

Due Diligence Report–Social Safeguards

May 2017

NEP: Regional Urban Development Project (RUDP) Construction of Drainage and Road Improvements in Biratnagar Sub-metropolitan City

Prepared by Project Coordination Office (PCO), Department of Urban Development Building and Construction (DUDBC), Ministry of Urban Development (MOUD), Government of Nepal for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 7 February 2017)

Currency unit	–	Nepalese Rupee (NPR)
NPR 1.00	=	\$ 0.00930
\$1.00	=	NPR 107.52600

ABBREVIATIONS

ADB	=	Asian Development Bank
BSMC	=	Biratnagar sub-metropolitan city
BS	=	Bikram Sambat
CDC	=	compensation determination committee
CDO	=	chief district officer
CDP	=	community development program
DDC	=	district development committee
DSC	=	design and supervision consultant
DUDBC	=	Department of Urban Development and Building Construction
FY	=	fiscal year
GoN	=	Government of Nepal
GRC	=	Grievance Redress Committee
HH	=	household
Kg	=	kilogram
Km	=	kilometer
LAA	=	Land Acquisition Act
MoUD	=	Ministry of Urban Development
NRs	=	Nepalese Rupees
NGO	=	non-government organization
PAPs	=	project affected persons
PCO	=	project coordination office
PIU	=	project implementation unit
ROW	=	right of way
R&R	=	resettlement & rehabilitation
SDS	=	social development specialist
STIUEIP	=	econdary Town Integrated Urban Environmental Improvement Project
SPS	=	Safeguard Policy Statement
UEIP	=	Urban Environmental Improvement Project
VDC	=	village development committee

WEIGHTS AND MEASURES

ha	=	Hectare
kg	=	Kilogram
km	=	Kilo meter
m	=	Meter
Sqft.	=	Square feet
Sqm.	=	Square meter

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Glossary of Terms

Affected Person. In the context of involuntary resettlement, displaced persons are those who 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, or (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 and 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 Aadibasi/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 APs 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 APs' 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.

Socio-economic survey. The survey conducted to establish monitoring and evaluation parameters and establish a benchmark of socioeconomic status of Aps.

Vulnerable group. The vulnerable are individuals or groups who may experience differential adverse impacts from the proposed project more severely than dominant population because of their unique and inherit socioeconomic characteristics. Typically, those households falling below 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.

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

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I. INTRODUCTION

1. The Regional Urban Development Project (RUDP) is designed with the aim to improve livability and urban services in the municipalities of Attariya, Bhimdatta, Biratnagar, Birgunj, Dhangadhi, Jhalari-Pipaladi, Nepalgunj and Siddharthanagar in the Terai Region of Nepal through planning, infrastructure investments, and institutional strengthening. The eight cities have high population growth rates, are severely lacking investment, and are experiencing a high level of environmental degradation. The project is also in line with ADB's Nepal Country Partnership Strategy (2013-2017), which supports the government's development objective of accelerated, sustainable, and inclusive economic growth, and with the Asian Development Bank's (ADB) water and urban operational plans.

2. This due diligence report (DDR) has been prepared for the subproject of the Biratnagar sub-metropolitan city (BSMC) under the RUDP. The subproject consists of construction of sewerage networks, storm water drainage, road improvements and other related infrastructural works. The report assesses the likely social impacts of the subprojects following applicable government policies/procedures and ADB Safeguard Policies. The DDR explains the likely impacts and proposes actions to be taken by the Project Implementation Unit (PIU) that are anticipated in relation to implementation of the works packages. The likely impacts were assessed by reviewing ongoing ADB financed project, the Secondary Town Intergrated Urban Environment Improvement Project (STIUEIP) documents and detailed design prepared for the RUDP. This report presents the findings and status of the land acquisition, possession of land and other social safeguard concerns related with the Project.

3. The main objective of the DDR is to assess the availability of land under existing right of way (ROW) and likely social impacts due to implementation of the proposed subprojects with respect to land acquisition, compensation and involuntary resettlement, common properties (if any) and in terms of displacement, loss of incomes, and impact on social cohesion. During the due diligence study, the likely involuntary resettlement and indigenous peoples impacts were assessed based on the information and documents provided by the project coordination office (PCO) in DUDBC, the project implementation unit (PIU) in Biratnagar and the BSMC. Interviews and discussions with municipal officials and community stakeholders were carried out along with site verifications and observations.

II. DESCRIPTION OF SUBPROJECT

4. Since 2012 STIUEIP is implementing (i) drainage and sanitation including two wastewater treatment plants (stabilization pond and reed bed treatment), public and school toilets, and storm water drainage; and (ii) roads and lanes including upgrading of roads, footpaths and walkways in BSMC. In most of the sections the drainage construction and earthen works of the roads has been completed but pavement improvements could not be done under STIUEIP due to cost overrun.

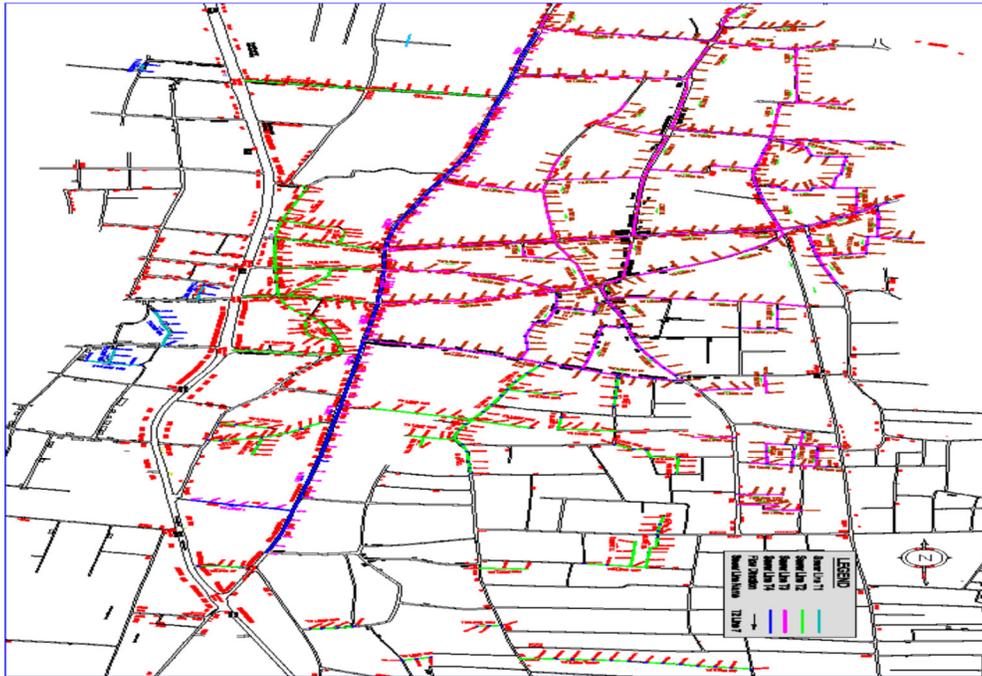
5. The additional works under RUDP are expected to complement STIUEIP and lead to increased efficiencies, greater improvement in service delivery, and higher impact on the livelihood outcomes of inhabitants of BSMC. The pre-project construction activities, including land acquisition have been almost completed by the RUDP. In many cases, RUDP is working on the same alignment as STIUEIP—e.g. STIUEIP installed the drain and RUDP will rehabilitate the road and construct a footpath. The table 1 provides a summary of the proposed alignments where STIUEIP is also working to show synergies between the two projects. The shaded rows denote new/additional alignments under RUDP.

Table 1: Summary of Project Components in RUDP Biratnagar

Components	Description of the activities	Quantification of major construction items/ activities	Location
Drainage and sanitation			
Sewerage network	Sewerage pipe supply and installation; manhole; sewer inlet; house connections	Installation of 20,194 m sewerage pipeline; Hume pipe = 2,241 m HDPE Pipe = 17,841 m construction of 685 manholes; 1,010 sewer inlets and 3,784 house connections	At the central line of the existing roads within clear road width
Storm water drainage	RCC drains	Construction of Changbari Nala = 652.89 m	Within the clear width of existing Nala
Roads and Lanes			
Road improvements	Asphalt concrete, footpath and roadside drains	Road improvements with asphalt concrete: 73.86 km, including footpaths and roadside drains: 26.05km	Existing roads and footpaths
Street Light			
Streetlight installation	Supply and installation of solar streetlights	Solar streetlights, including pole, battery and all solar system = 1.0 km	Existing roads and footpaths

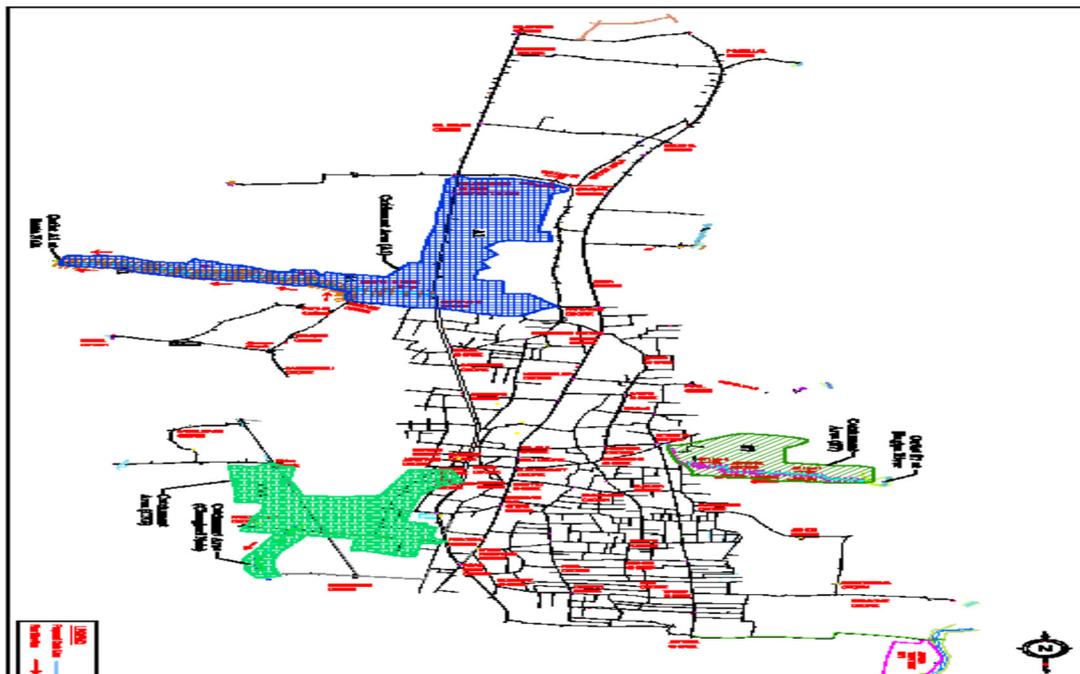
9. Total length of the proposed sewerage system will be 20.19 km. Similarly, 685 manholes are proposed in all sewerage sub systems. As indicated in design and drawings there will be 4 types of trunk and secondary sewerage system. Overall layout plan of the sewerage system as proposed for RUDP is given in **Figure 1**.

Figure 1: Sewerage Layout Plan



10. A total of 652 m storm water drainage is proposed under the RUDP. Figure 2 presented below shows overall storm water drainage plan for BSMC. All planned drainage system has already been constructed by STIEUIP except for 652 m which passes through the existing Chyangbari Nala. The right side of blue shaded area in the **Figure 2** is proposed under the RUDP. The existing ROW of the drainage will be sufficient to improve the proposed section. There are no registered private lands, tenants and sharecroppers or seasonal encroachers at either site of the proposed drain.

Figure 2: Storm Water Drainage Layout Plan



6. A total of 74 km road improvement is proposed in the RUDP. The roads included for improvements are those roads which were damaged due to pipeline installation, storm drain construction and other project related works of STIUEIP and couldn't be restored due to unavailability of funds. The overall road network layout plan is shown in **Figure 3**.

Figure 3: Overall Layout Plan of Road Improvement Networks



III. SCOPE OF LIKELY IMPACTS OF THE SUBPROJECTS

A. Involuntary Resettlement

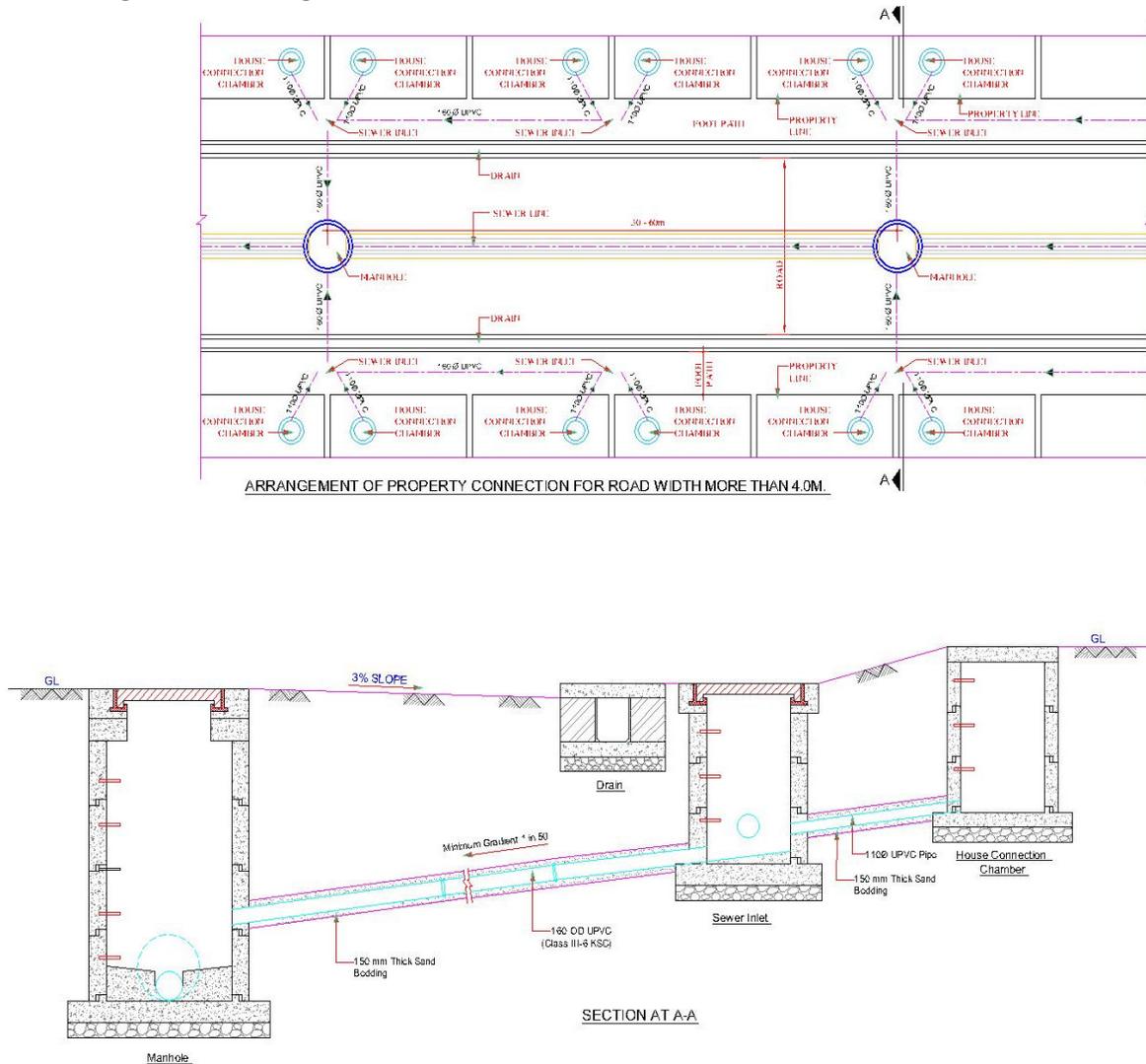
7. The likely impacts of involuntary resettlement with respect to physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas for the proposed components are presented below.

8. **Drainage and storm water:** Based on the detailed design of the proposed activities and proposed construction approach, there will not be involuntary land acquisition. The storm water drainage and sewerage works will be limited within the available existing ROW of public roads, which do not require demolition of structures and private land. Some temporary disturbances are anticipated during construction due to excavation of trench and installation of pipelines and construction of drainages. However, these temporary disturbances will not result in physical or economic displacement though temporary disturbances to businesses are anticipated for a few hours. Good construction practices and traffic management measures, including night works, will ensure continued access to businesses and limited disruption to business activity. To avoid such disruptions, construction workforce will take maximum care of the private and public

structures and utility services while doing excavation works. The disturbance related to environment like, noise, dust etc will be covered by the project specific EMP

9. The proposed sewerage laying module explains the method and plan of installing sewerage pipes without land acquisition and demolition of structures. The sewerage main pipelines go through the central line of the road section. However, the house connection chambers are proposed at the sides of roads within existing clear road width. The house connection arrangement and installation of sewerage management system has been designed in such a way that ensures the project activities are limited within the available ROW of the road and avoids any type of resettlement issues. The pipelines will be installed along the central line of road and collection chamber, and inlet chamber and manholes are built along the footpath within right of way of public roads. **Figure 4** illustrates the arrangement of proposed sewer lines and house connection plans.

Figure 4: Arrangement of Proposed Sewer Line and House Connection Chambers



10. The BSMC has declared ROW of each road section following standards declared in municipal by-laws. The by-laws also provide a provision for building code and construction

standards and required set backs for the building construction. The ROW were approved by the BSMC board and declared effective from 2000. It was noted that BSMC is publishing several notices using local newspapers (Ujjyalo, Biratpath, Darshan Daily, Janabidroha, and Udghosh) to inform the public about the provisions of the by-laws, ROW and building codes, the project approach, and peoples support for project activities as well as to make people aware about adverse temporary effects during construction.

11. The DDR team reviewed the municipality declared ROW, the required width of the road as per detailed design, and currently available width of the proposed roads under RUDP. Almost all road widths are clear and there is no need to demolish buildings as the available width is equal to the design width or municipality ROW. In some places, private compound walls and extended temporary structures from the main building are within the ROW but the owners of those walls and small structures have agreed to clear them to comply with the ROW. The owners of the compound walls have submitted a written request to the BSMC requesting time to shift the compound wall and they also agreed to voluntarily clear such structures. The voluntary process will be adopted as prescribe in Para 65-66 of the CRIPPF prepared for RUDP. A comparative analysis of ROW and available width of the roads proposed under RUDP is provided in **Table 2**.

Table 2: Comparision of Declared ROW and Available Width of the Road

S.N.	Name of Roads/ Lane/ Tole	Available width (m)	Design Width (m)	Municipal RoW (m)	Remarks
1	Bhrikuti Marga	8	8	8	Road width clear/ no demolition/ no new land
2	Keshaliya Road	12	12	12	Road width clear/ no demolition/ no new land
3	Bhrikuti Chowk to DSP Road	11	11	11	Road width clear/ no demolition/ no new land
4	Sat Ghumti to Traffic Chowk through Gudri Bazar	10	10	10	A few temporary kiosk near to vegetable market need to be shifted
5	Bhatti Chowk to road along Hulaki Road	5	5	5	Private compound walls within road width
6	Chulachuli Marga	10	10	10	Road width clear/ no demolition/ no new land
7	Mahendra Chowk to Traffic Chowk	14	14	14	Road width clear/ no demolition/ no new land
8	Shahi Marga	10	10	10	Road width clear/ no demolition/ no new land
9	Bindhyabasini Marga	8	8	8	Road width clear/ no demolition/no new land
10	Pratibha Marga	8	8	8	Road width clear/ no demolition/ no new land
11	SanchayaKosh to Bhumi Prasashan Chowk	6	6	6	Road width clear/ no demolition/ no new land
12	DUDBC Division Office to Family Planning Office	10	10	10	Private compound walls of a few houses to be relocated
13	Pipal Chowk through SaniHat to Main Road	11	11	11	Road width clear/ no demolition/ no new land
14	STIUEIP PIU through Sports Council	14/12	14/12	14/12	Road width clear/ no demolition/no new land

S.N.	Name of Roads/ Lane/ Tole	Available width (m)	Design Width (m)	Municipal RoW (m)	Remarks
	(Hospital road) to Family Planning office				
15	CDO office Chowk to Main Road	13	13	13	Road width clear/no demolition/no new land
16	Hospital Road through Hospital Chowk- Stadium to Devkota Chowk	14/5	14/5	14/5	Road width clear/no demolition/no new land
17	Birendra SabhaGriha to water tank	5	5	5	Road width clear/ no demolition/ no new land
18	Matrika Marga	6	6	6	Private compound walls of a few houses to be relocated
19	Near Milan Chowk to Bhanu Salik Chowk	12	12	12	Road width clear/ no disruption
20	Bhanu Salik Chowk to Devkota Chowk through Appellate court	10	10	10	Road width clear/ no disruption
21	Devkota Chowk to DDC Morang Line	13	13	13	Road width clear/ no disruption
22	Devkota Chowk to Nepal Rastra Bank	13	13	13	Road width clear/ no disruption
23	Madhumara Marga	9	9	9	Road width clear/ no disruption
24	Osti kuti to Bhanu Salik Chowk (Indra Marga)	5	5	5	Road width clear/ no disruption
25	Jahada Road	10	10	10	Road width clear/ no disruption
26	Siddhartha Marga	14	14	14	Road width clear/ no disruption
27	Sabhya Marga	5	5	5	Road width clear/ no disruption
28	Bhagiyoddha Marga	6	6	6	Road width clear/ no disruption
29	Hulaki Marga	14/12	14/12	14/12	Road width clear/ no disruption
30	Main Road from BSMC Chowk Terapanth Bhawan	15	15	15	Disturb the some part of road width by the portion of private structures
31	Main Road from Sansari Mai Than Chowk to Bhumi Prasasan Chowk	15	15	15	Road width clear/ no disruption
32	Main Road to Dr. Chandik's compound	5	5	5	Road width clear/ no disruption

12. All roads construction activities will be limited within the available width of the road. No land acquisition and demolition of houses and major structures is required, except a few compound walls and vegetable vendors' temporary shifting during construction. It has been

reported that there are no tenants and sharecroppers or seasonal encroachers at either sides of such road improvement activities. The BSMC and the PIU ensures that the project will adopt appropriate measures to avoid disturbances to adjacent private land and property during construction. The project will also establish close coordination with the residents of the area to minimize construction related disturbances.

13. The sewerage pipeline networks will be laid on public roads within its clear width. Similarly, the storm water drainage will also be constructed at the sides of public roads. For efficient work progress and people's support in project activities, PIU along with BSMC, design support consultant (DSC) and the contractor will disseminate information on commencement of works one month in advance in each stretch of construction sites. Temporary disturbances to businesses are anticipated for a few hours per 100-200 m section of the pipeline, drainage and road component. Full road closure is not anticipated. Good construction practices and traffic management measures, including night works, will ensure continued access to businesses and limited disruption to business activity. In a few areas, i.e; *Gudri* (Vegetable Markets), vendors and hawkers will require temporary relocation (i.e. few hours). An alternative location close to the existing *Gudri* for few hours will be arranged in-coordination with the municipal authorities and traffic police, and contractor will have to provide assistance in relocating and shifting. All the construction activities will comply with a work schedule that ensures completion of trench excavation, laying of the pipelines and backfilling on the same day. Such action shortens disruption timings of the business and vending. Provision for night works shall be included on narrow and high crowd and commercial areas. The disturbance related to environment like, noise, dust etc will be covered by the project specific EMP

14. Based on the above assessments of impacts it can be concluded that no private land acquisition is required for subproject activities as all the required lands are readily available within the existing ROW of the public roads. As a result of subproject implementation, no settlement will be adversely affected and neither physical displacement nor economic displacement occurs, and hence no involuntary resettlement impacts are anticipated due to land acquisition. Therefore, resettlement plan is not required for the subprojects in BSMC.

15. Though involuntary resettlement impacts are not anticipated and resettlement plan is not required, interagency coordination is required to continue public services and access to daily life of people living in the city. The existing watersupply pipeline, drainage system, and electricity supply may be disturbed during construction. The PCO and PIU confirm that sufficient budget for relocation and rehabilitation of public utilities has been included in the bill of quantities of bidding documents for the works package. The project shall establish proper communication and use the grievance handling mechanism already established under STIUEIP to hear and address people's concern and grievances during construction.

B. Indigenous Peoples

16. According to the ADB's safeguard policy the indigenous people safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of indigenous peoples or affects the territories or natural or cultural resources that indigenous peoples own, use, occupy, or claim as an ancestral domain or asset. The term indigenous peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the characteristics such as self-identification as members of distinct indigenous cultural group, geographically distinct habitats or ancestral territories; distinct customary cultural,

economic, social, or political institutions and a distinct language.

17. The subproject activities are confined within a linear distance with defined width along the alignment of proposed drainage, and roads. The construction will be undertaken following the existing drainage and road alignment. It has been observed that the indigenous people in the subproject area share a similar economic and political system with the mainstream society. The indigenous people are not significantly different from the non-indigenous households and other local families living in the project areas in terms of livelihood patterns, and access to economic, health and educational opportunities. The indigenous people in general do not display any significant social or economic traits that would distinguish them from non-indigenous people communities, except in their cultural identity and national identification as indigenous people or Janajati/ Adhibasi (in Nepali language). The field observation reveals that all the settlements/ clusters in the BSMC are heterogeneous in terms of caste/ ethnicity and no specific territory of indigenous people has been observed and reported. The lands owned or occupied by indigenous people in the project municipalities are not considered of ancestral/tribal value. Individual ownership of lands has been in practice among indigenous people for many generations. Hence, it is expected that the project will have no impact on their cultural identity, survival and cultural resources.

18. The improved road services and drainage system will have overall beneficial effects. However, the improved road conditions may increase vehicle speed and requires awareness among the indigenous people about the road safety and traffic rules. With municipal facility improvements, subprojects are expected to result in improved health and quality of lives of both indigenous people and non-indigenous people. In addition, the project will create short-term employment opportunities in infrastructure construction and maintenance where indigenous groups should be given first priority for employment. No physical displacement and economic displacement of indigenous people is anticipated as a result of implementation of the subprojects. The project design has included activities, which will address requirements in behavioral changes to be habitual with improved waste collection and management system, and traffic system. The gender equality and social inclusion (GESI) action plan and performance-based socioeconomic development program includes specific actions favorable to indigenous people. Therefore, indigenous people plan is not required for this subproject.

IV. CONSULTATION, INFORMATION DISSEMINATION AND DISCLOSURE

19. This report has been prepared applying systematic procedure. A desk study of the final design of subproject components and drawings was undertaken before field visit. A team led by social development specialist and two enumerators, including a design engineer, were engaged to identify the anticipated impacts resulting from the construction work. The technical design team guided the social assessment team to identify potential vendors that may be affected during the construction period. Throughout the sewerage system, storm drainage and road alignment, a transect walk was conducted for the proper assessment of impacts. The transect walk and visit of each structure alignment was conducted to identify impacts. To avoid structure demolition and land acquisition appropriate modification in the design has been made maintaining required standard of the subprojects.

20. During field visits to all proposed sites including sewerage, roads and storm drain alignments, potential impacts and mitigation measures were assessed and discussed with stakeholders. The consultations helped in identifying the field needs/ concerns and priorities of the stakeholders. Consultation meetings were held with the representatives of community people to understand their views on the proposed construction activities and discuss potential

impacts due to subproject implementation. In the meetings people expressed their view that the design of the proposed activity should cover full width of municipal ROW and vacant existing width of the roads. The participants of the meetings reiterated that no private land and demolition of major structures is required as the available width of the road is sufficient to construct the proposed activities.

21. Consultation meetings have been conducted with community people, members and executives of Tole Lane Organizations (TLOs). The community people, TLOs and beneficiaries consulted during field visit were found supportive of the upcoming project activities. The public, business owners, and shopkeepers were informed about the possibility of temporary disturbances to the business. Observation visits and assessment were also conducted with STIUEIP beneficiaries in project area. The team shared potential scope and working modalities of proposed subproject under RUDP.

22. The DDR team presented the field verification report with impact matrix and suggestions from the community in a debriefing meeting with the BSMC executive officer, project manager and deputy project manager of PIU and other BSMC officials. The BSMC executive officer together with other attended officials/ project engineers made a commitment to ensure and facilitate for trouble-free project sites. They assured in written form that the project activities will be confined and built within the clear width of roads and public land without affecting private land and structures.

23. In the consultation meetings and using different means of communication project information has been disseminated to concerned stakeholders. Information related to project design, drawings, working modality and approach of the project and ADB's and GON's safeguard policy provisions were discussed among the stakeholders. The information is available at project office (PIU), BSMC office, local office of DUDBC, and office of DSC. A copy of the report will be disclosed on the ADB and project related websites, and is also available from PIU/ DUDBC/ BSMC upon request.

24. The PIU will continue consultations with community people and information disclosure throughout the project implementation. The PIU, DSC, and contractors will work and coordinate closely to ensure that communities are made fully aware about project activities in all stages of construction.

V. GRIEVANCE REDRESS MECHANISM

25. A grievance redress committee (GRC) comprising 3 members is already functional to receive grievances filed in relation to STIUEIP implementation in BSMC. The executive officer of BSMC is the chairperson of the GRC with Project Manager as member secretary and social development officer of BSMC as member of the committee. This committee has been effectively addressing grievances and concerns raised by the concerned stakeholders including project beneficiaries. The existing GRC composition is presented in the table below.

Table 3: Composition of GRC for STIUEIP

Name	Designation	Portfolio
Dipak Koirala	Executive Officer, Biratnagar Sub-metropolitan Office	Chairperson
Poonam Kumar Dahal	Chief, Social Development/ PIU	Member
Upendra Baral	Project Manager, PIU	Member-Secretary

26. After the effectiveness of the RUDP in BSMC, the structure of the committee will be reviewed and revised in line with the GRC structure and mechanism prescribed in combined resettlement and indigenous people planning framework (CRIPPF) of the project. The CRIPPF has provision to form a 5 member GRC at the municipal level with representation from affected persons/beneficiaries.

27. The Grievance redress committee (GRC) comprising five members headed by Mayor/ executive officer will therefore be formed in each project municipality. Members of the GRC will include PIU chief, representatives of affected persons with one male and one female (a representative of indigenous people, in case of indigenous peoples related issues), and social safeguard focal person. The social safeguard focal person representing PISU in each municipality will be the member secretary of the GRC. The GRC will meet as needed to determine the merit of each grievance, and resolve it within 7 days of receiving the complaint. The Committee thus appointed should be sanctioned by the municipal board. The responsibilities of the GRC at municipality will be:

- to conduct subproject level public awareness campaign regarding grievance redress mechanism of the project. The social safeguards expert of the DSC will support the GRC by preparing and providing information/awareness material etc. to conduct the awareness campaign. The campaign will ensure participation of poor and vulnerable groups in the awareness campaign. The campaigns also cover information on entitlements policy provisions and their application; and
- to hear complaints and grievances at local level. The local people can approach the committee with their grievances related to the project which will be registered, categorized and discussed in the committee with the aim of amicable settlement. It is expected that the committee will provide an accessible forum for receiving and facilitating resolution grievances related to the project and grievances will be redressed within one week from the date of lodging the complaints. The social safeguard focal person representing PISU in each municipality assisted by the DSC social 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. Any unresolved or major issues at municipality level will be referred to the PCO level GRC for resolution.

VI. INSTITUTIONAL ROLES AND RESPONSIBILITIES

28. The Ministry of Urban Development (MOUD) is the executing agency, working through its Department of Urban Development and Building Construction (DUDBC), which has established a Project Coordination Office (PCO) for the project headed by project director. The PCO will be supported by a social development consultant placed at PCO to ensure smooth implementation of the social safeguard measures and take corrective actions if necessary. The Implementing Agencies for the RUDP, with a project implementation unit (PIU) headed by project manager and staffed with a social development specialist are stationed at Biratnagar.

29. In BSMC office, a municipal project management committee (MPMC) has been established in order to resolve project implementation issues, including safeguard issues, enhance collaboration among relevant departments and organizations, and expedite decision-making processes with an aim at achieving intended project output and outcome. MPMC is

chaired by the executive officer, and comprises relevant department heads of the BSMC, chief of the divisional office of DUDBC, DWSS and other relevant government departments, a representative from district development committee, four members representing the local disadvantaged communities, NGOs, women's groups and the private sector, and the project manager working as secretariat.

30. **Safeguard desk.** A functional safeguard desk will be continued that was established in the STIUEIP for planning, monitoring and follow up of social safeguard issues and resettlement plan. It is a functional mechanism that has been started and is managed by PIU and DSC. The desk is staffed by the social development chief of PIU, and SDS of DSC with close consultation of PM/ PIU. It is decided that the desk will review, update and discuss on progress, issues, constraints and challenges of social aspects and social safeguard measures.

VII. MONITORING AND REPORTING

31. No involuntary resettlement and indigeneous peoples related impacts have been reported at this stage. The PIU and DSC will continue to observe the field level activities to ensure that social safeguard related issues and greivances raised during implematation are settled in a timely manner. Any problems or issues identified during implementation should be followed-up (including recommendation of mitigation measures); and learning from such issues must be recorded which would help to deal with issues more effectively.

32. If unanticipated social safeguards (involuntary resettlement and indigenous people) impacts are found during project implementation, the PIU will conduct a social impact assessment and update the DDR or formulate a new resettlement plan or indigenous people plan covering all applicable requirements specified in CRIPPF.

VIII. CONCLUSION AND RECOMMENDATION

33. Based on the information gathered from project documents, discussions with officials and DSC, and field observations, the subproject does not involve social safeguard issues. The proposed activities have been designed to utilize the available ROW, and no involuntary impacts are expected. Consultations with municipal officials and local people revealed that use of the lands within existing ROW will not result in any loss of residential land, or loss of shelter and loss of assets, access to assets, income sources, or means of livelihoods of the local people. The subprojects do not appear to involve a reputational risk to the ADB on social safeguards. However, some construction induced impacts and temporay effects are anticipated. To address such temporary effects the following recommendations are suggested:

- (i) avoid change in design and construction width during construction, adhere with final design based on which the loss assessment has been carried out;
- (ii) continue community consultations and information disclosure process during project implementation and construction period to ensure that the local communities are fully aware of project activities at all stages of construction; it is also proposed that such community meetings and discussions should be documented and well recorded;
- (iii) register, record and document any concerns raised by the local community and address them in a timely manner using grievance redress mechanism of the project;
- (iv) prepare document and retain evidences of self-declaration of voluntary demolition of boundary wall and retain proof that no coercion was used for

- voluntary demolition;
- (v) ensure that PIU/ BSMC issues 15 days prior notice of work schedule along the sections of busy market and narrow road to provide sufficient time for beneficiaries' preparedness;
- (vi) ensure a clause is added in construction contracts to provide wooden/metal walkways across pipe trenches to maintain access to roadside businesses/ residential building, with a clear sign to prevent accidents;
- (vii) make arrangements for night shift works for sewerage pipe laying along the main roads and Gudri of Biratnagar town area so that disturbances on mobility of people/vehicle and businesses is reduced;
- (viii) ensure that a clause is added in construction contract that the contractor shall be liable to pay compensation of income loss to the shop owner if vehicular access is disturbed more than 3 days; and
- (ix) any changes in the design, construction width and alignment requires to go through assessment of social impact assessment and preparation of appropriate safeguards planning documents covering all applicable requirements specified in the CRIPPF.