

Resettlement Framework

This project is categorized as “C” for the involuntary resettlement safeguard of ADB, but the draft resettlement framework has been retained as a prudent measure to address any project implementation related uncertainty, should the need arise.

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NEP: Bagmati River Basin Improvement Project

CURRENCY EQUIVALENTS

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Currency Unit	–	Nepalese Rupee (NRe/NRs)
NRe 1.00	=	\$0. 011410
\$1.00	=	NRs 87.64

ABBREVIATIONS

ADB	–	Asian Development Bank
AP	–	affected person
BRBIP	–	Bagmati River Basin Improvement Project
CDC	–	Compensation Determination Committees
EA	–	executing agency
GRM	–	grievance redress mechanism
IA	–	implementation agency
PIC	–	public information center
RF	–	resettlement framework
RP	–	resettlement plan
SPV	–	special purpose vehicle
VDC	–	village development committees

NOTES

- (i) The fiscal year (FY) of the Government of Nepal and its agencies ends on 15 July. FY before the calendar year denotes the year in which the fiscal year ends, e.g., FY2013 ends on 15 July 2013.
- (ii) In this report, “\$” refers to US dollars.

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I. INTRODUCTION

A. The Project

1. Bagmati River Basin Improvement Project (BRBIP) is being designed with a view to improving water security and resilience to potential climate change impacts in the Bagmati river basin. It aims to build on the general public's desire to restore the river environment in the Kathmandu Valley and the government's effort to improve irrigation development and mitigate the impact of water induced disasters in the middle and the lower reaches of the basin.

2. The expected outputs of the Project will be in five main areas: (i) Systems and capacity for integrated and participatory river basin management established ; (ii) Improved river banks environment in urban areas; (iii) Increased water availability during the dry season and watershed conservation (iv) Flood forecasting and early warning system in the Bagmati River Basin is functional (v) The project is efficiently managed with effective stakeholder communication. The Upper Bagmati section has been given special attention during this project preparatory technical assistance (PPTA) work. This section of the river has been selected by stakeholders as a high priority area because: i) the river quality is rapidly deteriorating owing to rapid urbanization and untreated disposal of municipal waste; ii) it is the source of the Bagmati River and therefore has cultural importance; iii) it is a major surface water source for drinking water supply to Kathmandu; and, iv) there are significant cultural and heritage sites along the river where communities directly use the river for cultural activities and bathing which are being prevented by the deterioration of the river environment. The Bagmati River Environment Management Programme (BREMP) identifies key issues affecting the river environment in terms of its flow, water quality, and riparian environment under future scenarios that include the impact of: (i) future population growth and urbanization; (ii) the Melamchi Water Supply Project generating additional waste water; (iii) planned development of wastewater treatment facilities; and (iv) ongoing river training works being carried out by local authorities.

B. Purpose of the Resettlement Framework

3. The Resettlement Framework (RF) is formulated based on (i) *ADB's Safeguard Policy Statement (2009)* and (ii) policies, laws and regulations of the government of Nepal outlined in Section II. All resettlement plan of any project component under BRBIP will closely follow the guidelines given in the RF which is prepared by the Government of Nepal and approved by ADB.

4. The RF provides guidance on how to formulate satisfactory resettlement plans for subprojects that would be identified or designed after the project approval by ADB. The RF (i) explains the general resettlement impacts of project components; (ii) specifies requirements for subproject screening, categorization, assessment, and social impact assessment and census, resettlement planning, including arrangements for stakeholder consultation and information disclosure; (iii) outlines objectives, policy principles, and procedures for land acquisition, compensation at replacement cost, and other assistance measures for affected persons; (iv) assesses adequacy of executing agency capacity to implement resettlement plans; (v) and (vi) specifies implementation of RP procedures including the resettlement budget, institutional capacity development, monitoring and reporting requirements.

C. Scope of Land Acquisition and Resettlement

5. Land acquisition and resettlement is not envisaged in these projects. Among the Project components the dam and reservoir locations fall within Shivapuri Nagarjun National Park in areas with no settlement and cultivation. The Bagmati River Channel Improvement work will be confined to river channel and is unlikely to affect private land and settlement. The Marin Khola component including irrigation channel improvement is also not expected to impact private land. In case of irrigation channel improvement, the civil work will be confined to rehabilitation of existing canal. Only in an exceptional situation there is a likelihood of minimal land impact but these details will be known only after the detail design.

6. This resettlement framework intends to guide resettlement planning for the currently planned project activities and any change in scope or design of the project components and temporary use of land by contractors during construction. If there are any impacts not anticipated during PPTA and resettlement plan (RP) preparation, the same will be mitigated by following the procedures laid in the RF. One of the core objectives of the resettlement planning will be to minimize the project impacts. Resettlement plan will clearly state what specific measures will be undertaken by the project to reduce the resettlement impact and the same will be quantified in terms of number of affected households and land and asset losses.

7. Table I-1 summarizes the land acquisition and resettlement of the projects considered under BRBIP.

Table I-1: Scope of Land Acquisition and Resettlement

Component	Current Status	Area required	Resettlement impact
1. Systems and capacity for integrated and participatory river basin management established	Consultation with stakeholders for legal and institutional strengthening in progress with the Water and Energy Commission Secretariat as the focal point.	This is an institutional and legal strengthening component.	No resettlement impact.
2. Improved river banks environment in urban areas	Feasibility study completed, EIA completed and detail design to be started	. 50 m maximum on both side of the river. Land belongs to the Government – no land acquisition required	The Bagmati river channel improvement is to cover about 7.2 km length with 50m on both sides of the bank. Other cross-sectional options are also being worked out.
3. Increased water availability during the dry season and watershed conservation	Feasibility study of the 2 dam completed. Detail design to be carried out. Dhab dam construction to proceed under the project Nagmati dam under additional financing	Land required for all proposed Dhab Dam is part of Shivapuri-Nagarjun National Park. The construction of the new dam will increase the inundation area from 1.5 ha to 12.1 ha	There is no resettlement impact. No private land and structures will be affected by Dam and reservoir formation. No grazing of cattle, collecting litters and/or fodder is allowed in the National Park area. However, the communities in the vicinity sometimes collect litters from these areas and take their cattle for occasional grazing. Such

			activities were reported to be minimal in the proposed dam site and on the decline. The new generation is more interested in non-agricultural employment than engaging in agriculture and livestock farming in these areas.
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II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

8. The RF has been prepared for the Bagmati River Basin Improvement Project and will be applicable to all of its components. The RF reflects the principles and procedures found in the national Land Acquisition Act, 2034 (1977), project specific resettlement guidelines and practices so far in the country, relevant land and environment related acts of the Government of Nepal and Asian Development Bank's Safeguard Policy Statement (SPS, 2009).

A. National Social Safeguard Policies and Legislation

9. Issues of asset acquisition and resettlement in any development project are fundamental since people have sovereign human rights derived from national and international law. Nepal currently lacks comprehensive resettlement and social safeguard policies. Article 19 of the Interim Constitution of Nepal, 2063 (2007) establishes the right to property as a fundamental right. All Nepalese citizens are guaranteed the right to acquire, own, sell and otherwise dispose their property. No person shall be deprived of his/her property except for broader public interest. In conditions where the State acquires or establishes its rights over individual's property for public interest and/or in the course of implementing scientific land reform, it shall compensate for the loss of property. The basis of compensation and the procedures for delivering compensation for any property acquired by the State shall therefore be as prescribed by the law.

10. The Land Acquisition Act 2034 (1977) is the main legislation related to social safeguards of the project affected household and the community. It empowers the government of Nepal to acquire any land, on the payment of compensation for development works of broader public interest (sarvajanik hit). Under the Act the acquisition and compensation of privately-owned assets are undertaken according to a formal procedure, consisting of (a) initial procedures, (b) a preliminary investigation process, (c) acquisition notification, (d) compensation, and (e) appeal procedures. The Act has provision of Compensation Determination Committees (CDCs) at district level to ascertain compensation rates for land and other assets to be acquired. The compensation must be paid (i) for damages caused as a result of investigations during the preliminary investigation process, and (ii) for land and assets permanently acquired by the project (including standing crops, trees, and houses). The Act provides that compensation be paid in cash, although titleholders who have lost all of their landholdings may be given replacement land, if available. Two separate rates of compensation can be paid (i) to titleholders who lose all their land, and (ii) to titleholders who lose only some portion of their land and/or asset. The Land Acquisition Rule 2026 (1969) has not been updated to date but it emphasizes that the CDC will take into account the prevailing market value of the nearby land to fix the compensation rates of affected land and other assets.

11. The Government of Nepal has declared 59 groups as Indigenous population or Janajatis. They have been categorized into five groups based on literacy rates, occupation, land

ownership, and population. These include (i) the endangered groups, (ii) highly marginalized groups, (iii) marginalized groups, (iv) disadvantaged groups, and (v) advanced group. Based on this classification there are 10 'endangered groups', 12 'highly marginalized groups', 20 'marginalized groups', 15 'disadvantaged groups', and 2 'advanced groups' in the country. The interim constitution states its commitment for the protection, preservation and promotion of language, religion and culture, affirmative action for indigenous peoples (IP) and vulnerable groups. The preliminary assessment so far suggests that there is no impact on IPs and none of the Projects have made adverse impacts on customary rights of use and access to land and natural resources and has undermined indigenous knowledge and customary institutions. Thus, specific actions in favor of the indigenous people have been integrated in the Resettlement Plan.

B. ADB Resettlement Policy

12. The guiding principles of ADB's Safeguard Policy Statement (2009) on involuntary resettlement include (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 development partners (DPs) in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups. The safeguard policies involve a structured process of impact assessment, planning, and mitigation to address the adverse effects of projects throughout the project cycle. The involuntary resettlement safeguards covers physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. The safeguard policies require that (i) impacts are identified and assessed early in the project cycle; (ii) plans to avoid, minimize, mitigate, or compensate for the potential adverse impacts are developed and implemented; and (iii) affected people are informed and consulted during project preparation and implementation. The implementation processes follow the sequence: (i) screening and scoping of the main issues start as soon as potential projects for ADB financing are identified and continue throughout the project cycle; (ii) impacts are assessed, safeguard plans summarizing mitigation measures, monitoring program, and institutional arrangements are prepared, and arrangements are made to integrate safeguards into project design and implementation; (iii) affected people are consulted during project preparation and implementation and information is disclosed in a form, manner, and language accessible to them; and (iv) safeguard plans are disclosed to the general public and the information is updated at various stages in the project cycle. In addition ADB's safeguard policies require that both ADB's and developing member country's safeguard requirements are complied with.

C. Gap Analysis between Country's Law and ADB Safeguard Policies and Harmonization

13. The Land Acquisition Act 2034 (1977) is the primary legal framework for all land acquisition, compensation determination and relocation of APs in Nepal. The Act has a limited scope in resettlement and rehabilitation of APs. Considering the gaps between the law and guidelines of the government of Nepal and the safeguard policies of ADB a detailed gap analysis or equivalence assessment has been prepared and is attached as Annex 1. The proposed gap filling measures are reflected in the project policy framework and the entitlement

matrix. In particular and as a thumb rule, wherever there is a gap between ADB's requirements and the country's laws and regulations, ADB's requirements would prevail.

D. The Project Policy Framework

14. The 'Land Acquisition, Compensation and Resettlement Policy 2067' of Nepal is yet to be finalized. Thus, there is no option but to develop project specific policies incorporating the requirements of donor agencies. The objectives of the resettlement framework are (i) to avoid land acquisition and involuntary resettlement, and (ii) to minimize it where it is unavoidable, and (iii) to ensure that affected persons (AP) receive full compensation and assistance so that they would be at least as well off as they would have been in the absence of the project. Thus, based on the above analysis of applicable legal and policy frameworks of the country and consistent with ADB's social safeguards policy requirements the broad resettlement principle for the Projects and subprojects carried out by EA shall be the following:

- (i) Involuntary resettlement would be avoided wherever possible or minimized as much as possible by exploring project and design alternatives.
- (ii) The Project or all subprojects will be screened to identify past, present, and future involuntary resettlement impacts and risks. The scope of resettlement planning will be determined through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (iii) Meaningful consultations with affected persons, host communities, and concerned non-government organizations will be carried out and all displaced persons will be informed of their entitlements and resettlement options. AP's participation in planning, implementation, and monitoring and evaluation of resettlement programs will be ensured.
- (iv) Particular attention will be paid to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and adivasi janajati (indigenous peoples), and those without legal title to land, and ensure their participation in consultations.
- (v) An effective grievance redress mechanism will be established to receive and facilitate resolution of the affected persons' concerns. The social and cultural institutions of displaced persons and their host population will be supported through proper planning. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (vi) The livelihoods of all displaced persons will be improved or at least restored through i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, ii) prompt replacement of assets with access to assets of equal or higher value, iii) prompt compensation at full replacement cost for assets that cannot be restored, and iv) additional revenues and services through benefit sharing schemes where possible.
- (vii) Physically and economically displaced persons will be provided with needed assistance, including 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.

- (viii) The standards of living of the displaced poor and other vulnerable groups, including women, will be improved to at least national minimum standards. In rural areas legal and affordable access to land and resources will be provided, and in urban areas appropriate income sources and legal and affordable access to adequate housing will be provided to the displaced poor.
- (ix) If land acquisition is through negotiated settlement, procedures will be developed in a transparent, consistent, and equitable manner to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status. If, however, the negotiated settlement fails, the normal procedure of land acquisition will be followed.
- (x) Displaced persons without titles to land or any recognizable legal rights to land will be ensured that they are eligible for resettlement assistance and compensation for loss of non-land assets.
- (xi) A resettlement plan will be prepared elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (xii) The draft resettlement plan, including documentation of the consultation process will be disclosed in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected persons and other stakeholders. The final resettlement plan and its updates will also be disclosed to affected persons and other stakeholders.
- (xiii) Involuntary resettlement will be conceived and executed as part of a development project or program. Full costs of resettlement will be included 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.
- (xiv) All compensation will be paid and other resettlement entitlements will be provided before physical or economic displacement. The resettlement plan will be implemented under close supervision throughout project implementation.
- (xv) Resettlement outcomes, their impacts on the standards of living of displaced persons will be monitored; it will be assessed whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Monitoring reports will be disclosed to APs.
- (xvi) Land acquisition for the project would be done based on applicable provisions of Land Acquisition Act, 2034 (1977).
- (xvii) The uneconomic residual land remaining after land acquisition will be acquired as per the provisions of Land Acquisition Act. The owner of such land/property will have the right to seek acquisition of his entire contiguous holding/ property provided the residual land is less than the average land holding of the district.

- (xviii) People moving in the project area after the cut-off date will not be entitled to any assistance. The cut-off date for eligibility for compensation and assistance under the Resettlement Policy will be the start date of the census survey of affected households and affected assets or the date of publication of preliminary notification for acquisition under the provisions of the Land Acquisition Act, 2034 as decided by EA. However, for APs occupying public land (the non-title-holders) they have to have lived there with structures or cultivated the land for at least 3 years prior to the cut-off date mentioned above (i.e., census survey date) in order to be eligible for resettlement and rehabilitation support.
- (xix) All common property resources lost due to the project will be replaced or compensated by the project.
- (xx) The project shall assist resettlers if any, to integrate socially and economically into host communities so that adverse impacts on host communities are minimized. Benefits shall also be provided to host communities and remaining communities to ensure fairness and avoid unnecessary problems caused by large differences in allocation of infrastructure or services or other rehabilitation measures.

15. The project will recognize three types of displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part 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 lost the land they occupy in its entirety or in part 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.

16. As the private land acquisition is unlikely, the number of affected persons cannot be estimated at this time but if there is land acquisition, the resettlement plan will address this issue.

E. Entitlements

17. All APs who are identified in the project area on the cut-off date¹ will be entitled to compensation for their lost and affected assets, and for adequate rehabilitation assistance to help improve or at least to restore pre-project living standards, income-earning capacities, and production levels. The entitlement matrix summarizes the main types of losses and corresponding entitlements, which reflect the Nepal laws and regulations, recent practices and safeguard policies of ADB. The standard of entitlements listed in the entitlement matrix will not be lowered, but could be enhanced when resettlement plans are formulated based on the approved RF. The detailed entitlement matrix is enclosed as ANNEX 2.

III. SOCIOECONOMIC INFORMATION

18. The Population Census 2011 recorded 26,494,503 populations in the country. Of the three ecological zones namely Tarai/Madesh, Hill and Mountain, 50.3 percent population lives in Tarai (including inner Tarai), 43.0% in the Hills and 6.7% in the mountain. In terms of rural urban distribution, only 17% of total population lives in urban areas and 83% live in rural areas. From

¹ The cutoff date for titleholders is based on the Land Acquisition Act, and for non-titleholders, the date of the census survey. Those who encroach into the subproject area after the cutoff date will not be entitled to compensation or any other assistance.

socio-cultural point of view Nepal's population can be divided into various categories. Census Bureau of Nepal has listed 125 caste and ethnic groups in the country.

A. Upper Bagmati

19. The proposed dams (Nagmati, and Dhap) and river improvement component cover four VDCs and one municipality. According to Population Census 2011, the total population of the five village development committees (VDC)/municipalities is 1,077,337 with males constituting 52.2% and female 47.8%. This proportion of males constituting larger proportion than female is contrary to the national average where females constitute 51.5% and males 48.5%. This numerical dominance of male is largely attributed to large proportion of urban population where males are in majority. However, it is interesting to note that two VDCs namely Sundarijal and Nayapati that are located farther from main urban area demonstrate numerical dominance of females than males. Urban areas and VDCs located closer to urban area demonstrate demographic dominance of males. This is likely to be the result of sex selective migration (i.e., more males than females) to urban area. The average household size is 3.84 persons per household. Detail of population, households and household size is given in Table III-1.

Table III-1: Population, Households and Household Size of Affected VDCs/Municipalities in Upper Bagmati Basin

Name of the VDC/M	Population, 2011			Total households	Household size
	Total	Male	Female		
Sundarijal	2552	1252	1300	547	4.67
Nayapati	7257	3549	3708	1725	4.21
Gokarnashwor	7508	3777	3731	1768	4.25
Jorpati	84567	42445	42122	21862	3.87
Kathmandu M	975453	511841	463612	254292	3.84
Total	1077337	562864	514473	280194	3.84

VDC/M = village development committee/municipality

Source: Population Census 2011

20. Since the Sundarijal VDC is affected by both the dam and river channel improvement some details of demographics and socio-economic condition is imperative. The proposed dams namely Nagmati and Dhap are located close to wards 4, 5, 6. The Bagmati Dam, proposed earlier was close to wards 1, 2, and 3. Both these sets of wards are among poor and less accessible parts of the VDC. These wards lie in the northern and eastern section of the VDC and the terrain is largely hilly. Kune, Okhreni and Chilaune are the main settlements of wards 1, 2 and 3 respectively. The wards 4, 5, and 6 are commonly referred as Mulkharka area. The dominant ethnic group is Tamang. Of the 9 wards, seven wards (1-7) are primarily settled by Tamangs. There are about 15 Chhetri households in Okhreni area and 10 Gurung households and a few Newars in Majkharka area. The main local market is Sundarijal (Buspark) which is located at the foothill and is the gateway to Mulkharka and Okhreni area.

21. The overall economic condition of the local residents in Sundarijal is poor. Farming, livestock rearing and wage labor are the main the main economic activities of the households. However, the main source of income is sale of brewed local whisky (*raks*) in which women are the main actors. While brewing and selling is primarily done by women, men support women in firewood collection for energy needs. The firewood is collected from their own farm as well as from the National Park area. Cattle grazing (goat) and fodder collection for stall-fed cattle is carried out in the national park areas in the vicinity of the settlement. Majority of households has

food sufficiency of less than 6 months. The average landholding size of the household is 4 to 5 *ropani*². It is estimated that about 2,400 liter of local wine is brought to the Kathmandu market daily which costs about NRs120,000 from Kune, Okhreni and Chilaune.

22. Except Sundarijal the other VDCs affected by Bagmati river channel improvement are inhabited by mixed communities. Main caste/ethnic groups include Newar, Brahmin/Chhetri, Tamang, Gurung, Magar, Rai, Limbu, Sherpa, Dalits, and Muslims. Kathmandu metropolitan is more diversified in terms of cast/ethnicity and in terms of economic activities. The economy of local households in the VDCs is mixed. Farming still continues to be reported as the main occupation. However, in terms of sources of income the non-farm activities are the main sources. This is more so for the local residents of VDCs closer to urban areas.

23. The literacy and educational status of VDCs and the municipality is better than the national average. Except Sundarijal, the other VDCs of Kathmandu represent mixed groups comprising, Brahmin, Chhetri, Newar, Tamang and others. Kathmandu metropolitan, the capital city, represents high ethnic diversity. Of all the municipalities of the country, Kathmandu is most complex in terms of caste/ethnic composition. Census 2001 enumerated 67 castes/ethnic and/or religious group with significant population living within the metropolitan. Among them Newar, Brahmin (Hill), Chhetri, Tamang, Gurung, Sherpa and Magar, are the main caste/ethnic groups. No caste or ethnic group holds the majority, not even one-thirds of total municipal population. By far, Newar is the single largest group with its share of 31.8%. Brahmin (Hill) is the second largest group with 21.5%. Chhetri constitutes 16.4%. Together these three groups constitute almost 70% of the total metropolitan population. Tamang and Gurung comprise 5.3 and 3.7% whereas Sherpa and Magar comprise 3.2% each. These seven groups together share 85% of total population. Other groups having 1% or more shares in the municipal population include Rai, Muslim, Marwadi, Thakuri and Tharu, respectively.

24. The resettlement plan if required will address the issue of number and type of affected persons along with their extent of loss of assets if there is land acquisition. In order to address this issue a census survey of all affected households will be carried out and an inventory of all affected assets including private land, houses, other structures, public land and infrastructures, community assets and facilities. The census survey will i) define, identify and enumerate the people and communities affected; ii) describe likely impacts on land and asset on people and communities affected taking social, cultural and economic parameters into account; iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

25. The Compensation Determination Committee (CDC) as per Land Acquisition Act 2034 will work through local Concerned Committee (CC) consisting of representatives of affected households, local representatives, and civil society representatives for the valuation of assets. Three types of valuation – government valuation, valuation of their asset by affected households and current local transaction cost in the area - are taken into consideration while valuating the asset. The government valuation is normally quite low. Therefore, the CDC and CC discuss and come up with near agreeable valuation of asset. This valuation is discussed among all the affected households in an open discussion where the CC plays a key role. After the open discussion the final valuation is reached through consensus.

² One *ropani* equals 0.05 ha.

26. The valuation will be at replacement cost. The description of “replacement cost” will be as follows.

Land	Agricultural Land	The pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.
	Land in Urban Areas	The pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.
Structure	Houses and Other Structures	The market cost of the materials to build a replacement structure with an area and quality similar or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.

IV. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation

27. Land acquisition and resettlement impacts will be compensated in accordance with the entitlement matrix. As per the resettlement principles adopted for this project, all compensation for loss of land, structures, and other assets will be based on full replacement cost. Cash compensation and other entitlements prescribed in the Entitlement Matrix (ANNEX 3) will be provided to the each category of affected persons, before the project starts. In compensating for loss of assets including land, preference will be given to the land-based resettlement strategies in case of the displaced persons whose pre-project livelihoods were land-based. These strategies may include relocation on public land, or on private land acquired or purchased for relocation. If sufficient land for this purpose is not available, the EA should adequately explain and document the reasons and alternatives adopted. Such documents should be sent to ADB for review.

28. Affected persons will be provided with an advance notice prior to possession being taken of the land/properties. After payment of compensation at replacement cost, they would be allowed to take away the materials salvaged from their dismantled houses and shops and no charges will be levied upon them for the same. A notice to that effect will be issued clarifying that they can salvage the materials. All compensation and assistance will be paid to them prior to displacement or commencement of construction activities in sections ready for construction. The Government will provide satisfactory evidence to ADB that payment of compensation and provision of assistance are fully completed before the commencement of civil works.

B. Income Restoration

29. Each affected person whose income or livelihood is affected by a project will be assisted to improve or at least to restore it to pre-project level. Income restoration schemes will be designed in consultation with affected persons and considering their resource base and existing skills. The scheme will pay particular attention to *the perceived demand for their services locally and in the surrounding areas.* Compensation for loss of primary source of income will be as indicated in the entitlement matrix. A separate budget and institutional setup for this activity will be indicated in the RP.

C. Relocation of Housing

30. The relocation of housing does not apply in all the projects considered under TA 8050 as per the current state of information. If detail designs of one or more components of the Project happen to incur relocation of housing the proponent will provide compensation at replacement cost for the houses (structure and land occupied) and assist them to relocate nearby. Furthermore if Dalit, indigenous households and households with vulnerabilities such as elderly, disability, economically marginal, women-headed households, are affected special assistance will be provided in addition to compensation and rehabilitation support. A resettlement plan to be prepared for such subprojects or components will address the issue of relocation in detail.

V. CONSULTATION, INFORMATION DISCLOSURE AND GRIEVANCES

31. The Project design is still underway. At the present level of understanding of BRBIP, land take and resettlement is unlikely. However, the following section is prepared if there is likelihood of affecting people in the final design or in the newly developed component. In this situation, the EA/IA will ensure that it will follow all necessary steps of consultation; information disclosure and grievance redress mechanism as per the regulations of government of Nepal and social safeguard policies of the Asian Development Bank.

A. Meaningful Consultation and Participation of key stakeholders

32. Meaningful consultations will be undertaken with all affected persons, their host communities, if any, and the civil society for every sub-project identified as having involuntary resettlement impacts. The meaningful consultation refers to the process that i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; iii) is undertaken in an atmosphere free of intimidation or coercion; iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultations will be carried out through the resettlement plan implementation and relevant costs will be appropriately budgeted.

33. The consultation process established for the program will employ a range of formal and informal consultative methods. Different techniques of consultation with stakeholders are proposed during project preparation according to the socioeconomic conditions of the community affected, viz., in-depth interviews, public meetings, group discussions etc. Particular attention will be paid to the need of the disadvantaged or vulnerable groups, especially those who are below the poverty line, the landless, the elderly, female-headed households, women and children, and those without legal title to land. The key informants to be consulted, during the project preparation phase and during the RP implementation are:

- Heads and members of households who are likely to be affected by the project
- Vulnerable households
- Host communities and households
- Women in the affected as well as host communities
- VDC, elected representatives, community leaders, and representatives of community based organizations;

- Local voluntary organizations and NGOs,
- Government agencies and departments.

34. The Resettlement plan will be implemented in close consultation with the key stakeholders. Women's participation will be ensured by involving them in public consultation at various level and stages of project preparation and by arrangements, which would enhance their ability to attend such meetings. The executing/implementing agency will ensure that views of the affected persons, particularly those vulnerable, related to the resettlement process are looked into and addressed. The design and supervision consultants will also ensure that groups and individuals consulted are informed about the outcome of the decision-making process, and confirm how their views were incorporated. This will be ensured through focus group discussion and multi stakeholders meetings in the project area. All such meetings and consultation will be documented for future references. Photographs of consultations will form part of the documentation.

B. Information Disclosure

35. Copies of the approved resettlement plan will be made available in Nepali language at accessible locations to APs. The draft and final resettlement framework and resettlement plan will be disclosed on ADB's (and Government website) and made available to affected persons; information dissemination and consultation will continue throughout program implementation. Public Information Center (PIC) will be established by EA/IA to cover all affected VDC level and PIC will; have its own full time staff to provide information to affected households and other key stakeholders.

36. At the initial stage, the PIC will be responsible for informing potential affected persons and the general public about the project and land acquisition and resettlement-related requirements through leaflets or other reliable communication means. The PIC will conduct consultations, and disseminate information to all APs in order to create awareness of the project among them. Basic information such as location, entitlements, and project and resettlement plan implementation schedules will be provided to all APs. Such information will enable stakeholders to contribute to the resettlement decision-making process prior to the award of civil work contracts. All the comments made by the affected persons will be documented in the project records and summarized in project monitoring reports.

C. Grievance Redress Mechanism

37. A grievance redress mechanism (GRM) will be established at the Project level to receive and facilitate the resolution of affected persons' concerns, complaints, and grievances on compensation, relocation and income rehabilitation issues. The GRM aims to be proactive and accessible to all APs to address their concerns grievances and issues effectively and swiftly.

38. The grievance redress mechanism will be carried out through the resettlement plan implementation and relevant costs will be appropriately budgeted. The Project level GRM will operate at three levels with time frames.

1. First level of GRM

39. PIC at the VDC level will be the first level of intervention to address grievances and complaints. Many grievances can be resolved by providing correct and complete information. The PIC will have its full-time staff representing the EA and IA to listen and provide information

to APs and resolve their issues. The officer at PIC may seek the assistance of the supervision consultant safeguards specialists to help resolve the issue. The PIC will keep: (i) name of the person (s), (ii) date complaint was received, (iii) nature of complaint, (iv) location, and (v) how the complaint was resolved. These reports will be submitted to the chief executive officer/project director on monthly basis.

2. Second level of GRM

40. Should the grievance remain unresolved the officer at PIC will forward the complaint to the safeguards unit of the special purpose vehicle (SPV). The person (filing the grievance) will be notified by the officer that his/her grievance was forwarded to the safeguards unit. Grievances will be resolved through consultation and interaction with affected persons. The SPV will answer queries and resolve grievances regarding various issues including social, or livelihood impacts. NGO and social safeguards staff of SPV will undertake corrective measures at the field level within 7 days. The safeguards unit staff will fully document the following information: (i) name of the person, (ii) date complaint was received, (iii) nature of complaint, (iv) location, and (v) how the complaint was resolved.

3. Third level of GRM

41. Should the grievance remain unresolved, it will be referred to Grievance Redressal Committee (GRC). GRC will be headed by the project director and will comprise of the members of the concerned VDC, affected person and NGO. The affected person can present with his or her concern/issues at the GRC. All cost of the hearing will be borne by the project. The GRC will meet when necessary. The GRC will suggest corrective measures at the field level and issues directions that should implement the directions within 15 days. The SPV safeguards officers will be responsible for processing and placing all papers before the GRC, recording decisions, issuing minutes of the meetings, and taking follow-up action to see that formal orders are issued and the decisions are carried out.

4. Accessing the Country's Legal System:

49. At any stage or level of the GRM, an aggrieved person will be free to access the country's legal system. The GRM will not impede access to the country's judicial or administrative remedies.

VI. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

50. The institutional capacity for resettlement activities and for managing social risk is non-existent at both the national and district level. Neither there is a Ministry nor the department or division or authority within the government of Nepal that is directly mandated to handle displaces of development projects. Furthermore, there is no comprehensive resettlement policy in the country let alone the institution to handle resettlement.

51. Social and resettlement issues are addressed in a project specific manner at present.. Since the late 1980s, the development projects have adopted their respective donors' involuntary resettlement policies. Thus, the practice so far has been to develop project- specific policies and implement them so as to meet the requirements of donor agencies.

52. EA (to be decided) is the main organization executing the projects under BRBIP. It will have a Divisions or a Unit to handle environmental and social issues. However, as per Land

Acquisition Act and the project policy framework there will be three types of institutions directly involved in the implementation of resettlement: i) EA as the project proponent, ii) Compensation Determination Committee as per Land Acquisition Act 2034 at the district level, and iii) Local Consultative Groups at the VDC level.

53. The organizational procedures for deliverinbg entitlements will be such that EA as the project proponent has the primary responsibility of preparing RP and other necessary documents related to land and asset acquisition. For each of the Projects, a Project Manager's Office will be established under the organizational setup of EA. This Office will be responsible for overall implementation of resettlement and social safeguard activities. Since the resettlement impact is minimal, all relevant activities related to social development will be handled by Environmental and Social Management Unit of the Implementing Agency (IA) or the SPV as developed in due course of Project development. In doing so it will follow existing legal provisions and the resettlement policies as mentioned in this document

VII. BUDGETING AND FUND FLOW MECHANISM

54. Resettlement impacts are not foreseen at this stage. However, if there are resettlement impacts during the project implementation, resettlement plan(s) will be prepared following the guidance provided in this resettlement framework and the individual resettlement plans will contain appropriate budget for implementing the resettlement plan.

VIII. IMPLEMENTATION SCHEDULE

55. The implementation schedule of the Resettlement Plan as developed as per this RF will closely follow civil works schedule of the Project. The land acquisition process should be initiated as early as possible. The EA or SPV should be engaged in the process of negotiations with the affected households on the compensation amount for all components that involve land acquisition and loss of community assets. The Project will ensure payment of full compensation to each AP, at least three months prior to the initiation of construction work. It is important to note that the RF applies to all land acquisition and related processes of the Project irrespective of when the acquisition took place or would take place.

IX. MONITORING AND REPORTING

56. Monitoring will focus on meaningful consultation, timely payment of compensation and entitlement, livelihood restoration and effectiveness of the grievance redressal system. It will be done on a six monthly basis. Annual monitoring and post resettlement evaluation will be carried out by an external monitoring agency.

**ANNEX 1: GAP ANALYSIS OF NEPAL'S LAND ACQUISITION ACT 2034 AND ADB
SAFEGUARD POLICY STATEMENT 2009**

International Best Practice	NEPAL'S LAW AND REGULATIONS	ADB
	Provisions in <i>Land Acquisition Act 2034 (1977)</i>	SPS 2009 Requirements
SIA to identify the impacts, risks and views of potential project-affected persons and communities	The Land Acquisition Act has no provision to conduct a social impact assessment in the proposed project areas.	The borrower/client will conduct socioeconomic surveys and a census, with appropriate socioeconomic baseline data to identify all persons who will be displaced by the project and to assess the project's socioeconomic impacts on them. As part of the social impact assessment, the borrower will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status.
Avoidance or minimization of involuntary resettlement impacts of projects	No clause in the Act.	Explore viable alternative project designs to avoid and/or minimize involuntary resettlement impacts.
Census survey to identify all affected persons	LAO shall be responsible to identify, survey and notify the concerned parties and other works related to acquisition	Census survey to cover all affected persons and it will be updated, based on the final detailed design data of the project.
Categorization of the project according to the significance of IR impacts	No legal requirement in the Act to categorize projects according to the significance of IR impacts.	Categories A, B, and C are awarded to projects based on the level of the significance of potential IR impacts of a project.
Preparation of a resettlement plan to address adverse IR impacts	No provision to formulate a Resettlement Plan except that the LAO should submit his/her final report to Chief District Officer specifying the total affected persons and their loss of assets.	Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation plan.
Consult with affected persons	CDO publishes a public notification providing details of the affected property after receiving the report on the preliminary assessment on land requirements. However, the Act has no provisions for a process of formal consultation with APs.	Meaningful consultations with all affected persons, host communities, if any, and concerned on-government organizations. Inform all displaced persons of their entitlements and relocation options.
Disclose involuntary resettlement information to project-affected persons	No provision for the preparation or disclosure of involuntary resettlement information to project-affected persons	Disclose a draft resettlement plan before project appraisal. Also disclose the final resettlement plan to the affected persons and other stakeholders. Project monitoring reports are also disclosed.
Land-based relocation strategies for displaced persons	Under the LA Act, 2034 there is mention of provision of land to displaced persons if government	Land-based relocation strategies when affected livelihoods are land-based, where possible; or

whose livelihoods are primarily land-based	land is available but payment of cash compensation is norm for all acquired assets including landed property.	Cash compensation at replacement cost for land when the loss of land does not undermine livelihoods.
Compensation at replacement cost for property acquired.	Compensation for the acquired land / property to be determined by a CDC comprising of CDO, Land Revenue Officer, Project Manager or his/her Representative, and Representatives of the District Development Committee. This is the market value of the property as per rules and regulations. The compensation to be paid in cash and separate compensation rates could be set for the completely affected land or partially affected land (Clause 13).	Compensation at full replacement cost for all affected property. Market value for trees and crops.
All compensation is paid prior to actual displacement of affected households and the commencement of civil work	Acquisition of asset after notification and payment of compensation.	Pay compensation and provide other resettlement entitlements before physical or economic displacement of affected households.
Provision of full compensation without any deduction	If the AP has failed to pay revenue, tax and government loan that will be deducted from compensation (LA Act 1977, Clause -21)	Full compensation is to be paid with no deductions unless land is provided in lieu of land acquired.
Compensation to squatters and other non title holder including tenants and land users	Legal ownership is the basis for land compensation. However, tenants registered with the Land Revenue Office are also recognized as eligible to receive a compensation package (Clause 20).	Ensure that displaced person without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
Special assistance For vulnerable households	Vulnerable families will be compensated to meet at least the previous livelihood standards	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards
Transition Allowances	No legal provision in the LA Act	Transition allowance for physical displacement/transfer and loss of income during transition.
Livelihood restoration	Principle of compensation for lost assets, but no undertaking to improve the living standards or livelihoods of project-affected persons.	Improve or at least restore the livelihoods of all displaced persons
Grievance Redressal Mechanism	Any grievances regarding land and property acquisition could be reported to Home Ministry within 7 days of public notification to CDO. Home Ministry will decide on such	Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns.

	grievances within 15 days. (Clause 11)	
Monitoring	No legal requirement in the Law for involuntary resettlement implementation monitoring.	In the projects with significant involuntary resettlement impacts, the borrower will retain qualified and experienced external experts. The borrower will prepare semi-annual monitoring reports. All monitoring reports are to be disclosed.

CDC = Compensation Determination Committee, CDO = Chief District Officer, LAO = Land Acquisition Officer, SIA = social impact assessment, SPS = Safeguard Policy Statement.

ANNEX 2: OUTLINE OF A RESETTLEMENT PLAN

1. This outline is part of the ADB SPS Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

Executive Summary

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

Project Description

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

Scope of Land Acquisition and Resettlement

4. This section: discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities; describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project; summarizes the key effects in terms of assets acquired and displaced persons; and provides details of any common property resources that will be acquired.

Socioeconomic Information and Profile

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

- define, identify, and enumerate the people and communities to be affected;
- describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

Information Disclosure, Consultation, and Participation

6. This section: identifies project stakeholders, especially primary stakeholders; describes the consultation and participation mechanisms to be used during the different stages of the project cycle;

- describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders; summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made

were addressed in the resettlement plan; confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

Grievance Redress Mechanisms

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

Legal Framework

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

Entitlements, Assistance and Benefits

9. This section: defines entitlements and eligibility of displaced persons, and describes all resettlement assistance measures (includes an entitlement matrix);

- specifies all assistance to vulnerable groups, including women, and other special groups; and. outlines opportunities for affected persons to derive appropriate development benefits from the project.

Relocation of Housing and Settlements

10. This section: describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified); describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs; provides timetables for site preparation and transfer; describes the legal arrangements to regularize tenure and transfer titles to resettled persons; outlines measures to assist displaced persons with their transfer and establishment at new sites; describes plans to provide civic infrastructure; and explains how integration with host populations will be carried out.

Income Restoration and Rehabilitation

11. This section: identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources; describes income restoration programs, including multiple options for restoring all types of livelihoods (e.g. project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets); outlines measures to provide social safety net through social insurance and/or

project special funds; describes special measures to support vulnerable groups; explains gender considerations; and describes training programs.

Resettlement Budget and Financing Plan

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

Institutional Arrangements

13. This section: describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan; includes institutional capacity building program, including technical assistance, if required; describes role of nongovernment organizations (NGO), if involved, and organizations of affected persons in resettlement planning and management; and describes how women's groups will be involved in resettlement planning and management,

Implementation Schedule

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

Monitoring and Reporting

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

ANNEX 3: THE ENTITLEMENT MATRIX

Type of Losses	Definition of APs	Entitlement	Details
1. Land			
Loss of agricultural land	<p>Titled owners</p> <p>APs with traditional land rights</p>	<p>Compensation based on market/replacement value</p> <p>Resettlement assistance</p> <p>Additional Assistance to vulnerable¹ APs</p>	<p>In case of compulsory acquisition of land, compensation will be based on market value. CDC, in addition to provisions under the Land Acquisition Act 2034, will include VDC representative and representatives (one female and one male) as invitees in the Committee</p> <p>In case of land to be possessed by the project authority with mutual and voluntary consent of the affected people, compensation will be paid on estimated market price as decided by the CDC.</p> <p>Transaction costs (documentary stamps, registration costs, etc.) will be borne by the project authority during registration.</p> <p>If the residual plot(s) is (are) not viable, e.g., less than 0.5 <i>ropani</i>³ in rural areas, or 2.5 <i>ana</i> in urban area, the owner would have option to relinquish the land, Resettlement assistances will be paid in the form of transitional allowances or <i>cultivation disruption allowance</i> based on three months of minimum wage or one season's production on the area lost. The allowance will be paid at the time of compensation payment.</p> <p>Additional allowances will be paid to vulnerable APs.</p>
	Individual tenant Sharecropper leaseholder	Reimbursement for unexpired lease	Registered tenants are entitled for 50% of the compensation for their land under tenancy. Lease rates will be determined by the project authority with the help of revenue department and

³ One *ropani* roughly equals 0.05 ha. *Ana* refers to one-sixteenth of a *ropani*.

			based on consultation with landowners
Loss of residential /commercial land	Titleholder APs with customary land rights	Compensation at replacement cost Additional Assistance to vulnerable APs	Cash compensation at replacement cost as determined by CDC All fees, stamp duties, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and rehabilitation process, are to be borne by the EA/SPV Additional allowances will be paid to vulnerable APs
Loss of access to forestland	Affected household with forestland access	Provision of alternative facilities and technical assistance	Households losing access to forestland for their basic needs such as fuel, fodder, etc. will be provided access to alternative forest land. Communities will be involved in community social forestry schemes coordinated by the Department of Forests.
2. Structures			
Loss of residential and commercial structure	Titleholder APs having structure with customary land right Non titleholders	Compensation at replacement cost Shifting assistance Assistance	Replacement value of the structure and other assets (or part of the structure and other assets, if remainder is viable). Fees, taxes, and other charges related to replacement structure. Shifting assistance Right to salvage materials from structure and other assets with no deductions from replacement value. Additional compensation for vulnerable households.

Loss of rental accommodation	Tenants	Rental Assistance Compensation at replacement cost Shifting assistance	<p>Rental assistance for both residential & commercial tenants as per the prevalent rate in the form of grant to cover maximum three month rentals.</p> <p>Additional structures erected by tenants will also be compensated and deducted from owner's compensation amount.</p> <p>Shifting assistance based on type of house and household assets.</p> <p>Any advance deposited by the tenants will be refunded from owners total compensation package to the tenant on submission of documentary evidences.</p> <p>Right to salvage material from demolished structure and frontage etc. erected by tenants.</p>
3. Trees and Crops			
Loss of Trees	Titleholder Share- croppers Lease holders	Compensation at market value to be computed with assistance of Horticulture Department	<p>Advance notice to APs to harvest fruits and remove trees</p> <p>For fruit bearing trees compensation at average fruit production for next productive years to be computed at current market value</p> <p>For timber trees compensation at market cost based on type of trees</p>
Loss of Crops	Land holders Share- croppers Lease holders	Compensation at market value to be computed with assistance of agriculture department	<p>Advance notice to APs to harvest crops</p> <p>In case of standing crops, cash compensation at current market cost to be calculated of mature crops based on average production.</p>

4. Income and Livelihood			
Loss of income and livelihood (affected business wage earnings, agricultural income, employees)	Legal titleholder/tenant/leaseholder/non-titled/employee of commercial structure, farmer/agricultural worker	Assistance	Assistance for lost income based on three months minimum wage rates. Additional compensation for vulnerable households. Consideration for project employment.
5. Government Land and Property			
Government Property (loss of land)	Relevant Department	Lump sum compensation as per government rules	EA may negotiate with Relevant Department on terms and conditions
6. Community and Cultural Sites			
Community trails, Religious structures, Community structures, trust, etc.	Affected community	Conservation, protection and compensatory replacement (community trails, schools, community centers, markets, health centers, shrines, other religious sites, places of worship, burial sites, rights to food, medicine, and natural resources)	Impacts will be documented and mitigated. Cultural properties will be conserved through special measures such as relocation in consultation with the community.
7. Temporary Loss			
Temporary loss of land and temporary damage on loss of crops during construction	All APs losing land and crops on temporary basis during the construction period of the lines Farming households Sharecroppers Tenants Non-titled households	Notice to harvest standing crops Compensation at market value for one season Restoration	Provision of rent for period of occupation for legal titleholders. Compensation for assets lost at replacement value. Restoration of land to previous or better quality. The project authorities would consult with land owners for access to the land for maintenance and repairs, when necessary, and that the land owners would continue to use the land for farming activities.

8. Special Assistance to Vulnerable Households			
Impacts on vulnerable APs	All impacts	Vulnerable APs	<p>Additional assistance based on three months of minimum wage.</p> <p>Vulnerable households will be given priority in project construction employment.</p>
9. Unanticipated Impacts			
Other Impacts Not Identified	Affected households or individuals	Compensation and assistance	Unforeseen impacts will be documented and mitigated based on the principles agreed upon in the resettlement framework.

AP = affected persons, CDC = Compensation Determination Committee, EA = executing agency, SPV = special purpose vehicle.