

Resettlement Plan

April 2017

IND: SASEC Road Connectivity Investment Program – Tranche 2

Mechi River Bridge - Nepal Section

Prepared by the National Highway and Infrastructure Development Corporation Limited, Ministry of Road Transport and Highways, Government of India for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 01 March 2017)

Currency unit		Indian rupee (Rs)
INR1.00	=	\$ 0.01496
\$1.00	=	INR 66.8349

ABBREVIATIONS

ADB	–	Asian Development Bank
AH	–	Asian Highway
BPL	–	Below Poverty Line
CoI	–	Corridor of Impact
DH	–	Displaced Household
DM	–	District Magistrate / District Collector
DP	–	Displaced Person
EA	–	Executing Agency
FGD	–	Focus Group Discussion
GRC	–	Grievance Redress Committee
GRM	–	Grievance Redress Mechanism
LA Act	–	Land Acquisition Act, 1894
MoPIT	–	Ministry of Physical Infrastructure and Transportation
NGO	–	Non Governmental Organization
PIU	–	Project Implementation Unit
PMU	–	Project Management Unit
RF	–	Resettlement Framework
RO	–	Resettlement Officer
RP	–	Resettlement Plan
R&R	–	Resettlement and Rehabilitation
RoB	–	Road over Bridge
RoW	–	Right of Way
SASEC	–	South Asia Subregional Economic Cooperation
SH	–	State Highway
SPS	–	Safeguard Policy Statement
VDC	–	Village Development Committee
WHH	–	Women Headed Household

WEIGHTS AND MEASURES

1 hectare	=	2.47 acre
1 kattha	=	720 sq.ft
20 kattha	=	1 bigha
1 bigha	=	0.3306
acre	=	1338 sq.m

NOTE

In this report, "\$" refers to US dollars

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EXECUTIVE SUMMARY

A. Project Description

1. The SASEC Road Connectivity Investment Program (“SRCIP”) will improve road connectivity and efficiency of the international trade corridor, by expanding about 500km of roads in the North Bengal and Northeastern Region (NB-NER) of India. The project area under SRCIP is a key strategic thoroughfare integrating South and South East Asia, bordering Bangladesh, Bhutan, Myanmar and Nepal. It will enable efficient and safe transport within India and regionally with other South Asia Subregional Economic Cooperation (SASEC) member countries¹. Ultimately, SRCIP will pave the way from India and other South Asian countries to Myanmar, and further afield to other member countries of the Association of South East Asian Nations (ASEAN). The proposed investment program will upgrade national highways (NH), and state highways (SH) connecting five countries: Bangladesh, Bhutan, India, Myanmar and Nepal in the northeastern part of India including North Bengal. A Multitranche Financing Facility modality is financing the Mechi River Subproject under Tranche 2.

2. This Resettlement Plan has been prepared by the National Highway and Infrastructure Development Corporation Limited, Ministry of Road Transport and Highways, Government of India as the project will be financed by the ADB loan through the Indian government. The Department of Roads (DOR) under the Ministry of Physical Infrastructure and Transportation (MoPIT) of Nepal will be responsible for implementing safeguard activities including land acquisition and resettlement on the Nepal side of the bridge. This RP addresses social issues arising out of acquisition of land and other assets, eviction of squatters and removal of encroachments resulting in social and / or economic displacement to households / individuals / community, either direct or indirect and is in compliance with ADB's Safeguard Policy Statement 2009, Nepal Land Acquisition Act, 1977 and Land Acquisition, Rehabilitation and Resettlement Policy 2071 (2015).

3. The subproject involves construction of an approach road in the Nepal side to connect to the proposed new bridge across Mechi River on the northern side of the existing bridge. The six lane major bridge of 675m long is proposed connecting Nepal side border to Indian side border and further to Kakarvitta on Nepal side and proposed Panitanki bypass of Asian Highway AH 02 on Indian side.

B. Scope of land Acquisition and Resettlement

4. The subproject will involve acquisition of private land measuring 0.02.46 ha, will impact 73 private structures involving 73 households and 9 community structures. Further, there are 2 landowners who will lose a strip of their land under the subproject proposed for acquisition for the approach road.

5. Majority (68%) of the structures getting affected belong to squatters, 3 percent structures getting affected belong to encroachers and another 29 percent structures are owned. Eighty three percent of the private structures getting affected are temporary in nature, followed by 16 percent structures that are semi permanent in nature. Seventy percent of the structures getting affected are either kiosks or shacks, comprising largely of small unorganized business establishments. Twenty seven percent of the affected structures are used as residence and 3

¹ Comprising Bangladesh, Bhutan, India and Nepal

percent are used as both residence and commercial. In all, about 73 percent of the structures getting affected will cause loss of livelihood.

C. Socioeconomic Information and Profile

6. The census socio-economic survey identified 75 households and 3 employees who would be affected and 9 common property resources that would require to be relocated or compensated. Of the 75 households, 2 households could not be enumerated as their whereabouts were not known. However, both the households were identified based on land records.

D. Consultation, Participation and Disclosure

7. Consultations and discussions were held during project preparatory stage with both primary and secondary stakeholders. The primary stakeholders include project displaced persons (DPs), project beneficiaries and implementing agency. The secondary stakeholder includes local traders association and community representatives.

8. The consultations have been taken up at the time of alignment option study report for the bridge and approaches. After finalization of alignment for bridge and approaches consultations with various stakeholders were carried out in December 2015. In the initial phase consultations were carried out to finalize the alignment of bridge and its approaches. Consultations with various agencies and public members have also been carried out in Nepal. Detailed consultations regarding the extent of involuntary resettlement impact and mitigation measures proposed in the RP were discussed with the DPs and general public in December 2015.

9. The resettlement framework principles and entitlements matrix and the RP will be translated in Nepali and the English, and the Nepali versions will be made available to the public and in particular to the affected people by the implementing agency. The disclosure plan will include uploading of the resettlement planning documents in ADB and EA websites.

E. Policy and Legal Framework

10. The policy framework and entitlements for the Program are based on national laws: Nepal Land Acquisition Act 1977, Land Acquisition, Rehabilitation and Resettlement Policy of 2015 and ADB's SPS, 2009.

F. Entitlements, Assistance and Benefits

11. Displaced persons meeting the cut-off date requirements will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. For title holders, the date of notification under Section 6(1) of Land Acquisition Act, 1977 will be treated as the cut-off date, and for non-titleholders the start date of project census survey i.e. December 26, 2015 will be the cut-off date. A formal communication to this effect was made to during the consultations. Unforeseen impacts will be mitigated in accordance with the principles of the RF prepared for this sector loan.

G. Relocation of Housing and Settlement

12. The PIU will provide compensation at replacement cost for affected land and structure in accordance with the eligibility and entitlements. Further, shifting and reconstruction assistance measure equivalent to 10% of the replacement cost of the structure affected, or equivalent to the actual cost of repair or allowances and transportation cost has been provided for the displaced households in the entitlement matrix. Compensation to the non-title holders for the loss of assets other than land, such as dwellings and shops have been provided for in the entitlement matrix. The entitlements to the non-titleholders will be given only if they were in occupation of the land or structure in the project area prior to the cut-off date, the date of commencement of census survey i.e. December 26, 2015.

13. This being a liner project the impact to livelihood (includes significant impacted Kiosk/Shacks and residence cum commercial) is about 73 percent (see Table 5) and out of them 92 percent are non-titleholders. The displaced persons and communities will be supported in their relocation and provisions have been made to restore their income to pre-project levels through construction of a market complex. The subproject will also cause residential loss to about 27 percent of the DHs excluding those DHs facing loss of residence cum commercial.

H. Income Restoration and Rehabilitation

14. The subproject will cause loss of livelihood to 51 DH losing their Kiosks/Vending, 2 DH losing their place of residence cum business, in all totaling 53 DH will be losing their livelihood. Further, there and about 3 employees engaged in these shops who would also lose their livelihood.

15. PIU will make efforts to build market stalls to rehabilitate the commercial squatters. Effort will be made by the PIU to assist the DP in their effort to restore their income.

I. Resettlement Budget and Financing Plan

16. The resettlement cost estimate for this subproject include compensation for private land, compensation for structure at replacement cost without depreciation, resettlement assistances in accordance with the EM, cost of construction of market place and cost of RP implementation. The total resettlement cost for the subproject is NPR 31.2 million.

17. The MoPIT will pay necessary funds for compensation for land and structure and for the cost of resettlement assistances including the cost of construction of market place and RP implementation. The EA will ensure timely availability of funds for smooth implementation of the RP. The PIU will facilitate disbursements, but the responsibility of ensuring full and timely payment to displaced persons will be that of EA.

J. Grievance Redressal Mechanism

18. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate and facilitate the resolution of displaced persons concerns, complaints and grievances about the social and environmental performance at the level of the subproject.

19. There will be a single level GRC for the project. One will be according to the clause 11 of Land Acquisition Act 1977 which will be chaired by the CDO. Under the LA Act, any DPs can raise objection against acquisition of land by a notice to Ministry of Home. There are normal procedure and rules and regulation to address the complaints/grievances. There will be another GRC at local level (each VDC). DPs can submit grievances verbally or written to this

committee for resolution. If the grievances resolved at local level, it will not refer to CDO. In case, it is not resolved, it will refer to GRC at district level which is chaired by CDO. The GRC will continue to function, for the benefit of the DPs, during the entire life of the project including the defects liability periods.

K. Institutional Arrangement

20. The Ministry of Road Transport and Highways, Government of India will be the executing agency (EA) for the cross-national bridge project. The National Highway and Infrastructure Development Corporation Limited of India will be the Implementing Agency (IA). The financing for the civil works will be financed by Government of India through a loan from the Asia Development Bank. The Government of Nepal's Department of Road (DOR) will be responsible for implementation of safeguard related activities for the Nepal side of the project per agreement in a Memorandum of Understanding. DOR has established a Project Directorate PIU at the divisional level in Jhapa with a Senior Divisional Engineer overseeing the implementation. For resettlement activities the PIU will be supported by a resettlement consultant from the Implementation Support Consultant who will review the monitoring data, conduct his/her own field level data verification and consultation with affected persons and provide advice to DOR in follow-up actions.

L. Implementation Schedule

21. Implementation of RP mainly consists of compensation to be paid for private land, compensation for structures, construction of market place and assistance for loss of homestead resulting in physical displacement, loss of livelihood resulting in economic displacement, and additional assistance to vulnerable household. Wherever private land is involved, compensation for land should be paid to the land owner or into court deposit, in case of ownership/apportionment issues exist, prior to commencement of civil works.

22. Wherever private land is involved, compensation for land should be paid to the land owner or into court deposit, in case of ownership/apportionment issues exist, prior to commencement of civil works. In stretches where there is no land acquisition and all improvements are proposed with the right-of-way, all assistances should be paid to the DP prior to giving clearance for civil works

M. Monitoring and Reporting

23. The Project Implementation Unit will carry out concurrent monitoring of RP implementation through the ISC, and prepare monthly and quarterly progress report in terms of physical and financial indicators.

24. This subproject involving significant resettlement impacts is classified as Category-A and hence will have to be monitored by an experienced external expert/agency and submit semi-annual monitoring reports to EA/ADB

I. PROJECT DESCRIPTION

A. Background

1. The SASEC Road Connectivity Investment Program (“SRCIP”) will improve road connectivity and efficiency of the international trade corridor, by expanding about 500km of roads in the North Bengal and Northeastern Region (NB-NER) of India. The project area under SRCIP is a key strategic thoroughfare integrating South and Southeast Asia, bordering Bangladesh, Bhutan, Myanmar and Nepal. It will enable efficient and safe transport within India and regionally with other South Asia Subregional Economic Cooperation (SASEC) member countries.²² Ultimately, SRCIP will pave the way from India and other South Asian countries to Myanmar, and further afield to other member countries of the Association of South East Asian Nations (ASEAN). The proposed investment program will upgrade national highways (NH), and state highways (SH) connecting five countries: Bangladesh, Bhutan, India, Myanmar and Nepal in the northeastern part of India including North Bengal. A Multitranche Financing Facility modality is will finance the Mechi River Bridge subproject under Tranche 2.

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B. Subproject

3. The subproject involves construction of an approach road in the Nepal side to connect to the proposed new bridge across Mechi River on the northern side of the existing bridge. The six lane major bridge of 675m long is proposed connecting Nepal side border to Indian side border and further to Kakarvitta on Nepal side and proposed Panitanki bypass of Asian Highway AH 02 on Indian side.

²² Comprising Bangladesh, Bhutan, India and Nepal



Figure 1: Key Plan of Mechi Bridge

C. Profile of Subproject Area

4. The subproject, the approach road in the Nepal side to the proposed bridge, passes through the Jhapa district of the Eastern Development Region of Nepal.

5. Jhapa District is located in Mechi Zone of the Eastern Development Region of Nepal. It borders with West Bengal (India) to the east, Morang District to the west, Illam District to the north and state of Bihar in India to the south. The district has 7 municipalities (Bhadrapur, Damak, Mechinagar, Shivasatasi, Saniarjun, Kankai and Birtamode) and 37 VDCs. The total area of the district is 1,606 sq.km. The population of the district is 812,650³³ consisting of 47.4% males and 52.6% females. There are 184,552 households and the average size of the family is 4.4. This district has multi ethnic composition; majorities are Brahamin, Chetri, Rajbanshi, Limbu, Rai, Tamang, Kami, Damai.

D. Subproject Impacts

6. The subproject apart from improving trade and tourism between India and Nepal will provide the local community living in the region improved access to markets, health care facilities, and educational institutions due to the wider bridge and better designed approach roads. However, acquisition of private land, removal of encroachments and squatting will become necessary for the construction of the bridge, resulting in negative impacts to some people living along the corridor.

7. The subproject will involve acquisition of private land measuring 0.02.46 hectares (ha) will impact 73 private structures involving 73 households and 9 community structures. Further, there are 2 landowners who will lose a strip of their land under the subproject proposed for acquisition for the approach road. The subproject will cause physical displacement to 20 household, economic displacement to 51 household who would lose their kiosks/shacks, 2 households will face both physical and economic displacement and 2 households will lose a strip of their land. The involuntary resettlement impacts is summarized in Table 1.

³³ Census 2011, Central Bureau of Statistics, Nepal

Table 1: Summary of Involuntary Resettlement Impacts

Impact	Improvements to Mechi
Permanent Land Acquisition (ha)	0.0246 ha
Government Land Required	0.7603 ha
Temporary Land Acquisition (ha)	Nil
Total Displaced Households (DHS)	75
Physically Displaced Households (Loss of Residence)	20
Economically Displaced Households (Loss of Shop)	51
Physically and Economically Displaced Households (Loss of Residence cum Shop)	2
Land Owners Losing strip of land	2
Tenants	-
Displaced Persons (DPs)	376
Titled DPs	9
Non-titled DPs	367
Affected employees	3
Women Headed Household (WHH)	10
Janajati headed household	4
Dalit headed household	4
BPL household	21
Disabled Headed Households (DHH)	-
Nontitle holders	44 ⁴
Vulnerable households (WHH, Janajati, BPL & DHH- Mutually exclusive)	53
Affected Structures	73
Affected Private Trees	-
Affected Common Property Resources	9

Source: Census and Social Survey, December 2015

E. Minimizing Involuntary Resettlement

8. This being a new formation, private land and government land will be required for approach road to the bridge. Further, squatting along the existing approach road also will be affected. However, efforts were made during design stage to reduce the private land acquisition, by making use as far as possible the available government land.

F. Scope and Objective of Resettlement Plan

9. The objective of this Resettlement Plan (RP) is to mitigate involuntary resettlement impacts identified during census and socio-economic surveys carried out in December 2015 based on detailed design. The survey identified 10 DHS to be women headed household, 4 DHS each belong to the Janajati and Dalit households, the average size of the family was 5.16, 19 percent were involved in business activity including managing a kiosk/shack, the average monthly family income was Rs.15,644 per month and there are 53 vulnerable household. This RP complies with National and State laws and policies and is also in compliance with ADB Safeguards Policy Statement 2009. Another RP has been prepared for the approach road on the Indian side of the border following Government of India rules and regulation and ADB's Safeguard Policy Statement.

⁴ The nontitle holders in this subproject is 50 DHS. However, since only 44 DHS provided details of the family and other socio-economic information, these 44 DHS are categorised as vulnerable. The remaining 6 DHS will be suitable categorised during implementation.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Introduction

10. The subproject involves construction of an approach road in the Nepal side to connect the proposed new bridge across Mechi River.

B. Scope of Land Acquisition

11. The village maps were obtained and the alignment was superimposed on the village maps to identify the land parcels required for the proposed subproject. A field verification was also undertaken to establish the land parcels involved.

12. The subproject involves acquisition of private land and requires transfer of government for construction of the approach road to the proposed new bridge across Mechi River. The total land required for the improvements proposed is 0.7849ha, of which private land accounts for 0.0246ha, which is about 3.1% of the total land required. The entire private land measuring 0.0246ha comprises of 2 land parcels. The land requirement in this subproject is summarised in Table 2.

Table 2: Land Requirement

Subproject Component	Extent of Land (in hectares)			Number of owners in Private Land
	Private Land	Government Land	Total	
Approach Road in Nepal Side	0.0246	0.7603	0.7849	2
Total	0.0246	0.7603	0.7849	2

Source: Census and Social Survey, December 2015

C. Impact to Structures

13. The improvements proposed will impact 73 private structures and 9 Common Property Resources (CPR). Further, there are 3 employees who would be displaced due to this project. Two out of the employees are women and all three employees are the main earning members in their family. The employees are working in kiosks/shacks and there are similar type of kiosks/shacks in the nearby junction and these employees will be able to get employed. The summary of displaced households is presented as Appendix-I and the CPR is presented as Appendix-II.

D. Loss of Private Structures

14. Majority (68%) of the structures getting affected belong to squatters, 3 percent structures getting affected belong to encroachers and another 29% structures are owned. The ownership details of the private structures getting affected is presented in Table 3.

Table 3: Ownership of Private Structures

Tenure	Number of Structures	Percentage
Owner ⁵	21	28.8
Encroacher	2	2.7
Squatter	50	68.5
Total	73	100.0

Source: Census and Social Survey, December 2015

⁵ Though the DPs claim ownership, they do not have any record to establish it

15. 84% of the private structures getting affected are temporary in nature, followed by 16% structures that are semi permanent in nature. The type of construction of the affected structures is presented in Table 4.

Table 4: Type of Construction of the Affected Structures

Type of Structure	Number of Structures	Percentage
Permanent	-	-
Semi permanent	12	16.4
Temporary	61	83.6
Total	73	100.0

Source: Census and Social Survey, December 2015

16. 70% of the structures getting affected are either kiosks or shacks, comprising largely of small and unorganized business establishments. 27% of the affected structures are used as residence and 3 percent are used as both residence and commercial. In all, about 73% of the structures getting affected will cause loss of livelihood. The use of the affected structure is presented in Table 5.

Table 5: Use of the Affected Structures

Use of Structure	Number of Structures	Percentage
Residential	20	27.4
Residential & Commercial	2	2.7
Kiosk / Shacks / Street Vendors	51	69.9
Total	73	100.0

Source: Census and Social Survey, December 2015

E. Loss of Livelihood

17. The subproject causes impact to commercial shops/kiosks (69.9%) and residence cum commercial establishments (2.7%) [see Table 5] resulting in loss of livelihood to about 73 percent of the displaced household. Further, there 3 employees who would also face economic displacement. The category of impacts causing loss of livelihood is presented in Table 6.

Table 6: Loss of Livelihood

Category of Loss	Number of Displaced Households	Number of Displaced Persons
Owners of Business	53	258
Commercial Tenants	-	-
Employees	3	
Total	56	258

Source: Census and Social Survey, December 2015

F. Loss of Community Assets

18. The project will affect 9 common property resources, among which 89% are public facilities and amenities. Place of worship accounts for 11% of common property resources getting affected. The common property resources getting affected in this project is presented in Table 7. Where ever required, the PIU will ensure that utilities are relocated, in accordance to ADB SPS, prior to commencement of civil works in that stretch of the approach road in accordance with the civil works schedule.

Table 7: Loss of Community Structures

Type of Community Asset	Number of Structures	Percentage
Place of worship	1	11.2
Compound wall of Govt Buildings	3	33.3
Check post / booth (security / customs)	2	22.2
Other government buildings	3	33.3
Total	9	100.0

Source: Census and Social Survey, December 2015

G. Loss of Trees

19. The subproject will not impact any private trees.

III. SOCIOECONOMIC INFORMATION AND PROFILE

A. Census Survey

20. The draft RP is based on the census and socioeconomic survey carried out in December 2015 based on detailed design drawing. The census survey identified 75 households and the salient findings are discussed in the following sections.

B. Methodology Adopted

21. The census survey enumerated all private assets/properties and community assets within the Corridor-of-Impact (Col). The private assets were marked with distinct numbers, photographed, measured and type and use of structure was recorded.

22. For every displaced household, a pretested structured questionnaire was administered during the census survey. The draft questionnaire prepared was pretested in the locality to remove any ambiguity and then after pretest the questionnaire was finalised. The survey recorded identity details and gathered information regarding type and extent of loss, household characteristics including social, economic and vulnerability status. Further, for all commercial activities, nature of business activity and the impact to employees was collected.

23. In addition to recording the above information, detailed household characteristics, including demographic profile of members of the household, standard of living, inventory of physical assets, indebtedness level, health and sanitation, and ascertaining perceptions about subproject, resettlement options and compensation, was collected from all the households. All assets were photographed and numbered for reference and record. Details of common property resources within the Col were also recorded.

24. The census survey identified 75 households and 3 employees who would be affected and 9 common property resources that would require to be relocated or compensated. Of the 75 households, 2-landowner households could not be enumerated as their whereabouts were not known. However, both the households were identified based on the land records. The summary of Displaced Households and the summary of Affected Community Assets is presented as Appendix-I and Appendix-II respectively.

25. The socio-economic survey was carried out amongst 73 DHs, excluding the private landowners (2 DHs) whose whereabouts were not known. The socio economic details were provided by all the 73 DHs and the findings of the survey are discussed in the following sections. However, only 69 households provided details of individual family members.

C. Demographic Profile of Project Displaced Households

1 Household by Sex

26. Fourteen percent of displaced households are headed by women and the remaining households are headed by men. Males account for 48.6 percent and female account for 51.4 percent amongst Displaced Persons (DPs).

Table 8: Head of Household by Sex

	Number	Percentage
Male	59	85.5
Female	10	14.5
Total	69	100.0

Source: Census and Social Survey, December 2015

2. Household by Religion

27. Hindus account for 96 percent of the household getting affected, followed by 1 percent each of Muslims, Christians and Buddhist.

Table 9: Household by Religion

Religion	Number	Percentage
Hindu	66	95.8
Muslim	1	1.4
Christian	1	1.4
Buddhist	1	1.4
Total	69	100.0

Source: Census and Social Survey, December 2015

3. Household by Social Group

28. Eighty eight percent of the displaced household belong to the other caste category, followed by 6 percent each of dalits and janajati. The 6 percent janajatis comprise of 75 percent Hindus and 25 percent Buddhist, they speak the local language and are involved in mainstream occupation and hence are part of the mainstream and do not maintain any distinct culture or custom.

Table 10: Household by Social Category

Social Category	Number	Percentage
Other caste group	61	88.4
Dalit	4	5.8
Janajati	4	5.8
Total	69	100.0

Source: Census and Social Survey, December 2015

4. Household by Size of Family

29. The socio-economic survey was carried out amongst 73 households and the family details were provided by 69 households and the details of the same are analysed and presented in the following sections.

30. Family of size 4 and 5 members account for 44 percent, followed by 32 percent with a family of size 3 and 4 members, 13 percent with a family of size 7 and 8 members, 7 percent with above 8 members and 4 percent with family of 1 and 2 members. The average size of the displaced household is 5.16 or say 5 members.

Table 11: Size of the household

Size of the Family	Number	Percentage
≤ 2	3	4.3
> 2 and ≤ 4	22	31.9

Size of the Family	Number	Percentage
> 4 and ≤ 6	30	43.5
> 6 and ≤ 8	9	13.0
> 8	5	7.3
Total	69	100.0
Average size of the family is 5.16		

Source: Census and Social Survey, December 2015

5. Age group of DPs

31. The percentage of women aged above 65 years is marginally lower compared to men in the same age group. However, in the 21 and below age group there are more women than men. In all, 37 percent of the displaced persons are in the age group of 21 and below, followed by 27 percent in the age group of 22 and 35, 12 percent in the age group of 36 and 45, 11 percent in the age group of 46 and 55, 6 percent in the age group of 56 and 65 and 5 percent in the above 65 age group.

Table 12: Age Group of DPs

Age Group	Male		Female		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
5 and 21	61	35.3	72	39.3	133	37.4
> 21 and ≤ 35	50	28.9	47	25.7	97	27.2
> 35 and ≤ 45	17	9.8	26	14.2	43	12.1
> 45 and ≤ 55	22	12.7	19	10.4	41	11.5
> 55 and ≤ 65	13	7.5	10	5.5	23	6.5
> 65	10	5.8	9	4.9	19	5.3
Total	173	100.0	183	100.0	356	100.0

Source: Census and Social Survey, December 2015

D. Socio-economic Profile

1. Educational level of DPs

32. Thirty four percent amongst females and 23 percent amongst males are uneducated. Higher secondary level is the highest level of educational attainment for most of the females with the number of females beyond high school declining compared to males. Interestingly, there are more graduates amongst women than men.

Table 13: Educational level of DPs

Educational level	Male		Female		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Primary (5th)	39	22.5	38	20.8	77	21.6
Upper primary (8th)	30	17.3	29	15.8	59	16.6
High School (10th)	41	23.7	32	17.5	73	20.5
Higher Secondary (12th)	21	12.1	16	8.7	37	10.4
Graduate	2	1.2	5	2.7	7	2.0
Post Graduate	-	-	-	-	-	-
Technical Education	-	-	-	-	-	-
Uneducated	40	23.1	63	34.4	103	28.9
Total	173	100.0	183	100.0	356	100.0

Source: Census and Social Survey, December 2015

2. Occupation of DPs

33. Seventy six percent amongst females and 43 percent amongst males are not in workforce, comprising largely of children, students, elderly, housewives and females who do not go for work. Twenty two percent of the male manage petty shop/eatery/repair shop/business followed by 6 percent who are self employed. This being an approach road to the bridge and development being linear along an existing highway, the impact to shops along the road margins are higher and hence the occupational pattern of displaced person reflects greater impact to trade. Women are mostly into managing shops. The business category in this project are those having kiosks/shacks and are not into any big business venture worth mentioning. The livelihood of majority of the households are non-land based.

Table 14: Occupation of DPs

Occupation	Male		Female		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Petty / Tea shop	32	18.5	25	13.7	57	16.0
Eatery / Daba	4	2.3	4	2.2	8	2.2
Repair / Spare part	1	0.6	-	-	1	0.3
Business / Trade	1	0.6	2	1.1	3	0.8
Self employed	10	5.8	2	1.1	12	3.4
Salaried / Pension	9	5.2	-	-	9	2.5
Professional	-	-	-	-	-	-
Industrial worker	2	1.2	-	-	2	0.6
Casual labourer	15	8.7	2	1.1	17	4.8
Cultivator	1	0.6	-	-	1	0.3
Agricultural labourer	3	1.7	1	0.5	4	1.1
Tea Garden labourer	-	-	-	-	-	-
Unemployed	21	12.1	7	3.8	28	7.9
Not in workforce	74	42.8	140	76.5	214	60.1
Total	173	100.0	183	100.0	356	100.0

Source: Census and Social Survey, December 2015

3. Income of Household

34. Sixty four percent of the households are earning above Rs.6000 per month, followed by 16 percent who earn between Rs.4001 and Rs.5000, 4 percent earn between Rs.5001 and 6000, 3 percent earn between Rs.3001 and Rs.4000 and 1 percent each earn between Rs.2001 and Rs.3000 and between Rs.1001 and Rs.2000. The average monthly family income is Rs.15,644 and the BPL⁶ households account for 29 percent of the DHs.

Table 15: Monthly Household Income of DHs

Monthly Family Income Range	Number	Percentage
> 0 and ≤ 1000	-	-
> 1000 and ≤ 2000	1	1.4
> 2000 and ≤ 3000	1	1.4
> 3000 and ≤ 4000	2	2.7
> 4000 and ≤ 5000	12	16.4
> 5000 and ≤ 6000	3	4.1
> 6000	47	64.4

⁶ The poverty line for Nepal, in average 2010/11 prices has been estimated at Rs. 19,261 (NLSS) per capita per year

Monthly Family Income Range	Number	Percentage
Not disclosed	7	9.6
Total	73	100.0

Source: Census and Social Survey, December 2015

4. Indebtedness of Household

35. Fifty six percent (41 out of 73 DHs) of the households are indebted at different levels and the rest have not borrowed from anyone. Forty four percent amongst the indebted-DHs have borrowed only from private money lenders indicating that these DHs not only lack creditworthiness but also pay high interest on private loan (3%-5% per month), further impoverishing them.

Table 16: Indebtedness of HH

Loan Taken	Number	Percentage
Banking institutions	18	43.9
Money lenders	19	46.3
Both bank and Money lenders	4	9.8
Total	41	100.0

Source: Census and Social Survey, December 2015

5. Level of Indebtedness - Banking Institutions

36. Amongst those who had borrowed from bank, 55 percent had borrowed over Rs.1,00,000, followed by 23 percent who had borrowed between Rs.50,001 and Rs.1,00,000, 18 percent of the households had borrowed between Rs.25,001 and Rs.50,000 and 5 percent of the households had borrowed and between Rs.10,001 and Rs.25,000.

Table 17: Extent of Loan taken - Bank

Amount Borrowed	Number	Percentage
Less than 5,000	-	-
> 5,000 and 5 10,000	-	-
> 10,000 and 5 25,000	1	4.5
> 25,000 and :5 50,000	4	18.2
> 50,000 and 5 100,000	5	22.7
> 100,000	12	54.6
Total	22	100.0

Source: Census and Social Survey, December 2015

6. Purpose of Loan - Banking Institutions

37. Fifty five percent of the borrowers had used the loan for productive investments, viz. business/shop, followed by 23 percent who had borrowed to meet medical expenses, 14 percent had borrowed to meet expenses of wedding/family function and 9 percent had borrowed for miscellaneous expenses.

Table 18: Purpose of Loan

Borrower	Number	Percentage
Agriculture	-	-
Business / trade	12	54.6
Medical Exp	5	22.7
Wedding / family function	3	13.6

Borrower	Number	Percentage
House construction / repair	-	-
Miscellaneous expenses	2	9.1
Total	22	100.0

Source: Census and Social Survey, December 2015

7. Level of Indebtedness - Money Lenders

38. Amongst those who had borrowed from private money lenders, 38 percent had borrowed over Rs.100,000, followed by 29 percent who had borrowed between Rs.25,001 and Rs.50,000, 25 percent had borrowed between Rs.50,001 and Rs.1,00,000 and 8 percent had borrowed between Rs.10,001 and Rs.25,000.

Table 19: Extent of Loan taken - Money Lender

Amount Borrowed	Number	Percentage
Less than 5,000	-	-
> 5,000 and 5 10,000	-	-
> 10,000 and :5 25,000	2	8.3
> 25,000 and :5 50,000	7	29.2
> 50,000 and 5 100,000	6	25.0
> 100,000	9	37.5
Total	24	100.0

Source: Census and Social Survey, December 2015

8. Purpose of Loan - Money Lenders

39. Forty six percent of the borrowers had used the loan for productive investments, viz. business/shop, followed by 29 percent who had borrowed to meet expenses of wedding/family function and 25 percent had borrowed to meet medical expenses.

Table 20: Purpose of Loan - Money Lender

Borrower	Number	Percentage
Agriculture	-	-
Business / trade	11	45.8
Medical Exp	6	25.0
Wedding / family function	7	29.2
House construction / repair	-	-
Miscellaneous expenses	-	-
Total	24	100.0

Source: Census and Social Survey, December 2015

9. Impact to Vulnerable HH

40. The percentage of displaced households qualifying as BPL households as per Nepal Living Standard Survey by National Planning Commission of Nepal for 2010/2011 definition is 29 percent (21 DHs out of 73 DHs).

41. Six percent each are janajati (4 DHs out of 69 DHs) and dalit (4 DHs out of 69 DHs) and 14 percent are women headed households (10 DHs). Further, the non title holders account for 64 percent (44 out of 69 - though there are 50 nontitle holders in this subproject, the family details were provided only by 44 DHs). In all there are 77 percent vulnerable

households (53 DHs out of 69 DHs) in this project. These percentages are mutually exclusive in the order of priority as presented in the following table.

Table 21: Vulnerable (mutually exclusive)

Vulnerability Type	Number of HH impacted	Percentage
Women headed household	10	18.9
Janajati	3	5.7
Dalit	3	5.7
Below poverty line	17	32.0
Non title holders	20	37.7
Total Vulnerable	53	100.0

Source: Census and Social Survey, December 2015

10. Assets Owned

42. Eighty nine percent of the households have a mobile phone, 70 percent have a television, 48 percent have bicycle, 12 percent have motor cycle, 7 percent have telephone (landline) and 3 percent possess a car.

Table 22: Assets Owned

Asset Type	Number	Percentage
Television - B&W	5	6.8
Television - Color	46	63.0
Cycle	35	47.9
Motor cycle	9	12.3
Car	2	2.7
Telephone	5	6.8
Mobile phone	65	89.0

Source: Census and Social Survey, December 2015

11. Livestock

43. Eighteen percent of the households own livestock and the fact that not many households own livestock, that supports an agricultural family at times of crop failure, is another indication that the livelihood of majority of the displaced households are non-land based.

Table 23: Livestock Ownership

Type of Livestock Owned	Number	Percentage
Cow	6	8.2
Goat / Sheep	7	9.6

Source: Census and Social Survey, December 2015

E. Health Seeking Behavior

1. Disease in Family

44. Forty eight percent reported that a family member suffered from a disease requiring treatment. Amongst those families (35 out of 73 DH) that reported illness, 34 percent had taken allopathic treatment from government run clinics and 54 percent had taken treatment from private practitioners. Eight percent reported that they bought medicine off the counter.

Table 24: Health Seeking Behavior

Place / Source of Treatment	Number	Percentage
Primary Health Centre	12	34.3
Private Clinic	19	54.3
Traditional healing	-	-
Medical Shop	3	8.6
Do not take treatment	1	2.8
Total	35	100.0

Source: Census and Social Survey, December 2015

2. Institutional Delivery

45. Forty five percent of the displaced household reported of having utilized government institutional facility during delivery of the child, followed by 18 percent who had utilized private hospital together accounting for 63 percent institutional delivery. Eleven percent had delivered at home with the assistance of a village elder and 10 percent had delivered with the assistance of the midwife.

Table 25: Maternal Delivery

Place / Source of Treatment	Number	Percentage
Govt Hospital	33	45.2
Private Hospital	13	17.8
Midwife at home	7	9.6
Village elder at Home	8	11.0
Not disclosed	12	16.4
Total	73	100.0

Source: Census and Social Survey, December 2015

3. HIV-AIDS

46. Fifty one percent of the displaced households reported of having heard about HIV-AIDS. Amongst those who were aware of HIV-AIDS, television had been the source of information about its spread and its prevention methods for 73 percent of them, followed by print media for 19 percent and government campaign for 5 percent. During project implementation, HIV-AIDS awareness raising sessions will be carried out amongst project affected communities to strengthen awareness.

Table 26: Awareness to HIV AIDS

Source of HIV Awareness	Number	Percentage
Print media	7	18.9
Radio	-	-
Television	27	73.0
Government Campaign	2	5.4
NGO Campaign	-	-
Other (neighbor, friend, etc)	1	2.7
Total	37	100.0

Source: Census and Social Survey, December 2015

F. Role of Women

1. Participation in Economic Activity

47. Three-fourth (76%) of the women are primarily involved in household work and are not into any economic activity, except 17 percent who manage a shop/business.

2. Decision making

48. Eighty four percent of the women reported that they play an active role in financial decisions of the household. Further, it is the lady of the household (86%) or the girl child (3%) or helpers (4%) who fetch drinking water for the household.

Table 27: Fetching Drinking Water

Person fetching water	Number	Percentage
Lady of the house	63	86.3
Girl child	2	2.7
Others (servants, hired, etc.)	3	4.1
Not applicable	5	6.9
Total	73	100.0

Source: Census and Social Survey, December 2015

G. Key Socio-economic Indicators

49. The key socio-economic indicators established based on the socio-economic survey carried out amongst the DHs in December 2015 are presented below. These indicators would form the baseline indicators that would be compared with the evaluation carried out by the independent external evaluation agency.

Table 28: Key Socio-economic Indicators

S.No	Indicator	Unit	Value/Figure
a)	Income (N = 66)		
1	Monthly family income	Average	Rs.15,644
2	Number of earners	Average	1.6
3	Business establishment (N=75)	%	70.6
b)	Housing (N = 68)		
4	Permanent	%	7.3
5	Semi-permanent	%	82.4
6	Temporary houses	%	10.3
7	Owned	%	82.4
8	Rented	%	17.6
9	Having separate kitchen	%	86.8
10	Having separate toilet	%	76.5
11	Having separate bath	%	58.8
12	Houses electrified	%	95.6
13	House with piped water supply	%	7.4
14	LPG as fuel for cooking	%	77.9
c)	Demographic Details (N = 69)		
15	Family size	Average	5.16
16	Women headed household	%	14.5
d)	Standard of Living (N = 73)		
17	B&W Television	%	6.8
18	Colour Television	%	63.0
19	Cycle	%	47.9
20	Motorcycle	%	12.3
21	Car	%	2.7

S.No	Indicator	Unit	Value/Figure
22	Phone	%	6.8
23	Mobile phone	%	89.0

Source: Census and Social Survey, December 2015

H. Perceived Benefits / Negative Impacts

50. Forty four percent consider increased transport facility as a benefit of this sub-project, followed by 23 percent who consider that they will have better access to markets, 16 percent consider that they will get better access to employment, 5 percent are of the opinion that it will give them better access to health care, 3 percent are of the opinion that there will reduction in travel time and 1 percent are of the opinion that the subproject will result in increase of the land value. The opinion of the displaced household to the perceived benefits from this subproject is presented in the following table.

Table 29: Perceived Benefits (mutually inclusive)

Benefits	Number	Percentage
Increased transport facility	32	43.8
Access to employment	12	16.4
Access to markets	17	23.3
Access to health care	4	5.5
Reduced travel time	2	2.7
Lesser accidents / safety	-	-
Increase in land value	1	1.4

Source: Census and Social Survey, December 2015

51. Twenty percent of the displaced households consider that this subproject will have negative impact in terms of loss of assets and structure to people. Fifty nine percent feel that there could be more accidents due to increased speed. The opinion of the displaced households to the negative impacts of the subproject is presented in the following table. Based on this information, road safety audit have been undertaken for the road by the technical team, and road safety measures and awareness raising campaign will be undertaken. Raised sidewalks will be constructed in urban areas.

Table 30: Negative Impacts (mutually inclusive)

Negative Impacts	Number	Percentage
Loss of assets / structure to people	15	20.5
Accident due to increased speed	44	60.3

Source: Census and Social Survey, December 2015

I. Resettlement Preferences

52. Among the total displaced households (75), the resettlement preferences of 73 displaced households excluding the 2-absentee landowners is presented in the following table. Twenty nine percent of the displaced households preferred cash assistance to enable them to manage their relocation and/or rehabilitation. However, 60 percent wanted the subproject to assist them in getting an alternate shop/residence and 11 percent were undecided.

Table 31: Resettlement Preferences

Preference	Number	Percentage
Self managed - Cash assistance	21	28.8
Project assisted - House / shop	44	60.3
Undecided	8	10.9
Total	73	100.0

Source: Census and Social Survey, December 2015

53. The displaced households who wanted the project assisted house/shop were asked to indicate their preferred place for relocation if the subproject were to assist them. Ninety eight percent preferred to be in the same settlement and 2 percent were willing to go anywhere. The preferred relocation place of the displaced household is given in the following table.

Table 32: Project Assisted Preferences

Preference	Number	Percentage
Same settlement	43	97.7
Any where	1	2.3
Total	44	100.0

Source: Census and Social Survey, December 2015

IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

A. Stakeholders

54. Consultations and discussions were held during project preparatory stage with both primary and secondary stakeholders. The primary stakeholders include project displaced persons (DPs), project beneficiaries and implementing agency. The secondary stakeholder includes local traders association and community representatives.

B. Consultation in the Project

55. The consultations have been taken up at the time of alignment option study report for the bridge and approaches. After finalization of alignment for bridge and approaches consultations with various stakeholders were carried out in December 2015. In the initial phase consultations were carried out to finalize the alignment of bridge and its approaches. Consultations with various agencies and public members have also been carried out in Nepal.

56. Detailed consultations regarding the extent of involuntary resettlement impact and mitigation measures proposed in the RP were discussed with the DPs and general public in December 2015. A brief summary of the discussions is presented Section-E in this chapter.

C. Methods of Consultation

57. Consultations and discussions were held along the approach road with the displaced households during census and socio-economic survey. Focused group discussions were held during the survey with groups of traders, owners of residential houses and women’s group. During the focus group discussions, women members of the survey enumeration team were asked to interact with the women members of the DHs to understand their concerns and were encouraged to participate in the formal consultation, which had larger women participation. Most of the DHs being vulnerable, the participation of these DHs in the consultations were assured. The consultation methods followed and proposed are detailed below in the following table.

Table 33: Methods of Public Consultations

Stakeholders	Consultation Method
DPs	Census & Socioeconomic Survey
Representative of DPs	Focus Group Discussions
Local communities	Focus Group Discussions
Women’s groups	Focus Group Discussions
EA / PIU / Panchayat leaders	Individual interview, discussion, joint field visit
Line Departments (Revenue / L&LRO)	Individual meeting/interview, discussion


D. Consultations at District and Institutional Level

58. The consultations have been held with Department of Road office at Damak, Divisional Forest Officer at Bhadrapur (Jhapa district) and Mechi Nagar Municipal Corporation. The officials were explained about the project objective, the activities proposed under this subproject and the involuntary resettlement impact that would arise in this subproject. There were given an overview of the project RF, entitlement matrix and the implementation requirement including civil work coordination with implementation of the RP.

E. Summary of Consultations

59. Consultations were held on December 2015 involving about 100 DPs, traders, key opinion makers, amongst whom only some signed the attendance sheet which is provided in Appendix-VI. Advance intimation through individual notices was given to the people in the locality and at the start of the consultation, details of the proposed project including efforts made to minimize land acquisition and impact to people and structures was explained to the participants. The location where consultation was held is Mechinagar Nagar, Palika-10, Mechi Danda, Kakarvitta, Jhapa on December 28, 2015.

Table 34: Locations of Consultations

S. No	Place	Date	Number of participants	Photo
1	Mechinagar Nagar Palika – 10 Mechi Danda Kakarvitta Jhapa	28.12.2015	39 (including 40% women)	

60. The participants enquired about the start date of the project and the amount of compensation that would be paid for land and structure. It was explained to them that the project work is likely to commence sometime in mid-2017 and compensation for land and building would be at replacement cost. Participants were concerned about the shops being affected. They were informed that the project would provide compensation for structure and also assistance for loss of livelihood wherever livelihood is affected. They were asked to make a representation to the District administration regarding their request for market complex in a place close to the bridge location where many shops will be affected. They were also informed that this report will also make a recommendation towards a market complex. The summary of the consultation outcome is presented in the following table.

Table 35: Summary of Consultation Outcome

SNo	Location	Date	Issues Raised	Response / Remedial Measures Proposed
1	Kakarbhitta	28.12.2015	<ul style="list-style-type: none"> Some people whose property (house) falls in proposed RoW demanded that they have the house only as property. The project should provide the replacement plot. The participants demanded compensation for plot and house both. Consultants asked the suggestions of participants to reduce the pollution during the 	<ul style="list-style-type: none"> The Consultants replied that compensation will be paid as per the approved entitlement frame work of the project. The consultants replied that legal titleholders will get compensation for structure and plot. The participants suggested that plantation should be taken up at the RoW

SNo	Location	Date	Issues Raised	Response / Remedial Measures Proposed
			<p>project implementation stage.</p> <ul style="list-style-type: none"> • The participants demanded that all the three temples being impacted should be located at project cost. The relocation site should be finalized in consultation with the community. • The participants demanded that an access road to their residential area should be provided from project cost as a compensation to pollution exposure to them during the construction. • The participants demanded that a retaining wall should be providing to prevent damages from floods from the River. • Participants demanded that 10-11 people from their area should be employed in the construction works as their residential area is being impacted due to land acquisition. • The female participants suggested during construction necessary safety measures should be taken to avoid any accidents during construction and operation especially for senior citizens and children. • Participants demanded road side drain and suggested that a drain from there residential area should 	<p>boundary to screen vehicular emissions to residential area close to RoW.</p> <ul style="list-style-type: none"> • The consultants replied that compensatory plantation has been planned in the project. • The Consultants replied that one temple and another two within Govt campus will be relocated at project cost and at a location acceptable to the community. • The consultants replied that suggestion has been noted and will be conveyed to the project authorities. • The consultants replied that bridge design takes care of the retaining wall and protection from flood at the bridge site and surroundings. • The consultants replied that once contractor is mobilized then he will decide the employment of locals in the construction works. However, suggestion has been noted and will be conveyed to the project authorities. • The consultants replied that necessary safety precautions will be taken during construction and operation phases to avoid any accidents. • The consultants

SNo	Location	Date	Issues Raised	Response / Remedial Measures Proposed
			connect to road side drain to take care of waste water from their colony	<p>replied that project design has provisions for covered cum foot path in the approaches of bridge on Nepal side.</p> <ul style="list-style-type: none"> • The provision for connecting drain from the residential area to road side drain has been noted and will be conveyed to project authorities

61. The EM, implementation arrangement, structure and process of GRC and project information brochure will be distributed once the government approval of RP which is expected by August 2016.

F. Plan for further Consultation in the Project

62. The extent and level of involvement of stakeholders at various stages of the project from design to throughout implementation will open up the line of communication between the various stakeholders and the project implementing authorities, thereby aiding the process of resolving conflicts at early stages of the project rather than letting it escalate into conflicts resulting in implementation delays and cost overrun. Participation of the local community in decision- making will help in mitigating adverse impacts.

63. Further, successful implementation of the RP is directly related to the degree of continuing involvement of those affected by the subproject. Consultations with DPs has been proposed during RP implementation and the PIU will be responsible for conducting these consultations. The proposed consultation plan will include the following.

- i) In case of any change in subproject design the DPs and other stakeholders will be consulted regarding the factors that necessitated the change, efforts taken to minimize resettlement impacts and mitigation measures available in accordance with the principles of the RF.
- ii) The PIU will carry out information dissemination sessions in the project area and solicit the help of the local panchayat / community leaders and encourage the participation of the DP's in RP implementation.
- iii) During the implementation of RP, PIU will organize public meetings, and will appraise the communities about the progress in the implementation of project works, including awareness regarding road construction and safety.
- iv) Consultation and focus group discussions will be conducted with the vulnerable groups like WHH and ST to ensure that the vulnerable groups understand the process and their needs are specifically taken into consideration in the implementation.

64. A Public Consultation and Disclosure Plan will be finalised by PIU for the subproject as per the tentative format given in the following table.

Table 36: Format for Public Consultation and Disclosure Plan

Activity	Task	Period	Agencies	Remarks
Stakeholder identification	Mapping of the project area	Aug-Dec 2015	PIU Officials / TA Consultant	
Census and Socio-economic survey	Identified DPs and collected socioeconomic information on DP's	Dec 2015	TA Consultants	
Consultative meetings on resettlement mitigation measures	Discuss entitlements, compensation rates, grievance redress mechanisms	Dec 2015	TA Consultants	
Project information dissemination	Distribution of information leaflets to displaced persons (DPs)	Aug 2016	PIU	After RF/RP approval
Public Notification	Publish list of affected lands/sites in a local newspaper; project commencement details	Aug 2016	PIU	
Publicize the resettlement plan (RP)	Distribute leaflets or booklets in local language	Aug 2016	PIU	
Full disclosure of the Final RP to DPs	Distribute RP in local language to DPs	Aug-Sep 2016	PIU	
Internet disclosure of the RP	RP posted on ADB and EA website	Aug-Sep 2016	ADB / EA / PIU	

G. Information Disclosure

65. The resettlement framework principles and entitlements matrix and the RP will be translated in Nepali and the English, and the Nepali versions will be made available to the public and in particular to the affected people by the implementing agency. The disclosure plan will include uploading of the resettlement planning documents in ADB and EA websites. The following documents will be made available by EA to ADB for uploading them in the website.

- i) the final resettlement plan endorsed by the EA after the census of displaced persons has been completed;
- ii) an updated resettlement plan, and a corrective action plan prepared during project implementation, if any; and
- iii) the resettlement monitoring reports.

66. The EA will provide relevant resettlement information, including information from the above mentioned documents in a timely manner, in an accessible place and in a form and language(s) understandable to displaced persons and other stakeholders. Towards this, the IA/PIU will make available the RP and the above mentioned documents in the local body representative's office and also make available the gist of the RP translated in the local language to all DPs. This would be done soon as the RP is reviewed and cleared by the IA/EA

V. POLICY AND LEGAL FRAMEWORK

67. Prior to 1990, the Government had no constitutional obligation to pay compensation for the acquisition of private assets. There was no right to receive compensation for private property. The Constitution of Nepal (1990), Article 17 established the right to property. In addition, the fundamental rights of a citizen were strengthened by the Interim Constitution of Nepal (2007), Article 19.

68. The policy framework and entitlements for the Program are based on national laws: Nepal Land Acquisition Act 1977, Land Acquisition, Rehabilitation and Resettlement Policy of 2015 and ADB's SPS, 2009.

A. The Constitution

69. The Interim Constitution of Nepal (2007), Article 19 (1) guarantees the fundamental right of a citizen, i.e. right to acquire, own, sell and dispose of the property. Article 19 (2) describe that the state cannot acquire the property of any person except in case of public interest. Article 19 (3) also state that compensation shall be provided for any loss of individual property for public interest.

B. Land Acquisition Act, 1977

70. The act provides for acquisition of any land at any place for any public purpose, subject to payment of compensation under the Act. Further, public purposes has been defined as activities undertaken in the interest of or for the benefit or use of the general public, or functions to be undertaken by Government of Nepal and the term also included the following: (i) Project approved by Government of Nepal; and (ii) Project undertaken by local bodies in different levels.

71. There is a provision of Compensation Determination Committee (CDC) under the leadership of Chief District officer, which will fix the rate of compensation for the affected property. The other members in the committee are the Chief of Land Revenue Officer, representative from District Development Committee (DDC), concerned Project Director/Manager. The committee can also invite representatives from among the affected persons, representative from affected VDC/Municipality.

72. The basic function of the CDC is to review the verification of lands to be acquired, review and determine the compensation rate, identify the proper owners, distribution of compensation and address the issues related to land acquisition and compensation distribution. District Administrative Office (DAO) is also responsible to notify the public regarding the details of the land area, structure affected and other assets affected in the concerned VDC/Municipality for project purposes.

73. The act provides for payment of compensation for losses resulting from clearing of crops and trees, and of demolition of walls, etc., or for damage, if any, suffered as a result of the removal or digging of earth, stone, ditches, or boring. Further, the amount of compensation for land being acquired is to be determined separately in the case of persons whose land is wholly acquired, and of those whose land is partially acquired.

74. The compensation determination committee will be guided by the following in determining the compensation; (i) The guidelines issued by Government of Nepal from time to

time in respect to the fixation of compensation; and (ii) the losses suffered by the concerned person as a result of his having been required to shift the residence or the place of his/her business by reason of acquisition of the land.

75. The Land Reform Act (1964) is relevant in the compensation distribution modality. It specifies the compensation entitlements for the registered tenant. Where the tenancy right is legally established, the owner and tenant each will be entitled to 50% of the total compensation amount. Section 42 of the Land Reform Act states that Guthi (religious/trust) land acquired for development work must be replaced with another land.

C. Land Acquisition, Rehabilitation and Resettlement Policy, 2015

76. The Government of Nepal has recently formulated Land Acquisition, Rehabilitation and Resettlement Policy 2071 (2015) to facilitate the land acquisition process for infrastructure project. The policy outlines the need to conduct an economic and social impact assessment (SIA) of the development project, which was not a requirement under the Land Acquisition Act 1977. Based on this assessment, projects will be categorized as high-, medium- and low-risk⁷. The act also provisioned for the project affected families to be entitled to compensation if works like installation of transmission, telephone and underground drinking water pipe lines affect livelihood. And in case the projects affect yields of registered commercial crop, fruit or flower producers, compensation equivalent to five years of revenue must be given in cash.

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

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

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

D. ADB's Safeguard Policy Statement (SPS), 2009

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

⁷ High-risk projects refer to those which displace 50 or more households in the mountainous region, 75 or more households in the hilly region and 100 or more households in the Tarai. Medium-risk projects, on the other hand, are those that force relocation of less than 50 households in the mountainous region, less than 75 households in the hilly region and less than 100 households in the Tarai. Likewise, low-risk projects refer to those which cause productive property to shrink by up to 10 per cent.

81. ADB's SPS (2009) 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 displaced persons whether such losses and involuntary restrictions are full or partial, permanent or temporary.

82. The three important elements of ADB's SPS (2009) are: (i) compensation at replacement cost for lost assets, livelihood, and income prior to displacement; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. The SPS gives special attention to poor and vulnerable households to ensure their improved well-being as a result of project interventions.

E. Comparison of Government and ADB Policies

83. The Land Acquisition Act, 1977 recognizes titleholders only and squatters and encroachers are not recognized and excluded from the purview of the act. Appendix-III provides a gap analysis. Wherever there are gaps between the National/State laws and policies in comparison to ADB SPS requirement, ADB SPS will prevail.

F. Involuntary Resettlement Safeguard Principles for the Project

84. Based on the analysis of government provisions and ADB policy, the following resettlement principles are adopted for this sub-project:

- (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. Measures to avoid and minimize involuntary resettlement impacts include the following: (i) explore alternative alignments or locations which are less impacting, (ii) ensure the appropriate technology is used to reduce land requirements, (iii) modify the designs, cross sections, and geometrics of components to maximize the ROW and ensure involuntary resettlement is avoided or minimized.
- (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, women headed households, and disabled headed household, and indigenous peoples, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the concerns of affected persons. 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 cost 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 settlement⁸⁷ 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 the entitlements of displaced persons, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule. This resettlement plan will be approved by ADB prior to contract award.
 - (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 stand-alone operation.
 - (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
 - (xii) Monitor and assess resettlement outcomes, their impacts on the standard of

⁸ ADB SPS 2009 (Safeguards Requirements 2) does not apply to negotiated settlements. The policy is encourages acquisition of land and other assets through a negotiated settlement wherever possible, based on meaningful consultation with affected persons, including those without title to assets. A negotiated settlement will offer adequate and fair price for land and/or other assets. Also, an independent external party will be engaged to document the negotiation and settlement processes. In cases where the failure of negotiations would result in expropriation through eminent domain or the buyer could acquire the property regardless of its owner's decision to sell it or not, will trigger ADB's involuntary resettlement policy. The Safeguard Requirements 2 will apply in such cases, including preparing a resettlement plan.

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.

VI. ENTITLEMENTS, ASSISTANCE AND BENEFITS

A. Introduction

85. The project will have three types of displaced persons i.e.: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all three types of displaced persons. Based ADB Safeguard Policy 2009 and Land Acquisition Act of 1977 the project has prepared entitlement framework in which GoN and ADB has agreed.

86. In accordance with the R&R measures suggested for the project, all affected households and 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. All assistances as per the provisions of the entitlement matrix will be mutually exclusive. 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 cost;
- ii) Compensation for structures (residential/ commercial) and other immovable assets at their replacement cost;
- iii) Assistance in lieu of the loss of business/ wage income and income restoration assistance;
- iv) Assistance for shifting and provision for the relocation site (if required), and
- v) Rebuilding and/ or restoration of community resources/facilities

B. Cut-off Date for Entitlements

87. Displaced persons meeting the cut-off date requirements will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. For title holders, the date of notification under Section 6(1) of Land Acquisition Act, 1977 will be treated as the cut-off date, and for non-titleholders the start date of project census survey i.e. December 26, 2015 will be the cut-off date. A formal communication to this effect was made to during the consultations. Unforeseen impacts will be mitigated in accordance with the principles of the RF prepared for this sector loan.

88. Persons who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however will be given sufficient advance notice (60 days), requested to vacate premises and dismantle affected structures prior to project implementation. The project will recognize both licensed and non-licensed vendors, and titled and non-titled households.

C. Entitlement Matrix

89. The Entitlement Matrix in the following table summarizes the main types of losses and the corresponding entitlements in accordance with the Nepal Acts and Policies and ADB SPS. All compensation and assistance will be made prior to dispossession of assets and relocation and no civil works will start until all payments are made

Table 37: Entitlement Matrix

No.	Type of Loss	Application	Eligible Persons	Entitlements	Responsibilities
A-1	Permanent loss of agricultural/ residential/ commercial land	land no longer viable for continued use or does not meet the expected yield	Titleholders with land records	<ul style="list-style-type: none"> ▪ Cash compensation based on replacement cost ▪ If the loss is equivalent to 10% or more of the total agricultural land of the household is affected, see Item No. E-1 below. ▪ Affected household will be notified 2 months in advance of the actual date of acquisition 	<ul style="list-style-type: none"> ▪ DOR/CDC/ISC ▪ DOR/ISC ▪ DOR/ISC
A-2	Permanent loss of agricultural/ residential/ commercial land	land no longer viable for continued use or does not meet the expected yield	Renter or share-cropper of land with legal lease	<ul style="list-style-type: none"> ▪ Fifty percent cash compensation to the share cropper/ tenants of the affected plots as per the prevailing laws (LA Act Clause 20) ▪ Cash compensation for loss of net income from subsequent crops that cannot be planted with in the remaining lease/assigned period. ▪ Affected households and share cropper will be notified 2 months in advance 	<ul style="list-style-type: none"> ▪ DOR/CDC/ISC ▪ DOR/ISC
A-3	Temporary loss of land temporarily due to construction activities, access roads and diversions	Land is occupied temporarily and will be viable after construction activities	<p>Title holders with land records</p> <p>Renter or share-cropper of land with legal lease</p>	<ul style="list-style-type: none"> ▪ Payment as per the contract rental rate for the temporary use of land agreed between the owner and contractor ▪ Land should be returned to the owner at the end of use period, and restored to its original condition. 	<ul style="list-style-type: none"> ▪ DOR/ISC/contract ▪ Contractor
B-1	Residential and commercial Structures	<p><u>Marginal impact</u> (i.e. un affected portion of the house is still viable for use and no relocation required)</p> <p>This will be confirmed by the implementing agency and concurred with by</p>	Owners of the structures with or without acceptable proof of ownership over the land, including squatters and encroachers	<ul style="list-style-type: none"> ▪ Cash compensation at replacement cost for the affected portion. ▪ Affected household will be notified 2 months in advance of the date of construction ▪ Affected households will be able to salvage materials ▪ There will be no depreciation 	<ul style="list-style-type: none"> ▪ DOR/CDC/CIC ▪ DOR/ISC ▪ DOR/ISC

No.	Type of Loss	Application	Eligible Persons	Entitlements	Responsibilities
B-2		<p>the affected household during the DMS</p> <p><u>Severe impact</u>(i.e., house is no longer viable for continued use and the entire structure is to be acquired)</p> <p>This will be confirmed by the implementing agency and concurred with by the affected household during the DMS</p>	<p>Owners of the structures with or without acceptable proof of ownership over the land, including squatters and encroachers <u>who have to physically relocate</u></p> <p><u>Renters who have to physically relocate</u></p>	<ul style="list-style-type: none"> ▪ Cash compensation at replacement cost for the entire structure. ▪ Reconstruction and shifting allowance equivalent to 10% of replacement cost of the structure, or equivalent to the actual cost of repair or allowances and transportation cost ▪ Affected household will be notified 2 months in advance of the date of construction ▪ Affected households will be able to salvage materials ▪ Equivalent of 2 month rent to find alternative place to stay ▪ Affected household will be notified 2 months in advance of the date of construction ▪ Affected households will be able to salvage materials ▪ Rental deposit – if any- to be reimbursed to renter (deducted from structure owner's entitlement) 	<ul style="list-style-type: none"> ▪ DOR/CDC/ISC ▪ DOR/ISC ▪ DOR/ISC ▪ DOR/ISC ▪ DOR/ISC ▪ DOR/ISC ▪ DOR/ISC
B-3	Secondary structures (kitchen, latrine, etc.)	Loss of, or damage to, assets	Owners of the structures with or without acceptable proof of ownership over the land, including squatters and encroachers	<ul style="list-style-type: none"> ▪ Cash compensation at replacement cost 	<ul style="list-style-type: none"> ▪ DOR/CDC/ISC
B-4	Mobile commercial structures	Change of structure location	Owners of the structures with or without acceptable proof of ownership over the land, including	<ul style="list-style-type: none"> ▪ One-month notice to move structure out of the corridor of impact 	<ul style="list-style-type: none"> ▪ DOR/ISC

No.	Type of Loss	Application	Eligible Persons	Entitlements	Responsibilities
			squatters and encroachers		
C-1	Crops and trees	Loss of or damage to assets	Owners regardless of tenure status, including squatters and encroachers	<ul style="list-style-type: none"> ▪ Compensation for crops for one harvest at current market value ▪ Cash compensation for timber tree at current market price ▪ Compensation for loss of fruit bearing trees for average fruit production for 5 years at current market value and replacement cost for sapling 	<ul style="list-style-type: none"> ▪ DOR/CDC/ISC ▪ DOR/CDC/ISC
D-1	Public facilities, common property structures and facilities	Loss of, or damage to, assets	Owners	<ul style="list-style-type: none"> ▪ Will be rebuilt by the project on land provided by the community 	<ul style="list-style-type: none"> ▪ DOR/Contractor /ISC
E-1	Loss of income/ livelihood due to loss of agricultural land	Loss of 10% or more of total productive land	Person(s) with land records, renter or share-cropper of land with legal lease	<ul style="list-style-type: none"> ▪ One time assistance allowance of 3 months minimum wage per affected person ▪ Entitled to take part in income restoration program. 	<ul style="list-style-type: none"> ▪ DOR/ISC ▪ DOR/ISC
E-2	Loss of income/ livelihood due to disruption of business or employment	<u>Marginal impact</u> (i.e., disruption of business due to reorganization of the shop on the residual and; disruption of employment of less than 3 months)	Shop owners (regardless of tenure status) and employees/laborers of affected assets	<ul style="list-style-type: none"> ▪ One time assistance allowance of 1 month monthly income or one month minimum wage 	<ul style="list-style-type: none"> ▪ DOR/ISC
E-3		<u>Severe impacts</u> (i.e., disruption of business due to relocation of shop; and disruption of employment for more than 3 months)	Shop owners (regardless of tenure status) <u>who have to physically relocate</u>	<ul style="list-style-type: none"> ▪ One time assistance allowance of 3 months monthly income for shop owners based on nature of business or three months minimum wage 	<ul style="list-style-type: none"> ▪ DOR/ISC
F-1	Higher risks of impoverishment due to vulnerability	Loss of land and non-land assets and income	<ul style="list-style-type: none"> ▪ Affected vulnerable households defined as: Indigenous households ▪ Dalit-headed household 	<ul style="list-style-type: none"> ▪ One time assistance allowance of 3 month minimum wage per affected vulnerable person ▪ Entitled to take part in income restoration program. 	<ul style="list-style-type: none"> ▪ DOR/ISC ▪ DOR/ISC

No.	Type of Loss	Application	Eligible Persons	Entitlements	Responsibilities
			<ul style="list-style-type: none"> ▪ Female-headed ▪ Male below poverty levels ▪ Disabled-headed ▪ Orphan-headed household ▪ Landless⁹ ▪ *Vulnerable household can only qualify to one of the categories above 		

CDC=Compensation Determination Committee
 ISC=Implementation Support Consultant
 DMS= Detailed Measurement Survey
 DOR=Department of Roads
 LA= Land Acquisition

90. Compensation for land and structure, in accordance with the eligibility and entitlement, will be paid prior to commencement of civil works. One-time rehabilitation assistances and shifting assistances paid as cash will also be disbursed prior to civil works. However, any long term rehabilitation measures like training for skill development and pension for life will continue for a longer period and such rehabilitation measures will not be a bar to commence civil works

⁹ Landless status will have to be demonstrated through affidavit from relevant district office

VII. RELOCATION OF HOUSING AND SETTLEMENTS

A. Provision for Relocation

91. The PIU will provide compensation at replacement cost for affected land and structures in accordance with the eligibility and entitlements elucidated in Chapter-VI of this report. Further, shifting and reconstruction assistance measure equivalent to 10% of the replacement cost of the structure affected, or equivalent to the actual cost of repair or allowances and transportation cost has been provided for the displaced households in the entitlement matrix. Compensation to the non-title holders for the loss of assets other than land, such as dwellings and shops have been provided for in the entitlement matrix. The entitlements to the non-titleholders will be given only if they were in occupation of the land or structure in the project area prior to the cut-off date, the date of commencement of census survey i.e. December 26, 2015.

B. Need for Relocation

92. This being a liner project the impact to livelihood (includes significant impacted Kiosk/Shacks and residence cum commercial) is about 73 percent (see Table 5) and out of them 92 percent are non-titleholders. The displaced persons and communities will be supported in their relocation and provisions have been made to restore their income to pre-project levels through construction of a market complex. The subproject will also cause residential loss to about 27 percent excluding those DPs facing loss of residence cum commercial.

C. Relocation and Compensation Option by DPs

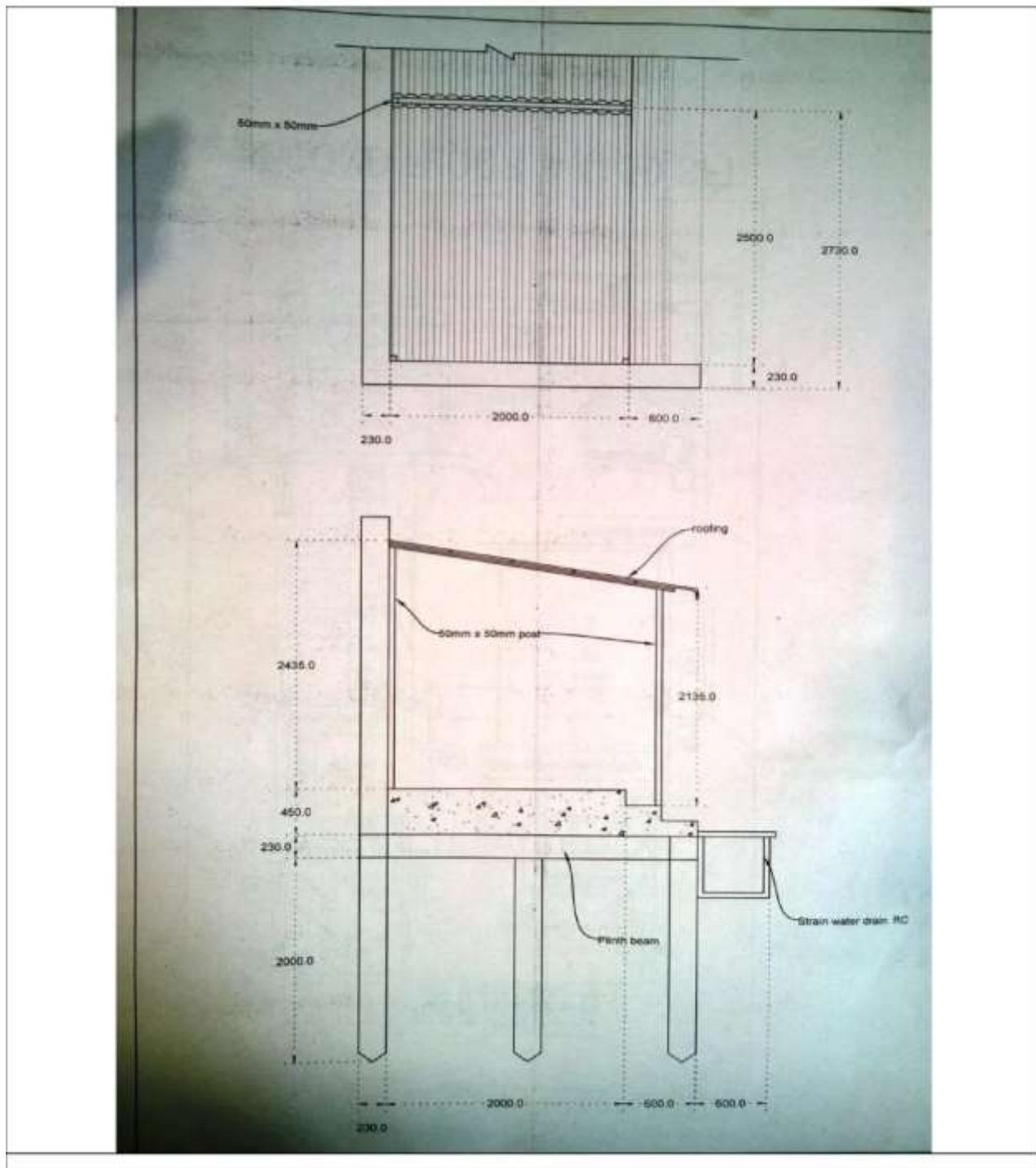
93. To understand and know the relocation options, DPs were consulted during the census survey and 29 percent of households losing structures have opted for self-relocation and wanted cash assistance. However, there were 60 percent of the DP who preferred project assisted residence or shop, as the case may be.

D. Relocation Strategy

94. With the nature of resettlement impacts involving significant number of kiosks/shacks and their primary source of income coming from the people crossing the border, a project based market complex is recommended. Even if the present kiosks/shacks are provided with resettlement assistance in accordance with the provision of the entitlement matrix and are issued notice to vacate, there is every likelihood that the same DPs or new squatters will re-establish the business once the construction of the approach road is completed. This is mainly because of the business potential in this place.

95. In addition to the compensation and assistances being provided as per EM, the PIU through the district administration will identify a suitable land for construction of a market place. The indicative design for a market place keeping in line with the profile of the customers and the type of products being traded has been provided below (Figure-2) along with section details of a shop (Figure-3). The budget has provisions for the construction of the market complex but has not made provision for land. The abstract cost estimate of the market complex is given in Appendix-VII. The PIU will have to identify suitable government land or purchase land for the same from its own resources. The market complex for the kiosks and shacks is one of the best option available to ensure that the livelihood are restored. The layout provides for 88

Figure 3: Section detail of a Shop



VIII. INCOME RESTORATION AND REHABILITATION

A. Loss of Livelihood in this Subproject

96. The subproject will cause loss of livelihood to 51 DH losing their Kiosks/Vending, 2 DH losing their place of residence cum business, in all totalling 53 DH will be losing their livelihood. Further, there are about 3 employees engaged in these shops who would also lose their livelihood (Table 6).

B. Entitlements for Loss of Livelihood

97. The displaced persons losing livelihood will be assisted to improve or at least restore their income levels to pre-project level. The subproject entitlements for loss of livelihood include the following entitlements in accordance with the EM.

- i) Loss of livelihood to commercial squatters:
 - a) cash compensation at replacement cost for affected structure without depreciation,
 - b) right to salvage affected materials,
 - c) shifting and reconstruction assistance measure equivalent to 10% of the replacement cost of the structure affected, or equivalent to the actual cost of repair or allowances and transportation cost, and
 - d) minimum district rate wages for three months (per day Rest 400.00) or 3 months income level, whichever is higher
- ii) Employees:
 - a) One time assistance calculated at three months minimum wage

98. PIU will make efforts to build a market complex to rehabilitate the commercial squatters within a period of 9 months as indicated in the implementation schedule in this report (Table 40). Effort will be made by the PIU to assist the DP in their effort to restore their income.

IX. RESETTLEMENT BUDGET AND FINANCING PLAN

A. Introduction

99. The resettlement cost estimate for this subproject include compensation for private land, compensation for structure at replacement cost without depreciation, resettlement assistances in accordance with the EM, cost of construction of market place and cost of RP implementation. The total resettlement cost for the subproject is NPR 31.2 million. The major heads of budget items are listed below.

- compensation for structure (residential / commercial / residence cum commercial),
- assistance for loss of income / wages / livelihood,
- shifting assistance for those who have to relocate,
- additional assistance for vulnerable displaced households,
- cost of market place (building cost),
- compensation for community structures,
- cost of monitoring and evaluation consultant,
- cost of dissemination of entitlement matrix, gist of RP, etc., and
- administrative cost for RP implementation

B. Compensation

100. Private Land: The compensation for private land has been calculated as an average of replacement cost of land in the area. The replacement cost was gathered during census survey in discussion with local community and the elected local body representatives. For budgetary purpose, the replacement cost for land has been taken as NPR.1175/- per sq.m.

101. Structure: The compensation for structures is based on provisional lumpsum amount for budget estimate purpose. For temporary structures such as Kiosks and Shacks the replacement cost has been taken as NPR.23,550 per unit/structure. For semi-permanent structure, a provisional lumpsum amount of NPR.3,53,250 has been considered. However, during implementation each and every structure will be assessed for replacement value by a professional valuer/engineer.

C. Compensation for Community Assets and Government Structures

102. For community structures including places of worship, lump sum unit cost has been provided in the budget which would be assessed and paid during implementation by PIU to either the trustees or local administration, whoever is managing the community structure.

D. R&R Assistances

103. The shifting assistance has been computed as 10% of the estimated structure compensation. After detailed valuation of structure, the same has to be suitable revised. The livelihood assistance to the shops/kiosks/shacks has been computed based on the income reported by the commercial DHs and for budgeting purpose, the 3-month average of the income reported by 48 DHs out of the 53-commercial DHs. Livelihood assistance for the 3-employees has been budgeted at minimum wages for 3-months (90 days) and assistance for the 34-vulnerable also has been budgeted at 3-months minimum wages. The break up of the cost estimate for market complex is in Appendix-VII.

E. RP Implementation Cost

104. The RP implementation is expected to be completed in 18 months including construction of market complex, relocation of DPs, disbursement of compensation for land acquired. Cost for external monitoring and evaluation has also been envisaged as this subproject is Category-A for IR and a budgetary provision of NPR.12,56,000/- has been made available for hiring of a consultant for the same. A lump sum budgetary provision of NPR.7,85,000/- has been made to meet administrative expenses. Further, a lump sum provision of NPR.78,500/- to meet disclosure expenses and a lump sum provision of NPR.62,800/- for staff training, in particular the social unit of the PIU, has also been budgeted.

F. Source of Funding and Fund Flow

105. MORTH, the executing agency (EA) for this subproject, will provide necessary funds for compensation for land and structure and for the cost of resettlement assistances including the cost of construction of market place and RP implementation. The EA will ensure timely availability of funds for smooth implementation of the RP. The PIU established by Nepal Government's Department of Roads will facilitate disbursements and will be responsible for ensuring full and timely payment to displaced persons..

G. Resettlement Budget Estimates

106. The budget for this sub-project is based on data and informed collected during census and socio-economic surveys conducted in December 2015 and unit rates provisional sums. The total budget for the proposed subproject RP is estimated at NPR 31.2 million. A detailed budget estimate is given in Table 38.

Table 38: Resettlement Cost

Ref. No	Component	Unit	Unit Rate (in lakhs)	Quantity	Amount Rs in Lakhs
1	Land & Building				
1.1	Private Land	Sq.m	0.012	246	2.88
1.2	Temporary Structures	LS	0.236	61	14.37
1.3	Semi-permanent Structures	LS	3.533	12	42.39
2	R&R Assistance				
2.1	Shifting allowance	LS			5.68
2.2	Livelihood assistance for shops/kiosks/shacks	One time	0.472	53	25.02
2.2	Livelihood assistance for employees	One time	0.360	3	1.08
2.3	Assistance for vulnerable households	One Time	0.360	53	19.08
2.4	Market Building	LS	-	1	125.58
3	Community Assets				
3.1	Places of Worship	Unit	0.471	1	0.47
3.2	Other government buildings	Unit	0.236	8	1.88
4	General				
4.1	Training for staff	LS	-	-	0.63
4.2	Implementation Cost	LS	-	-	23.55
4.3	Monitoring and Evaluation consultants	LS	-	-	12.56
4.4	Administrative expenses	LS	-	-	7.85
4.5	Dissemination of Entitlement matrix, RP, etc.	LS	-	-	0.79
	Sub Total				283.80
	Contingency @ 10%				28.38

Ref. No	Component	Unit	Unit Rate (in lakhs)	Quantity	Amount Rs in Lakhs
	Total				312.18
	Rounded off to				312
	In Million NPR				31.2

X. GRIEVANCE REDRESSAL MECHANISM

A. Introduction

107. A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate and facilitate the resolution of displaced persons' concerns, complaints and grievances about the social and environmental performance at the level of the subproject. The GRM is aimed to provide a trusted way to voice and resolve concerns linked to the project, and to be an effective way to address displaced persons' concerns in a timely and effective manner so that it can be resolved without allowing it to escalate resulting in delays in project implementation.

B. Grievance Redressal Mechanism

108. The GRM will aim to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the subproject. The project-specific GRM is not intended to bypass the government's inbuilt redressal process, rather it is intended to address displaced persons' concerns and complaints promptly, making it readily accessible to all segments of the displaced persons and is scaled to the risks and impacts of the project.

C. Grievance Redressal Committee

109. The DOR will establish a mechanism to receive and facilitate the resolution of displaced persons' concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. The grievance redressal mechanism will address displaced persons' concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to the affected persons at no costs and without retribution. The GRC will be established as soon as Government gives approval to project.

110. The RP will have a mechanism to ensure that the benefits are effectively transferred to the beneficiaries and will ensure proper disclosure and public consultation with the affected population. The GRC are expected to resolve the grievances of the eligible persons within a stipulated time. There will be a single level GRC for the project. One will be according to the clause 11 of Land Acquisition Act 1977 which will be chaired by the CDO. Under the LA Act, any DPs can raise objection against acquisition of land by a notice to Ministry of Home. There are normal procedure and rules and regulation to address the complaints/grievances. There will be another GRC at local level (each VDC). DPs can submit grievances verbally or written to this committee for resolution. If the grievances resolved at local level, it will not refer to CDO. In case, it is not resolved, it will refer to GRC at district level which is chaired by CDO. The GRC will continue to function, for the benefit of the DPs, during the entire life of the project including the defects liability periods.

D. Operational Mechanism

111. The response time prescribed for the GRCs would be three weeks. Since the entire resettlement component of the project has to be completed before the construction starts for the whole project, the GRC, at VDC level, will meet at least once in three weeks to resolve the pending grievances and at PIU level as and when required. GRC will review grievances involving all resettlement benefits, relocation, payment of compensation and other assistance.

112. Grievances related to RP implementation will be taken to GRC at VDC level and the PIU will facilitate displaced persons in registering their grievances and being heard. The complaint / grievance will be redressed in 3 weeks time and written communication will be sent to the complainant. The complainant will be given an opportunity for personal hearing at the time of his petition being taken up in the GRC meeting. A complaint register will be maintained at PIU with details of complaint lodged, date of personal hearing, action taken and date of communication sent to complainant. If the complainant is still not satisfied s/he can approach the GRC at CDO level and still not satisfied can approach the court of law. The complainant can access the appropriate court of law or any alternative redress at any time and not necessarily go through the GRC.

113. People who are, or may in the future be, adversely affected by the project may submit complaints to ADB's Accountability Mechanism. The Accountability Mechanism provides an independent forum and process whereby people adversely affected by ADB-assisted projects can voice, and seek a resolution of their problems, as well as report alleged violations of ADB's operational policies and procedures. Before submitting a complaint to the Accountability Mechanism, affected people should make an effort in good faith to solve their problems through the GRC and also by working with the concerned ADB operations department. Only after doing that, and if they are still dissatisfied, should they approach the Accountability Mechanism¹⁰.

¹⁰ <http://www.adb.org/contact?target=Hmzj1lzfKqMSRDKA0C6/kg==&name=Complaint%20Receiving%20Officer&referrer=node/81970>

XI. INSTITUTIONAL ARRANGEMENT

A. Central Level Project Implementation Unit (PIU), Department of Roads (DOR)

114. The Ministry of Road Transport and Highways, Government of India will be the executing agency (EA) for the cross-national bridge project. The National Highway and Infrastructure Development Corporation Limited of India will be the Implementing Agency (IA). The financing for the civil works will be financed by Government of India through a loan from the Asia Development Bank. The Government of Nepal's Department of Road (DOR) will be responsible for implementation of safeguard related activities for the Nepal side of the project per agreement in a Memorandum of Understanding. DOR has established a Project Directorate PIU at the divisional level in Jhapa with a Senior Divisional Engineer overseeing the implementation. For resettlement activities the PIU will be supported by a resettlement consultant from the Implementation Support Consultant who will review the monitoring data, conduct his/her own field level data verification and consultation with affected persons and provide advice to DOR in follow-up actions.

115. The IA will establish a field-level PIU headed by Project Manager (PM) with officer in rank of Senior Divisional Engineer. The Project Manager will be responsible for implementing the resettlement activities:

- Establish the field office headed by Project Manager (PM) responsible for the implementation of the project
- Establish and convene the Grievance Redress Committee (GRC)
- Establish and approve the procedures for the resettlement and compensation activities
- Prepare monitoring report
- Approve the survey verification and update of affected persons and issue identity cards
- Liaise with CDO and participate in CDC
- Identify suitable site for market complex
- Oversee the distribute resettlement benefits
- Verify the field and prepare RP addendums and updates
- conduct and document regular and meaningful consultations with affected persons – including the dissemination of entitlement benefits
- conduct internal monitoring of RP activities and prepare monthly progress reports

B. Compensation Determination Committee

116. The Land Acquisition Act (1977) specifies the procedures for land acquisition and compensation. The Act empowers the government to acquire any land for public interest or for the execution of any development works. There is a provision of Compensation Determination Committee (CDC) under the chairmanship of Chief District officer which will fix the rate of compensation for the affected property. The other members in the committee are the Chief of Land Revenue Officer, representative from District Development Committee (DDC), concerned Project Director/Manager. The committee can also invite representatives from among the affected persons, representative from affected VDC/Municipality. The committee will be responsible for dealing with the issues related to compensation and rehabilitation. The main responsibilities of the committee are:

- To verify the loss of land and other assets due to project implementation
- Publish notice for land and other assets acquisition by the project
- Determine the price of all kinds of loss incurred
- Hold meetings with the affected people
- Notify the DPs to collect compensation
- Pay compensation for all losses
- Hear grievances if any and
- Implement rehabilitation measures.

C. Capacity Building of PIU

117. PIU has been created under Department of Roads and the staff in the PIU, familiar with land acquisition policies and procedure, will also be familiarized in relevant rules, acts and ADB SPS. In order to build the capacity of the PIU, an orientation and training in resettlement management at the beginning of the project will be undertaken by EA with the assistance of ADB. The capacity development training inputs would include ADB resettlement policy and principles. The training activities will focus on issues concerning (i) principles and procedures of land acquisition, (ii) public consultation and participation, (iii) entitlements and compensation disbursement mechanisms, (iv) Grievance redressal, and (v) monitoring of resettlement operation. The training would specifically focus on the differences between provisions of ADB SPS and State Acts. The awareness of these differences and the need to follow the provisions of the ADB policy are critical for successful implementation of the RP.

118. The roles and responsibilities of the institution involved in RP planning and implementation is summarised in the following table.

Table 39: Agencies Responsible for RP Planning and Implementation

Activity	Agency Responsible
Census and socio-economic survey based on final design	TA Consultants
Preparation of RP	TA Consultants
Preparation of land acquisition plan	TA Consultants
Establishment of Social and Resettlement Unit in PIU and appointment of Resettlement Officer (RO)	DOR
Organizing resettlement training workshop	ADB
Identification of focal points in PIU	DOR
Public consultation and disclosure of RP	PIU
Co-ordination with district administration for land acquisition	PIU
Declaration of cut-off date	PIU
Review and obtaining of approval of resettlement plan form	EA / PIU/ADB
Submission of land acquisition proposals to the Competent Authority	PIU
Compensation award and payment of compensation	Competent Authority
Payment of replacement cost and assistances	PIU
Taking possession of acquired land	PIU
Handing over the land free of encumbrance to contractors for construction	PIU
Notify the date of commencement of construction to DPs	PIU
Assistance in relocation, particularly for vulnerable groups	PIU
Internal Monitoring of RP Implementation	PIU
External Monitoring	External Monitoring Firm / Expert

XII. IMPLEMENTATION SCHEDULE

A. Introduction

119. Implementation of RP mainly consists of compensation to be paid for private land, compensation for structures, construction of market place and assistance for loss of homestead resulting in physical displacement, loss of livelihood resulting in economic displacement, and additional assistance to vulnerable household. Wherever private land is involved, compensation for land should be paid to the land owner or into court deposit, in case of ownership/apportionment issues exist, prior to commencement of civil works.

120. Public consultation, monitoring and grievance redressal will be undertaken intermittently throughout the project duration. The civil works contract for a particular package of the subproject will be awarded only after all compensation is paid and rehabilitation measures are implemented for that subproject.

B. Schedule for Project Implementation

121. The proposed RP implementation activities are divided into three broad phases viz. project preparation phase, RP implementation phase, and monitoring and reporting phase, and the activities envisaged in each phase is discussed below.

122. Project Preparation Phase: The activities to be performed in this phase include establishment of PIU with a designated officer (RO) in charge of safeguards; submission of RP to ADB for approval; and establishment of GRC. The information dissemination and stakeholder consultations will commence in this stage and continue till the end of the project.

123. RP Implementation Phase: In this phase, key activities will be carried out including construction of market place, payment of compensation for land and structure; payment of other rehabilitation assistances; and issuing site clearance certificate to enable commencement of civil works.

124. Monitoring and Reporting Phase: Internal monitoring will commence as soon as RP implementation begins and continue till end of RP implementation. External monitoring will also commence from the beginning of RP implementation.

C. RP Implementation Schedule

125. An implementation schedule for land acquisition, construction of market, payment of compensation and resettlement activities in the project including various sub tasks and time line matching with civil work schedule is provided in Table 40.

Table 40: RP Implementation Schedule

Activity	Progress (Year/Quarter)							
	2016			2017				2018
	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
Project Preparation Phase								
Screen sub-project impact	■							
Carry out Census Survey	■							
Public consultation with DPs / Stakeholders			■					
Prepare Resettlement Plan (RP)		■						
Prepare LA Plan		■						
Updating of RP (if required)				■				
ADB Review of RP				■				
RP Implementation Phase								
Designation of persons in PIU for RP Implementation			■					
Obtaining approval of RP from ADB		■						
Disclosure of RP		■						
Declaration of cut-off date / LA Notification		■						
Submission of LA proposals			■					
Public consultation					■	■	■	■
Grievance Redressal					■	■	■	■
Construction of Market Complex			■	■	■			
Payment of compensation for Structures						■	■	
Disbursement of RP assistances						■	■	
Payment of compensation for land						■	■	
Relocation of kiosks/shacks to market complex						■		
Taking possession of acquired land								■
Handing over the acquired land to contractor								■
Notify the date of start of civil works								■
Rehabilitation of DPs						■		
Monitoring and Reporting Phase								
Monitoring and reporting to ADB				■	■	■	■	■

XIII. MONITORING AND REPORTING

A. Introduction

126. The objective of monitoring is to provide the PIU with an effective tool for assessing rehabilitation progress, identifying potential difficulties and problems areas and provide an early warning system for areas that need correction. Continuous supervision and periodic monitoring are an integral part of successful implementation. Monitoring is a warning system for project managers and a channel for the DPs to express their needs and reactions to the programme.

B. Monitoring Process

127. The Project Implementation Unit will carry out monitoring of RP implementation and prepare monthly and quarterly progress report in terms of physical and financial indicators. In addition, the monitoring process will also look into: the communication and reactions of DPs; use of grievance procedures; information dissemination to DPs on benefits; and options and implementation time table. The PIU will interact with the DPs and record their assessment of the RP implementation process and concerns if any. The progress report will be reviewed by DOR and comments if any, will be communicated to PIU for immediate action. A copy of the quarterly report will be made available to ADB. In view the significance of resettlement impacts, the monitoring mechanism for this project will have both monitoring by PIU and monitoring by an external agency / expert.

C. Internal Monitoring by PIU

128. PIU will be responsible for the timely implementation of all activities in RP. The monitoring will include: (i) monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis; (ii) socio-economic monitoring during and after the rehabilitation process utilising the baseline information established by the socio-economic survey of DPs undertaken during project preparation to ensure that people are rehabilitated and are recovering; (iii) overall monitoring whether recovery from loss due to project has indeed taken place successfully and in time; (iv) data from the baseline socio-economic surveys undertaken during the project preparation stage will provide the benchmark for the monitoring process to assess the progress and success of the resettlement and rehabilitation programme.

129. Further, monitoring process will also include the following: (i) communication and reactions from DPs; (ii) valuation of properties; (iii) usage of grievance redress mechanism; and (iv) disbursement of compensation and assistance amounts.

D. External Monitoring

130. This subproject involving significant resettlement impacts is classified as Category-A and hence will have to be monitored by an experienced external expert/agency and submit semi annual monitoring reports to EA/ADB. The main objective of this monitoring is to supervise overall monitoring of the subproject to determine whether RP goals have been achieved, more importantly whether livelihoods and living standards have been restored/ enhanced and suggest suitable recommendations for improvement. The external monitoring consultant will be selected within three months of loan approval and the monitoring will be carried out intermittently during the RP implementation. A sample ToR for External monitoring agency/expert is attached as Appendix-V.

131. The external monitoring will include: (i) review and verify the monitoring reports prepared by PIU; (ii) review of socio-economic baseline census information of displaced persons; (iii) identification and selection of indicators for monitoring and impact evaluation; (iv) impact assessment through sample surveys amongst displaced persons; (v) consultation with DPs, officials, community leaders for preparing review report; (vi) assess the resettlement efficiency, effectiveness and efficiency of PIU, impact and sustainability, and drawing lessons for future resettlement policy formulation and planning.





E. Reporting Requirements


132. The RO in PIU responsible for RP implementation will prepare monthly and quarterly progress reports on resettlement activities and submit to PIU. The quarterly progress report will be submitted by PIU to MoPIT and ADB for review.





133. The external monitoring expert/agency responsible for monitoring of the RP implementation will submit a semi annual review report to PIU and ADB to determine whether resettlement goals have been achieved, more importantly whether livelihoods and living standards have been restored/ enhanced and suggest suitable recommendations for improvement.





134. All the resettlement monitoring reports will be disclosed to DPs in line with the procedure followed for disclosure of resettlement documents by the EA. The monitoring reports will also be disclosed in ADB website.

APPENDIX I: SUMMARY OF DPS

No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
1	Left	Mechi Thada	Jhapa		Temporary	Cattle shed and Toilet	Owner	480,000	
2	Left	Mechi Thada	Jhapa		Temporary	Residence cum Commercial	Owner	120,000	
3	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	180,000	
4	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	96,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
5	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	540,000	
6	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	240,000	
7	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	192,000	
8	Left	Mechi Thada	Jhapa		Temporary	Residential	Tenant	60,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
9	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	60,000	
10	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	110,400	
11	Left	Mechi Thada	Jhapa		Temporary	Residential	Owner	90,000	
12	Left	Mechi Thada	Jhapa		Temporary	Residential	Owner	-	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
13	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	180,000	
14	Left	Mechi Thada	Jhapa		Semi Permanent	Residence cum Commercial	Owner	54,000	
15	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	300,000	
16	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	384,000	
17	Left	Mechi Thada	Jhapa		Temporary	Residential	Encroacher	19,200	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
18	Left	Mechi Thada	Jhapa		Temporary	Residential	Owner	-	
19	Left	Mechi Thada	Jhapa		Temporary	Residential	Owner	60,000	
20	Left	Mechi Thada	Jhapa		Temporary	Residential	Owner	108,000	
21	Left	Mechi Thada	Jhapa		Temporary	Residential	Owner	288,000	
22	Left	Mechi Thada	Jhapa		Semi Permanent	Residential	Owner	180,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
23	Left	Mechi Thada	Jhapa		Temporary	Residential	Owner	240,000	
24	Right	Korsing Jote	Darjeeling		Semi Permanent	Residential	Squatter	28,800	
25	Right	Korsing Jote	Darjeeling		Temporary	Residential	Squatter	24,000	
25.1	Right	Korsing Jote	Darjeeling		Temporary	Residential	Tenant	36,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
25.2	Right	Korsing Jote	Darjeeling		Temporary	Residential	Tenant	72,000	
26	Left	Korsing Jote	Darjeeling		Semi Permanent	Residential	Squatter	28,800	
27	Left	Korsing Jote	Darjeeling		Temporary	Residence cum Commercial	Squatter	28,800	
27.1	Left	Korsing Jote	Darjeeling		Temporary	Commercial	Squatter	-	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
28	Left	Korsing Jote	Darjeeling		Semi Permanent	Residence	Squatter	84,000	
29	Left	Korsing Jote	Darjeeling		Temporary	Residence cum Commercial	Owner	66,000	
30	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	180,000	
31	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	144,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
32	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	180,000	
33	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	80,000	
34	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	108,000	
35	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	60,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
36	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	60,000	
37	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	36,000	
38	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	360,000	
39	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	60,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
40	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	286,000	
41	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	72,000	
43	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	720,000	
44	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	480,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
45	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	156,000	
46	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	546,000	
47	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	55,200	
48	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Encroacher	180,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
49	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	72,000	
50	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	-	
51	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	108,000	
52	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	246,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
53	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	120,000	
54	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	96,000	
55	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	60,000	
56	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	552,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
57	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	60,000	
58	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	-	
59	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	72,000	
60	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	96,000	

No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
61	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	60,000	
62	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	240,000	
63	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	240,000	
64	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	96,000	

No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
65	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	240,000	
66	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	120,000	
67	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	156,000	
68	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	120,000	





No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
69	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	552,000	
70	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	48,000	
71	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	216,000	
72	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	156,000	


No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
73	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	564,000	
74	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	43,200	
75	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	60,000	
76	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	84,000	

No	Side	Name of Settlement	District Name	Name of HH	Type of Structure	Use of Structure	Tenure	Annual Family Income	Photograph
77	Left	Mechi Thada	Jhapa		Temporary	Kiosk - Street Vendors	Squatter	168,000	
78	Left	Mechi Thada	Jhapa		Temporary	Kutcha Commercial	Squatter	-	
79	Left	Mechi Thada	Jhapa		Temporary	Kiosk	Squatter	-	
80	Left	Mechi Thada	Jhapa		Temporary	Kiosk	Squatter	-	
Kitta No. 133		Mechi Thada	Jhapa		-	Land only	Owner	-	-
Kitta No. 55		Mechi Thada	Jhapa		-	Land only	Owner	-	-

APPENDIX II: SUMMARY OF COMMON PROPERTY RESOURCES

Asset No	Side	Chainage	Offset	Name of Settlement	District Name	Use of Structure	Photograph
C1	Left	0.120	9.1	Mechi Thada	Jhapa	Temple	
C2	Left	0.120	19.7	Mechi Thada	Jhapa	Compound wall	
C3	Left	0.160	12.6	Mechi Thada	Jhapa	Mechi Customs office old building – Not in use	
C4	Left	0.175	10.7	Mechi Thada	Jhapa	Compound wall	

Asset No	Side	Chainage	Offset	Name of Settlement	District Name	Use of Structure	Photograph
C5	Left	0.200	-	Mechi Thada	Jhapa	Police station, Public waiting hall, temple	
C6	Right	0.300	-	Mechi Thada	Jhapa	Check Post	
C7	Left	0.320	-	Mechi Thada	Jhapa	Check Post	
C8	Left	0.01	22.0	Mechi Thada	Jhapa	Tourism office compound wall	

Asset No	Side	Chainage	Offset	Name of Settlement	District Name	Use of Structure	Photograph
C9	Left	0.046	21.5	Mechi Thada	Jhapa	Nepal bank Ltd – Compound wall, Old godown, Exchange counter	

APPENDIX III: COMPARISON OF DIFFERENCES & GAPS BETWEEN GOVERNMENT LAW, ADB SPS AND MEASURES RECOMMENDED IN THE RESETTLEMENT FRAMEWORK

Key Issues	Government Laws	ADB SPS	Measures recommended in the RP
Loss of more than 10% of the total landholdings and income	Do not consider the percentage loss of income or total land holdings	Income restoration programmed such as training and other measures to restore and improve the standard of living of the affected households	Provision has been made to provide training and measures in the EM
Squatters/illegal occupants/non-titled land users	Do not consider squatters/encroachers/non-titled land users for compensation	Not entitled for compensation for land; squatters/vulnerable encroachers/non-title holders are entitled to payment for the structures/houses/business and other assistance	Provision has been made to provide compensation for the structures/houses/business in the EM
Valuation of affected land , houses & other structures and trees	Compensation rate will be determined by CDC, consisting of (i) CDO, (ii) representative from DDC (iii)Chief of Land Revenue Office (iv) Project Manager	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. .DPs are allowed to take salvaged materials. CDC will make final decision on the rates in the presence of representatives from DPs, VDCs, civil society, who will attend the meeting as an observer
Other assistance for relocation of the houses	No provision	All the eligible DPs 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	Government Laws	ADB SPS	Measures recommended in the RP
Vulnerable groups	No provision	Focused on the poor and vulnerable group to avoid future impoverishment and create new opportunities	Provision has been made for income restoration programme and other financial assistance

APPENDIX IV: TERMS OF REFERENCE FOR AN EXTERNAL MONITORING AGENCY/EXPERT

A. Project Description

1. Department of Roads (DOR) under the Ministry of Physical Infrastructure and Transportation (MoPIT) has prepared this Resettlement Plan (RP) for the improvements proposed in the Nepal side towards the construction of a new bridge across Mechi river along SH-02 connecting India and Nepal under the SASEC road connectivity investment program. This RP addresses social issues arising out of acquisition of land and other assets, eviction of squatters and removal of encroachments resulting in social and / or economic displacement to households / individuals / community, either direct or indirect and is in compliance with ADB's Safeguard Policy Statement 2009, and Nepal Land Acquisition Act, 1977.

B. Scope of work – Generic

2. The scope of work include:
- To review and verify the progress in resettlement implementation as outlined in the RP;
 - To monitor the effectiveness and efficiency of PIU in RP implementation;
 - To assess whether resettlement objectives, particularly livelihoods and living standards of the Displaced Persons (DPs) have been restored or enhanced;
 - To assess resettlement efficiency, effectiveness, impact and sustainability, drawing both on policies and practices and to suggest any corrective measures, if necessary; and
 - To review the project impacts on Indigenous People and groups and assess the effectiveness of the mitigative actions taken.

C. Scope of work- Specific

3. The major tasks expected from the external monitor are:
- To develop specific monitoring indicators for undertaking monitoring for RP implementation;
 - Review results of internal monitoring and verify claims through random checking by adopting suitable sampling method at the field level to assess whether land acquisition/resettlement objectives have been generally met;
 - Involve the affected people and community groups in assessing the impact of land acquisition for monitoring and evaluation purposes;
 - Evaluate and assess the adequacy of compensation given to the DPs and the livelihood opportunities and incomes as well as the quality of life of DPs of project-induced changes; and
 - To evaluate and assess the adequacy and effectiveness of the consultative process with DPs, particularly those vulnerable, including the adequacy and effectiveness of grievance procedures and legal redress available to the displaced persons, and dissemination of information about these.

D. Time Frame and Reporting

4. The independent monitoring agency/expert will be responsible for overall monitoring of the RP implementation and will submit quarterly review directly to EA/ADB.

E. Qualifications

5. The monitoring agency/expert will have significant experience in resettlement policy analysis and RP implementation. Further, work experience and familiarity with all aspects of resettlement operations would be desirable. Candidates with postgraduate degree in social science will be preferred. Interested agencies/consultants should submit proposal for the work with a brief statement of the approach, methodology, and relevant information concerning previous experience on monitoring of resettlement implementation and preparation of reports.

6. The profile of agency/expert along with full CV of monitors to be engaged must be submitted along with the proposal.

F. Budget and Logistics

7. Copies of the proposal - both technical and financial - should be submitted and the budget should include all cost and any other logistics details necessary for resettlement monitoring.

APPENDIX V: PARTICIPANTS' ATTENDANCE SHEETS

ADB TA-8116:IND
Detailed Design of the Sub Regional Road Connectivity Project

Public Consultations

Attendance Sheet


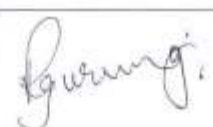



Date : 29 - 12 - 2015 Nepal
Venue : Mechi Nagar Nagarpalika - 10 Mechi danda Kakarvitta Thapa

S.No	Name	Address and Phone number	Signature
1	श्री राम राई	0097 9842048822	
2	श्री दुर्गा प्रसाद सिमरि सापकोटा	00977 9842656600	
3	श्री दिलीप सिमरि	00977 9852679111	
4	श्री वल्लभ सापकोटा	00977 9842652291	
5	श्री रमण सापकोटा	9852674344	

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Public Consultations

Attendance Sheet

Date :			
Venue :			
S.No	Name	Address and Phone number	Signature
(6)	श्री कृष्ण कुमारेल	Kakavitta 9842703624	
(7)	श्रीमती राधिका सुब्बा	Kakavitta 9842719984	
(8)	श्रीमती पम्पा लामा	9844661352 Kakavitta	
(9)	श्री विष्णु वराल	9844696354 Kakavitta	
(10)	श्री रूपराज इवाल पुल्लु	9807966886 Kakavitta	

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Public Consultations


Attendance Sheet

Date :			
Venue :			
S.No	Name	Address and Phone number	Signature
(11)	श्री राजु काकी		
(12)	श्री वावु राम लामा		
(13)	श्री हरी प्रसाद कौडेल		
(14)	श्री नारायण कुडेल	9806082135 ग. व. प. १०	<u>Narayan</u>
(15)	श्रीमती सावित्री निवासी	9817924776 Kakarvitta	<u>SABITRA</u>

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Public Consultations

Attendance Sheet

Date :			
Venue :			
S.No	Name	Address and Phone number	Signature
(16)	श्रीमती सुशिला कोइराला	9861056671 फ.नं.47 2826056671	सुशिला
(17)	श्री राजु कोइराला		
(18)	श्री मुली प्रकाशदेव		
(19)	श्री बाल कृष्ण अधिकारी		
(20)	श्रीमती गंगा वस्नेत		

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Attendance Sheet




Date :
 Venue :

S.No	Name	Address and Phone number	Signature
21	रमेश प्रसाद	9844696185	रमेश प्रसाद
22	रमेश प्रसाद चौधरी	9815930813	रमेश प्रसाद चौधरी
23	रमेश प्रसाद	9860362569	रमेश प्रसाद
24	Dr. Ramesh Prasad	9818165612	Dr. Ramesh Prasad
25	रमेश प्रसाद		रमेश प्रसाद

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Attendance Sheet

Date :			
Venue :			
S.No	Name	Address and Phone number	Signature
26	नेहा प्रकाश कुंजोरा	9806015768	
27	मोहित कुमार	मै-नाया-90 9824098762	
28	तिलोत्तरे शर्मा	मै-नाया-90 9804933869	
29	विष्णु कुमार	9846014092	
30	कौपीला खत्री	कौपीला 9804940105	कौपीला

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Attendance Sheet

Date :			
Venue :			
S.No	Name	Address and Phone number	Signature
31	श्री प्रसाद कुंठे	नं-1070 90 9647787472	
32	श्री प्रसाद कुंठे	नं-1070 90 9804568690	
33	श्री प्रसाद कुंठे		
34	श्री प्रसाद कुंठे		
35	Sagan Achurani	8110745721	

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Attendance Sheet

Date :
Venue :

S.No	Name	Address and Phone number	Signature
36	Subodh Dabot Subodh	KV+ Jhafa 9816693962 8116222480	
37	Bhim Prasad Tiwari	9816013571	
38	Dili prasad Dabot	9816904170	
39	Bishnu Prasad Tiwari	9816013571	

APPENDIX VI: ESTIMATE FOR THE PROPOSED RESETTLEMENT MARKET

S.No	Description of Work	Quantity	Unit	Rate	Per	Amount (INR)	Amount (NPR)
1	12" dia piles for 7ft deep including reinforcement steel main rod -5nos 10mm dia and rings - 8mm dia @ 6"c/c	195.00	Nos	7650.00	Pile	1491750.00	2352310.74
2	Plinth beam of size 0'9" x 1'0" with 3nos 12mm main rods at top and bottom and 8mm dia stirrups @ 6" c/c	1627.00	rft	395.00	rft	642665.00	1013405.59
3	0'9" thick brick work in 1:6	5630.00	cft	120.00	cft	675600.00	1065340.13
4	0'4.5" thick brick work in 1:4	450.00	Sq.ft	65.00	Sq.ft	29250.00	46123.74
5	Supplying and filling with sand	10500.00	cft	60.00	cft	630000.00	993434.40
6	Providing & Laying PCC 1:4:8	3400.00	cft	120.00	cft	408000.00	643367.04
7	Earth work for Rainwater drain	812.00	cft	10.00	cft	8120.00	12804.27
8	Providing & Laying RCC 1:1.5:3 for rainwater drain (Bottom & side Wall)	2436.00	cft	240.00	cft	584640.00	921907.12
9	Supplying and laying preforated precast RC cover slab for the rainwater drain cost inclusive of reinforcement steel (Thickness of slab 2.5")	2156.00	cft	85.00	cft	183260.00	288979.03
10	Providing & Laying Paviour block in the common passage	3150.00	Sq.ft	60.00	Sq.ft	189000.00	298030.32
11	Plastering the wall in cement mortor 1:5	10850.00	Sq.ft	40.00	Sq.ft	434000.00	684365.92
12	Erection & Galvanium Roofing	7088.00	Sq.ft	160.00	Sq.ft	1134080.00	1788308.07
13	Partition with MS sheet between the shops	4224.00	Sq.ft	60.00	Sq.ft	253440.00	399644.47
14	Cement flooring in cc 1:1.5:3 using 6mm Blue metal(baby chips) for shops	4945.00	Sq.ft	60.00	Sq.ft	296700.00	467860.30
15	RCC slab of thichness 2" for urinal at mens toilet (cost inclusive of reinforcement steels)	20.00	Sq.ft	90.00	Sq.ft	1800.00	2838.38
16	Cuddappa slab partition in urinal each of size 2'0" x 1'9"	31.50	Sq.ft	75.00	Sq.ft	2362.50	3725.38
17	Provision of IWC for toilets	8.00	Nos	1400.00	Nos	11200.00	17661.06
18	Laying of 4" PVC pipe line	80.00	rft	85.00	rft	6800.00	10722.78
19	Laying of 2.5" PVC pipe line	40.00	rft	65.00	rft	2600.00	4099.89
20	Laying of .75" UPVC pipe line	100.00	rft	45.00	rft	4500.00	7095.96
21	Supplying & fixing PVC Doors for toilet	130.00	Sq.ft	200.00	Sq.ft	26000.00	40998.88
22	Supplying & laying ceramic floor tiles for toilet	209.00	Sq.ft	85.00	Sq.ft	17765.00	28013.27
23	Supplying & laying ceramic	800.00	Sq.ft	85.00	Sq.ft	68000.00	107227.84

S.No	Description of Work	Quantity	Unit	Rate	Per	Amount (INR)	Amount (NPR)
	floor tiles for toilet						
24	Construction of septic tank	7500.00	liters	18.00	liters	135000.00	212878.80
25	Three coats of white wash for the walls with CEM	10850.00	Sq.ft	9.00	Sq.ft	97650.00	153982.33
26	Two coats of enamel paint over a coat of primer for MS post,purlins & rafters etc.,	-	L.S	-	L.S	40000.00	63075.20
27	Electrical work (8% of the above total)					589934.60	930256.07
	TOTAL					79,64,117.10	1,25,58,456.97