not required.

The Land Reform Act 2021 (1964) establishes a tiller's right to land he is tilling. The Land Reform Act (LRA) additionally specifies the compensation entitlements of registered tenants on land sold by the owner or acquired for development purposes. The most recent Act Amendment (2001) established a rule that when the State acquires land under tenancy, the tenant and the landlord will each be entitled to 50% of the total compensation amount. Tenants are verified through a record of tenancy at the Land Revenue Office.

6.2 ADB Safeguard Policy Statement (2009)

The objectives of ADB's Safeguards Policy Statement, 2009 (SPS) with regard to involuntary resettlement are: (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; (iii) to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

ADB's SPS covers permanent and temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. The SPS covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following basic principles:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations (NGOs). Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and indigenous people, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by social preparation.
- (iii) Prove, or at least restore, the livelihoods of all displaced persons through (a) land-based resettlement strategies when affected livelihoods are land-based, or cash compensation at replacement value for land when the loss of land does not undermine

livelihoods; (b) prompt replacement of assets with access to assets of equal or higher value; (c) prompt compensation at full replacement cost for assets that cannot be restored; and (d) additional revenues and services through benefit sharing schemes where possible.

- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (a) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, economic and social integration of resettled persons into their host communities, and extension of project benefits to host communities; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas, provide them with legal and affordable access to land and resources, and in urban areas, provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement, to ensure that people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of the project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved

by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

6.3 Gap Filling Between ADB and Government of Nepal Policies

6.3.1 Resettlement

The Government of Nepal's legal frameworks and ADB's SPS share the following:

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

There are certain differences as shown in Table 6.1, and where different, ADB's SPS will be applied for subprojects.

Table 6.1: Key Difference between ADB Policy and Government of Nepal Legal Framework

ADB Policy	Government of Nepal Legal Framework
Compensation for assets regardless of legal ownership.	Legal ownership is required for compensation eligibility; however, tenants registered with the Land Revenue Office are also recognized.
Compensation to all affected persons regardless of tenure for all affected	Encroachers are not entitled to compensation.
Compensation for affected assets at replacement cost.	Compensation is to be determined by the Compensation Fixation Committee to be formed under the Chief District Officer which may not be replacement cost.

6.4 ADB Resettlement Policy

According to the ADB Safeguard Policy Statement (2009), the basic objectives of the safeguards requirements are to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all affected persons in real terms relative to pre-project levels; and to improve the standards of living of the affected poor and other vulnerable groups. ADB's main policy guidelines are:

- Involuntary Resettlement (IR) should be avoided wherever possible;
- Where IR is unavoidable, minimize involuntary resettlement by exploring project and design alternatives;
- Enhance or at least restore the livelihoods of all affected persons in real terms relative to pre-project levels;
- Improve the standards of living of the affected poor and other vulnerable groups;
- Gender analysis is required to identify related resettlement impacts and risks;



- Resettlement Plans (RP) should be prepared in full consultation with affected persons (APs), host communities, and concerned nongovernment organizations (NGOs) including disclosure of the RP and project related information;
- Preference will be given to land-based resettlement for affected persons whose livelihoods are land-based. However, if the land is not the preferred option or the land is not available at reasonable price, the DPs will be provided opportunities for employment, or self-employment, in addition to the reasonable cash compensation for land and other assets lost;
- Cash compensations for the loss of structures, other assets and incomes should be based on full replacement cost;
- Absence of formal legal title to land or non-recognized or recognizable claims to such land by the affected persons should not be a bar to compensation;
- The rate of compensation for land, structures and other assets should be calculated at full replacement cost on the basis of fair market value; transaction cost; interest accrued; transitional and restoration cost, and other applicable payments, if any.
- All compensation payments and related activities must be completed prior to the commencement of the civil work;
- Special attention to be paid to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children and indigenous people and those without legal title to land.



7. ENTITLEMENTS ASSISTANCE AND BENEFITS

7.1 Entitlement Policy and Matrix

Consistent with Project-specific resettlement principles, policies on compensation and other entitlements are summarized in Table 7.1. Furthermore, compensation to be paid for affected assets will be based on the principle of replacement cost, which is the amount needed to replace an affected asset without deduction for taxes and/or costs of transaction before displacement and which is operationally defined as follows

- Productive land (agricultural, ponds, and forest) based on replacement cost that reflect recent land sales, and in the absence of such recent sales, based on productive value
- Residential land based on replacement cost that reflect recent land sales, and in the absence of such recent land sales, based on similar location attributes
- Houses and other related structures based on replacement cost reflecting current market prices of materials and labor without depreciation nor deductions for salvaged building materials
- Annual crops equivalent to current market value of crops at the time of compensation
- For perennial crops and trees, cash compensation at replacement cost is equivalent to current market value given the type, age, and productive value (future production) at the time of compensation. Timber trees based on diameter at four feet height at current market value
- For temporary impacts, no compensation for land if returned to the legal owners, promissory and non-legal right users, and the land restored to pre-project condition within 3 months after use. If the land is not returned and restored to pre-project condition within 3 months, the affected person will receive compensation at replacement cost for the land. A penalty clause will be included in the contractor's contract to ensure that the cost of such compensation is recovered from the contractor

The entitlement matrix (**Table 7.1**) provides details regarding the application of the principles, definition of entitled persons, and entitlements. Description on compensation provisions and other financial assistance made for different items are discussed in the following subsections based on the provisions made in the **Entitlement Matrix (EM)**.

