

Resettlement Framework

Nepal: Disaster Resilience of Schools Project June 2018

National Reconstruction Authority
Ministry of Education, Science and Technology, Central Level Project Implementation Unit
(CLPIU)

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CURRENCY EQUIVALENTS
(As of 1 January 2018)

Currency Unit - Nepalese Rupee (NRs)

NRs 1.00	=	\$ 0.0097991
\$ 1.00	=	NRs 102.05

ABBREVIATIONS

ADB	Asian Development Bank
CLPIU	Central Level Project Implementation Unit
CSA	Concerned Sector Agency
CSSF	Comprehensive School Safety Framework
DLPIU	District Level Project Implementation Unit
DOE	Department of Education
DRM	Disaster Risk Management
DR-PSICP	Disaster Resilience of Public School Infrastructure and Community Project
DSC	Design and Supervision Consultants
EMIS	Education Management Information System
GON	Government of Nepal
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
IFB	Invitation for Bid
MOEST	Ministry of Education, Science and Technology
NGO	Nongovernmental Organization
NRA	National Reconstruction Authority
O&M	Operation and Maintenance
PPTA	Project Preparation Technical Assistance
PMU	Project Management Unit
SPS	Safeguards Policy Statement 2009
SMC	School Management Committee
TOR	Terms of Reference

WEIGHTS AND MEASURES

Kilometer - km

Note

In this report, "\$" refers to US dollars unless otherwise stated

GLOSSARY OF TERMS

Affected person. In the context of involuntary resettlement, affected persons are those who are displaced physically (relocation, loss of residential land, or loss of shelter) and/or economically (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary acquisition of land; (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas; (iii) or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily.

Census. Census is 100% enumeration of affected persons with the objective to document the socioeconomic status of potentially affected persons within the project footprint. The census will provide a demographic overview of the population, households' assets, source of incomes, and means of livelihood.

Compensation Determination Committee (CDC). The committee established as per Land Acquisition Act 2034 (1977) for the determination of compensation rate.

Compensation. Payment in cash or in kind in lieu of acquisition of an asset or a resource that is acquired or affected by a project.

Cut-off date. The completion date of the census that establishes the eligibility for receiving compensation and resettlement assistance by the project affected persons. For land, the cut-off date will be the date of notice published by the CDC.

Dalits. The group of people defined and recognized by National Dalit Commission. The word is usually designated for a group of people belonging to the lower castes, many of whom are traditionally regarded as "untouchable."

Grievance Redress Committee (GRC). The committee established under the projects to document, hear, and resolve the project related grievances/concerns.

Indigenous peoples. The ethnic groups and communities having distinct social and cultural characteristics such as distinct language/mother tongue, traditional customs, cultural identity, social structure from those of dominant populations and culture. The National Foundation for Upliftment of Adivasi/Janjati Act, 2058 (2002) has identified 59 groups as Adivasi/Janajati (or indigenous peoples or nationalities) in Nepal.

Land acquisition. The approaches (voluntary offer, negotiation, inter agencies transfer, and expropriation) adopted to acquire land for the project components.

Rehabilitation. The allowances/assistance provided as described in the resettlement plan other than compensation of the acquired property.

Relocation. Physical relocation of affected persons permanently from their shelter.

Replacement cost. The sum of market value of the affected assets plus any transaction costs such as administrative charges, taxes, registration, and titling costs to replace the affected assets.

Restoration. All the measures taken to mitigate all or any adverse impacts of the project on the affected person's property and/or livelihoods, including enhancement measures.

Severely affected households. The affected households (i) losing 10% or more of their total productive assets and/or income sources; (ii) requiring relocation due to the project.

Socioeconomic survey. The survey conducted to establish monitoring and evaluation parameters and establish a benchmark of socioeconomic status of affected persons.

Vulnerable. The vulnerable are individuals or groups who may experience differential impacts from the proposed project than dominant population because of their unique and inherit socioeconomic characteristics. Typically, they are those households falling below the poverty line¹, the landless, household members with disability, female headed households, single women, households having elderly (*Jestha Nagarik*) and children, dalits, indigenous peoples and those without legal title to land.

Voluntary Donation. Providing land or other assets to project activity without compensation. The process is considered voluntary if the offer has choices, and no pressure to donate.

¹ NPR 19,262 person/year (source: Nepal Living Standards Survey 2010/2011) i.e. an inflation-adjusted figure of NPR 23,307 per person per annum in 2014

I. INTRODUCTION

A. *The Project*

1. The Disaster Resilience of Schools project (DRSP) will reconstruct and retrofit about 174 secondary school² buildings to earthquake-resistance standard that were damaged by the devastating 2015 Gorkha earthquake in Nepal. These schools have been selected based on the total enrollment, the scale of the physical damages incurred, and the proportion of girls and underprivileged students. They are located in 14 districts affected by the earthquake. The investment works will also include the provision of laboratories, information communication and technology, library, gender segregated toilets, and amenities designed to mitigate other potential weather-related disaster and ensure a safe learning environment. Along with the infrastructure investments, the project will train the school management and communities to increase awareness and reduce exposure and vulnerability to natural disaster.

2. The project (DRSP) with the following impact: disaster risk management for human resource development enhanced. The expected project outcome is: disaster resilience of schools and communities increased and learning environment improved. The three expected project outputs are: (i) heavily damaged schools reconstructed and improved; (ii) unsafe schools retrofitted and disaster risk reduced; and (iii) institutional capacity for disaster resilience strengthened..

B. *Scope of Land Acquisition*

3. The reconstruction of damaged school and (output 1) and retrofitting of damaged building (output 2) will involve civil works and requires land and/or other assets of public use or under individual ownership. Output 3 is related with institutional capacity development and preparation of disaster risk reduction plan and awareness program. The component doesn't involve hardware activities. Each school selected for reconstruction or retrofitting will be considered as subproject. The land requirements for 67 schools out of 174 were assessed during project preparation through project preparatory technical assistance (PPTA). A construction master plan has been prepared for identified schools and total land requirements have been assessed following scope of the master plan.

4. A due diligence study has been carried out covering 67 schools to be considered for first batch financing. The assessment indicates that 66 schools have sufficient land with land ownership certificate within existing boundary and one school has adequate land with land use right issued by local government. However, implementation of master plan will affect existing access road/trail to village for 10% of the total school. It may impose restriction to the access. The access road/trail to village will be continued by shifting alignment and the required cost for shifting the alignment will be included in detailed design of the project. The construction activity will be limited within the existing boundaries of the schools. According to the assessment of land availability for the proposed schools considered for project design and readiness, there is no need of new land acquisition and there won't be physical as well as economic displacement. The due diligence report prepared for social safeguards presents detailed information on land availability and requirements disaggregated by schools (see due diligence report as supplementary document).

² The figure may change.

5. The land requirement and scope of work to be included in master plan for second and third batch schools is unknown at this stage as the identification of all school is not finalized. They (second and third batch schools) will be identified after board approval. Specific need for new land couldn't be defined at this stage. Based on current analysis, it can be assumed that the schools considered for funding by the project in the future are also unlikely to require additional land. However, a minimal area of land may be required in the rare case where existing land would not be suitable for reconstruction and the impacts will be limited. The project has been classified as category 'B' for involuntary resettlement in accordance with ADB's SPS 2009. Hence, this Resettlement Framework has been prepared to (i) bridge the gap between Borrower's and involuntary resettlement requirements of ADB's Safeguard Policy Statement (2009), (ii) guide the screening and planning process of land acquisition and involuntary resettlement, and (iii) lay out the principles and objectives governing the preparation and implementation of involuntary resettlement planning documents.

II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

A. *Objectives of Resettlement Framework and Project's Safeguard Policies*

6. The objective of the Resettlement Framework is to provide policy and procedural guidance to (i) avoid, minimize and mitigate involuntary resettlement impacts; and (ii) identify institutional requirements for preparing social safeguard planning documents for subprojects based on detailed design. It also provides guidelines for updating safeguard planning documents.

7. The resettlement framework (i) explains the general anticipated land acquisition and resettlement impacts of subprojects to be financed under the project; (ii) specifies requirements to be followed for subproject screening, categorization, assessment, and resettlement planning, including arrangements for stakeholders consultation and information disclosure; (iii) outlines objectives, policy principles, and procedures for any land acquisition, compensation and other assistance measures for any affected persons, (iv) assesses adequacy of executing agency capacity to implement national laws, policies, and regulations and ADB's SPS and identify needs for capacity building; (v) outlines social impact assessment and census methodologies; (vi) specifies implementation procedures, including budget, institutional, capacity development, and monitoring and reporting requirements; and (vii) describes responsibilities of the executing agency and ADB in relation to the preparation, implementation, and progress review of social safeguard documents.

B. *Assessment of Policy Frameworks*

1. **Government of Nepal (GON) Laws and Policies**

a. **The Land Acquisition Act, 2034 (1977)**

8. The Land Acquisition Act, 2034 (1977) is the main legal document to guide tasks related to land acquisition in Nepal. There is provision in Clause 3 of the act to acquire land for any public purpose, subject to the award of compensation. According to Clause 4, institutions seeking land acquisition (such as Water User Committees) may also request the government to acquire the land under the regularity provisions subject to be compensated by such institutions' resources. Clause 27 of the act provides an option for land acquisition through negotiation with the land owners. Following this clause, the government may acquire any land for any purpose through negotiations with the concerned landowner. It shall not be necessary to comply with the procedure laid down in this Act while acquiring lands through negotiations Where Clause 27 is enacted, and the plot owner not satisfied with the compensation agreement offered, Clause 18 (Sub clause 2) states that the owner can file a complaint with the Ministry of Home Affairs.

b. **Land Reform Act 2021 (1964)**

9. Another key legislation in Nepal related to land acquisition is the Land Reform Act 2021 (1964). This act establishes the tiller's right on the land which he is tilling. The LRA additionally specifies the compensation entitlements of registered tenants on land sold by the owner or acquired for the 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.

c. Forest Act 2049 (1997)

10. Clause 68 (1) of the Forest Act 2049 states that the government may permit the use of forest land for projects under the national priority. According to the clause 68 (2), if any loss to persons or community is involved while permitting use of such land, it is required to compensate the loss.

d. Local Government Operation Act 2074 (2017)

11. This act has made the rural municipality and municipality (chapter 3, clause 11(g)) responsible for local level development plans and projects:

- (1) Policy, legislation, standards, plan and regulation related to development plan and projects,
- (2) Formulation, implementation monitoring and evaluation of plans and projects necessary for economic, social, cultural, environmental, technological and infrastructure development,
- (3) Study, research and impact assessment of project,
- (4) Records management of feasible natural resources,
- (5) Policy, legislation, standards relating to urban development, settlement development and building under the preview of federal and provincial law, and related project formulation, project identification, study, implementation and regulation
- (6) Approval to build construction and regulation as per the national building code and standards
- (7) Construction and renovation of government building, schools, community building, meeting hall and other public building and structures
- (8) Coordination, facilitation and support in federal and province-level plan and projects
- (9) Other works related to development projects and plan

12. Similarly according to the act (chapter 3, clause 11(h)) the rural municipality and municipality are responsible:

- (9) to verify ownership of land of public schools, document/inventory of their assets, protect and manage school properties
- (13) to construct, repair and maintenance of educational infrastructures required for basic and secondary level schools

13. According to the act (chapter 3, clause 11 (n)) the rural municipalities and municipality are responsible for facilitation and coordination to acquire land for public purposes along with fixation and distribution of compensation for the acquired land.

e. Land Acquisition, Resettlement and Rehabilitation Policy (LARRP)

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

- (i) Recognizes the need of resettlement and rehabilitation plan to ensure the livelihood of the project affected persons or households at least above the pre-project conditions;
- (ii) Emphasize that the project development agency conduct meaningful consultation with the project affected persons including all vulnerable groups such as women, children, indigenous/ Janajati groups, the disabled, the helpless, and persons having no legal rights on the operated land;

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

2. ADB Safeguards Policy Statement (2009)

f. Involuntary Resettlement

15. The objectives of ADB's 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; to enhance, or at least restore, the livelihoods of all displaced

persons in real terms relative to pre-project levels; and (iii) to improve the standards of living of the displaced poor and other vulnerable groups.

16. ADB's SPS covers 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. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary.

17. 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. 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 Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (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 those 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 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 project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a standalone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) 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.

3. Public Communications Policy (2011)

18. The Public Communication Policy seeks to encourage the participation and understanding of people affected by and other stakeholders to ADB-assisted activities. Information on ADB-funded projects should start early in the preparation phase and continue throughout all stages of project development, in order to facilitate dialogue with affected people and other stakeholders. The executing agency should, as necessary, develop a project communications plan and designate a focal point to maintain contact with affected people. With respect to land acquisition, compensation and resettlement, information should be distributed to affected persons publicly and in the following manner: (i) prior to loan appraisal, the draft resettlement plan; (ii) following completion of the final resettlement plan, the final resettlement plan; and (iii) following any revisions, the revised resettlement plan. This information can be in the form of brochures, leaflets or booklets, in the local language(s) as well as English, the working language of the ADB. For affected persons including non-literate people, other appropriate methods of communications will be used.

4. Measures for Bridging Gaps between ADB and Government Policies

19. The Government of Nepal's legal frameworks and ADB's SPS (2009) share (i) both permanent and temporary involuntary resettlement shall be avoided to the extent possible or minimized where feasible, exploring all viable alternative project designs and (ii) where displacement is unavoidable, people losing assets, livelihood, or other resources shall be assisted in improving status at no cost to them. But there also exist certain differences. The Table 1

summarizes the main differences between ADB's policy principles and government's legislation in terms of involuntary resettlement and measures proposed to bridge the gaps.

Table 1: Measures recommended for bridging gaps between ADB Policy and Government's Legal Framework

Key issues	GON Regulation	ADB SPS	Recommended Measures
Severe impact: Loss of more than 10% of the total landholdings and income	Only consider in case of 100% loss of property. LARRP has provision of social impact assessment(7.2.1)	Additional allowances, and income restoration programs such as training and other measures to restore and improve the standard of living of the affected households	Provision has been made to provide skill training and income generating measures in the entitlement matrix
Squatters/illegal occupants/nontitle land users	Do not considers squatters/ encroachers/ nontitle land users for compensation LARRP has provision of compensation for affected non-land assets and assistance for rehabilitation(7.3.8)	Nontitle holders are not entitled for the compensation of land but for replacement cost of assets on land and resettlement assistance business and other assistance	Provision has been made to provide compensation for the affected structures/ houses/ business in the EM
Valuation of affected land, houses and other structures and trees	Compensation rate is determined by CDC, consisting of (i) CDO (ii) representative from local government (iii) Chief of Land Revenue Office (iv) Project Manager LARRP has provision of following scientific procedures while determining the compensation for the lands acquired and losses incurred by individuals/families so that minimum market-value of the property must be maintained and the compensation should be given to the affected families within the given time (7.3.2).	All compensation is based on the principle of replacement cost	Provision has been made for the replacement value for the loss of land, houses/structures. Affected persons are allowed to take salvaged materials. CDC will consult APs prior to finalization of rates.
Other assistance for relocation of the houses	No provisions LARRP has provision that project proponent will ensure the resources required to rehabilitate the livelihood of the affected individuals/ families. (7.1.3)	All the eligible affected persons including tenants, employees are entitled to receive financial assistance to cover physical and economical displacement	Provision has been made for the transitional allowances, transport allowances and one time financial assistance to the tenants, employees

Key issues	GON Regulation	ADB SPS	Recommended Measures
Vulnerable groups	No provisions LARRP has provision of additional assistance and inclusive programs targeting these groups to uplift their socioeconomic status (7.2.7).	Focused on the poor and vulnerable group to avoid future impoverishment and create new opportunities	Provision has been made for income restoration programs and other financial assistance
Voluntary land donation	No explicit provision in LAA 1977. Voluntary donation is in practice for charitable purposes of religious and other social works and self-motivation.	The borrower is required to engage an independent third-party to document the negotiation and settlement processes to openly address the risks of asymmetry of information and bargaining power of the parties involved in such transactions	A mechanism will be established ensuring transparent process is followed, and there is no coercion for donation of land. The verification will be done by a third party.

C. Project's Policy Framework

20. The Government of Nepal's legal frameworks and ADB's SPS (2009) share (i) both permanent and temporary involuntary resettlement shall be avoided to the extent possible or The project will adopt following criteria, among others, while selecting subprojects during implementation. The priority will be given to those schools

- (a) which don't require additional land such as the existing school boundary is sufficient to implement master plan;
- (b) where School Management Committee (SMC) shows ownership of land and land use right/lease agreement;
- (c) where SMC shows willingness to manage land incase additional land outside school boundary is required;
- (d) exists possibility of voluntary donation or willing seller and willing buyer option to acquire land;
- (e) where any land requirement that do not cause significant involuntary resettlement impact;
- (f) which do not have impact on indigenous people;

21. The school required to adopt involuntary land acquisition will be considered only if school reconstruction is unavoidable, serves highest number of students and majority of them are from vulnerable groups.

22. Based on the gap analysis between the government and ADB policy requirement, the project will adopt following policies for involuntary land acquisition and resettlement:

- (i) Avoid, minimize, and mitigate involuntary resettlement impacts wherever possible; If involuntary resettlement impact are unavoidable, explore alternative design to minimize the impacts; mitigate identified adverse impacts by providing compensation, and resettlement assistance and income restoration measures.
- (ii) Carry out screening during final selection and designing of schools.

- (iii) Conduct social impact assessment. Prepare safeguard planning document commensurate with the findings of the social impact assessment.
- (iv) Prepare safeguard planning document commensurate with the findings of the social impact assessment.
- (v) Provide compensation at replacement cost principle and/or assistance/ allowances to maintain at least the same level of well-being with the project as without it.
- (vi) absence of legal title to land should not be a bar to compensate non-land assets and income sources.
- (vii) Pay attention to vulnerable groups and provide appropriate assistance to improve their socioeconomic status.
- (viii) Hold meaningful consultation during project design and implementation, particularly on land acquisition and compensation options.
- (ix) All acquisition of, or restriction on access to, resources owned or managed by the Affected households as common property, e.g., community forest, public road will be mitigated by arrangements that will ensure access of those affected households to equivalent resources on a continuing basis.
- (x) Complete land compensation and resettlement assistance prior to displacement and other rehabilitation activities will continue during project construction.
- (xi) no deductions in compensation payments for land, structures or other affected assets for salvage value, depreciation, taxes, stamp duties, fees or other payments.
- (xii) Establish effective mechanisms for hearing and resolving grievances during the planning, updating, and implementation of the resettlement plan for any subproject and inform all affected person

D. Screening and Classification

23. Resettlement screening for subproject will be carried out during final selection and designing of schools. The Central-level Project Implementation Unit (CLPIU) and District-level Project Implementation Unit (DLPIU) with support of Design and Supervision Consultant (DSC)'s social safeguard expert will screen and categorize³ the subprojects using the checklists (Annex 2 & 3) for the eligibility of project funding.

24. The CLPIU will submit summary report on subproject eligibility assessment and categorization covering all schools prior to invitation for bid (IFB) for each contract package to the executing agency and ADB for review and approval.

25. The CLPIUs and DLPIUs will conduct detailed measurement survey (DMS). The DMS will include 100% of affected households and will collect data required to verify the details of affected persons details of land ownership, plot sizes, types of land use, number and types of trees and crops, types and conditions of affected buildings/structures.

³ The categorization will be based on the degree of resettlement impacts: (i) Significant (Category A)-as a result of the subproject, 200 or more people will experience major impacts, that is, being physically displaced from housing, or losing 10% or more of their productive (income-generating) assets; (ii) Limited (Category B)-as a result of the subproject, less than 200 people will be physically displaced from housing or lose less than 10% of their productive (income-generating) assets. or (iii) No resettlement effect (Category C)-the subproject does not require temporary or permanent land acquisition, and there are no impacts involving the loss of land, structures, crops and trees, businesses or income. No resettlement plan is required.

E. Principles & Policies of Entitlements

1. Avoiding or Minimizing Involuntary Resettlement through Exploring Project Design Alternatives

26. The design and supervision consultant and the DLPIU shall explore alternatives to avoid or minimize involuntary resettlement by analyzing design alternatives that will yield the same or similar project benefits. Technical team shall use design elements of the building which requires less land acquisition, less disruption of livelihood, and less resettlement plan implementation cost. In this project the school building can be designed from single story to multistory, choosing modern technology and equipment for labs and other learning associated structures. The design team and SMC shall explore barren land, waste land and land with low productivity to reduce livelihood impact, similarly design options shall explore requiring less quantum of land. Option of negotiated settlement or voluntary donation could also be an alternative to avoid involuntary resettlement.

2. Entitlement Policy

27. This entitlement policy will be applicable only if the project required to acquire land using eminent domain. The policy has been proposed in line with the applicable laws and policies of the Government of Nepal particularly the provisions made under the Land Acquisition Act 1977 (2034 B.S.), Forest Act 1993 (2049 B.S.) and Policy on Land Acquisition, Resettlement and Rehabilitation for the Infrastructure Development Projects, 2015 (2071 B.S.), and ADB SPS 2009. The entitlement policy covers direct livelihood impacts as a result of land acquisition. All households thus identified as affected and recorded in the impact inventory will be eligible for and entitled to compensation and/or livelihood assistance. This is regardless of their legal status, titled or non-titled to the lands they are cultivating or occupying. Therefore, the affected households could include, but not limited to, property owners, people occupying land without land ownership certificate, and tenants with tenancy agreements that are written or unwritten.

3. Entitlements

28. The identified affected persons will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets, and scope of the impacts including socio-economic vulnerability of the affected persons and measures to support livelihood restoration, if livelihood impacts are envisaged as per resettlement principles and policy discussed above. The affected persons will be entitled to the following five types of compensation and assistance packages:

- (i) Compensation for the loss of land, crops/ trees at their replacement value⁴
- (ii) Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- (iii) Rehabilitation assistance in lieu of the loss of business/ wage income/sources of income;
- (iv) Rebuilding and/ or restoration of community resources/facilities.
- (v) In case of affected persons from indigenous people groups, following additional entitlements will be provided:

⁴ The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any

- (a) In case of loss of land and a total dependency on agriculture: land-for-land compensation if preference expressed by the indigenous people households.
- (b) Additional one-time assistance allowance of 3 months minimum wage per household to cover for additional human resources needed to help them, rebuild their houses, and re-establish their livelihood. This will be over and above the other assistance given in this framework.
- (c) At least one person from each affected household will be considered for income generating vocational training and skill improvement options as per their choice.
- (d) Vulnerable affected persons will be given priority in employment in the project construction and project operation activities.

4. Voluntary Land Donation⁵

29. The project may accept voluntary donation of lands, if the existing lands are insufficient or unsuitable for reconstruction. Such offer would be considered only if (i) the voluntary offer is not entire land under donor's ownership, (ii) it will not result in permanent and significant loss/impact on income and livelihood of the land donor or causing any third party displacement⁶; (iii) meaningful consultation is carried out with the donor on positive and negative aspects of voluntary offer, and (iv) land owners agree and their voluntary offer without coercion is documented. The process and steps to be followed for assessing eligibility of voluntary donation and documentations are given in Annex 7.

30. A mechanism will be established ensuring transparent process was followed and coercion was not used for donation of land. The whole process will be verified and validated by an independent third party for all voluntary offer of land. The TOR for independent third party is attached in Annex 1. The above information has to be included in a report to be prepared by the external third party⁷. The donor and SMC may discuss and agree on nomination of third party which is acceptable to both sides and neutral in nature. The third party can be nominated either from reputed and qualified agencies/ NGO/ firms/ individuals. The DSC through CLPIU shall submit due diligence report to ADB for review and approval including information on eligibility assessment, voluntary donation process and verification from independent third party to ensure there is no coercion for donation. Sample voluntary contribution consent form is attached in Annex 5.

5. Entitlement Matrix

31. The entitlement matrix presented in Table 2 below summarizes the main types of losses and corresponding entitlements, which reflect applicable laws and regulations of the government and safeguard policies of ADB. The entitlements listed in the entitlement matrix are based on standards and practices adopted by the government for similar projects under ADB funding. However, if additional resettlement impacts are identified, provisions of compensation and assistance will be updated to include them based on the above-mentioned principles and policy of entitlement.

⁵ This also includes donation of other types of assets attached to the lands

⁶ The donated land/assets should be free of third party impacts (current user of lands/assets, either by formal or informal arrangement). If there is presence of third party, the offer should be endorsed by the third party

⁷ The ToR of the independent third party is provided in Appendix 1.

Table 2: Entitlement Matrix

Type of Loss	Application	Entitled Person(s)	Entitlements	Comments
1. Loss of lands	Homestead land, agricultural land or vacant plot	1.1 Owners with legal title or legalizable title	<p>Land for land options will be offered if government or ailani land is available for APs losing entire land of his/her ownership.</p> <p>Cash compensation based on replacement cost.</p> <p>Includes option of compensation to those affected land remaining after acquisition is no longer viable</p> <p>All fees, taxes and other charges as applicable under relevant laws and regulations</p> <p>Provision of notice to harvest standing seasonal crops. If notice cannot be given, compensation for share of crops will be provided at replacement cost.</p> <p>In case of commercial lands additional assistance to restore business loss as per item 5 of this EM</p> <p>Additional support/assistance for vulnerable households as per item 7 of this EM</p>	<ul style="list-style-type: none"> • Payment will be made in full to the AP prior to taking possession. • With the consent of title holder compensation will be paid preferably in joint account of husband and wife.
		1.2 Legal tenants/ leaseholders/ sharecroppers	50 percent cash compensation to the leaseholders/share cropper (registered tenants) of the affected plots as per the prevailing laws	<ul style="list-style-type: none"> • Payment will be made in full to the AP prior to taking possession.

Type of Loss	Application	Entitled Person(s)	Entitlements	Comments
			<p>(LA Act Clause 20). Other 50 percent to the landowner</p> <p>Cash compensation at replacement cost to the standing crops in line with mutual agreement between the owner and sharecropper.</p> <p>Income disturbance allowance up to 3 months of wage labor for affected registered tenants/ sharecroppers and land owners Additional support/assistance for vulnerable households as per item 7 of this EM</p>	<ul style="list-style-type: none"> • With the consent of title holder compensation will be paid preferably in joint account of husband and wife.
		1.3 Non-registered sharecropper / leaseholders	<p>Landowners will reimburse leaseholders land rental deposit or unexpired lease.</p> <p>Loss of income and investment will be compensated based on loss incurred.</p> <p>Additional support/assistance for vulnerable households as per item 7 of this EM</p>	<ul style="list-style-type: none"> • Payment will be made in full to the AP prior to taking possession. • With the consent of user of the land, compensation will be paid preferably in joint account of husband and wife. • The user occupying land prior to cut off date will be eligible for entitlements. The date of completion of census survey will be the cut-off date for entitlement. The CLPIU/DLPIU will publish cut-off date in a communication media

Type of Loss	Application	Entitled Person(s)	Entitlements	Comments
		1.4 APs occupying lands without legal titles and without legalizable claim (squatters and encroachers)	<p>Cash compensation at replacement cost to non-land based assets.</p> <p>Loss of income and investment will be compensated based on loss incurred.</p> <p>Additional support/assistance for vulnerable households as per item 7 of this EM</p>	<p>easily approachable to affected persons.</p> <ul style="list-style-type: none"> • Payment will be made in full to the AP prior to taking possession. • With the consent of user of the land, compensation will be paid preferably in joint account of husband and wife. • The user occupying land prior to cut off date will be eligible for entitlements. The date of completion of census survey will be the cut-off date for entitlement. The CLPIU/DLPIU will publish cut-off date in a communication media easily approachable to affected persons.
2. Voluntary donation of lands	Homestead land, agricultural land or vacant plot	Land owner(s)	<ul style="list-style-type: none"> • No compensation for the donated land • Exemption of any transfer costs, registration fees or other municipal charges. 	<p>Donation is accepted only if :</p> <ul style="list-style-type: none"> • The donor is fully consulted and informed about the positive and negative aspects of land loss; • Donor doesn't fall below poverty line after land donation;

Type of Loss	Application	Entitled Person(s)	Entitlements	Comments
				<ul style="list-style-type: none"> • Donated land is part of total land holding; • Is unforced or freely willing to donate, • Donation should be verified by a third party to ensure integrity and impartiality.
3. Loss of residential and commercial structures and other assets	Marginal impact (i.e., unaffected portion of the house is still viable for use and no relocation required)	3.1 Owners of the structures with or without acceptable proof of ownership over the land; with or without building permit	<p>Cash compensation at replacement cost for the affected portion.</p> <p>Repair allowance equivalent to not less than 20% of replacement cost of the affected portion, or equivalent to the actual cost of repair.</p> <p>The affected households have right to take salvaged materials without deduction to compensation.</p>	<p>Payment will be made, in full, to the AP before taking possession of the structure.</p> <p>Technical team of (DLPIU or DSC consultant) will assess and confirm viability of use of the building and concurred with by the affected household during the DMS.</p>
	Severe impact (i.e., house is no longer viable for continued use and the entire structure is to be acquired)	3.2 Owners of the structures with or without acceptable proof of ownership over the land; with or without building permit	<ul style="list-style-type: none"> • Cash compensation at replacement cost for the entire structure. • Materials transport allowance equivalent to 1.5 months minimum wage for the household if relocating in the same ward/village; 2 month minimum wage for the household if relocating elsewhere in the municipality/district. 	<p>Payment will be made, in full, to the AP before taking possession of the structure.</p> <p>Technical team of (DLPIU or DSC consultant) will assess and confirm viability of use of the building and concurred with by the affected household during the DMS.</p>

Type of Loss	Application	Entitled Person(s)	Entitlements	Comments
			<ul style="list-style-type: none"> • One-time assistance allowance of 1 month minimum wage for the household for those who will move to another plot of land and 1/2 month minimum wage for the household for those who will move within the same plot of land. • The affected household have right to take salvaged materials without deduction to compensation 	
4. Loss of crops, fruits and timber trees	Standing crops, fruits and timber trees on the affected lands	4.1 Owner of crops or trees (including encroachers, squatters, sharecroppers, and tenants	<p>Advance notice of 1 month to be provided to APs to harvest their crops, if construction started in harvesting season. Cash compensation for loss of crops at replacement rate (if destroyed) based on average production in last 2 years. The unit rates for the same will be determined based on wholesale market and in consultation with the concerned District Agriculture Development Office.</p> <p>Cash Compensation at replacement rate calculated based on their productive life for loss of fruit trees that have been grown for both self-consumption and commercial production. The unit price at replacement rate will be determined based on wholesale price and in consultation with the concerned District Agriculture Development Office.</p>	<p>Affected person will be responsible to cut down and transportation of tree products.</p> <p>The APs will be responsible to care and protect sapling planted for replacement of tree.</p>

Type of Loss	Application	Entitled Person(s)	Entitlements	Comments
			<p>Compensation for felling down and transportation of timber trees from field to residence computed based on MOFSC norms.</p> <p>The tree owner can take logs, branches, roots and fodder of the affected tree.</p> <p>One sapling of suitable species for each tree will be provided to owner for replantation.</p>	
5. Loss of livelihood due to loss of productive lands assets	Special Assistance for livelihood/source of income restoration	5.1 All affected households losing 10% or more productive lands regardless of tenure status	<p>One time livelihood assistance allowance of 3 months minimum wage (as per established rate of concerned municipality or district) for the household.</p> <p>At least one-person from each severely affected and vulnerable households will be considered for income generating vocational training when desired and skill improvement options as per their choice.</p> <p>Livelihood assistance and skill development training to the family having loss of 10% or more of total productive lands</p> <p>As far as possible temporary employment will be provided to affected households in the project construction work by the project contractor. Preference will be given to affected people living</p>	

Type of Loss	Application	Entitled Person(s)	Entitlements	Comments
			below poverty line, vulnerable or lost their employment or income generation source due to project impacts.	
6. Loss of income/ livelihood due to disruption of business or employment	<p>Special Assistance for livelihood restoration</p> <p>{Marginal impact (i.e., disruption of business due to reorganization of the shop on the residual land; disruption of employment of less than 3 months)}</p>	6.1 Business/shop owners (regardless of tenure status) and employees/laborers of affected assets	<p>One-time assistance allowance based on actual loss of income due to disruption of business for the business owner, employee/laborer employed by the business/shop</p> <p>A shifting allowance (transport plus load un loading charges) of NRs 5000.00 will be paid to affected shop/business owner (A 10% annual escalation factor applies, if the entitlements are delivered in long gap after decision).</p>	The CLPIU through DLPIU and DSC will ensure payment is made prior to physical displacement.
	<p>Special Assistance for livelihood restoration</p> <p>{Severe impacts (i.e., disruption of business due to relocation of shop; and disruption of employment for more than 3 months)}</p>	6.2 Shop owners (regardless of tenure status) and employees/laborers of affected assets	<p>Materials transport allowance equivalent to 1-month minimum wage for the business/shop owner household if relocating in the same village; 2 month minimum wage per adult for the business/shop owner household if relocating elsewhere in the district.</p> <p>One time assistance allowance of 2 month minimum wage for the business owner, employee/laborers household</p> <p>Entitled to take part in skill development and vocational training as part of income</p>	

Type of Loss	Application	Entitled Person(s)	Entitlements	Comments
<p>7. Higher risks of impoverishment /hardship due to loss of resource base</p>	<p>Additional support to IPs & vulnerable households {All Impacts(loss of land and non-land assets and income sources)</p>	<p>7.1 Households categorized as vulnerable⁸ namely Women-headed households; disable or elderly person; IPs categorized as endangered, highly marginalized and marginalized groups; Dalits and APs who live under official poverty line regardless of severity of impacts</p>	<p>restoration program as per item 5 of this EM.</p> <p>For affected IPs:</p> <p>(a) Land for land compensation option will be given</p> <p>(b) The project will provide one-time assistance allowance of 3 months minimum wage for the affected IP household. This will be over and above the other assistance.</p> <p>(c) At least one person from the affected IP households will be considered for income-generating vocational training and skill improvement options as per their choice as per item 5 of this EM.</p> <p>(d) Interested individuals from affected IPs households will be given priority in employment in the project construction and project operation activities</p> <p>Other vulnerable households: In case of loss of land and a total dependency on agriculture: land-for-land compensation if preference expressed by the affected person</p>	<p>The CLPIU through DLPIU and DSC will ensure timely delivery of assistance and payment</p>

⁸ The vulnerable are individuals or groups who may experience adverse impacts from the proposed project more severely than others because of their vulnerable status. Typically, those households falling below poverty line(living below poverty line—NPR 19,262 person/year (source: Nepal Living Standards Survey 2010/2011)) i.e. an inflation-adjusted figure of NPR 23,307 per person per annum in 2014) the landless or those without a title to land, disabled household heads, female headed households with dependents, households having elderly and children who have no other means of supports, Dalits and Indigenous Peoples(marginalized and endangered category of IPs) comprise the disadvantaged or vulnerable groups among the project affected population.

Type of Loss	Application	Entitled Person(s)	Entitlements	Comments
			<p>Additional one time assistance allowance of 3 month minimum wage per adult for the household to cover for additional human resources needed to help them, rebuild their houses, and re-establish their livelihood. This will be over and above the other assistance given in this framework.</p> <p>At least one-person from each affected household will be considered for income generating vocational training and skill improvement options as per their choice as per item 5 of this EM.</p> <p>Vulnerable APs will be given priority in employment in the project construction and project operation activities</p>	
<p>8. Loss of cultural and community structures/ public facilities/ community forests</p>	<p>Common property resources such as community forests, monasteries, temples, irrigation channel, water supply pipes, electricity poles etc. affected by the Project activities.</p>	<p>8.1 Affected community/ Institution/user group responsible for the administration of the property</p>	<p>Replacement or restoration of the affected community facilities (including temples, shrines, public water stand posts etc.) in consultation with the affected community.</p> <p>Or cash compensation for restoring the affected cultural/community structures to the recognized institution/ patron/ custodian of the affected structure. Project Assistance to move the structure to a new location</p> <p>In case of community forests, full compensation to the affected trees and other natural resources. SMC</p>	

Type of Loss	Application	Entitled Person(s)	Entitlements	Comments
			needs to fulfill all the mitigation conditions and commitments as stated in the Forest Lease Agreement.	
9. Unanticipated adverse impacts due to project intervention or associated activity.	Unanticipated involuntary and other impacts of the subprojects will be documented during the implementation phase and mitigated based on provision made in the RF. The EA and project implementation authorities will finalize the entitlements in line with GON legal provisions and ADB's SPS, 2009.			

III. SOCIAL IMPACT ASSESSMENT & PREPARATION OF RP

A. Social Impact Assessment

32. Social Impact Assessment (SIA) for sub-projects that involves land acquisition and resettlement impacts will be carried out. The CLPIU through DLPIU with support of the social development/safeguard specialist of the design supervision consultant (DSC) will undertake social impact assessment (SIA) for each identified subproject. The assessment will help in determining the magnitude of displacement, prospective losses, better targeting of vulnerable groups, ascertaining actual costs of resettlement, and preparing and implementing a resettlement plan. During the identification of the impacts of resettlement and resettlement planning, and implementation, the implementing agency will pay adequate attention to concerns of the IPs and vulnerable peoples.

33. The SIA, includes (i) an inventory of all affected assets located within the designated alignment of the project facilities, including land of various types (residential, commercial, and agricultural) and other immovable property (buildings, fences, sheds, irrigation canals, wells, and other structures) where quantities and relevant measurements are clearly determined; and (ii) the valuation of these assets at replacement cost according to local market prices and standards of valuation, without deductions for age-related depreciation, recovery of salvageable materials, or registration fees and other transaction costs.

1. Detailed Measurement Survey (DMS)

34. An inventory of displaced persons and their affected assets will be prepared for identifying displaced persons eligible for resettlement entitlements, determining categories of the entitlements, and providing a basis for valuation and compensation. Based on the detailed design, DMS of likely affected assets (land and structure) will be conducted. DMS will include information on: (a) total and affected areas of land by type of land assets, (b) total and affected areas of structures, by type of structure (main or secondary), (c) legal status of affected land and structure assets and duration of tenure and ownership, (d) quantity and types of affected crops and trees, quantity of other losses, and (e) quantity/ area of affected common property, community or public assets by type. The survey will cover the following: (i) boundaries of the site identified for the proposed subproject elements in case of subprojects involving new interventions, (ii) current users of the subproject site including businesses, vendors, whether titleholders or otherwise and experience temporary disruptions during construction, and (iii) losses of affected persons. The inventory of displaced persons and their affected assets also supplies an important part of the resettlement database to be used for project monitoring and supervision.

2. Census Survey

35. A census of all displaced persons with basic demographic and socioeconomic data, such as household size, age, gender (especially of the head of household), ethnicity, occupation, household income, and vulnerability will be carried out by conducting census survey. The purpose of the census is to register and document the status of potentially affected persons within the project's footprint. The census will cover 100 percent of affected persons. The census will quantify the possible social impact in terms of loss of land, assets and income. It will provide a demographic overview of the population, and will cover people's assets and main sources of livelihood. The census and socioeconomic survey guideline is attached in annex 4.

3. Socioeconomic Survey (SES)

36. Socioeconomic survey for a representative number of project affected households (AHs) will also be pursued by the survey team. The survey shall cover 20% of Affected household (AHs) including proportionate representation of vulnerable affected households (VAHs). The socioeconomic information may include but not limited to demographic information; economic profile, livelihood activities, health and sanitation practices, access to health, education, market and other public infrastructures/facilities of the community and AHs. The socioeconomic survey guideline is attached in annex 4.

B. Preparation of Resettlement Plan

37. Resettlement plans will be prepared for subprojects based on the results of the census and from information drawn from the socio-economic survey. RPs will be commensurate with subproject IR impacts. All RPs will be reviewed and approved by ADB prior to publication of IFB.

38. Social development/safeguard specialist of design and supervision consultants (DSC) will prepare or update RPs on behalf of project implementation unit (CLPIU). A RP will include measures to ensure that the affected persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. The RP will also include the socio-economic information of affected persons, and their entitlements to restore losses, institutional mechanisms and schedules, avenues for grievance redresses, and monitoring mechanism.

39. The draft RP will be disclosed to affected persons and their comments will be addressed in subsequent revisions of the RP. The RP will be prepared in English, main content translated into local language and notified to the public in an appropriate means of dissemination. An outline of a RP has been presented in Annex 6.

C. Gender Impacts and Mitigation Measures

40. Special attention is required on gender related concerns, including specific measures addressing the need of female headed households, gender-inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance as well as assistance to restore and improve their incomes and living standards.

41. A Gender Equality and Social Inclusion Action Plan (GESI-AP) has been prepared. Consistent with the GESI-AP, resettlement planning and implementation will ensure that women, as members of the affected households, are adequately considered when they are physically or economically displaced by subprojects. The RP will formulate measures to ensure that socioeconomic conditions, needs, and priorities of women are identified, and the process of land acquisition and resettlement does not disadvantage women. They will be given equal opportunity for participation in public consultations. To ensure gender-sensitive and culturally responsive measures, the executing agency and the implementing agencies will adopt suitable strategies to ensure the active involvement of women.

IV. CONSULTATION, PARTICIPATION & DISCLOSURE

A. *Public Consultation*

42. A range of consultative methods will be adopted to carry out consultation including, but not limited to: focus group discussions (FGDs), public meetings, community discussions, and in-depth and key informant interviews; in addition to the censuses and socioeconomic surveys.

43. The key stakeholders to be consulted during impact assessment; design and implementation of resettlement plan include:

- (i) all affected persons, including vulnerable households;
- (ii) project beneficiaries;
- (iii) Members of School Management Committee (SMC)
- (iv) School teachers, students and guardians
- (v) host populations in resettlement sites (if any);
- (vi) elected representatives, community leaders, and representatives of community-based organizations;
- (vii) local NGOs; and
- (viii) local government (municipalities) and relevant government line agency representatives.

44. The SMC with support and guidance from the DLPIU and DSC social development/safeguard expert will ensure that affected persons and other stakeholders are informed and consulted about the subproject, its impact, their entitlements and options, and allowed to participate actively in the development of the subproject. This will be done particularly in the case of vulnerable affected persons, who will be encouraged to choose options that entail the lowest risk.

45. The DLPIU with support of DSC will ensure that views of affected persons, particularly those who are vulnerable, related to the resettlement process are looked into and addressed. The DLPIU will ensure that affected persons consulted are informed about the outcome of the decision-making process and will confirm how their views were incorporated. Since resettlement is a continuous process and baseline data/information will be collected, the DLPIU with support of DSC will regularly update the baseline information.

B. *Information Disclosure and Dissemination*

46. The draft and final RF, RPs will be disclosed on ADB's website, MOE/ CLPIU website, and made available to affected persons; information dissemination and consultation will continue throughout project implementation. Summaries and entitlement matrix of the RP will be translated into language used by majority affected persons and made available to the affected persons, and put in concerned office of the school, and respective municipality ward offices. As per Clauses 3, 7 and 8 of Right to Information Act, 2064 (2007), copies of these documents will be provided to any requester by charging the photocopy cost.

47. Project information will be disseminated to project beneficiaries and land acquisition related information to affected persons at various stages. The school administration and school management committee with the support of DLPIU and DSC will be responsible for informing potential affected persons and the general public about the project and land acquisition requirements using appropriate means of communication.

48. The information disseminated to affected persons will include on involuntary resettlement policies and features of the RP. Basic information such as sub-project location, impact estimates, entitlements, and implementation schedule will be presented to affected persons. This will enable stakeholders to provide inputs on the resettlement process, their preparedness for displacement prior to award of civil work contracts. A summary of consultation and disclosure activities to be followed for each sub-project and details and responsibility for consultation and disclosure activities are given in **Table 3** below.

Table 3: Consultation and Disclosure Roles and Responsibilities

Project Phase	Activities	Details	Responsible Agency
Project Initiation Stage	Sub-project information dissemination; Disclosure of proposed land acquisition to APs	Public notice issued in public places including newspapers and direct consultation with APs	SMC/DLPIU/ DSC
RP Preparation Phase	Stakeholder consultations	Further consultations with affected persons and households, titled and non-titled. Summary RP made available to all APs.	SMC/DLPIU/DSC
	Disclosure of final entitlements and rehabilitation packages and disclosure of draft RP	RP disclosed to all APs in local language	SMC/DLPIU/DSC
	Finalization of RP	Review and approval of RP by executing agency. Review and approval of RP by ADB. Web disclosure of the RP	CLPIU/MOE/DoE and ADB
RP Implementation Stage	Consultation with APs during RP implementation	Consultations with APs.	SMC/DLPIU/ DSC

V. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation

49. Compensation for loss of land will be determined on the basis of replacement value. Land acquisition and resettlement impacts will be compensated in accordance with the provisions of the entitlement matrix in Table 2. The replacement value for the land will be determined by CDC.

50. The replacement values for immovable properties, including structures and assets will be arrived at by as follows:

- (i) Houses and Buildings. The value of the houses, buildings and other immovable properties of the affected persons will be determined for the purpose of payment

- of compensation as per the current year district rate approved and published by concerned office following replacement cost principle.
- (ii) Trees. Compensation for trees will also be based on their market price in case of timber bearing trees and replacement value in case of fruit bearing trees, calculated as per provisions of the entitlement matrix, based on rates calculated by the concerned district agriculture office, forest office for the current year.
 - (iii) Other Assets. Compensation for the assets attached with land such as wells, tube-wells, pumps, tanks, etc. will be based on replacement value.

51. Compensation will be paid before taking possession of land/properties. If the Competent Authority fails to pay decided compensation to affected persons within a year after the date of notification, additional amount by way of interest (10%) will apply on final compensation payable to each affected person, except in cases where the AP has approached the judiciary for grievance redressal.

B. Income Restoration and Resettlement

52. Income restoration schemes will be designed in consultation with affected persons in commensurate with level of impact on income sources and livelihood strategy. The income restoration program will be designed based on skill of identified person, existing professions, resource base of affected persons and their socioeconomic characteristics.

53. The basic objective of income restoration activities is to ensure that each AP will at least have the same or improved income and livelihood after the sub-project. The CLPIU/DLPIU will frame a list of possible income restoration options in consultation with affected persons having examined local employment opportunities. Suitable trainers/local resource persons will be identified, seeking the assistance of local/regional training institutes, if required.

VI. GRIEVANCE REDRESS MECHANISM

54. The project will form its own mechanism to hear grievances and concern raised from affected persons and project beneficiaries in addition to GRM provisions specified in land acquisition act 1977. The objective of 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 project will establish three tiers of grievance redress committees (GRC):

55. **First level of GRC:** A GRC will be formed at school level comprising 5 members. The GRC will be chaired by SMC chair, and DLPIU/ DSC site in charge, head teacher, representative of parent's teachers committee and one representative from surrounding community will be members of the committee. The school head teacher will work as member secretary of the committee. The DSC safeguard monitor will provide orientation and required support to the GRC. The member secretary of the GRC will maintain grievance registry and document records of grievances and resolution status. Any person with a grievance related to the project works, safeguards and other issues can register their grievance to this GRC through any means of communication. The committee will meet the second day of grievance registration and send acknowledgement to the complainant regarding registration of the complaint and next action to be taken within 3 working days of registration. The CLPIU and DLPIU phone number and GRC nodal officer's contact address will be posted in public areas within the sub-project areas and construction sites. The committee shall complete its process by 7 days to resolve the grievance, if the grievance is not resolved in this committee and not in jurisdiction of this level forward it to second level GRC within 10 working days and inform complainant accordingly.

56. **Second level of GRC:** The second-level GRC will be formed at DLPIU comprising 3 members to hear the unresolved grievances forwarded by the school level GRC. The GRC will be chaired by DLPIU project manager, and DLPIU safeguard focal person, DSC safeguard monitor. The DLPIU safeguard focal person will work as member secretary of the committee. The member secretary of the committee will maintain grievance registry and document records of grievances and resolution status. The committee will meet the third day of grievance registration and take decision within 7 working days of registration. If the committee resolved the grievance, it shall inform the complainant in written about the decision copy to school level GRC to close the case, if the grievance is not resolved in this committee and not in jurisdiction of this level forward it to third level GRC within 10 working days and notify first level GRC to inform complainant accordingly.

57. Each GRC will maintain a grievance registry containing following information: (i) name of the person; (ii) date complaint was received; (iii) nature of complaint; (iv) location, (v) means of communication, (vi) status of the complaint (in process, resolved, forwarded to next level).

58. **Third level of GRC:** The third-level GRC will be formed at CLPIU comprising 3 members to hear the unresolved grievances forwarded by the DLPIU level GRC. The GRC will be chaired by CLPIU project director, and CLPIU safeguard focal person, DSC safeguard expert. The CLPIU safeguard focal person will work as member secretary of the committee. The member secretary of the committee will maintain grievance registry and document records of grievances and resolution status. The committee will meet the third day of grievance registration and take decision

within 7 working days of registration. After resolution of grievances the committee will notify the DLPIU copy to school level GRC to implement the decisions and actions agreed. The school level GRC will be responsible to implement actions and close the case once all actions are completed.

59. The CLPIU's project director will activate the third level of the GRM by referring the issue (with written documentation) forwarded by lower level GRCs, which will, based on review of the grievances, address them in consultation with CLPIU, DLPIU, and complainant. The member secretary of the GRC with support of DSC safeguard expert 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. Decision has to be made within 15 days of receipt of complaint at this level. Complaints can be registered at GRC of CLPIU. However, CLPIU level GRC shall refer the complaints registered at the CLPIU to the concerned school level GRM for initial hearing within 7 days of registration.

60. Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage, and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

61. If the established GRM is not able to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the complaint receiving officer (CRO) at ADB headquarters or the ADB Nepal Resident Mission. The complaint can be submitted in any of the official languages of ADB's DMCs.

VII. INSTITUTIONAL ARRANGEMENT AND RESPONSIBILITIES

A. *Institutional Roles and Responsibilities for Social Safeguards*

62. The National Reconstruction Authority of Nepal will be the executing agency of the project. Ministry of Education, Science and Technology (MOEST) has already formed Central Level Project Implementation Unit (CLPIU) and District Level Project Implementation Unit (DLPIU). The CLPIU will assign a focal person for social safeguards with support of other two staffs. CLPIU will be responsible for the overall management of the DR-PSIC project. The CLPIU is headed by Project Director (PD) supported by officials including Deputy Project Director. The CLPIU will receive technical support from the DSC engaged for DR-PSICP. DSC will be providing support to the CLPIU and DLPIU for the DRSP. The CLPIU will deliver following responsibilities regarding social safeguards:

- Review and approve resettlement plans, ensuring that the resettlement plans are consistent with ADB's SPS, the resettlement framework, and the loan agreement;
- Endorse resettlement plans and forward them to ADB for review and concurrence;
- Orient, as needed, the DLPIUs on their tasks relative to developing, updating, and implementing resettlement plans;
- Secure the budget for carrying out resettlement plans, ensuring that funds are available in a timely manner and in sufficient amounts;
- Approve all disbursements connected with the implementation of the resettlement plans, such as payment of compensation and other entitlements, operational expenses of personnel, etc.;
- Ensure that funds for resettlement are spent judiciously; and
- Monitor the implementation of the resettlement plan, ensuring that this is carried out in compliance with the project resettlement principles, the resettlement framework, and with loan agreement.

63. **District Level Project Implementation Unit (DLPIU).** In the project districts, District Level Project Implementation Units (DLPIUs) have already established in each of project districts. The DLPIUs are responsible for implementation of project activities, construction supervision and monitoring. One DLPIU will cover all schools in the district. A safeguard focal person will be assigned to coordinate safeguard activities and reporting. A team of field level DSC will provide technical support to DLPIU. The DSC field level team will have dedicated safeguard and gender monitors. The DLPIU with technical support of DSC social development/safeguard expert is responsible for following tasks:

- Undertake involuntary resettlement screening and classification of subprojects for submission to CLPIU and ADB;
- Prepare the RP and submit to CLPIU and ADB for review;
- Secure the approval of the resettlement plan from CLPIU and concurrence from ADB;
- Secure prior approval by CLPIU and concurrence from ADB for any variations in approved resettlement plans;
- Secure the data base of affected households and assets gathered during the preparation and updating of the resettlement plan;
- Ensure all government requirements are complied with;
- Facilitate a sustained public information campaign, ensuring that the public, especially the affected households, are updated on any developments regarding the Project and resettlement activities;

- Lead the DMS and updated census of affected persons, including the updating of the rates used in calculating compensation and other entitlements to reflect prevailing market rates at the time of compensation;
- Lead the selection, acquisition, and preparation of replacement plots if required, including the preparation of a coordinated schedule of delivery of compensation and other entitlements, the relocation of people, harvesting of standing crops, and the start of civil works in a particular section of the subproject;
- Lead the delivery of compensation and other entitlements to the affected households;
- Receive and act on the complaints and grievances of affected households in accordance with the project resettlement principles and the resettlement framework; and
- Maintain a record of all public meetings, grievances, and actions taken to address complaints and grievances.
- Monitor and prepare progress reports on resettlement plan implementation.

64. **Design and Supervision Consultants (DSC).** DSC is responsible to provide technical guidance to CLPIU, DLPIU, and SMC. It will be actively involved in safeguard impact assessment, preparation of required safeguard planning document, compliance monitoring and reporting on safeguard issues.

65. Social safeguard specialist of DSC will take overall responsibility of ensuring social safeguard compliance and reporting. Safeguard monitor will be responsible for resettlement survey, screening, assessment of voluntary donation, compensation payment, training need assessment and training implementation facilitation. The social monitor will also liaise with DLPIU, SMC and the contractor to assist the affected persons and beneficiaries, especially women and other vulnerable persons to obtain jobs in construction during the construction period.

66. DSC will assist in preparing and updating resettlement planning document in line with the project resettlement principles and the resettlement framework. Once approved by the CLPIU and reviewed and concurred by ADB, the DSC will provide technical advice in the implementation of the approved resettlement plan (if any). The DSC will likewise provide capacity-building orientation and skills training, as needed, to concerned personnel of the CLPIU, and DLPIU, SMC and contractors.

67. Together with the CLPIU & DLPIU and SMC, the DSC will supervise civil works activities to ensure that the contractors adhere with the terms of their contract relative to avoiding and/or minimizing resettlement impacts, in addition to ensuring that implementing agency including contractors provide the necessary compensation and/or assistance to the affected households prior to and/or during construction activities for temporary use of land and other facilities. The DSC will assist the CLPIU and DLPIU in regular monitoring of resettlement plan implementation.

68. **School Management Committee (SMC).** There is provision of SMC in Education Act to manage and mobilize physical, financial and human resources, operate, monitor and supervise the school. At the subproject school level, where most of the DR-PSIC expenditures are made, the main frontline actors are the community schools themselves, where SMCs are responsible for managing all school-level activities and the Parent Teacher Associations (PTAs) are tasked with monitoring them. The DR-PSIC context, in particular, the SMC will be responsible for identification of land for school construction and making payments to land owner and borne cost for land acquisition and management. SMC will provide support to school administration and contractors

to identify suitable land for establishing Temporary Learning Centers (TLC) where necessary. The SMC is also responsible to create conducive environment for implementation of provisions of social safeguard planning documents prepared for this project.

B. Assessment of Institutional Capacity & Enhancement Measures

69. Central Level Project Implementation Unit (CLPIU) and District Level Project Implementation Unit (DLPIU) have no trained human resources for social safeguard. A focal person has been assigned with limited resources and no supporting hands. Thus, capacities for managing social safeguard tasks of both CLPIU and DLPIU need to be enhanced. One Individual Social Safeguard Consultant (GESI and Involuntary Resettlement) will be engaged to support MOE's CLPIU for implementation of safeguard and GESI provisions and their monitoring and provide on demand capacity building. Safeguard orientation trainings will be organized for concerned officials of CLPIU and DLPIU under the project component of strengthening institutional capacity and sustainability. DSC's social safeguard specialist and individual social safeguard consultant at CLPIU will be responsible for need assessment, design and delivery of the trainings.

70. Based on the capacity assessment, additional resources are identified and earmarked for CLPIU and DLPIU to effectively plan and implement social safeguard aspects through DSC. At central/CLPIU level, such resources include inputs of a social safeguards specialist (24-person months: Initial 12 months regular input and intermittent for remaining period) will support CLPIU in overall social safeguard planning, liaison with DLPIUs/SMCs, review, supervision and monitoring. Safeguard and gender monitors: a monitor will be assigned for each of DLPIU spread over four year project period). He/she will be responsible for social screening, RP preparation (if needed), implementation, monitoring and reporting including grievance handling.

C. Implementation Schedule

71. The project is expected to be approved in Q3 2018. The project implementation period is 4 years after loan and grant effectiveness, that is anticipated in Q4 2018. The project is expected to be physically closed by December 2022. Monitoring of project performance, outcome and financial closure will be done until 30 June 2023 including preparation of project completion report.

72. Land acquisition, compensation and relocation of affected persons cannot commence until the RP has been reviewed and approved by ADB. No civil works for any particular reconstruction of school wherein land acquisition and resettlement is involved will begin until affected persons receive entitled and approved compensation packages. However, implementation of income rehabilitation measures may start before and continue after the civil works has begun.

VIII. BUDGETING AND FINANCING

73. All cost related with social safeguard planning and implementation will be an integral part of the project. All cost related with safeguard impact assessment and supervision and monitoring will be borne by CLPIU and land acquisition or purchase cost will be borne by SMC.

74. The implementation cost includes: (i) detailed costs of land acquisition and livelihood and income restoration and improvement; (ii) source of funding; (iii) administrative and staff training; (iv) cost for GRM and consultation/disclosure; (iv) monitoring costs; and (v) costs related to capacity building/strengthening of the CLPIU, DLPIUs and SMCs.

IX. MONITORING AND REPORTING

75. The RP implementation activities will be closely monitored internally by the CLPIU, DLPIU. This will involve: (i) administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis; (ii) socio-economic monitoring during and after any resettlement impact utilizing baseline information from sub-project preparation; (iii) overall monitoring to assess affected person status; and (iv) preparation of quarterly progress reports to be submitted to CLPIU by the DLPIU, reporting actual achievements against the targets fixed and reasons for shortfalls, if any. Internal monitoring will ensure all land acquisition and resettlements activities are implemented according to the approved Resettlement Plans are in accordance with this Resettlement Framework. Resettlement supervision milestone is provided in annex 5.

76. The DLPIU in coordination with the SMC and school administration and technical support of social development expert of DSC will maintain a record of all transactions in their resettlement database, followed by entitlement records signed by affected person and survey based monitoring of resettlement / land acquisition progress.

77. The DLPIU will prepare quarterly progress reports on resettlement activities and submit to CLPIU. The CLPIU social safeguard expert will consolidate their reports into semi-annual monitoring and submit to ADB. These reports are to describe the progress of the implementation of resettlement activities and any compliance issues and corrective actions. Reports to ADB should clarify whether resettlement goals have been achieved, more importantly analysis of whether livelihoods and living standards have been restored/enhanced (especially for vulnerable affected persons) along with appropriate recommendations for improvement need to include in monitoring reports. Any problems or issues identified are followed-up (including recommendation of mitigation measures and supplementary budget); and learning from such issues must be recorded which would help to deal with issues such as these more effectively.

78. Safeguard monitoring reports will also include a section on grievance. The resection describes (i) number of cases registered with the GRC, level of jurisdiction (first, second, and third levels), number of hearings held, decisions made, and the status of pending cases; and (ii) lists of cases in process and already decided upon may be prepared with details such as affected person, date of notice, date of application, date of hearing, decisions, remarks, actions taken to resolve issues, and status of grievance (i.e. open, closed, pending).

ANNEXES

Annex 1: Terms of reference for external third party for voluntary land donation

An external third party is required to ensure transparent process was followed and coercion was not used for donation of land. The whole process of land donation will be verified and validated by an independent third party for all voluntary offer of land. .

Eligibility: The donor and SMC may discuss and agree on nomination of third party which is acceptable to both sides and neutral in nature. The third party can be nominated either from reputed and qualified agencies/ NGO/ firms/ individuals.

Scope of work: The role of the third party shall be to ensure a fair and transparent process of land donation. The envisaged scope: of work shall entail the following:

- (i) witness and keep a record of meetings held with the concerned parties,
- (ii) ensure there is no coercion involved in the process of land donation,
- (iii) ensure that the donor(s) are not coming from vulnerable groups/ below poverty line (BPL) families
- (iv) ensure that the preferences and concerns of the land owner/ donor related to access, selection of site within lands held, etc. are recorded and any stipulated conditions met,
- (v) ensure that the land donation agreement is drafted in a fair and transparent manner,
- (vi) ensure the land donation does not result any negative impacts to the third party associated with the donation activity,
- (viii) identify and recommend mitigation measures to land owner/ donor/ affected third party, if required,
- (ix) ensure that taxes, stamp duties and registration fees for donated land are borne by government/SMC, and
- (x) submit a report and signed certificate as witness to the land donation and transfer process.

Deliverables: The details of the meetings, socio economic background of the land/assets owner(s)and a certificate/ reports as witness to the land donation process and mitigation measures to owner/ donor, if any, shall be submitted by the third party to CLPIU, through DLPIU and owner/ donor in the local language and share with ADB for review.

Annex 2: Involuntary resettlement screening/ categorization

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

Annex 3: Indigenous Peoples Impact Screening Checklist

Impact on the indigenous peoples (IPs)/Ethnic Minority (EM)	Yes	No	Remarks or identified problems, if any
Are there any IPs or EM groups present in the project locations?			
Do they maintain distinctive customs or economic activities that may make them vulnerable to hardships?			
Will the project restrict their economic and social activity and make them particularly vulnerable in the context of the project?			
Will the project change their socio economic and cultural integrity?			
Will the project disrupt their community life?			
Will the project positively affect their health, education, livelihood or social security status?			
Will the project alter or undermine the recognition of their knowledge, preclude customary behaviours or undermine customary institutions?		No	
In case no disruption of indigenous community life as a whole, will there be loss of housing, strip of land, crops, trees and other fixed assets owned or controlled by individual indigenous households?		No	

Annex 4: Census and Socioeconomic Survey Guidelines

A. Cut-Off Date

79. The cut-off date for titleholders will be the date of notification under the land acquisition act and for the non-titleholders will be the census date. People moving into the sub-project area after this cut-off date will not be entitled to support. Persons, who were not enumerated during the census but can show documentation or evidence that he/she is rightfully an affected person, will be included. The DLPIU with support of DSC and SMC is responsible for such verification.

B. Census of Project Affected Persons

80. The census is a count of all project affected persons irrespective of their titled or non-titled land ownership status. Its purpose is to accurately document the number of affected persons and to create an inventory of their losses. It informs about the persons who are affected, their livelihoods and income sources, and what they are likely to lose because of the project. The census generates information on:

- (i) **Demography.** a census of all affected persons with basic demographic and socioeconomic data, such as household size, age, gender (especially of the head of household), ethnicity, occupation, household income, and vulnerability;
- (ii) **Inventory of Affected Assets.** An inventory of all affected assets located within the designated alignment of the project facilities, including land of various types (residential, commercial, and agricultural) and other immovable property (buildings, fences, sheds, irrigation canals, wells, and other structures) where quantities and relevant measurements are clearly determined
- (iii) **Assets valuation:** Valuation of these assets at replacement cost according to local market prices and standards of valuation, without deductions for age-related depreciation, recovery of salvageable materials, or registration fees and other transaction costs.

These information supplies an important part of the resettlement database to be used for project monitoring and supervision.

C. Census Procedures

81. The following procedure is to be adopted in carrying out the census:

- (i) Preliminary screening to provide initial information on social impacts;
- (ii) Verification of legal boundaries of the sub-project area, to document existing structures, land plots and others physical assets. This involves:
 - (a) Identification of suitable resettlement sites, in close proximity to the affected area if required;
 - (b) All encroachments, private land holdings and others assets in the sub-project area is to be documented;
 - (c) Assets, structures, land holdings, trees, etc. to be recorded; and
 - (d) All information is to be computerized; photography to be used to document existing structures.
- (iii) The census will identify potentially affected populations with special attention to vulnerable groups; and
- (iv) Assessment on the value of various assets to be made.

D. Socioeconomic survey

82. Socioeconomic survey (SES) focuses on income-earning activities and other socioeconomic indicators. Although preliminary information can be gathered from secondary data sources, socioeconomic information needs to be supplemented with information obtained from a socioeconomic survey. While census covers 100% of the affected persons, a socioeconomic survey may be carried out on a sample basis. The sample size is usually depends on the nature and population of the project communities. While designing sample framework, besides including directly project affected persons and host population, attention should be given to include those who do not lose land or houses but left behind are also considered because their economic and social support systems are disrupted. The findings of the census and inventory, supplemented with data from socioeconomic surveys, are used to establish baseline information on household income, livelihood patterns, standards of living and productive capacity, which enables the project to design appropriate rehabilitation measures and to enlist the participation of the people to be affected the project.

The socioeconomic survey is usually carried out through a household questionnaire. The household questionnaire needs to be designed to generate data on the likely impact of land acquisition on the local economy, economic institutions, land-use patterns, tenancy and sharecropping, occupation and employment patterns, income and expenditures and economic interdependence between households, poverty levels, local social organization and authority structure, and women's economic activities and income.

E. Database Management

- (i) **Data Sources.** As a pre-requisite for conducting the primary household surveys, relevant information is to be collected from secondary sources. These include:
 - (a) Revenue records maintained, with regard to land particulars for facilitating acquisition of properties and resettlement of displaced;
 - (b) Census records for demographic information;
 - (c) Development agencies to get information on various development programs for special sections of population like those living below poverty line, Scheduled Tribes, Schedule Castes, etc.; and
 - (d) Local organizations including NGOs in order to involve them and integrate their activities in the economic development programs of the displaced population.

83. **Data Collection.** Household level contacts and interviews with each affected family for completing the household socioeconomic profile. Each of the households surveyed and the structure/land likely to be affected by the sub-project has to be numbered, documented and photographed. Public consultation exercises in different sub-project areas to be conducted with the involvement of Affected Persons. In these exercises, women among the affected persons are to be involved to elicit their views and options on the overall planning of resettlement activities. Discussions with a cross-section of affected population will help towards understanding the problems and preference of the affected persons.

84. **Data Analysis.** The analysis would cover the following: population, population density, age, sex ratio, literacy rates/education, gender issues, religious groups, income and expenditures, occupation and poverty line.

85. **Data Update.** Since there is generally a time gap between the census and land acquisition procedure, it implies that actual physical relocation of affected persons may be delayed. Therefore, it is suggested that CLPIU/DLPIUs responsible for implementation of resettlement plan, should conduct a rapid appraisal to continuously update information.

Annex 5: Sample voluntary contribution consent form**VOLUNTARY DONATION DECLARATION AND CERTIFICATION**

I/we, [INSERT NAME, AGE), with residence located in [INSERT NAME] municipality/Gaunpalika, [INSERT NAME] district Certify that I/we have been previously informed by project, school management committee of my/our right to entitle compensation for any loss of property (house, land and trees) that might be caused by the construction of subproject ([INSERT NAME]) financed under the Disaster Resilience of Public School Infrastructure and Community Project (DR-PSICP) in [INSERT NAME] Municipality/Gaunpalika. I/we confirm that I/we voluntarily donate the land of [INSERT AREA OF LOSS] square meters located in [INSERT NAME] municipality/ Gaunpalika ([INSERT NAME] district to the school construction. My/our land holding certificate no(s) ... containssq.m land of which I/we agreed to donate ...sq.m only. I/we also, hereby, declare that the donated land stand at % of the total my/our land holding. I/we also confirm that I/we do not demand any compensation of loss of [INSERT OTHER LOSSES SUCH AS TREES] attached with the land and would request the school to consider this as my/our contribution to the school. I/we testify that the donated lands/ structures are free of squatters and encroachers and are not subject to any other claims.

Type of Loss	Unit Quantity	Number of parcels houses/Trees	Total area of the plot	Reference number	Remarks
Land (sq. m)					
Houses(sq. m)					
Trees (C. ft)					

Therefore, I/ we prepared and signed this certificate for the proof of my/our decision in presence of the witnesses signed below. I/we signed this certificate after reaching common consensus among my/our family members for the donation based on the informed choice provided by the project, school management committee. Further, I /we certify that I /we have given my/our consent without any force/coercion from anybody, including project authorities and school management.

Signature(s) of the owner(s) of the land

[INSERT NAME(S)]

[INSERT DATE

Witnesses:

1. [INSERT NAME & ADDRESS]

2. [INSERT NAME& ADRESS]

3. [INSERT NAME & ADRESS]

I certify that the above agreement was reached between SMC and land owner [INSERT NAME] has been carried out in a transparent way without coercion by any party following consultative process. [INSERT NAME OF INDEPENDENT THIRD PARTY], [NAME AND SIGN]

This form will be translated in Nepalese Language for implementation purpose.

Annex 6: Outline of Resettlement Plan (RP)

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

1. Executive Summary

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

2. Project Description

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

3. Scope of Land Acquisition and Resettlement

This section:

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

4. Methodology for Impact Assessment

This section outlines the methodology and tools adopted for:

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

5. Socioeconomic Information and Profile

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

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;

- (iii) discuss the project's impacts on the poor, indigenous peoples, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

6. Stakeholders Consultation and Participation

This section:

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

7. Legal Framework

This section:

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

8. Entitlements, Assistance and Benefits

This section:

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

9. Relocation of Housing and Settlements

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;

- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

10. Income Restoration and Rehabilitation

This section:

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

11. Resettlement Budget and Financing Plan

This section:

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

12. Information Disclosure

This section:

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

13. Grievance Redress Mechanisms

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

14. Institutional Arrangements

This section:

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

15. Implementation Schedule

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

16. Monitoring and Reporting

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

Annex 7: Steps to be followed for voluntary donation

- (i) Assess the perspective donors to ensure that the voluntary offer is not entire land under donor's ownership and confirm that the donation will not result in permanent and significant loss/impact on income and livelihood of the land donor or causing any third party displacement
- (ii) Hold meaningful consultation with perspective donors to ensure that the affected individuals/ families are well informed about his/ her authority to approve or disprove of the proposal of land-donation.
- (iii) Complete the voluntary contribution consent form (attached in Annex 4) and get signature of the land donors and witness
- (iv) Document the all the process and procedures followed to obtain land and structure voluntarily. This particularly important to ensure that the whole process was completed without any direct or indirect pressure or threatening from local bodies, individuals, community, project-personnel, or without the fear of anything.
- (v) The whole process of land taking through voluntary donation needs to be verified and validated by an independent third party. The information mentioned in item (iii) above has to be included in a report to be prepared by the external third party. The donor and SMC may discuss and agree on nomination of third party which is acceptable to both sides and neutral in nature. The third party can be nominated either from reputed and qualified agencies/ NGO/ firms/ individuals.
- (vi) The DSC through CLPIU shall submit summary report on voluntary donation process and verification from independent third party to ADB for review and approval before starting school construction.