

# Resettlement Plan

---

## **PUBLIC**

Document Stage: Updated  
Project Number: 55346-001  
November 2024

## Nepal: Urban Resilience and Livability Improvement Project

### Improvement of Roads and Drains in Siddharthanagar Municipality

Package Number: URLIP/SDN/CW01

## PART A: Main Report

Prepared by the Department of Urban Development and Building Construction, Government of Nepal for the Asian Development Bank (ADB). This is an updated version of the draft originally posted in July 2023 available on <https://www.adb.org/projects/documents/nep-55346-001-rp-0>

## **CURRENCY EQUIVALENTS**

(as of 29 May 2023)

Currency unit - Nepalese rupee (NPR)  
NPR 1.00 = \$ 0.01  
\$ 1.00 = NPR 131.83

## **ABBREVIATIONS**

ADB	-	Asian Development Bank
BPL	-	Below poverty line
CDO	-	Chief District Officer
CFUG	-	Community forestry user group
DDC	-	District coordination committee
DMS	-	Detailed measurement survey
DUDBC	-	Department of Urban Development and Building Construction
EMP	-	Environment management plan
FGD	-	Focus group discussion
GON	-	Government of Nepal
GRC	-	Grievance redress committee
GRM	-	Grievance redress mechanism
IEE	-	Initial environmental examination
ISPC	-	Institutional Strengthening and community participation consultant
LACFC	-	Land acquisition and compensation fixation committee
LGOA	-	Local Government Operational Act
MOU	-	Memorandum of Understanding
NGO	-	Non-governmental organization
NPC	-	National planning Commission
PCO	-	Project coordination office
PIU	-	Project implementation unit
PMCDC	-	Project management and capacity development consultant
ROW	-	Right-of-way
SDC	-	Supervision and Design Consultant
SPS	-	Safeguard policy statement
URLIP	-	Urban Resilience and Livability Improvement Project

## WEIGHTS AND MEASURES

ha.	–	hectare
km	–	kilometer
m	–	meter
m <sup>2</sup>	–	square meter

## NOTE

In this report, "\$" refers to United States dollars.

This updated resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or Staff, and may be preliminary in nature. Your attention is directed to the "terms of use" section of ADB's website.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, ADB does not intend to make any judgments as to the legal or other status of any territory or area.



## GLOSSARY

**Affected Person/displaced person:** As per ADB Safeguards Policy Statement 2009, affected person/displaced person includes all persons with legal rights on land (titleholders) and persons without legal rights (non-titleholders) who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (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.

**Affected Household:** means (i) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land for a project or involuntary displacement due to any other reason; (ii) a family of any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land in the affected area or otherwise, has been involuntarily displaced from such land or other property; (iii) a family of any agricultural or non-agricultural labourer, landless person (not having homestead land or agricultural land), rural artisan, small trader or self-employed person or any other non-titled user who has been residing or engaged in any trade, business, occupation or vocation in the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reason.

**Assistance:** means support, rehabilitation and restoration measures extended in cash and / or kind over and above the compensation for lost assets

**Compensation** means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost at current market value.

**Entitlement:** means the range of measures comprising cash or in-kind compensation, relocation cost, income restoration assistance, transfer assistance, vulnerability assistance, income substitution, and business restoration which are due to affected households, depending on the type and degree /nature of their losses, to restore their social and economic base.

**Eminent Domain:** means the regulatory authority of the Government to obtain land for public purpose/interest or use as described in the Land Acquisition Act 2034 (1977).

**Inventory of loss:** means the inventory of assets as a record of affected or lost assets.

**Non-titled:** means those who have no legal/legalizable rights or claims to the land that they are occupying and includes people using private or public land without permission, permit or grant i.e., people without legal/legalizable title to land and/or structures occupied or used by them. ADB's policy explicitly states that such people cannot be denied resettlement assistance.

**Replacement cost.** the method of valuing assets to replace the loss at market value before the project or dispossession, or its nearest equivalent, plus any transaction costs such as administrative charges, taxes, registration, and titling costs.

**Significant impact:** means where 200 or more affected persons suffer a loss of 10% or more of productive assets (income generating) and/or physical displacement.

**Vulnerable Households.** means households that comprise those falling below poverty line, persons with disability, female-headed households, households having elderly (*Jestha Nagarik*)

and children, *dalits*, indigenous people, landless households and households without legal title to land.

## CONTENTS

	<b>Pages</b>
I. INTRODUCTION	1
A. Project Description	1
B. Project Location	2
C. Project Benefits	3
D. Project Component	3
E. Objective of Resettlement Plan	10
F. Resettlement Plan Preparation	10
G. Measures to Avoid and Minimize Involuntary Resettlement	11
II. SCOPE OF ACQUISITION AND INVOLUNTARY RESETTLEMENT	11
A. Land Acquisition	11
B. Impact on Structures/Assets	13
C. Impacts on Public and Community Utilities	14
III. SOCIOECONOMIC INFORMATION AND PROFILE	18
A. Socio-economic Profile	18
IV. CONSULTATION, PARTICIPATION AND DISCLOSURE	22
A. Field-level Consultation	22
B. Summary of Consultations	23
C. Information Disclosure	26
V. GRIEVANCE REDRESS MECHANISM	29
A. Common Grievance Redress Mechanism	29
VI. POLICY AND LEGAL FRAMEWORK	32
A. Government of Nepal Policies on Land Acquisition and Resettlement	32
B. Other Policies, Process and Steps applicable to this Project	34
C. ADB's Safeguard Policy Statement (SPS), 2009	36
D. Comparison Between GoN and ADB SPS on Involuntary Resettlement Requirements	39
VII. ENTITLEMENTS, ASSISTANCES AND BENEFITS	44
A. Type of Losses	44
B. Cut-off Date	44
VIII. RESETTLEMENT BUDGET AND FINANCING PLAN	51
IX. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION SCHEDULE	53
A. Institutional Arrangement	53
B. Safeguards Implementation Arrangement	53
C. Safeguard Capacity Development	60
X. IMPLEMENTATION SCHEDULE	62
XI. NEXT STEP ACTIONS	64

## FIGURES

Figure 1: Location of the Proposed Road Project	9
Figure 2: Grievance Redress Process (URLIP)	31
Figure 3: Safeguards and Gender Implementation Arrangement	59

## TABLES

Table 1: Population Distribution of Siddharthanagar Municipality by caste and ethnicity	3
Table 2: List of the Road Sections Proposed for Improvements	4
Table 3: Summary of Required Additional Land	12
Table 4: Impacts on Structures	13
Table 5: Summary of Land Requirements and Involuntary Resettlement Impacts	14
Table 6: Classification of Adivasi Janajati with their marginalization	16
Table 7: Surveyed Landowners by Caste and Ethnicity	19
Table 8: Surveyed Landowners by Means of Livelihood	19
Table 9: Annual income of Surveyed Households	20
Table 10: Vulnerability Type of Surveyed Households	20
Table 11: Distribution by Social Category	20
Table 12: Distribution by Occupation/Livelihood	21
Table 13: Affected Person by Average Income (per Capita)	21
Table 14: Affected Person by Vulnerability	21
Table 15: Summary of Public Consultation at Ward and Project-level	23
Table 16: Community Participation at various stages of Project Preparation and Implementation	27
Table 17: Process Guidelines for Acquiring the Forest Land for other purpose	38
Table 18: Comparison between Government of Nepal Laws and ADB Safeguards Policies on Land Acquisition and Resettlement	39
Table 19: Entitlement Matrix	45
Table 20: Resettlement Budget	52
Table 21: Institutional Roles and Responsibilities	60
Table 22: Indicative Training Program	61
Table 23: Implementation Schedule	62
Table 24: Next Step Actions	64

## APPENDICES

Appendix 1a: Detailed Profile of Land Donors	
Appendix 1b: List of Vulnerable Households (Ineligible for Donation)	
Appendix 2: Socioeconomic Profile of Affected People by Loss of Structures	
Appendix 3: Photographs of the Road Sections	
Appendix 4: Minutes of Meeting conducted at Siddharthanagar Municipality	
Appendix 5: Minutes of Mass Consultation at Ward-level of Siddharthanagar Municipality	
Appendix 6: Photographs of the consultation at Ward level	
Appendix 7: Right-of-Way Declaration of the Municipality	
Appendix 8: Terms of Reference for Independent Third Party for Voluntary Land Donation	
Appendix 9: Sample Third-Party Certification Formats	
Appendix 10: Sample Grievance Registration Form	
Appendix 11: English Translation of VLD Paper	
Appendix 12: Signed Land Donation Papers	



## EXECUTIVE SUMMARY

**Project Background.** Urban Resilience and Livability Improvement Project (URLIP), the project, will support improving municipal infrastructures and governance of the selected project municipalities, thereby contributing to achieve inclusive economic growth and improved livability. This will be achieved through the following three outputs: (i) municipal infrastructure for resilience improved (Output 1); (ii) Tourism assets revitalized and management improved (Output 2); and (iii) capacity of communities, municipalities, provinces and Department of Urban Development and Building Construction strengthened (output 3). The project will support seven municipalities (Pokhara, Janakpur, and a cluster of five municipalities which include Devdaha, Lumbini Sanskritik, Sainamaina, Siddharthnagar, and Tilottama).

**Project Components.** The improvement of road and drainage network is the component proposed to be financed under Output 1 of this project. Under road and drainage improvement, 21.986 km covering 26 road sections are proposed to be rehabilitated and reconstructed integrating the components of drainage and footpath.

**Scope and Objective of this Updated Resettlement Plan.** The draft resettlement plan has been updated after the completion of the census and socioeconomic surveys based on the detailed design and detailed measurement survey. The resettlement plan documents the project's impact, methodology used and address the potential involuntary resettlement impacts of the proposed project components under Output 1. The methodology of the resettlement plan preparation includes data collections through both primary and secondary sources. The primary data were collected through transect walk, impact assessment and inventory loss surveys, community consultations, census and socio-economic surveys, and interviews with both primary and secondary stakeholders.

**Land Acquisition and Resettlement Impacts.** The proposed land requirements for this project will be fulfilled through a combination of use of right-of-way within the government lands and voluntary land donation. The main alignment of the proposed road is located within the boundaries of the right-of-way of government lands. As a part of assessment and the socioeconomic survey, a team of consultants conducted a transect walk and consultation meetings. Further, a site observations visit was made on 11 February 2024 to 14 February 2024. The inventory of loss, census and socioeconomic survey based on the detailed design identifies 358 narrow strips of land parcels belonging to 273 landowners.

The design team have explored the possibility of reducing the corridor of impact to minimize the impacts during the detailed design. A detailed measurement study has been carried out to confirm the scale of impacts both on land parcels and structures based on final design and detail measurement survey (DMS), based on which the resettlement plan has been updated accordingly. The additional land requirement for road improvement and road-side drains obtained through voluntary land donation. 261 households/plot owners have expressed willingness to voluntarily donate strips of their lands parcel (narrow strips of lands) during consultations. The landowners highlighted that the improved road and drainage infrastructures would enhance accessibility, particularly by providing easy access during emergencies and facilitating the efficient transport of local produce, reduce flooding issues, and contribute to overall community development. The land donation process adhered to the procedures and requirements, including verification of the independent third-party which is currently in progress. The donors no objection papers are attached in this updated resettlement plan. The third-party verification activities has been initiated and the documentation will be attached in the updated resettlement plan or semi-annual social

monitoring report (SSMR), whichever is submitted earlier. Voluntary land donation has not been considered from the 12 remaining households categorized as vulnerable.

Under the road and drain improvement works, impact assessment also identified partial/minor impact on 22 structures consisting of 19 compound/boundary walls of residential secondary or annexed structures, and three commercial structures (only limited to boundary wall, roof and PCC soiling) which will not lead to any physical displacement or relocation. The impact on structures will affect 22 households with 123 household members. The overall structure loss will be minor and minimal not amounting to more than 10% of loss.

**Socio-economic Information and Profile:** The socio-economic survey captured 273 households (68%) comprising 1712 populations (880 males and 832 female). The average family size of surveyed households is 6.3. The caste/ethnic composition of the households is *Madhesi* (31.14%) followed by *Brahmin/Chhetri* (21.98%), *Muslim* (17.22%), *Janajati* (19.78%) and *Dalit* (9.89%). The socio-economic survey identified 12 households (130 household members) as vulnerable category. The road width will be reduced avoiding the land donation from the vulnerable households.

Dalits make up 9.89% (27) of the total respondents. Based on socioeconomic survey, 22 of them are economically stable, living above the national poverty level. They also do not fall under social vulnerability criteria (having member/s with persons with disability [PWD], being a woman-headed household [WHH], or meeting other social and/or economic vulnerability criteria. The average land to be donated constitutes only 2.28% of their total landholdings. The landowners expressed the need for such road infrastructure and are more than willing to contribute small strips of their lands voluntarily. The minimal land donation will not negatively affect the living standard of the landowners. Moreover, the donation is linked directly to their benefits, improving their access to transportation, better drainage systems to reduce flooding, improved connectivity to markets and services and thus, enhancing their quality of life. Nonetheless, the socioeconomic survey indicates that out of 27 Dalit households, five fall below the national poverty threshold and are vulnerable households. No land donation will be taken from them.

In addition, the survey identified narrow strips of lands owned by 52 janajati/IP landowners (280 household members) comprising of 66 registered land parcels. The average annual income of the indigenous people per year per person stood around NPR 630,407.72, which is higher than the average annual income of the affected people (NPR. 241,776.00). The surveyed indigenous peoples head of households are into business/ trade, service, pension holder and are engaged in varied works. The indigenous population (Janajatis) are very much assimilated with the general population and do not live collectively in a particular geographical location within the municipal limits. The indigenous communities in the project area have been utilizing transportation facilities for over two decades. Based on consultation during surveys, IP households have expressed their consent for land donation due to perceived higher beneficial impact. They expressed the need for such road infrastructure and are more than willing to contribute small strips of lands. The donors no objection papers are attached in this document. Four families will also be affected by structure losses mainly loss of compound walls and will be compensated for structure loss as per the entitlement matrix. None of the affected households will be displaced from their current location. These IP HHs are not economically and/or socially vulnerable (i.e. having PWD member, WHH, and other vulnerability criteria). None of these IP households belong to the highly marginalized and endangered categories as classified by NEFIN.

Under the project, a socioeconomic development program (SDP) is included to cover skill development training, family members of the affected vulnerable households, as well as

interested land donors, can avail the SDP based on their interest and availability. The Institutional Strengthening and Community Participation (ISCPC), will support the project municipalities and PIUs in implementing the socioeconomic development program including consultation, identification, planning and implementation.

**Legal Framework.** The policy, legal framework, resettlement principles and entitlements in the URLIP are guided by the ADB's Safeguard Policy Statement (SPS), 2009 and Government of Nepal's Acts, laws and regulation related to land acquisition, compensation disbursement, and involuntary resettlement.

**Entitlements, Assistance and Benefits:** In keeping with the entitlement matrix, compensation and resettlement assistance for various types of loss will be provided to all affected persons in the project area. In general, the affected people under the roads and drainage project will be entitled to the following types of compensation and assistance: (i) assistance for loss of livelihood; (ii) compensation for lost assets/ structures; and (ii) additional assistance to vulnerable groups.

**Consultations and Participation.** Consultations were carried out with various stakeholders such as community residents/project beneficiaries including the poor, women, and indigenous peoples, and government officials. A total of 983 individuals participated in the consultations held in 2023, including 216 females. The most recent consultation in 2024 involved 70 participants, comprising 58 males and 12 females. Consultations will continue throughout the project implementation. The draft / updated resettlement plan will be made available at public locations in the area and will be disclosed to a wider audience through the Government of Nepal and ADB websites. A copy of the resettlement plan translated in Nepali language always be kept at site during the construction period.

**Grievance Redress Mechanism.** A project-specific grievance redress mechanism (GRM) has been established to receive, evaluate, and facilitate the resolution of affected person concerns, complaints, and grievances about the social and environmental performance at the level of the project. The GRM aims to provide a time-bound and transparent mechanism to voice and resolve social and environmental concerns linked to the project. Grievance Redress Committees (GRCs) will be formed at three levels; (i) field/ward level, ii) Municipality/PIU level, and iii) PCO level. There will be *Janajatis* and one-woman representative in the field/ward and municipality level, if required. A public awareness campaign will be undertaken to ensure that awareness on the project and its grievance redress procedures. The campaign will ensure that the poor, vulnerable including indigenous peoples and others are made aware of and are part of the awareness program. Grievance redress mechanism outlined in the draft RIPP will ensure that complaints and grievances are resolved in a collaborative, timely manner, and effective manner through dialogue, joint fact-finding, negotiation, and problem solving.

**Institutional Arrangement.** The resettlement plan implementation will be closely monitored by the Project Coordination Unit with the support of project management and capability-building consultant to effectively assess the resettlement progress and identifying potential difficulties and problems. Monitoring will be undertaken by the PCU and PIUs. The PIU within the municipality will have a social safeguards officer assisted by social safeguards specialist from the Design and Supervision Consultants, who will facilitate the implementation of the resettlement activities. Monitoring will involve administrative monitoring to ensure that implementation is on schedule and problems, if any, are dealt with on a timely basis; socio-economic monitoring during and after any resettlement impact utilizing baseline information established through the detailed measurement survey of affected persons undertaken during project preparation, and overall monitoring.

**Monitoring and Reporting.** RIPP implementation will be closely monitored to provide the PCO with an effective basis for assessing resettlement progress and identifying potential difficulties and problems. Monitoring will be undertaken by the SDC, PIUs and PMCDC. Monitoring will involve administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis; socio-economic monitoring during and after any resettlement impact as well as impact on indigenous peoples utilizing baseline information established through the detailed measurement survey of affected persons undertaken during project preparation, and overall monitoring.

**Resettlement Budget.** The budget item includes compensation of structure loss, and income restoration support, cadastral data verification cost, third party certification cost, land agreement, land registration/title/ownership transfer costs and other associated legal fees, GRM and administrative cost. The total estimated cost for implementation of resettlement plan is **NPR5,720,911.43**. PIU with the support of the Supervision and Design Consultant will facilitate the disbursement process and opening bank accounts for the affected persons who do not have bank accounts.

## I. INTRODUCTION

### A. Project Description

1. The Urban Resilience and Livability Improvement Project (the project) aims to improve livability and sustainability of urban services by project municipalities. The project is aligned with the following impact: improved living standards achieved.<sup>1</sup> The project will have the following outcome: improved resilience, livability and sustainability of urban service delivery by project municipalities. The project will develop municipal infrastructures aligned with the priorities set in the municipalities' investment plans. The project supports seven municipalities: Devdaha, Janakpur, Pokhara, Lumbini Sanskritik, Sainamaina, Siddharthnagar, and Tilottama. Five out of seven municipalities are from the western urbanizing corridor. The Department of Urban Development and Building Construction (DUDBC) on behalf of the Ministry of Urban Development will be the executing agency and the project municipalities are the implementing agencies. The project will support the following three outputs.

2. **Output 1: Municipal infrastructure for resilience improved.** Investments will use an integrated approach by ensuring a well-coordinated urban infrastructure system and, where feasible, employing green solutions to reduce inundation, improve mobility, and promote nonmotorized transport through cycle lanes and footpaths. Together, these investments aim to improve the livability of residents, support the sustainable growth of tourism, and enhance local economies. The project will (a) construct 150 kilometers (km) of stormwater drains; (b) reconstruct 100 km of urban roads with at least 45 km of footpaths with old age, women, children, and people with disabilities responsive features and cycle lane to promote nonmotorized transport.

3. **Output 2: Tourism assets revitalized, and management improved.** The project will improve historical, natural, and cultural heritage-based tourism by enacting protective zoning and promoting visitors' experiences.<sup>2</sup> Output 2 includes (i) approving seven gender equality and social inclusion (GESI)-responsive historical, natural, and cultural heritage management plans;<sup>3</sup> (ii) improving at least any one of the historical, cultural, and natural heritage sites per project municipality with GESI-responsive tourism infrastructure such as Pokhara cycle routes connecting the seven lakes, Bindabasini area street, the Phewa organic trail, Pokhara Santi Ban Batika (urban forest), Janakpur Ratnasagar area, Lumbini global park, and Panchase eco-development area; (iii) improving 150,000 square meters of green public spaces—including improvement of the Siddharthanagar Dandha river corridor and greening of public spaces in all municipalities—with gender-inclusive and climate-resilient design features for improved quality of life;<sup>4</sup> and (iv) ensuring project municipalities spend at least 30% of their socioeconomic development program fund on socioeconomic infrastructure and activities related to tourism and improved livability. The output will also support the installation of at least seven GESI-friendly public toilets at cultural and natural heritage sites and support biodiversity conservation, including sarus crane conservation in Lumbini Province and related awareness-raising initiatives.<sup>5</sup>

---

<sup>1</sup> Government of Nepal, National Planning Commission. 2020. *Fifteenth-Year*. Kathmandu.

<sup>2</sup> The project supports improvement of cultural, natural, and heritage assets under the municipalities' jurisdiction.

<sup>3</sup> The approved plans will integrate climate and disaster resilience features and include a GESI section that describes affirmative action for women and disadvantaged groups to participate in implementing the plans.

<sup>4</sup> Involves planting of trees, including mature trees; nature-based eco-drainage solutions; cycle lanes and sidewalks; covered and seating areas; fencing for protected areas; and sculptures, murals, and other forms of public art that connect residents with nature and the environment. Features that enhance women's safety and feelings of safety will include improved lighting and visibility; sidewalks; improved ease of access; seating for women, including those with babies and children; and signage displaying helpline numbers.

<sup>5</sup> Public toilets will have male and female toilets at a ratio 1:2, all-gender toilets with adequate wash facilities, and accessible toilet designs for the elderly and people with reduced mobility.

4. **Output 3: Capacity of communities, Municipalities, Province, and Department of Urban Development and Building Construction strengthened.** The project will implement municipal reforms, including digital transformation, institutional strengthening, and capacity-building of project municipalities, to improve service delivery and quality of life. Output 3 will support updating and implementation of a comprehensive financial management improvement plan (CFMIP)—an institutional reform measure designed for revenue enhancement (through broadening own-source revenue coverage, implementing digital tax billing and collection, improving tax administration, installing an electronic building permit system that factors in climate and disaster risk zoning and application of building codes and bylaws); streamline efficient budgeting and expenditure management; strengthen internal and external audit, procurement; and maintain a robust database of public assets, including infrastructure, utilities, cultural and natural heritage sites, and public, and financial management systems. Second, output 3 will promote a safer tourism environment and address carbon emissions and climate- and disaster-related risks by (i) preparing decarbonization and risk-sensitive urban development plans and enforcing the plans to control urban sprawl;<sup>6</sup> (ii) preparing seven heat action plans to ensure well-coordinated response actions during extreme heat events, tailored to disadvantaged groups; and (iii) establishing a municipal emergency operation center in Pokhara. Third, output 3 will strengthen institutions and develop capacity by (i) establishing and equipping O&M units in each municipality; (ii) constructing an energy-efficient and disaster-resilient municipal office building for Lumbini Sanskritik municipality; (iii) conducting training and workshops for staff (including eligible women staff and elected female representatives) of municipalities, provinces, and the DUDBC in municipal finance, natural ecosystems, decarbonization, and urban resilience planning; and (iv) supporting internship and skills improvement programs for women and disadvantaged groups.<sup>7</sup>

## B. Project Location

5. Siddharthanagar Municipality lies in the southern part of Rupandehi District of Lumbini Province which is also an administrative headquarter of Rupandehi District. Geographically, the municipality located at 83°26 'east longitude and 27°31' north latitude. The maximum temperature recorded is 45.20 degree celsius and minimum temperature of 2.40 degree celsius, while average rainfall is 1436.5 mm.

6. Siddharthanagar Municipality is established as an important tourist, commercial and industrial center between the main entrances on the border of Nepal and India. The municipality is named after Siddhartha, the childhood name of Lord Gautam Buddha and regarded as a common confluence of cultural traditions and beliefs, literature, language, art, and religion. The municipality is bounded on the east by Omsatiya and Rohini Rural Municipality, on the west by Mayadevi Rural Municipality, on the north by Omsatiya and Mayadevi Rural Municipality and on the south by Sunauli (Maharajgunj District, India).

7. According to the national census 2021, the total population residing in Siddrathanagar is 74,336 with an average household size of 4.69. The ratio of male and female population is almost equal, around 100.17 male per 100 females. The demographic characteristics of the project municipality is given in Table 1.

---

<sup>6</sup> Including multi-hazard disaster risk assessment and seismic microzoning of Pokhara.

<sup>7</sup> Gender Equality and Social Inclusion Action Plan (accessible from the list of linked documents in [Appendix 2](#)). The DUDBC will coordinate with the Council for Technical Education and Vocational Training to link project municipalities with private institutions approved by the Council for Technical Education and Vocational Training for certified skills and tourist guide training.

**Table 1: Population Distribution of Siddharthanagar Municipality by caste and ethnicity**

Municipality	Total Population			Bhramin/kshetri	Janajati	Dalit	Madheshi	Muslim	Other
	Male	Female	Total						
Siddharthanagar	37249	37187	74,436	20283	13182	7852	22289	9809	1021
%	50.04	49.96	100	27.25	17.71	10.55	29.94	13.18	1.37

Source: <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity>

8. The proposed project area is inhabited by people of various castes and ethnicity having diversity of culture, customs, traditions, norms, and values associated with ethnic culture to which they are associated. The majority, (29.94%) of project beneficiaries belong to *Madheshi* followed by *Brahmin/Kshetri* (27.25%). Likewise, the population of *Janajati* consists of 17.71% whereas the population of Muslims comprises 13.18% of municipal population. The population of *Dalit* and other contributes 10.55% and 1.37% respectively.

### C. Project Benefits

9. It is anticipated that there will be two-fold beneficial impact due to improvement of road and drainage network. As per the design consultants and preliminary assessment, about 875 households living along the proposed roads will directly benefit from the improved drainage services. Employment opportunities during construction and improvement of roads and drains will support the household having wage-based livelihood.

10. Second is indirect benefits generated from improved services. During the operation stage, road-side economic activities supporting transport like fuel stations, refreshment and restaurants may increase due to increased number of vehicles/road users. Increase in commercial agriculture/livestock and agro-industrial activities are also expected to be developed taking advantage of improved access to market centers where there is higher demand and better prices for agricultural products.

11. The land value of the plot adjoining to road is likely to increase significantly which will enhance the economic status of people living along the roadside and other road users. Other common benefits to the people of the project area are: (i) reduction in travel time and cost, (ii) better mode and frequency of transportation, (iii) decreased cost of freight, (iv) access to quality health care, educational and other infrastructural facilities, (v) improved access to service centers at local and district level, (vi) improved quality of life of rural tribal population, (vii) reduced accidents, and (viii) better investment prospects creating more employment opportunities to local people.

### D. Project Component

12. **Development/Improvement of Roads and Drainage.** Under this component, 21.986 km covering 26 road sections are proposed to be rehabilitated and reconstructed integrating the components of drainage and footpath. The brief description is presented follows.

**Table 2: List of the Road Sections Proposed for Improvements**

S. No	Name of Road	Length (km.)	ROW (m)	ROW (m)		Carriageway (m)	
				Existing	Proposed	Existing	Proposed
1	Simapath-Ranigaun-Sakuni_road	0.82	8	4 – 6	8	3.5	5.5
2	Sakunipath to Danda khola Road	0.725	8	5 - 6	8	3.5	5.5
3	Bimaanghat_To_North	0.902	18	12-16	18	12	13.5
4	Rahim Path-1	0.171	7	4-5	7	3.5	5
5	Rahim Path-2	0.168	7	3 - 6	6	3.5	5
6	Bhimkaali Path	0.519	8.5 & 9	7-8.5	8.5 & 9	4	5.5
7	East of Gallamandi to Durga Colony (New Colony Road)	0.580	7	4.6	7	3.5	4.5
8	Udhyog puri road (Buddha Colony)	0.710	9	4.9	9	4.5	5.5
9	Radhakrishna, Annapurna path all linked roads	1	7	3-7	7	4	4
10	Benipur East South Boarder Road	0.892	8	3.6	8	4.5	5.5
11	Ward no 2- Ward no 4-connecting road	0.892	12	7-10	12	5.5	7.5
12	Darkhasuwa West Siddhartha Yatayat	0.892	7 & 8	6-8	7-8	3.5	5.5
13	Siddhartha Colony/Manmohan Path	1.2	7	3-7	7	4.5	5
14	Sugarmill Link Road	3.432	10.5	8 - 10	10.5	5-7	7
15	Maya Devi Colony	1.033	7	5-7	7	3.5	5
16	Durga Colony all linked road to Nirwana Hotel	1.399	7	5-7	7	3	4.5
17	Kishorpur to Airport Road	0.426	9	8-10	9	4-5	5.5
18	Trisuli –Path, Deurali-path, Saptarishi- path	0					
18-1	Trisuli –Path	0.634	6	4-5	6	3	4
18-b	Deurali – Path	0.230	6	4-6	6	4	4
18-c	Saptarishi – path	0.127	6	4-5	6	4	4
19	Uchami Path to South (Way to Dhurva	0.607	7	5-7	7	4	5



S. No	Name of Road	Length (km.)	ROW (m)	ROW (m)		Carriageway (m)	
				Existing	Proposed	Existing	Proposed
	Adhikari)						
20	Abhay Durga Path	0.333	6	4- 5.5	6	3 - 3.5	4
21	Dumdumuwa Road to Gonahiya Road	1.167	7 & 8	7	7-8	4.5 – 6.5	5.5
22	Doghari Gaau East Chowk to Sahari Bikash Sadak	1.373	10	6 - 8	10	4-4.5	7
23	Suvarna path	0.28	6	4 - 5	6	4	4
24	Bhimkali Path – Janta Path Branch Roads (North side)	0.632	7	5 - 8	7	4.5 - 5.5	4.5
25	Others Road	0.524	6	5 -6 m	6 m	3 to 4 m	4
26	Lacoul Road	0.318	6	4 - 6	6	2 to 3 m	4
		21.986					

Source: Technical detail as provided by the Department of Urban Development and Building Construction field office Siddharthanagar, June 2024

13. **Simapath-Ranigaun-Sakuni\_road (0.82 km)** - The Simapath-Ranigaun-Sakuni\_Road is regarded as a significant transportation route starts from Sakuni path and ends at Simapath. The entire road section lies in ward number 1. The right of way (ROW)/ road width of this road is 8m (6m with 2m setback). The existing road is gravel road up to chainage CH 0+700, while from chainage CH 0+700 to end, the road is black topped. There is no existing drain up to chainage Ch 0+700, however a new drain is being constructed at the end section of this road. The boundaries of UCMS College and one private house will be affected by the road improvements.

14. **Sakunipath to Danda khola Road (0.725 km)** - The proposed road starts from Sakuni path and ends at Danda khola with minimal settlement and is proposed to link Danda Corridor Boating station. The ROW/ road width of this road is 8m (6m with 2m setback). The existing road is graveled without drain facilities. The majority of the proposed roadside area is cultivation land. The drainage flow direction is from Sakuni Path to end. The road passes through the government office (Jal Tatha Mausam Bigyan Karyala) on the left side of road. There are altogether 11 junctions on this road.

15. **Bimaanghat\_To\_North (0.902 km)** - The road starts from Bimaanghat and ends at Lumbini road (Feeder Road) lies in ward-4. The ROW of this road is 18m requiring design for heavy loaded vehicles (22-wheel transportation vehicle). There is an existing canal crossing at the road section having a 6.2 m x 12.1 m slab culvert over the canal. There is no existing drain. The road lies in a settlement area however, the entire road section is clear for improvement. The road serves as a lifeline for the local population, enabling them to access essential facilities such as healthcare, education, and employment opportunities.

16. **Rahim Path-(1 0.171 km)** - The road starts in between from Amar path. The ROW of this road is 7m and lies in ward no 6. The existing condition of the road is poor having no drainage system. The road passes through the dense settlement area.

17. **Rahim Path-2 (0.168 km)** - The road starts in between the Amar path and lies in ward number 6. The ROW of this road is 7m. The existing condition of the road is poor. There is collector drain of 1.5m width at right side design by RUDP and small brick masonry drain at left side of the road.

18. **Bhimkaali Path (0.519 km)** - The road starts from Bhimkaali Path adjoining Siddhartha Highway and passes through the dense settlement area. The ROW of this road is 8.5 – 9 m and should be designed for heavy loaded vehicles. The existing condition of the road is poor, although there is drain at right side. The drainage water flows from start to end and the road. The scarifying of premix carpet is required. The existing road width varies from 7 - 8.5m.

19. **East of Gallamandi to Durga Colony (New Colony Road) (0.580 km)** - This road is a short but important transportation route connecting the east of Gallamandi to the Durga colony road. The road lies within ward 13 boundary having densely populated area. The ROW of this road is 7m. In this section there are two roads parallel towards Nirvana Hotel and one road is dead end. The existing road is earthen and in poor condition. There is no existing drainage system.

20. **Udhyog Puri Road (Buddha Colony) (0.710 Km)**: Udhyog Puri Road is a prominent thoroughfare in Siddharthanagar, known for its commercial activities and the presence of various industries and businesses. The road is lined with shops, offices, and factories, contributing to the economic development of the area. The existing road is graveled without drainage system. Junction improvement is required in this road section.

21. **Radhakrishna, Annapurna Path all linked roads (1 km)** - Radhakrishna and Annapurna Path are connected roads located in Siddharthanagar Municipality ward number 1. They form part of a network of roads in the area, linking various neighborhoods and establishments. The combined length of the linked roads is 1 km. The road starts from Siddhartha Highway near by Nepal India boarder and ends at special economic zone (RUDP road). The ROW of this road is 7m. The existing road is an earthen road. There is a newly constructed 130m length and 3.6m width of reinforced cement concrete (RCC) road. There is no proper drainage system.

22. **Benipur East South Border Road (0.892 km)** - Benipur East South Border Road is approximately 0.892 kilometers in length and serves as an important route in the area. The road lies in ward 1 of Siddharthanagar municipality and half of the road section pass through Rohini Rural Municipality. The road starts from Benipur and ends at Nepal India Border. The ROW of this road is 8m. The road passes through cultivation area. The existing condition of the road is poor, and it is earthen road. There is no drainage system. There is a very low settlement area.

23. **Ward no 2- Ward no 4-connecting road (0.892 km)** - The road starts from Meodihawa and ends at airport corridor road. The road lies in ward 2. The ROW of this road is 12m. This road proposed for airport corridor link up road. The road is completely Gravel Road. From chainage 0+000 to 0+175, there is brick masonry drain of sized 1.5m x 0.75m on both sides of the road. The existing road width is 9.7m. One boundary wall should be shifted. The road passes through cultivation area with minimal settlement.

24. **Darkhasuwa West Siddhartha Yatayat (0.892 km)** - The road starts from Siddharth highway and ends at Laxmi path. The road lies in ward 3. The ROW of this road is 7m and 8m as per provided plan. The road passes from existing canal so the drainage water outfalls to existing drain. The existing canal is 2m. There are four parallel roads.

25. **Siddhartha Colony/Manmohan Path (1.2 km)** - The colony road passes through different parallel roads in this section like Manmohan Path, Pragati Path, Shiva Path, Siddhartha Path and Mayadevi Path. The road lies in ward 3. The ROW of this road is 7m. The existing condition of road is poor and it is an earthen road. There is no existing drainage system. There is Average Settlement area. Shifting of one Transformer is required. Dismantling of six boundary walls is required. One Buddha statue junction improvement is required in Siddhartha colony.

26. **Sugarmill Link Road (3.432 km)** - The ROW of the road is 10.5 meters with the middle horizontal section having the same width as the remaining portions. This road is at ward 4. The drainage water outflow needs to be planned at each junction point along the Bimaanghat to North Road. The current road width is 8 - 10 meters. Due to being situated in a low-lying area, there is an existing issue with drainage on the road. The road's condition is poor. There is no drainage system in place, and there are areas where settlement occurs on average. The involuntary resettlement impacts will be reassessed during DMS based on final design and resettlement plan will be updated accordingly.

27. **Maya Devi Colony (1.033 km)** - The Road lies in ward 4 with 7m ROW and extends from Lumbini Road to Mayadevi Colony. The existing earthen road width is slightly wider at 7.1 meters without drain facilities. There are no existing drains along the road. Additionally, electric poles need to be shifted on both sides of the road at a distance of 30 meters. Furthermore, the relocation of one transformer is necessary. It is important to note that the area where these activities will take place is commercially developed.

28. **Durga Colony all linked road to Nirwana Hotel (1.399 km)** - The road begins from Gallamandi to durga colony road (RUDP Road) and ends at Durga Mandir. The road lies in ward 13. The ROW of the road is 7 meters. Currently, the road is in poor condition and the existing road is earthen. There are few drain sections present along the road. There are three parallel roads in the vicinity. The settlement area in this region is moderate, indicating a moderate level of development and population density.

29. **Kishorpur to Airport Road (0.426km)** - The road begins Gallamandi to Durga Colony Road intersection (RUDP road) at Alpha and Omega Chowk and ends at Airport Corridor Road. The road lies in ward 2 and 6. The road has a right of way (ROW) of 9 meters. Currently, it is an earthen road and is in poor condition. There is an existing drain on the left side of the road at the beginning of the road. Dismantling of any structures or obstacles is not required as the road is clear. The existing road width is 8 - 10 meters, providing a relatively wider path. However, it is important to note that this area is prone to flooding as it falls under the flood zone. The soil type in this area is loose soil, which may present challenges for construction and stability. Additionally, there is extensive cultivation throughout the chainage of the road, indicating a high agricultural presence in the area.

30. **Trisuli –Path, Deurali-path, Saptarishi- path (0.634 km)**: This road comprises of three different urban roads: **1 Trisuli path (0.634 km)**: The road starts from the Siddharthanagar Ward office 7 and ends to JanakPath-12. The ROW of road is 6m. The existing road is an earthen type of road, and the settlement is good. There is no existing drain on the road. **Deurali – Path (0.230 km)**. The road starts from JanakPath-12 and ends at ward-13 of Durga Mandir, Dandagau. The ROW of road is 7m. The existing road is a blacktopped road with drain on both sides of road with good condition. **Saptarishi – path (0.127 km)** The road starts from Himali path and ends at Gargi path. The ROW of road is 6m. The existing road is Black topped road. The road lies in ward 7. There is an existing drain on the right side of road without cover slab. The settlement area is very high.

31. **Uchami Path to South (Way to Dhurva Adhikari) 0.607 km** - The road begins at Uchami Path and ends at the southern part of the road. The road lies in ward 8. It has a right of way (ROW) width of 7 meters. Currently, the road is in poor condition and earthen. The settlement in this area is very low, indicating a sparse population. As part of the project, one boundary needs to shift. Furthermore, there is an existing canal perpendicular to the road, measuring 4.8 meters in width. The area surrounding the road has a significant cultivation area, suggesting that agriculture plays a prominent role in this region.

32. **Abhay Durga Path (0.333 km)**- The road begins at Modern Public School, located on the left side of the road, and ends at a link road called Sachin Path. The road lies in Ward no 8. Along this road, there are three link roads, with the other two being perpendicular to the main road. The right of way (ROW) for the road is 6 meters. Currently, the road is an earthen type having existing drains on both sides. The existing road width, including the drains, is 7 meters, but the actual road width is 5.2 meters. To improve the road, it is necessary to lower the road and drain levels. Additionally, the settlement area along this road is high, indicating a densely populated and developed region.

33. **Dumdumuwa Road to Gonahiya Road - 1.167 km.** The road starts from Prabat Path, which is an existing RUDP road, and extends to Dumdumuwa. The Road lies in ward 9. This road alignment is a completely new route designed to connect from Badke Dumdumuwa (RUDP road) with another Gonahiya Road (RUDP road). The right of way (ROW) for the road varies, with sections having a width of 7 meters and others having a width of 8 meters, as per the provided plan. The purpose of this road is to establish a transportation link between Prabat Path and Dumdumuwa, benefiting the local residents and visitors in the area. Dumdumuwa and Gonahiya are smaller towns or localities within or near Siddharthanagar. This road likely serves as a crucial commuting route between these areas and potentially connects to other major roads or highways.

34. Considering the low settlement in the area, the road's current condition is poor, as it is an earthen road having an earthen drain on one side of the road. To proceed with the project, electric poles should be shifted in each 30 meters on one side of the road. Throughout the road's section, there is a continuous area dedicated to cultivation.

35. **Doghari Gaau East Chowk to Sahari Bikash Sadak 1.373 km** - The road starts from Doghari Gaau and extends to Bhujauli-Sishwa Road and lies in ward 10 and 11. The right of way (ROW) for the road is 10 meters. Doghari Gaau East Chowk and Sahari Bikash Sadak are both locations within Siddharthanagar. Doghari Gaau East Chowk is likely an intersection or junction within the Doghari Gaau area, while Sahari Bikash Sadak refers to a road associated with urban development. The road currently has a blacktopped (pre-mix) surface. There are no existing drains along the road.

36. To proceed with the construction work, electric poles need to shift in each 30 meters on both sides of the road. Additionally, the 4-meter width of the pre-mix road needs to be sacrificed or prepared for further construction activities. There are trees within the road's right of way, so it is important to address any environmental concerns. In terms of settlement, there is very little settlement area up to Chainage 0+960. After that point, the settlement area becomes medium until the end of the road. At Chainage 1+000, there is a municipality office for Ward number n. 10 located on the right side of the road.

37. **Suvarna Path 0.28 km** - The road starts from Siddhartha Highway and ends at Rudra path. The road lies in ward 12. The ROW of road is 6 m. At the start of the chainage there is a Sai Global Academy on the left side of the road. The existing road is black topped road. There is an

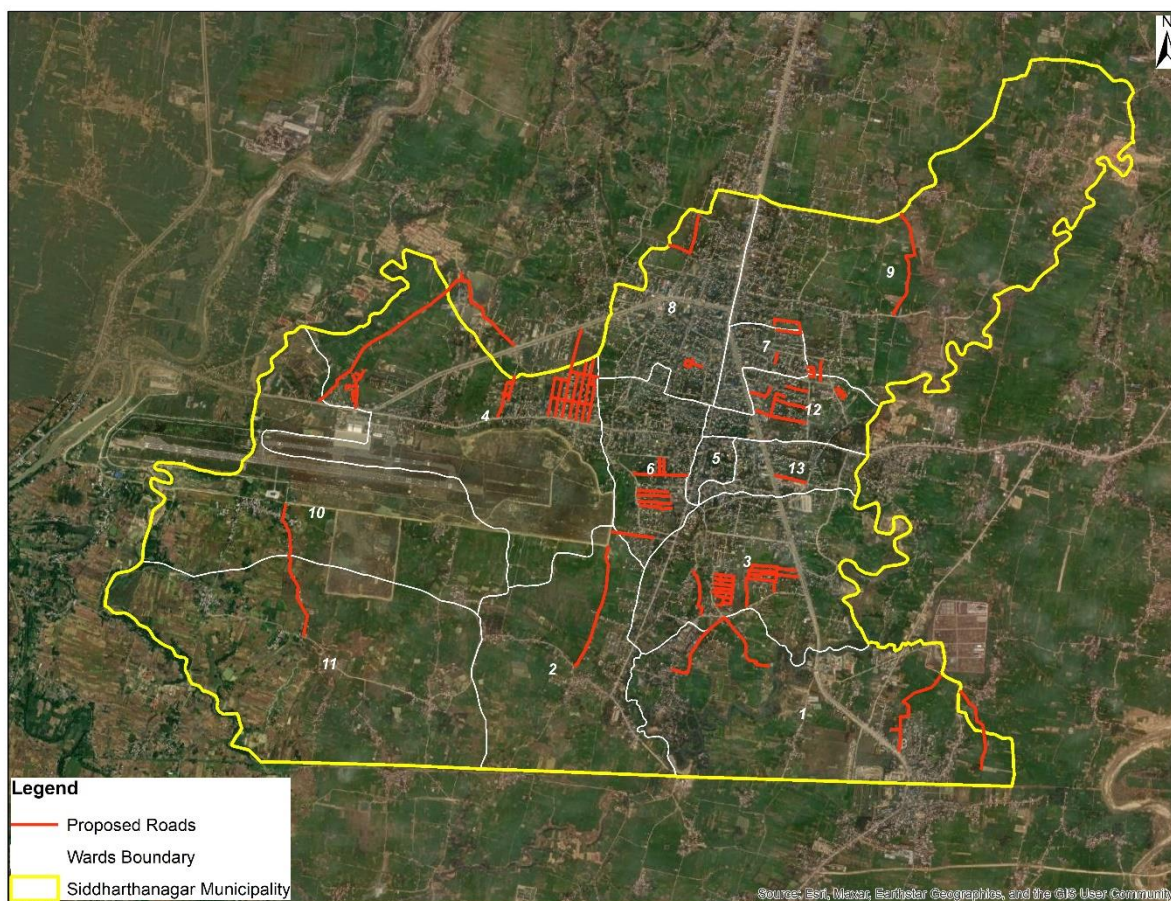
existing side drain on both sides of the road. Scarifying of existing premix roads should be done. There is high settlement in this section.

38. **Bhinkali Path – Janta Path Branch Roads (North side) 0.632 km** - The road starts from the Bhinkali path and ends at Janta path. The Road lies in ward 12. The Row of road is 7m. The existing road is Gravel type having 5 - 8 m width with F shape. There is a Budhha jyoti school in the left side of the road.

39. **Other Roads - 0.632 km** The Row of roads is 6m. The roads lies in ward 12. The road starts between the Buddha H2O Mineral Plant and Kashi Novel Academy of chainage 0+226. Whereas another road has a change of 0+298. There is existing drain on only one side of Road. The road is clear with medium settlement. There are primary school and College near the road area.

40. **Lacoul Road** - The Road starts from Siddhartha Highway and ends at OYO Lacoul Hotel in ward-13. The Row of the earthen type road is 6m.

**Figure 1: Alignment of the Proposed Road Project depicted in a Google Map**



Source: Google Maps, Administrative Boundary, Department of Survey Nepal

## **E. Objective of Resettlement Plan**

41. The draft resettlement plan prepared during project processing has been updated after the completion of the census and socioeconomic surveys based on the detailed design and detailed measurement survey and accordingly, mitigation measures are proposed to ensure livelihood of affected persons improved or maintained at the level of pre-project condition. The specific objectives of the resettlement plan are to:

- (i) to describe the identified scope and extent of land acquisition and involuntary resettlement impacts because of identified project components, and address them through appropriate recommendations and mitigation measures in the resettlement plan;
- (ii) to present the socio-economic profile of the population in the project area, identify social impacts, including impacts on the poor and vulnerable, and the needs and priorities of different sections of the population, including women, poor and vulnerable;
- (iii) to describe the process undertaken during project design to engage stakeholders and the planned information disclosure measures and the process for carrying out consultation with affected indigenous peoples and facilitating their participation during project implementation;
- (iv) to establish a framework for grievance redressal for affected persons that is appropriate to the local context, in consultation with stakeholders;
- (v) to describe the applicable national and local legal framework for the project, and define the involuntary resettlement and indigenous peoples policy principles applicable to the project;
- (vi) to define entitlements of affected persons, and assistance and benefits available under the project;
- (vii) to present a budget for resettlement and define institutional arrangements, implementation responsibilities and implementation schedule for Resettlement plan implementation; and
- (viii) to describe the monitoring mechanism that will be used to monitor resettlement plan implementation.

## **F. Resettlement Plan Preparation**

42. The methodology for preparation of the updated resettlement plan includes data collections through both primary and secondary sources. The primary data were collected through transect walk, impact assessment surveys, community consultations, census and socio-economic surveys, and interviews. The meetings were conducted at the institutional level with local government and community organizations. The phased process was adopted to collect primary information in following order: (i) meeting with community, likely affected persons residing along the road alignment, elected representatives of ward (ii) transect walk along existing alignment with municipal engineer and likely project affected persons to assess likely impact on land, structures, and other assets. (iii) measurement of loss of land, structures, and other assets was done based on detailed design. The extent of impact on land and structures were further verified with the involvement of local community members, affected persons, and elected representatives. Impact on structure and other assets assessed from inventory and field measurement. Socio-economic information has been collected of all affected households and used to measure impacts as well as the vulnerability of the affected persons.

## **G. Measures to Avoid and Minimize Involuntary Resettlement**

43. The following measures are being adopted to avoid and minimize impacts and disturbances during the construction. The resettlement plan will form part of the bid document and these impact minimization measures will be taken into consideration for budgeting and implementation by the contractor.

- (i) distribution of notice to residents and business units and others in the area.
- (ii) traffic management with proper liaison with police department.
- (iii) provision of planks to provide temporary access to citizens, access to residential and business units, religious places.
- (iv) excavation to be carried out in small sections, one section at a time, in order to reduce the time period of possible disruption and inconvenience to business establishments, hawkers, mobile vendors and residents of the area.
- (v) inform residents and others in sufficient advance time about the date and time of constructions activities in each section through the public announcement system. If required, a diversion way will be constructed temporarily, to facilitate the shops located adjacent to the road, to continue with their business.
- (vi) careful timing of implementation to avoid peak sale hours/days or school timings.
- (vii) night work in commercial areas, where possible.
- (viii) minimize construction period to the extent feasible.
- (ix) liaise with the police department for traffic management for uninterrupted traffic flow.
- (x) install signages at suitable locations.
- (xi) display details of GRM (address, contact number and email) for lodging grievances/ complaints, if any at several locations across the town where works are under implementation.
- (xii) provide other innovative measures to minimize the impact and disturbance during construction. These measures will be part of the bid document.

## **II. SCOPE OF ACQUISITION AND INVOLUNTARY RESETTLEMENT**

### **A. Land Acquisition**

#### **1. Improvement of Urban Road and Drainage**

44. The scope of land acquisition is determined based on the field visits to the project components/road locations and transect walk along the alignment of the roads and proposed drainage works to be constructed. The proposed road sections under improvement have existed for a long time and are mostly without proper drainage and footpath facilities. The road construction and improvement work will mostly follow the existing road alignment which are within the road right-of way (ROW) with widening and minor realignments in some cases, which will require narrow strips of land. The assessment of impacts, during census and socio-economic study based on detailed design identified 273 household (1712 household members) will be required due to road improvement. The detailed design based on the existing and proposed roads widths improvement, identified 10,040.36 square meters (m<sup>2</sup>) of additional land area, which are privately-owned lands, and will be required for the improvement of 21.986 km. road sections.

45. During the consultation, 261 landowners (110 female, 151 males) have expressed their interest/willingness for voluntary land donation due to perceived higher beneficial impact. The

socioeconomic profile of the donors is in Appendix 1a. The landowners highlighted that the improved road and drainage infrastructures would enhance accessibility, particularly by providing easy access during emergencies and facilitating the efficient transport of local produce, reduce flooding issues, and contribute to overall community development. The donors no objection certificates (NOC) from 261 landowners, living along the roadside have been provided and attached in this resettlement plan (see Appendix 12). The independent third-party verification of voluntary land donation process is underway. The third-party verification will confirm that: (i) voluntary donations do not severely affect the living standards of affected people, and are linked directly to benefits for the affected people; (ii) no coercion was involved in the process either by the government or by the community, (iii) third party's assessment of vulnerability of the donor(s); and (iv) voluntary donation is in fact voluntary through verbal and written record and verified by an independent third party such as a designated nongovernmental organization or legal authority (not associated in the project). The third-party certificates from all the donors will be secured and documented before handing over of the site to the contractor in donated stretches or road sections. The third-party verifier will document the process which will include meeting minutes and photographs and will be included in the submission. The signed verifications must be submitted and incorporated into the SSMR and/or the updated social safeguards document, whichever is submitted first.

46. As per inventory of loss and socioeconomic survey, small strips of land parcels belong to 12 vulnerable households (130 household members), from whom land donation is not allowed in line with ADB policy (see Appendix 1b). Based on the detailed design, and detailed measurement survey (DMS), the exact land requirement was ascertained confirming the exact area/size of affected land belonging to each landowner. The project considers adjustment of the road width and will be further reverified during joint survey/verification to be conducted by the SDC, PIU and contractors prior start of civil works to ensure land plots owned by the vulnerable are not affected. All of these will be documented during updating of resettlement plan or the SSMR, prior start of civil works on these road sections.

47. The summary of the required land due to road improvement is presented in the Table 3 and detailed profile of affected people by required land is attached in Appendix 1a.

**Table 3: Summary of Required Additional Land**

Type of land	Number of Households	Population	Number of Affected Plots	Remarks
Private land	261 households	1,594	340	<p>The project will improve and/or upgrade the existing roads requiring use of small/narrow strips of lands on side of the roads for road and drainage development. Accurate land area was measured during cadastral survey and DMS.</p> <p>261 households/plot owners have expressed willingness to voluntary donate strips of their lands parcel (narrow strips of lands) during detailed assessment and consultations. The voluntary land donation has adhered to</p>



Type of land	Number of Households	Population	Number of Affected Plots	Remarks
				<p>the procedures and requirements provided in this resettlement plan. Verification of the independent third-party is ongoing. The donors NOCs are attached in Appendix 12.</p> <p>The project has also considered reducing the road width for road section for lands owned by vulnerable persons. There are 12 households (130 household members) whose small strips of land is affected by the project which will be avoided during joint survey by reducing the road width.</p>

Source: Socio economic survey, May 2023

## B. Impact on Structures/Assets

48. The socioeconomic survey identified partial and minor impact on structures at various road sections comprising of commercial and secondary structures. Secondary structures include associated/annexed structures mainly boundary walls. All impacts will be mitigated with appropriate compensation, and assistance based on the entitlement matrix. Around 22 structures are assessed to be affected which will include commercial structures and secondary structures such as compound walls. However, no physical displacement or relocation will take place as a result of project intervention. Structure loss will be minor and will not exceed 10% of their total assets. During the detailed design phase, the municipal team informed that the width of the many road sections has been reduced to minimize the impacts on structures. Furthermore, the project will explore design options to avoid impacts on these 22 structures during implementation. In case of non-avoidance, the project will have proper mitigation measure as per the entitlement matrix. The details of impacts on structures are given in Table 4, details provided in Appendix 2.

**Table 4: Impacts on Structures**

Name of Roads	Type of Impacts	No. of Households
1. Sima path	<ul style="list-style-type: none"> <li>Partial impacts/loss on 4 boundary walls of residential building</li> <li>Partial impacts on 2 commercial structures</li> </ul>	<ul style="list-style-type: none"> <li>4 affected households (28 family members)</li> <li>2 households (6 family members)</li> </ul>
2. Rahim Path-1	Minor Impacts on 1 secondary structure (fence)	1 affected household (8 family members)
3. Sakuni path to Danda Khola	Partial impacts on 1 commercial structures	1 households (5 family members)

Name of Roads	Type of Impacts	No. of Households
4. Siddhartha colony	Partial/minor impacts on annexed part: 11 boundary wall 11 structure	11 HH (58 family members)
5. Mayadevi colony	Partial/loss impact on 1 residential structure: fencing	1 household (4 family members)
6. Ward 2 to Ward 4 connecting road	Impacts on annexed part: 1 boundary wall	1 household (6 family members)
7. Doghari Gaun east chowk	Impacts on annexed part: 1 boundary wall	1 household (8 family members)
Total	22 structures	22 households (123 family members)

Source: Socioeconomic survey, May 2023

49. A total of 3 business/commercial structures owners (111 family members) are also expected to experience temporary income loss due to access disruptions during construction activities and the repair or reconstruction of their structures. The survey indicates that the average daily income of these business owners is 5,000 NPR. For the project, the estimated period of disruption is assessed to be 10 days. In case the period is greater than 30 days, the affected persons will be compensated on the actual days of disruption as per the agreed entitlement matrix for the project.<sup>8</sup> To mitigate potential disruptions to daily activities, including work and other livelihood activities, the project includes budgetary provisions for the owners of 19 secondary structures. This support will be provided during the demolition or reconstruction period, with compensation equivalent for an estimated of 5 days. In case the period is greater 5 days, the affected persons will be compensated on the actual days of disruption as per the agreed entitlement matrix for the project.

### C. Impacts on Public and Community Utilities

50. None of the road sections have identified impacts on public and community utilities during survey based on the detailed design.

**Table 5: Summary of Land Requirements and Involuntary Resettlement Impacts**

Sl. No.	Details	Number of Affected Persons/entities	Remarks
1.	Additional land requirements through land donations	261 households (1,594 family members)	No permanent land acquisition of private land parcels is proposed. The road constructions and improvements will mostly follow the existing road alignment which are within the ROW (Appendix 7 provides the ROW declaration of the municipality). Based on the inventory of loss and socioeconomic survey, it is assessed that the requirement of land will be fulfilled mostly through public ROW. The additional

<sup>8</sup> The project will implement all possible measures to prevent disruptions, such as maintaining customer access and providing alternative routes, adopting a phased construction approach, among others. In sections or junctions where impacts are avoided, no compensation will be required. In such case, proper documentation will be provided through videographic and photographic evidence taken in the pre-implementation, during construction and post-construction stages. Consultation will also be undertaken from the concerned owners/entities to confirm that impact has been avoided. This documentation, along with the efforts and outcomes will be reported in the SSMR. For structure owners experiencing structure and livelihood impacts, compensation and assistance will be provided based on the proposed budget and in accordance with the agreed entitlement matrix.

Sl. No.	Details	Number of Affected Persons/entities	Remarks
			<p>land required for the road improvement is 10,040.36sq.m<sup>2</sup>. The required additional lands have been managed through voluntary land donations from eligible/willing landowners.</p> <p>The landowners have expressed their willingness for land donation due to perceived higher beneficial impact. The signed donation paper/NOC from landowners living along the roadside were obtained and attached in this document.</p>
2.	Structure loss	Based on detailed survey: 22 households (123 household members)	A total of 22 structures will be affected mostly by partial/minor loss (insignificant impact).
3.	Permanent and significant livelihood impact	None	
4.	Loss of crops	None	<p>The construction will be done mainly within the available ROW of the road. No crop loss is anticipated. However, there are agricultural fields besides the proposed alignment. Involuntary resettlement impact will be reassessed/reconfirmed during construction period. Based on assessment, no loss of crops is anticipated. Farmers will be given prior notice for harvesting the crop will be given in areas near agricultural fields to avoid losses. If standing crops will be found during construction, compensation will be paid. During implementation, monitoring activities will be regularly conducted to promptly address any issues and concerns.</p>
5.	Potential temporary impacts (income loss)	3 commercial owners	Temporary income loss is anticipated during construction activities. During project implementation, efforts will be made to avoid any temporary impact (income loss) with proper mitigation measures.
6.	Potential Disruption to daily activities including going to work and other livelihood activities (secondary structure owners)	19 secondary structure owners	<p>To address disruptions to daily and livelihood activities, the project provides budgetary provision to support owners of 19 secondary structures during demolition or reconstruction, estimated at five days. Compensation will be based on the prevailing minimum wage for this period. In the event that disruption/impact is greater than 5 days, the affected persons will be compensated on the actual days of disruption as per the agreed entitlement matrix for the project.</p>

Sl. No.	Details	Number of Affected Persons/entities	Remarks
7.	Potential temporary income loss to employees in affected shops/ businesses	None	-

Source: Socio-economic survey, May 2023

### 3. Indigenous Peoples

51. Nepal's complex social structure makes it challenging to define Indigenous Peoples. Nepal is a multi-ethnic, multi-lingual, multi-religious and multi-cultural country, dominated by Hindu caste groups. According to the national census 2011, there are 126 caste/ethnic groups with ten types of religion categories. Chhetri is the largest caste/ethnic groups having 16.6% (4,398,053) of the total population followed by Brahmin 12.2%, (3,226,903), Magar 7.1%, (1,887,733), Tharu 6.6%, (1,737,470), Tamang 5.8% (1,539,830), Newar 5% (1,321,933), Kami 4.8% (1,258,554), Muslim 4.4%, (1,164,255), Yadav 4%, (1,054,458) and Rai 2.3%, (620,004). Of the above classification, the population of IP consists of 7,107,010.

52. In Nepal the term Indigenous People (IP) denotes to *Adivasi*, *Janajati* or ethnic groups with distinct identity in terms of their culture, language and social association from the prevalent dominant culture. National Foundation for Development of Indigenous Nationalities (NFDIN) Act, 2002 defines "nationalities" (*Adivasi*) and indigenous people (*Janajati*) as people having their own mother tongue, distinct separate traditional cultural identities, and social structure. This definition apparently is very close to the ADB definitions of the Indigenous People.

53. There are disparities in terms of socio-economic standing in Adivasi Janajati groups. IPs are a very heterogeneous group in Nepal and it is important to distinguish the vulnerable and poor IP from the others in the context of this project. The National Foundation of Indigenous Nationalities has declared 59 groups as ethnic nationalities (Table 6). NFDIN-affiliated NGO—the National Federation of Indigenous Nationalities (NEFIN) has classified these groups into five categories based on their population size and other socio-economic variables such as literacy, housing, land holdings, occupation, language, and area of residence.

**Table 6: Classification of Adivasi Janajati with their marginalization**

Region					
	Endangered (10)	Highly Marginalized (12)	Marginalized (20)	Disadvantaged (15)	Advantaged (2)
Mountain (18)	-	Shiyar, Shingsawa (Lhomi), and Thudam	Bhote, Dolpo, Larke, Lhopa, Mugali, Tokpegola, and Walung	Bara Gaule, Byansi (Sauka), Chhairotan, Maparphali Thakali, Sherpa, Tangbe, and Tingaunle Thakali	Thakali
Hill (24)	Bankariya, Hayu, Kusbadiya, Kusunda, Lepcha, and Surel	Baramu, Thami (Thangmi), and Chepang	Bhujel, Dura, Pahari, Phree, Sunuwar, and Tamang	Chhantyal, Gurung (Tamu), Jirel, Limbu (Yakthumba), Magar, Rai, Yakkha, and Hyolmo	Newar

Region					
	Endangered (10)	Highly Marginalized (12)	Marginalized (20)	Disadvantaged (15)	Advantaged (2)
Inner Terai (7)	Raji, and Raute	Bote, Danuwar, and Majhi	Darai, and Kumal	-	-
Terai (10)	Kisan, and Meche (Bodo)	Dhanuk (Rajbansi), Jhangad, and Santhal (Satar)	Dhimal, Gangai, Rajbansi (Koch), Tajpuriya, and Tharu	-	-

54. **Distribution of the Indigenous People in project municipality:** Out of the total population of project municipality, about 17.71 % population belongs to *janajati*. The population of *janajati* in Siddharthanagar includes highly marginalized (0.76%), marginalized (14.72%), disadvantaged (65.77%), and advantaged (18.75%).<sup>9</sup> During the consultation and observation road alignment, the consultant team did not identify any impact on cultural heritage sites such as built shrine structures, sacred places, monasteries, crematory sites etc. owned by IP community. The indigenous population (Janajatis) are very much assimilated with the general population and do not live collectively in a particular geographical location within the municipal limits.

55. The socio-economic survey conducted during preparation of the resettlement plan reflects that 66 registered land parcels owned by 52 indigenous peoples families will be required due to the project. The census and socio-economic survey conducted identified narrow strips of lands owned by 52 janajati/IP landowners (280 household members) who expressed willingness to donate their lands to the project. Exact measurement of the lands was finalized during detailed design and DMS and discussed with the indigenous people households. The landowners highlighted the need for better roads and drainage. The landowners emphasized the importance of the road infrastructure and expressed their full support and willingness to voluntarily contribute small portions of their land. The improved road and drainage systems, as highlighted by the landowners, are expected to enhance accessibility, enable efficient movement of local goods, reduce flood risks, and support the development of the community. The indigenous peoples in the project area have been utilizing transportation facilities for over two decades. Based on consultation during surveys, IP households have expressed their consent for land donation due to perceived higher beneficial impact. They expressed the need for such road infrastructure and are more than willing to contribute small strips of lands. The signed land donation papers/NOCs are attached in this document. Third-party certification will be done prior to hand over of the site and reported in the SSMR or updated RP and mentioned in the next steps section as a follow-through action. Four families will also be affected due to partial and/or minor structure loss (discussed in earlier section), mainly the compound walls and will be compensated as per the agreed entitlement matrix. None of the affected households will be displaced from their current location.

56. These IP HHs are not socially vulnerable (i.e. having PWD member, WHH, and other vulnerability criteria) nor they are economically vulnerable. None of these IP households belong

<sup>9</sup> <https://censusnepal.cbs.gov.np/results/downloads/caste-ethnicity>

to the highly marginalized and endangered categories as classified by NEFIN. Additionally, no lands within the project area are traditional lands of Indigenous Peoples. The socio-economic condition of the indigenous people showed that none of the indigenous people household lies below the poverty line (BPL) <sup>10</sup> category, whereas the average annual income of the indigenous people per year per person stood around NPR 630,407.72, which is higher than the average annual income of the affected people (NPR. 241,776.00). The surveyed indigenous people head of households are into business/ trade, service, pension holder and are engaged in varied works.

57. The project will not directly or indirectly will affect indigenous people's dignity, human rights, livelihood systems, or culture nor affect their territories or natural and cultural resources indigenous peoples own, use, occupy, or claim, as their ancestral domain. The project or its consequence will not impoverish any indigenous people or their families. There is not any noted anticipation of getting worse conditions of indigenous people by the project intervention. The general population including the janajatis/indigenous peoples will benefit from improved municipal infrastructures. Impacts to IP households will only be limited to minor/partial structure loss (involuntary resettlement impact) which will be addressed through the entitlement matrix. No impacts to IPs as a group are anticipated. As the indigenous people communities of project area has been utilizing the transport facility since last two decade or more, improvement of the road does not cause significant impact in the cultural practice, livelihood strategy and economic activities of those communities. The enhanced transport facility will just facilitate their existing economic activities with all-weather access and reduced travel/freight time. Based on transect walk and assessment, it is found that the indigenous population (*Janajatis*) are very much assimilated with the mainstream population and do not live collectively in a particular geographical location within the municipal limits.

### III. SOCIOECONOMIC INFORMATION AND PROFILE

#### A. Socio-economic Profile

58. This section presents the socioeconomic profile and information of the 273 surveyed households. The survey results are documented in the following paragraphs.

#### A. Landowners

59. A detailed measurement and socioeconomic surveyed were conducted to 273 landowners to analyze their socioeconomic condition and to assess eligibility of land donation.<sup>11</sup> The following are the survey findings:

60. **Population and demography:** The survey results showed that the proposed project area is inhabited of various castes and ethnicity having diversity of culture, custom, tradition, norms, and values associated with ethnic culture to which they are associated. Out of the total surveyed households, the majority (31.14%) of affected population belongs to *Madhesi* community followed by *Brahmin/Kshetri* (21.98%). The population of Muslim is 17.22% whereas the indigenous peoples/janajati and *dalit* consists of 19.78% and 9.89%, respectively. (Table 7) Dalits make up 9.89% (27) of the total respondents. Based on socioeconomic survey, 22 of them are economically stable, living above the national poverty level. They also do not fall under social

<sup>10</sup> As per Nepal Living Standards Survey 2010-2011, below poverty line (BPL) income threshold is NRs19,262/ person/year. On adjusting for inflation, this is estimated at NRs 48604.50 per person per year for 2022-2023 or NRs 4050.33 per person per month.

<sup>11</sup> 261 landowners are eligible for land donation.

vulnerability criteria (having member/s with persons with disability [PWD], being a woman-headed household [WHH], or meeting other social vulnerability criteria. The average land to be donated constitutes only 2.28% of their total landholdings. The landowners expressed the need for such road infrastructure and are more than willing to contribute small strips of their lands voluntarily. The minimal land donation will not negatively affect the living standard of the landowners. Moreover, the donation is linked directly to their benefits, improving their access to transportation, better drainage systems to reduce flooding, improved connectivity to markets and services and thus, enhancing their quality of life. Nonetheless, the survey revealed that out of 27 Dalit households, five fall below the national poverty threshold and are vulnerable households. No land donation will be taken from them.

**Table 7: Surveyed Landowners by Caste and Ethnicity**

Number of HH	Population			Population by caste, community and ethnicity					Respondents		Average family size
	Male	Female	Total	Brahmin/Kshetri	Janajati	Dalit	Madhesi	Muslims	Male	Female	
273	880	832	1712	60	54	27	85	47	156	117	6.3
%				<b>21.98</b>	<b>19.78</b>	<b>9.89</b>	<b>31.14</b>	<b>17.22</b>			

Source: Socio-economic survey, May 2023

61. **Occupation and livelihood:** The occupation in the surveyed households is a mix of farm and non-farm activities. Service /Remittances/ Foreign employment/ Pension are the primary sources of income of the majority of households is about (36.26%) followed by trade/business/cottage industry (22.71%). Around 21.25% of households depend on agriculture as major source of their livelihood whereas around 4.03% rely on wage-based earnings (Table 8). The other 15.75% consists of mixed groups (drivers housewives and other dependents). The survey indicates that most households have multiple sources of livelihood, engaging in a combination of activities such as agriculture, trade, business and wage-based work.

**Table 8: Surveyed Landowners by Means of Livelihood**

S. N	Number of respondents by occupation					
	Agriculture	Service /Remittances/ Foreign employment/ Pension	Trade / business/ cottage industry	Wage Paid Labour	Other sources	Total
1	58	99	62	11	43	273
%	<b>21.25</b>	<b>36.26</b>	<b>22.71</b>	<b>4.03</b>	<b>15.75</b>	<b>100</b>

Source: Socio-economic survey, May 2023

62. **The average annual income.** The average per capita income of the 273 interviewed households is NPR 116, 461.35 which is substantially higher than national poverty line. As per Nepal Living Standards Survey 2010-2011, below poverty line (BPL) income threshold is NRs19,262/ person/year. On adjusting for inflation, this is estimated at NRs 48604.50 per person per year for 2022-2023 or NRs 4050.33 per person per month.

**Table 9: Annual income of Surveyed Households**

S. No.	Average Income per Capita (in NPRs)	No. of Surveyed Households
1.	48,604 and higher	261 (1644 people)
2.	Below 48,604	12 ( 75 population)
<b>Total of Surveyed Households</b>		<b>273</b>

Source: Socio-economic survey, May 2023

63. Table 10 presents the vulnerability of the surveyed households. Based on the survey, 12 households are vulnerable. Voluntary land donation has not been considered from the 12 households categorized as vulnerable. The design team have explored design modification avoiding the land donation from the vulnerable households during the detailed design.

**Table 10: Vulnerability Type of Surveyed Households**

S. No.	Vulnerability	Number of Households	Population
1.	BPL	7	5
2.	With Multiple vulnerability (BPL/Dalit Household/PWD)	5	5
<b>Total</b>		<b>12</b>	<b>130</b>

Source: Socioeconomic survey, May 2023

64. **Land Acquisition/Percent of Loss.** The percentage of the affected land has been assessed through the survey of affected people. The survey result did not identify any households losing more than 10% of their total productive assets.

65. **Economic viability of remaining land and structure.** During the detailed design, it was observed that small/narrow strips of land are required from affected households along the road alignment; 100% of the owners of the affected plot confirmed that the remaining part of the affected parcel will remain be viable for continued use. A total of 22 structures will be affected wherein none of the affected owners will be physically displaced as there is sufficient land available in the affected plot to repair and use the affected structure. Voluntary Land Donation (VLD) will be avoided from vulnerable households by reducing the road width.

## **B. Structure Loss (Affected Households)**

66. A total of 22 households (4 females, 18 males) consisting of 123 family members, are assessed to experience partial/minor structure, with losses not exceeding 10% of their assets. Their socioeconomic profile is presented below:

67. **Population and demography:** The survey results showed that the proposed project area is inhabited by people of various castes and ethnicities having diversity of culture, customs, traditions, norms, and values associated with ethnic culture to which they are associated. Out of the total surveyed households, the majority of affected population belongs to Brahmin (6) and *Madhesi* (6) community followed by *Muslims* (5). The indigenous peoples/*Janajanati* and *dalit* consists of 4 and 1 respectively (Table 11).

**Table 11: Distribution by Social Category**

No.	Social Category	Number	Percentage (%)
1.	Brahmin/Chhetri/Thakuri	6	27.27



No.	Social Category	Number	Percentage (%)
2.	Dalit (Kami/Dama/Sarki/Badi/Gaine)	1	4.5
3.	Janjati (Disadvantaged)	4	18.18
4.	Madhesi	6	27.27
5.	Muslim	5	22.73
	<b>Grand Total</b>	<b>22</b>	<b>100%</b>

Source: Socio-economic survey, May 2023

68. **Occupation and livelihood:** The occupation is a mix of farm and non-farm activities. Trade/business is the primary source of income of the majority of households is about (27.27%) followed by pension/service (22.73%). Around 13.64% of households depend on agriculture as major source of their livelihood (Table 12). The other 13.64% consists of mix groups (dependents)

**Table 12: Distribution by Occupation/Livelihood**

No.	Occupation	Numbers	Percentage (%)
1.	Agriculture	3	13.64
2.	Driver	1	4.55
3.	Housewife	4	18.18
4.	Pension/Service	5	22.73
5.	Trade/Business	6	27.27
6.	Others	3	13.64
	<b>Grand Total</b>	<b>22</b>	<b>100%</b>

Source: Socio-economic survey, May 2023

69. **The average annual income.** The average per capita income of the 12 interviewed households is NPR 133,100.65 which is substantially higher than national poverty line. As per Nepal Living Standards Survey 2010-2011, below poverty line (BPL) income threshold is NRs19,262/ person/year. On adjusting for inflation, this is estimated at NRs 48604.50 per person per year for 2022-2023 or NRs 4050.33 per person per month. However, two persons are earning below the income threshold and is therefore classified as BPL/poor households (see Table 13).

**Table 13: Affected Person by Average Income (per Capita)**

S. No.	Average Income per Capita (in NPRs)	No. of Surveyed Households
1.	48,604 and higher	10
2.	Below 48,604	2
<b>Total of Surveyed Households</b>		<b>2</b>

**Table 14: Affected Person by Vulnerability**

S. No	Category	No.
1.	Elderly + BPL	1
2.	BPL	1
3.	Elderly	1
<b>Total</b>		<b>3</b>

#### IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

##### A. Field-level Consultation

70. Before the transect walk, meetings and discussions were conducted in each ward and settlements of the proposed road alignments. The local road users, local elected members landowners, structure owners and all stakeholders participated in the meeting. In the meeting, the project design, road standards, approach for land acquisition, policies and procedures were discussed by the project consultants and representatives.

71. The detailed project report (DPR) preparation consultants team conducted transect walks in April 2023. The team conducted 27 meetings a part of the initial assessment and information dissemination. The likely affected persons, municipality representatives, and other project beneficiaries participated in the transect walk and consultation meetings. A letter was also sent to local municipality requesting their support during the process. Transect walk covered all urban roads (21.986 km. proposed for improvement). The consultation meetings were conducted in each ward and settlements. A total of 983 individuals attended the meetings held in 2023, including 216 females (Table 15). The most recent consultations conducted in 2024 involved 70 participants, comprising 58 males and 12 females attendees. The minute of the meeting, attendance sheets and photographs are in Appendix 4 and 6.

72. Likely affected persons and project beneficiaries raised concern and suggested to include following in the project design:

- (i) Suggested to include the provision of statue of Gautam Buddha in the appropriate location of road section.
- (ii) Include the provision of overhead bridge.
- (iii) Include the river training work to save the infrastructures wherever required.
- (iv) Construction of overhead truss at various road sections
- (v) Footpath with tile in key location
- (vi) Public utilities such as electricity poles, telephone poles, irrigation canal may require shifting which shall be relocated prior to civil works for uninterrupted service.
- (vii) Local labor and local materials should be utilized as much as possible.
- (viii) Drains of appropriate size should be constructed for quick discharge of rainwater.
- (ix) Women should be encouraged to participate in construction work without any discrimination in the wages.

73. During planning stage of the project, the IA representatives including local community were involved in finalization of the alignment, transect walk, identification of the APs, household survey of APs, collection of consent letter for voluntary land donation. Community consultation started from the very beginning of the project and will continue till the completion of the project.

74. The key stakeholders to be consulted at various stages during project preparation/updating and resettlement plan implementation, and program implementation includes:

- (i) all affected persons, including indigenous peoples and vulnerable households.
- (ii) project beneficiaries.
- (iii) elected representatives, community leaders, and representatives of community-based organizations.

- (iv) local NGOs and natural resource management and utilization (User) group.
- (v) local government and relevant government agency representatives; and
- (vi) Project staff of DUDBC, PCU staff member and SDC.

75. Continuing involvement of those affected by projects is necessary in the resettlement process. The PIU will ensure that affected persons and other stakeholders are informed and consulted about the project, its impact, their entitlements, and options, and allowed to participate actively in the development of the project. This will be done particularly in the case of vulnerable affected persons, who will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the project—during preparation, implementation, and monitoring of results and impacts. PIU with SDC support will ensure that stakeholder consultation, participation and information disclosure activities are carried out in the project area through the project cycle.

76. The SDC and PIU will continue consultations, information dissemination, and disclosure. Resettlement plans will be made available in the PIU offices. ADB review and clearance approval of the resettlement plan prior to the awarding of civil works contracts, and compensation/assistance payment of affected persons will be completed prior to possession of the site by the contractor. The consultation process will be carried out throughout the entire project cycle. The summary of consultation date, place and number of participants is given in the following Table.

## B. Summary of Consultations

**Table 15: Summary of Public Consultation at Ward and Project-level**

S.N	Project component	Date and place	Number of Participant			Key discussion points/issues raised
			Male	Female	Total	
- 2023 Consultations <sup>12</sup>						
1	Ward-level meeting, Siddharthanagar	February 17, 2023 Ward 5	9 (100%)		9	Discussed on the scope of the project and the additional land requirements for the proposed improvement. The discussion include possibility of utilizing strips of land from private households. Community expressed consent to donate strips of lands.

<sup>12</sup> Documentations provided in the draft RP.

S.N	Project component	Date and place	Number of Participant			Key discussion points/issues raised
			Male	Female	Total	
		Ward 1		26		
2	Siddharthanagar Road, (Mass meetings)	- A total of 27 meetings one in each road section  6-12 April 2023	757 (77.8%)	216 (22.2%)	973	<ul style="list-style-type: none"> <li>- Shared overall scope of the project to municipal authorities.</li> <li>- All the participants were highly positive toward the ADB funded WUC and expressed their willingness to provide the required land area within the declared ROW for all the proposed roads.</li> <li>- The mass meeting culminated that there will not be any impact upon livelihood upgrading of the proposed road sections.</li> <li>- Decrease the road width as key to avoid the IR impacts on RCC building.</li> <li>- Project affected people expressed their willingness to provide consent for the demolition of likely affected private structures with</li> </ul>

S.N	Project component	Date and place	Number of Participant			Key discussion points/issues raised
			Male	Female	Total	
						<p>the improvement of proposed road sub-projects.</p> <ul style="list-style-type: none"> <li>- Explained document requirements for safeguard due diligence. All agreed to donate small strip of land for road improvement.</li> <li>- All the project affected wards agreed to conduct mass meeting at tole/settlement level and provide minutes of meeting together with the list of likely projects affected persons.</li> </ul>
- B. 2024 Consultations						
1	Siddharthanagar Road (sample road stretches)	22 October 2024	4	6	10	<ul style="list-style-type: none"> <li>- Affected persons provided information about the project and current status</li> <li>- Project affected people expressed their willingness to provide consent for the demolition of likely affected private structures with the improvement of proposed road sub-projects.</li> </ul>

S.N	Project component	Date and place	Number of Participant			Key discussion points/issues raised
			Male	Female	Total	
						- Expressed full support to the project
2	Municipal Office, Siddharthanagar	22 October 2024	2	9	11	- The discussions mainly covered the current status of the project, the URLIP-GRM, including GRC nominations at the PIU level, the appointment of a PIU social safeguards focal person, and social safeguards requirements, including the preparation and finalization of updated/revised RP.
3	Municipal Office, Siddharthanagar	27 August 2024	16	2	18	- Discussion mainly focused on the project and its progress update
4	Mourya Hotel, Siddharthanagar	30 June 2024	30	1	31	- The meeting was organized for inception mission review of the URLIP

### C. Information Disclosure

77. A Nepali version of a summary resettlement plan will be prepared for the benefit of the affected persons, with a copy to be maintained by the PIU and made available to affected persons. The full resettlement plan will be made available in the PIU office. A copy of the resettlement plan (draft and final) will be disclosed in ADB's and DUDBC's website. Project information will be continually disseminated through disclosure of resettlement planning documents. The documents will contain information on compensation, entitlement, and resettlement management for the project, and will be made available in the local language and distributed to Affected Persons.

78. Information will be disseminated to affected persons at various stages. In the project initiation phase, the Project Director supported by consultant team will be responsible to inform the community and the affected persons about the project along with the program information/details.

79. Information dissemination, through project specific leaflets and public announcements in local FMs and consultation will continue throughout project implementation. The project leaflets will be distributed to the affected communities for their information. The project cut-off-date will be informed to the affected persons directly, through dissemination of project leaflets, public announcements in the local media, as well as stated in the project sign boards.

80. The SDC social safeguards personnel will be entrusted with the task of ensuring ongoing consultations and public awareness program during project implementation. This task will be carried out in coordination with the PIU, detailed design consultant, PMCDC and contractors to ensure the communities are made fully aware of project activities in all stages of construction.

81. An intensive information dissemination campaign for affected persons will be conducted by the PIU with assistance SDC at the outset of resettlement plan implementation. All the comments made by the affected persons will be documented in the project records and summarized in project monitoring reports. A summary of consultation and disclosure activities to be followed for each project is in the following table.

**Table 16: Community Participation at various stages of Project Preparation and Implementation**

<b>Project Stage</b>	<b>Activities</b>	<b>Responsible Person/Agency</b>
<b>PLANNING/PREPARATION STAGE</b>		
Reconnaissance	<ul style="list-style-type: none"> <li>• Provide project information.</li> <li>• Understand the purpose of the Project, nature of road improvement envisaged, and responsibility of the community in project preparation and implementation</li> </ul>	<ul style="list-style-type: none"> <li>• Municipality/PIU, PCU and DPR Consultant</li> </ul>
Transect Walk/Mapping of the Project Area	<ul style="list-style-type: none"> <li>• Announce the date, time and route of transect walk/project mapping</li> <li>• Explain the objective of the transect walk and subsequent consultation will be conducted.</li> <li>• Map the critical areas of the proposed alignment with the community people and listen to the issues and concerns raised; provide suggestions to be incorporated in the road design such as issues relating to drainage lines, irrigation water courses, road safety, etc.</li> <li>• Identify the locations requiring additional land, resettlement impacts, environmentally sensitive areas, vulnerable groups of people, etc.</li> <li>• Identify modifications to be made to the design.</li> </ul>	<ul style="list-style-type: none"> <li>• Municipality/PIU, PCU and DPR Consultant</li> </ul>
Consent Letter for Voluntary Land Donation	<ul style="list-style-type: none"> <li>• Undertake consultations with landowners who willingly volunteer to provide lands for the project through land donation</li> <li>• Verification of the voluntary land donation process by an independent third-party</li> </ul>	<ul style="list-style-type: none"> <li>• Municipality/PIU, PCU and DPR Consultant</li> </ul>
Disclosure of cut-off-date	<ul style="list-style-type: none"> <li>• Disseminate/communicate the cut-off date to the community before the start of the survey.</li> </ul>	<ul style="list-style-type: none"> <li>• Municipality/PIU, PCU</li> </ul>

Project Stage	Activities	Responsible Person/Agency
Sample/Census Survey of Affected Persons	<ul style="list-style-type: none"> <li>• Mobilize survey enumerators/ social mobilisers to obtain the socioeconomic information and profile of the affected persons/ households to identify (i) extent of impacts, (ii) vulnerability of affected persons, and (iii) support required.</li> <li>• Survey enumerators gather data on socio-economic profiles of affected persons/ households. Opinions and perspective of the individual households about the project will also be obtained.</li> </ul>	<ul style="list-style-type: none"> <li>• Municipality/PIU, PCU and DPR Consultant, affected persons and survey enumerators.</li> </ul>
Stakeholders Meeting	Meetings at the community and/or households level including affected persons (titleholders and non-titleholders) to obtain their ideas and opinions about the project.	<ul style="list-style-type: none"> <li>• Municipality/PIU, PCU and Project Consultant, affected persons</li> </ul>
Resettlement Plan Preparation	<p>Formulating compensation measures and rehabilitation measures</p> <p>Conducting discussions/ meetings/workshops with all affected persons and other stakeholders</p> <p>Draft Resettlement Plan will be made available in CDC and PCU office/ PIU office, to be translated in local language, Nepali</p>	<ul style="list-style-type: none"> <li>• PCU and DPR Consultant with support from PIU,</li> </ul>
<b>IMPLEMENTATION</b>		
Consultations	<ul style="list-style-type: none"> <li>• Awareness generation about the project activities</li> <li>• Dissemination of project related technical and other information to representatives of all key stakeholders (at one platform), disclosure of summary of social safeguard documents in local languages, roles and responsibilities of stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>• PIU, with the support of the SDC Key stakeholder agencies (community residents/project beneficiaries, affected persons, municipal officials)</li> </ul>
Information Disclosure	<ul style="list-style-type: none"> <li>• Disclosure of construction schedule, potential temporary disturbances and GRM</li> <li>• Updated/Final Resettlement Plan will be at the PCU office/ PIU office, to be translated in local language, Nepali</li> </ul>	<ul style="list-style-type: none"> <li>• PIU, with the support of the SDC</li> </ul>
Facilitation in civil works	<ul style="list-style-type: none"> <li>• Constant coordination with APs and information to the road users during construction</li> <li>• Establish and implement the project grievance redressal mechanism to resolve the grievances of local people</li> </ul>	<ul style="list-style-type: none"> <li>• PIU/SDC/ contractor</li> </ul>



## V. GRIEVANCE REDRESS MECHANISM

### A. Common Grievance Redress Mechanism

82. A project-specific grievance redress mechanism (GRM) has been established to receive, evaluate, and facilitate resolution of affected persons' concerns, complaints, and grievances related to social, environmental, and other concerns on the project. The project adopts a three-tier GRC and will ensure greater accountability of the project authorities towards affected persons. Grievances may be routed through letters, emails, text messages (SMS), verbal narration, grievance box and registers. The GRM is not intended to bypass the government's own legal process, but to provide a time-bound and transparent mechanism to resolve such concerns that is readily accessible to all segments of the affected persons and community. The aggrieved party shall be free to approach the national legal system at any given time. All costs involved in resolving the complaints (meetings, consultations, communications, and reporting/information dissemination) will be borne by the project.

83. PIU will ensure local community meetings are held to notify users and affected persons about grievance redress mechanism of the project. Awareness of grievance redress procedures will be created through the public awareness campaign, with the help of print and electronic media and radio. The key functions of the GRC are to (i) provide support for affected persons or any aggrieved party to lodge their complaints; (ii) record the complaints; (iii) facilitate grievance resolution in consultation with affected persons and concerned authorities; (iv) report to the aggrieved parties about the decision/solution; and (v) forward the unresolved cases to higher levels.

84. Grievance redress committees (GRCs) have been formed at three levels viz. ward/field level, PIU level and PCO level as under:

85. **First Level GRC (Field/Ward-Level):** The contractors, PIU safeguards personnel can immediately resolve issues on-site in consultation with each other with the support the designated municipal ward chairperson and will be required to do so within seven days of receipt of a complaint/grievance. In addition, contractors will place complaint boxes at prominent places viz. public places, contractor camp site etc. where local community members can put their complaints/grievances and contractor's personnel should be in charge to collect and process the complaints/grievances as necessary. The PIU safeguards personnel, SDC safeguards consultants and contractor can immediately resolve the complaint on site. If the grievance remains unresolved within the stipulated time, the matter will be referred to the next GRC level.

86. The field/ward-level GRC will comprise of the following:

- (i) Ward Chairperson (Committee Chairperson)
- (ii) PIU Engineer
- (iii) Ward Member representing vulnerable community (one women and one *janjanati* representative, if required)
- (iv) Contractor's Representative
- (v) SDC Safeguards Specialist
- (vi) Ward Chairperson's secretary will act as complaint receiving office and provide secretarial services to GRC.

87. The ward-level GRC shall have at least one women member. For project-related grievances, representatives of affected persons, and community-based organizations will be

invited as observers during GRC meetings. In case of impact on indigenous peoples, the grievance team must have representation of the affected indigenous peoples, and or CSOs/NGOs working with the indigenous peoples' groups.

88. **Second Level GRC (Municipality/PIU-Level):** Any unresolved issues at ward level will be referred to the second level GRC chaired by Mayor/Deputy Mayor. The complainant will be notified by the ward-level GRC that the grievance is forwarded to the municipality (PIU) level. All evidence submitted while lodging the complaint by the affected will also be forwarded. After proper examination and verification of the grievances, the committee will facilitate affected persons and concerned parties to agree on a time-bound action plan to resolve the grievance if found to be valid. The GRC at this level will have to respond to its decision within 14 days of receipt of complaint from first level. The second level GRC will comprise the following:

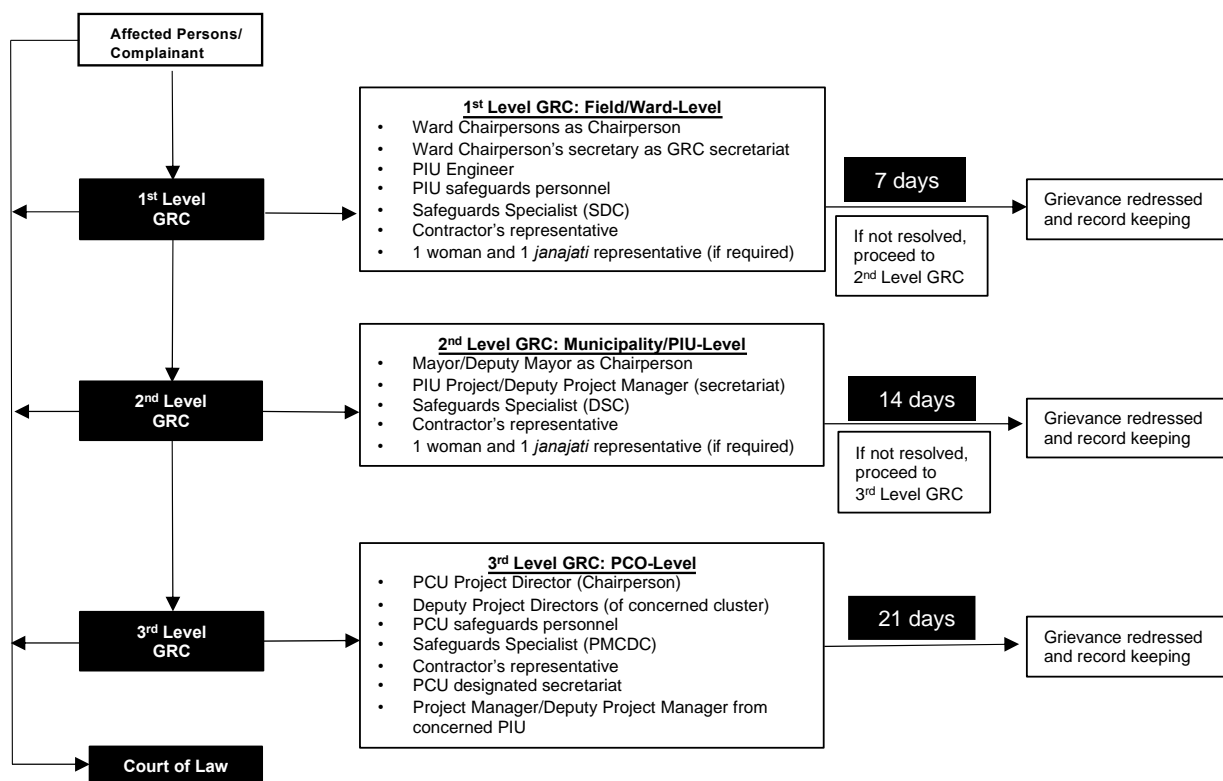
- (i) Mayor/Deputy Mayor (Committee Chairperson)
- (ii) PIU safeguard personnel
- (iii) SDC social/environment specialist
- (iv) Contractor's representative
- (v) Ward member representing vulnerable community (one women and one *janjanati* representative, if required)
- (vi) Project manager of the PIU will act as a secretariat.

89. **Third Level GRC (PCO-Level):** If the grievance remains unresolved within the stipulated time, the matter will be referred to the PCO level. The PIU safeguards team will refer any unresolved or major issues to the PCO-level GRC. The PCO-level will comprise the following:

- (i) Project Director (Committee Chairperson)
- (ii) Deputy Project Directors
- (iii) PCO Safeguards Personnel
- (iv) Safeguards Specialist
- (v) Contractor's Representative
- (vi) Project Manager/Deputy Project Manager from concerned PIU/municipality
- (vii) PCO-designated personnel who will act as secretariat.

90. The grievance redress process is represented in Figure 2.

**Figure 2: Grievance Redress Process (URLIP)**



91. **Record-keeping.** The PIU/PCO/ SDC will keep records of grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed corrective actions and the date these were affected and final outcome. All complaints should be signed with complete information on name, contact address, phone number if any so that the person can be contacted when required. A sample template is provided in Appendix 10. An acknowledgement to the effect that the complaint has been received by the coordinator's office should be promptly sent to the complaints. All complaints received should be first registered, categorized and prioritized. They should be analysed and assessed the concerns raised by the affected parties and have discussion and consultation with them. Records of all such proceedings should be maintained, for future reference, and the attendance of all participants with their signature, in particular the complaints and affected groups should be recorded. The number of grievances recorded and resolved, and the outcomes will be displayed/disclosed in the PCO, PIU offices, and on the web, as well as reported in monitoring reports submitted to ADB on a semi-annual basis.

92. **Periodic review and documentation of lessons learned.** The PCO safeguards personnel will periodically review the functioning of the GRM in each municipality and record information on the effectiveness of the mechanism, especially on the project's ability to prevent and address grievances.

93. **Costs.** All costs involved in resolving the complaints (meetings, consultations, communication and reporting/information dissemination) will be borne by the PCO and concerned PIU.

94. **Country Legal System and ADB's Accountability Mechanism.** Despite the project GRM, an aggrieved person shall have access to the country's legal system at any stage and accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM. In the event that the established GRM is not in a position to resolve the issue, the affected person also can use the ADB Accountability Mechanism through directly contacting (in writing) the Complaint Receiving Officer at ADB headquarters or the ADB Nepal Resident Mission (NRM).<sup>13</sup> Before submitting a complaint to the Accountability Mechanism, it is necessary that an affected person makes a good faith effort to solve the problem by working with the concerned ADB operations department and/or NRM.. The ADB Accountability Mechanism information will be included in the project-relevant information to be distributed to the affected communities, as part of the project GRM.

## VI. POLICY AND LEGAL FRAMEWORK

95. The policy, legal framework, resettlement principles and entitlements in the resettlement plans are guided by the ADB's Safeguard Policy Statement (SPS), 2009 and Government of Nepal's (GoN) Acts, laws and regulation related to land acquisition, compensation disbursement, involuntary resettlement. The objective of the review of legislative provision is to understand existing policies that are applicable for the implementation of the project. An overview of applicable acts and policies is presented in the following paragraphs.

### 1. Land Acquisition and Involuntary Resettlement

#### A. Government of Nepal Policies on Land Acquisition and Resettlement

96. **Constitution of Nepal.** The Constitution of Nepal (2015), Article 25 (1) guarantees the fundamental right of a citizen; right to acquire, own, sell and dispose of the property. Article 25 of the Constitution 2072 (2015), Right to Property, states that "(1) Every citizen shall, subject to the laws in force, have the right to acquire, own, sell, dispose, acquire business profits from, and otherwise deal with property. (2) The State shall not, except for public interest, requisition, acquire or otherwise create any encumbrance on property of a person provided that this clause shall not be applicable on property acquired through illegal means. (3) The basis of compensation to be provided and procedures to be followed in the requisition by the State of property of any person for public interest in accordance with clause (2) shall be as provided for in the Act.

97. **The Land Acquisition Act 1977.** The Land Acquisition Act, 2034 (1977) is the core legal document to guide the process of land acquisition and relocation in Nepal. The clause 3 of the Act states that "Government of Nepal may, if it so deems necessary, acquire any land at any place for any public purpose, subject to compensation under this Act." Also, clause 4 of the Act states that, institutions seeking land acquisition may request the Government to acquire land subject to the payment of compensation and all other expenses by such institutions. Clause 13 states that the compensation payable shall be paid in cash, the amount to be paid shall be determined by the committee comprises Chief district officer (CDO), concerned Project Manager or Officer assigned by CDO and representative from District Coordination Committee (DCC.) Similarly, clause 14 states that in case any person whose land is wholly acquired under this Act wants to obtain compensation in the form of land elsewhere, Government of Nepal may, in exchange for such land, allot him/her any waste land, or land belonging to itself, or any other land which it is going to allot or sell in accordance with prevailing Nepal law, if available. Clause 27 of the Act

<sup>13</sup> ADB. Accountability Mechanism. <https://www.adb.org/who-we-are/accountability-mechanism/main>

provides for land acquisition through mutual agreement between a plot owner and a government department or agency. The EA should not require to follow all above procedure while activating clause 27.

98. **Land Reform Act, 2021 (1963).** Another key legislation in Nepal related to land acquisition is the Land Reform Act (LRA) 2021BS (1964). This act establishes the tiller's right to the land, which he/she is tilling. The LRA additionally specifies the compensation entitlements of registered tenants on land sold by the owner or acquired for development purposes. The most recent Act Amendment (2001) established a rule that in case the state acquires land under tenancy, the legally established tenant and the landlord will each be entitled to 50% of the total compensation amount. Land acquisition must also comply with the provisions of the Guthi Corporation Act, 2033 (1976). Section 42 of the Land Reform Act states that Guthi (religious/trust) land required for the development work must be replaced with another land (rather than compensated in cash).

99. **Land Revenue Act 2034 (1977).** The land Revenue Act 2034 (1977) comes into force in registration, transmission, Dakhil Kharej and striking out the record of the land acquired for development projects (i.e., public interest). Article 8 of this Act states that registration, ownership transfer, termination of ownership right and maintenance of land records are done by the local Land Revenue Office. Likewise, article 16 states that if the concerned owner did not pay land revenue for long period of time the government can collect revenue through auction off the concerned parcel.

100. **Land Use Policy 2015.** Land Use Policy is a policy document relating to limits and protection of land and land resources, optimum use and effective management thereto. Legal and institutional management for land and land resources and protection, use and management thereon are done under this policy. This policy shall bring about benefits of using land and land resources by creating a situation of distributing lands in a just manner. The need of this policy is to ascertain of environment-friendly construction-works by making optimum use of land and land resources in keeping with a balance between the environment and development, to develop a hygienic, beautiful, well-facilitated and safe human settlement; to enhance a planned and sustainable urbanization of the country, and to achieve sustainable and inclusive socio-economic development. The vision of this policy is to make optimum use of available land and land resources in pursuit of sustainable social, economic and ecological developments and prosperity of the country as well.

101. **Forest Act, 2019 (2075 BS).** The Forest Act (2019) aims at conservation and management of forest resources in Nepal through various management modalities including 'government-managed forests', 'community forests', 'collaborative forests', 'leasehold forests', 'religious forests', 'private forests', 'agro-forests', 'urban forests' and 'public land forests'.

102. **National Forest Policy, 2019 (2075 BS).** The National Forest Policy (2019) is the umbrella policy and guiding document for managing forest, biodiversity, protected areas and watersheds. It aims at proper protection, conservation and utilization of forest, wildlife, medicinal plants and water resources for the ecological balance and uplift the livelihood of poor people. The long-term objectives of this policy are to meet peoples' basic needs for fuel wood, timber, fodder and other forest products on sustained yield basis, to protect land against degradation; and to conserve the ecosystems and genetic resources. The project implementation should not undermine these objectives at any cost.

103. It stresses the conservation of biodiversity, ecosystem and protection of land degradation by soil erosion, landslide, floods desertification and other ecological disturbances. The public participation in forest management is sought through community forestry, collaborative forest management, leasehold forestry etc. Mitigation measures such as plantation, NTFP program and other social and community support program proposed by the project will be implemented by mobilizing local people which is in line with the Forest Sector Policy. This policy is important and related to the implementation of the proposed project in a sustainable way.

104. **Land Acquisition, Resettlement and Rehabilitation Policy for Infrastructure Development 2071 (2015).** The Policy on Land Acquisition, Resettlement and Rehabilitation for Infrastructure Development has been approved by the GoN, which clearly states the need to conduct an economic and social impact assessment (SIA) of the development project, which was not a requirement under the LAA 1977. The assessment categorized the projects as high, medium, and low-risk. The act provisioned for the project affected families to be entitled to compensation if works affect livelihoods. The main goal of this policy is to improve the social and economic status of project affected families by providing fair and adequate compensation, appropriate resettlement and rehabilitation assistances. Its main objective is to create a conducive environment for timely completion of the project by simplifying land acquisition, valuation, compensation, and resettlement and rehabilitation process. This policy asks to carry out meaningful consultation with affected persons and vulnerable groups and provide compensation on time based on current market value. The policy mentions the four approaches for land acquisition: Voluntary donation, direct negotiation, Land development program and Expropriation.

105. The policy added all expenses related to land acquisition, compensation and the implementation of resettlement and rehabilitation plans that 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. 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.

## **B. Other Policies, Process and Steps applicable to this Project**

106. **Local Government Operation Act, 2017.** The new act promulgated in 2017 for the operation of local government have superseded all previous acts regarding local governance in line with state restructuring of Nepal. The local government as Municipalities and Rural Municipalities has definite roles and rights in public land conservation and ownership as depicted in Clause 11 (g). Clause 11 (n-4) articulates the roles of local government in facilitation of land acquisition, compensation determination and distribution for public purposes. Similarly, the sub clause (n-5 and 6) articulates the roles of local government in facilitation and coordination for determination of land ownership and cadastral mapping. Another role in land ownership certificate distribution is also defined in these sub clauses.

107. Based on these authorities provided under LGOA 2017, the local governments across the country are providing public land for the construction/development of hospitals schools and other public utilities like drinking water, irrigation, road etc. Considering the positive impacts to and welfare of the entire society, disturbance on development/construction activities by local communities has not appeared and the decision process seems largely been accepted by all.

108. While reviewing the concurrent policies regarding the use of government land other than LOGA 2017, all state entities including the LGs requires to follow the process to obtain the right to use of public land for the development activities as defined under The working policy on Registration, Use, and Leasing of Government Land, 2079 (2022” (<https://molcpa.gov.np/department/page/527>).

109. **The working policy on Registration, Use, and Leasing of Government Land (WPRULGL), 2079 (2022”** The policy has provision to register all unregistered government lands in the name of the Government of Nepal. Such lands include all the lands used by the Government of Nepal, provincial governments or local levels and their entities, but which have yet to be registered (clause-3 [2 and 3]).

110. **Clause-3** (4) declares that if any level of government request for the use of the untitled land for specific purpose, it shall first be registered in the name of the Government of Nepal. The right to use will be granted only after completing the registration process.

111. **Cause 4** of the working policy has defined the process for obtaining the permission for the right to use of government land. According to the working policy, the local government shall follow the following process to acquire the land for any purpose.

- (i) **Step-1:** The local government wishing to use the public land (Ailani/unregistered) shall apply to the District Land Revenue Office through the Ministry of Federal Affairs & General Administration with the decision of Municipal Executive committee.
- (ii) **Step-2:** Land Reform and Land Revenue office shall have to review the legal status of land and conduct an onsite investigation to ascertain that providing such land will not affect the life of the public and places of historical, archaeological, religious, and cultural significance and submit report to “Recommendation Committee” formed as per clause 10 of the working policy.
- (iii) **Step-3:** The recommendation committee reviews the report and shall conduct an inquiry to ascertain the appropriateness of the report received from the District Land Revenue Office (step-2 process) and submit to Department of Land Management and Archive (DLMA) with its opinion.
- (iv) **Step-4:** The DLMA shall review the documents received from recommendation committee, commission field investigation, if deemed necessary and forward report to Ministry of Land Management, Cooperatives and Poverty alleviation with opinion.
- (v) **Step-5:** The ministry shall review the documents and opinions received from DLMA and provide land use authority to entities concerning to federal government. If the land use proposal is related with provincial or local government, the Ministry than submit the request to Council of Ministries for approval.
- (vi) **Step-6:** With the opinion of Ministry, the land use proposal will have to be tabled to the council of Ministries for final approval after enquiry.
- (vii) **Step-7:** The approved decision of the use of land shall have to pass through the Ministry Department to concerned land reform/revenue office.
- (viii) **Step-8:** The Land revenue office has to provide land use certificate in a prescribed format as annexed in the Working Policy

112. Similarly, **clause 5** of the policy defined the process steps for accepting voluntary land donation by individuals.

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

113. ADB Safeguard Policy Statement (SPS) in 2009 includes safeguard requirements for environment, involuntary resettlement and indigenous people. The objective of the policy is (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.

114. The safeguard policy involves a structured process of impact assessment, planning, and mitigation to address the adverse effects of projects throughout the project cycle. The involuntary resettlement safeguards cover 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.

115. **Voluntary Land Donation:** Voluntary donation of land may be accepted by the project. Land donation will only be considered if donated land will not (i) bring any significant impact/impoverishment to the donor(s) and/or tenants/laborers/informal users; (ii) the donation does not come from the land owner categorized as poor or vulnerable; (iii) the donation will not cause any economic or physical displacement (to legal titleholders and/or formal or informal land users); (iv) the land donor(s) will get direct benefits from the proposed project activities; (v) meaningful consultations are conducted with the land owner(s) and any non-titled affected persons; and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. The third-party assessment will ensure that the land donation process has been undertaken in an atmosphere free of coercion, either from the government or from the community who would benefit from the project, and any losses that are agreed upon through verbal and written record by affected people are replaced. Due diligence for cases of voluntary donation, based on consultations and third-party certification will confirm this. The project will also provide both options – donation and payment of market price, for a transparent process. The steps to be followed and measures to be taken for land donation according to ADB's SPS, Safeguard Requirement 2, are as follows:

- (i) **Step 1:** The project will be open to the possibility of land donation from any interested person/community. The land requirement will be explained to the interested donor(s). ADB's SPS social safeguard requirements will also be explained to the people willing to donate land. An independent third party will be engaged in case of land donation. The donated land must not (a) bring any



significant impact/impoverishment to the donor(s) and/or displace tenants/laborers; (b) the donation does not come from the land owner categorized as poor or vulnerable family; (c) the donation will not cause any economical or physical displacement (legal or illegal); (d) the land donor(s) will get direct benefits from the proposed project activities; (e) meaningful consultations are conducted with the land owner(s); and (vi) the land donation(s) does not come from coercion or asymmetrical power relation between the land owner(s) and the government. This will be confirmed by the assessment undertaken by an independent third party, who will be engaged as indicated by the project.

- (ii) **Step 2:** After donation of land is decided by the donor(s), the project will initiate formalization of land donation by issuing a letter to the willing donor(s) with details of public purpose for which land is required and the donor(s) will reciprocate by responding to the intent of donation for the said specific purpose. Then the PIU with support of the PCU will take necessary legal steps to formalize the donation of land.
- (iii) **Step 3:** The Deed of Gift will be registered in the name of the receiving agency/department and all necessary fees, stamp duties will be borne by this agency/department. Henceforth, the land ownership and the land record will be revised / amended with record of rights showing the changed ownership.<sup>14</sup>

116. The entire land donation process will be verified and validated by an independent third party for all voluntary offer of land for the project. The above information must be included in a report to be prepared by the external third party, preferably from reputed and qualified agencies/non-government organization (NGO)/firms/individuals. The concerned PIU shall submit due diligence report to ADB for review and approval including information on impact assessment, voluntary donation process and report of independent third party.

117. **Negotiated Settlement Processes:** The project encourages management of required land through voluntary land donation (VLD) wherever possible. If not possible through VLD, a negotiated settlement wherever based on meaningful consultation with affected persons, including those without title to assets. The negotiated settlement will offer an adequate and fair price for land and other assets. Also, in case of negotiated settlement, an independent external party will be engaged by the implementing agency to document the negotiation and settlement processes. The principles of the SPS with regard to meaningful consultation processes, mechanisms for calculating the replacement costs of land and other assets affected, and record-keeping requirements will be followed during the negotiated settlement. An external independent entity will supervise and document the consultation process and validate the process of negotiated settlement as per legal requirement. Verification will also be provided by the external party that no person (e.g., tenants/users of the land) will be impoverished and/or coercively displaced.

118. The steps proposed and measures to be taken by the municipality/PIU for negotiated settlement, in keeping with the basic principles in negotiated purchase clause in Land acquisition

---

<sup>14</sup> For indigenous peoples and other donors who are assessed not to be socially and/or economically vulnerable but choose to donate land due to the project's associated benefits, and after meeting the eligibility criteria outlined in paragraph 113, the project will be required to either: (i) secure a third-party certification prepared by an independent/external entity, and will be signed by a land officer or, (ii) secure third-party certification and enter a formal legal agreement with the donors (followed by title transfer/ownership).

Act (LAA) of Government of Nepal and ADB's SPS (2009), Safeguard Requirement-2, are as follows:

- (i) **Step 1:** In case of additional land requires for the development/improvements of infrastructure under URLIP and could not be obtained through voluntary contribution, the PIU will initiate preliminary negotiation with the legal titleholders along the roadside. The PIU will also search for the land title and identify any legal or other critical issues associated with the proposed land parcel (such as, jointly owned land, land under legal dispute, land under trust etc.).
- (ii) **Step 2:** If legal title is clear and seller(s) is/are willing, a detailed measurement survey (DMS) survey of the land parcel proposed for negotiation will be conducted by government surveyor, assisted by PIU. The survey will cover detailed measurement of the land parcel and inventory and status/condition of all other assets on the land e.g. trees, structures, irrigation infrastructure, etc.
- (iii) **Step 3:** The current value of the land and structures or assets, if any based on the market price will be arrived at, through market survey. This process helps define the amount that can be offered to the landowner.
- (iv) **Step 4:** Negotiated settlement process will start between the willing landowners and other partners (in case of joint ownership) and the PIU s to arrive at a consensus. During negotiation, the requirements, the purpose for which the land is sought, provisions under Government of Nepal LAA 1977, WPRULGL and ADB policy will be explained to the landowner.
- (v) **Step 5:** If the negotiated price for sale of land is not accepted by the landowner(s) or fails to lead to an agreement, the PIU will adopt the involuntary land acquisition approach/route, which will require updating of resettlement plan.

119. **Procedure for Providing Forest Areas for Other Purposes 2063 (2007):** Based on the procedure's guidelines, the following steps and procedures are recommended to acquire community forest lands for project activities. The current situation is as follows:

**Table 17: Process Guidelines for Acquiring the Forest Land for other purpose**

Steps	Procedures/activities	Responsibility	Current Status
1 <sup>st</sup>	Start official correspondence and consultations with the concerned CFUGs to get consent of the communities	Municipality	Municipality started to correspond and consultation with CFUG
2 <sup>nd</sup>	Identify and demarcate of the community forest lands (Area) required for the projects	Municipality/Project in presence of CFUG	Municipality started to correspond and consultation with CFUG
3 <sup>rd</sup>	Document the details of forests conducting inventory of the proposed forest areas	Municipality/Project in presence of CFUG	
4 <sup>th</sup>	Get official approval from CFUG executive committee as well as General Assembly  Apply to Department of Forest (DOF) get consent from District Forest Office (DFO) attaching all supporting documents (justification of projects showing no other options available,	CFUG with facilitation by Municipality/Project  Municipality/Project & CFUG	Progress depends on step 2 <sup>nd</sup> above.

Steps	Procedures/activities	Responsibility	Current Status
	approval letter of CFUG, inventory report etc.)  Get recommendation letter from National Planning Commission (NPC) confirming that the proposed URLIP projects are of national priority	PCO/PD and Municipalities	
5 <sup>th</sup>	If 4 <sup>th</sup> step results positive outcomes, immediately start commissioning EIA/ or IEE studies (as per the requirements of schedule 1 and 2 of Environment Protection Rules 2054 whichever applicable for URLIP to prepare EIA/IEE study report	PIU/ /Project	
6 <sup>th</sup>	Submit an application to MoFE through DOF for getting cabinet approval attaching all supporting documents resulted from Steps 4 and	PIU /Project	
7 <sup>th</sup>	Get cabinet approval, sign Forest lease agreement with concern authority as prescribed in Schedule-21, preparing a Forest Lease format prescribed in Schedule - 19 and paying the annual fee mentioned in Schedule – 20 of the Forest Rules (2051)	PD/PCU/Municipality	
8 <sup>th</sup>	Start project constructions	Municipality /Project	

#### D. Comparison Between GoN and ADB SPS on Involuntary Resettlement Requirements

120. The difference between the GoN's land acquisition policies and the principles laid down in ADB SPS, 2009 is compared in Table 18 below and the measures to bridge the gaps are discussed.

**Table 18: Comparison between Government of Nepal Laws and ADB Safeguards Policies on Land Acquisition and Resettlement**

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
1	Involuntary resettlement should be avoided wherever possible	Invoking eminent domain is only legally recognized when taking land for special needs of the State (Land Reform Acts 1964, LAA 1977, Town Development Act 1998, Land Act 1997 and Local Self Governance Act (998). These acts/rules do apply for any project where the land is acquired involuntarily.	. The project will aim at avoiding and minimizing LAR and replacement of lost assets and rehabilitation of livelihoods. If involuntary resettlement impacts cannot be avoided, mitigation measures will be taken as per ADB SPS policy.

<b>S. No.</b>	<b>ADB Safeguards Policy Statement (2009)</b>	<b>Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)</b>	<b>Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures</b>
2	Minimize involuntary resettlement by exploring project and design alternatives	Not defined in the LAA and LAR	The resettlement planning documents defines the measures on how to minimize the involuntary resettlement through proper alternate engineering design and adequate consultation with stakeholders.
3	Conducting census of displaced persons and resettlement planning	The LAA spells out that physical inventory of assets and properties found on the land belonging to legal titleholders is prepared. No cut-off date is specifically mentioned in the LAA; the affected persons need to apply for compensation for buildings, trees, crops etc. within 15 days of being served notice for acquisition, if not satisfied with compensation offered or if he/she wants compensation for assets in addition to land.	The LAA does not define the census survey. It only reflects the inventory of losses (IOL) for titleholders, which is more in physical terms. The ADB policy spells out a detailed census through household surveys of displaced persons in order to assess the vulnerability and other entitlements. Resettlement planning documents will be prepared based on the data collected through conducting a census, a socio-economic survey for the displaced persons, and an inventory of losses.
4	Carry out meaningful consultation with displaced persons and ensure their participation in planning, implementation, and monitoring of resettlement program	Section 1 (6) of the LAA provides that whenever any property is needed or is likely to be needed for any public purpose or in the public interest, a notice is to be given at specified offices and house door/compound wall in the prescribed form and manner, stating that the property is proposed for acquisition.	<p>The LAA does not directly meet ADB's requirements. This section of the ordinance establishes an indirect form of public consultation. However, Local government Operation Act, 2017 Clause 11 (g) and Clause 11 (n-4) articulates the roles of local government in facilitation of land acquisition, compensation determination and distribution for public purpose. Similarly, the sub clause (n-5 and 6) articulates the roles of local government in facilitation and coordination for determination of land ownership and cadastral mapping. Other role in land ownership certificate distribution is also defined in these sub clauses.</p> <p>But it does not provide for public meetings and project disclosure, so stakeholders may not inform about the purpose of land acquisition, its proposed use, or compensation, entitlements, or special assistance measures. The resettlement planning documents for this project will be prepared following a consultation process which involves all stakeholders (affected persons, government department/line agencies, local community including indigenous</p>

S. No.	ADB Safeguards Policy Statement (2009)	Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)	Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures
			peoples and women etc.), and the consultation will be a continuous process at all stages of the project development such as project formulation, feasibility study, design, implementation, and post-implementation, including the monitoring phase.
5	Establish grievance redress mechanism	Section 11 of LAA allows the landowner to file complaints / raise objections in writing within a time frame of 7 days plus time taken for travel from the date of publication of notice. Complaints are to be filed with the Ministry of Home Affairs, Government of Nepal through the local officer in charge of land acquisition.	The resettlement planning documents include an appropriate grievance redress mechanism to resolve complaints at project level. This includes formation of a grievance redress committee starting from the ward/field, municipality level and project level, and publication of the notice of hearings and the scope of proceedings.
6	Improve or at least restore the livelihoods of all displaced persons	The LAA does not address the issues related to income loss, livelihood, or loss of non- titleholders. It only deals with the compensation for loss of land, structures, buildings, crops and trees, etc. for the legal titleholders and for tenants with registered deeds.	The resettlement plans for this project keep the provision for a census survey that will have the data on the loss of income and livelihood, and the same will be compensated as per the entitlement matrix for both physically and economically affected persons.
7	Land-based resettlement strategy	The LAA Section 14 provides for land for land compensation (if available), if the landowner loses his total land. In case of religious trust/ <i>Guthi</i> lands acquired, Section 42 of the Land Reform Act states that <i>Guthi</i> land required for development work must be replaced with another land (rather than compensated in cash).	Though this option may be a difficult proposition, given the lack of government land and the difficulties associated with the acquisition of private lands, the resettlement plans propose land-for-land compensation as its priority, if feasible. Attempt will be made to find alternate land for the loss of land, in case it is available and if it is feasible, looking at the concurrence of host community and land value.
8	All compensation should be based on the principle of replacement cost.	The LAA does not specify how compensation is to be determined. Section 13 states that the amount of compensation may be determined separately for persons whose land is wholly acquired and persons	The LAA differs from ADB policy in the valuation of land and prices of affected assets, where ADB prescribes the use of current market rates/replacement cost in the project area. The ordinance does not ensure replacement value or restoration of pre-project incomes of the affected persons. The resettlement planning documents shall address all these issues

<b>S. No.</b>	<b>ADB Safeguards Policy Statement (2009)</b>	<b>Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)</b>	<b>Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures</b>
		whose land is partially acquired.	and spell out a mechanism to fix the replacement cost by having a valuation committee which will be responsible for deciding the replacement costs, whether such land acquisition is full or partial. Valuation of structures is based on current market value, i.e. replacement cost of new construction of the structure without deduction of depreciation. Affected persons can be permitted to salvage materials.
9	Provide relocation assistance to displaced persons.	No mention of relocation assistance to affected persons in LAA, although Section 16 (b) states 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 should be taken into account for computation of compensation.	The resettlement plan(s) provide for the eligibility and entitlement for relocation of the affected persons, in the form of relocation assistance which includes shifting allowances, right to salvage materials, and additional transitional assistance for the loss of business and employment.
10	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 no land assets.	Only registered landowners and tenants can transfer their titles to other persons recognized under the Land Acts/regulations. Non-titled occupants of land as illegal possessors are not eligible to transfer the land occupied or receive compensation.	The LAA only takes into consideration the legal titleholders. The resettlement planning documents will ensure compensation and assistance to all affected persons, whether physically displaced or economically displaced, irrespective of their legal status, in compliance with the ADB SPS. Lack of formal legal title to land by any affected persons is not a bar to entitlements. Titled, legalizable and non-titled affected persons are eligible to receive different entitlements. Titled and legalizable affected persons are entitled to compensation and rehabilitation. Non-titled affected persons are eligible for entitlements such that they are no worse off than before the project. All affected persons are entitled to compensation at replacement cost of non-land assets. Affected persons without possession or ownership certificate but occupying land in areas designated for land allocation or possession can be recognized as legalizable and thus are eligible for fair compensation and rehabilitation entitlements under the SPS.

<b>S. No.</b>	<b>ADB Safeguards Policy Statement (2009)</b>	<b>Government of Nepal Legal Framework (specifically, Land Acquisition Act, 1977)</b>	<b>Gaps Between Government of Nepal Legal Framework and ADB's Policies and Gap Filling Measures</b>
			Date of notification for land acquisition (as per the section 9 of the Land Acquisition Act, 1977) will be the cut-off date for titleholders. Similarly, for the non-titleholders, census survey date will be considered as the cut-off date.
11	Disclose the resettlement plan, including documentation of the consultation in an accessible place and a form and language understandable to affected persons and other stakeholders.	The LAA does not specifically mention the disclosure of resettlement plan. The ordinance only ensures the initial notification or the acquisition of a particular property.	The project will ensure adherence to SPS requirement that the resettlement plan, along with the necessary eligibility and entitlement, will be disclosed to the affected persons in the local language (Nepali) in the relevant project locations and concerned government offices, and the same resettlement plan will also be disclosed on the executing agency's website and on the website of ADB. The draft, final and revised resettlement plan/RIPP will disclosed on project's and ADB's website.
12	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.	The LAA has a provision to include all the costs related to land acquisition and compensation of legal property and assets for legal titleholders. However, it does not take into account the cost related to other assistance and involuntary resettlement.	The LAA partially meets the requirement of ADB, as it only deals with the cost pertaining to land acquisition. The resettlement plan provides eligibility to both titleholders and non-titleholders with compensation and various kinds of assistances as part of the resettlement packages, and the entire cost will be part of the project cost.
13	Pay compensation and provide other resettlement entitlements before physical or economic displacement.	The LAA has the provision that at least 50% or a reasonable amount of compensation will be paid prior to possession of the acquired land.	It shall be specified in the resettlement planning documents that all compensation and other entitlements are to be paid prior to physical and economic displacement and prior to contract award.
14	Monitor and assess resettlement outcomes, and their impacts on the standards of living of displaced persons.	This is not defined in the LAA	The LAA does not have provision on monitoring and assessment of resettlement outcomes. The resettlement planning documents will have a detailed provision for a monitoring system within the executing agency. The executing agency will be responsible for proper monitoring of resettlement plan implementation, and the monitoring reports will be submitted to ADB for review and disclosure.

## **VII. ENTITLEMENTS, ASSISTANCES AND BENEFITS**

121. The project adopts an approach to compensate affected structures, based on the agreed entitlement matrix. The project will pay compensation and/or rehabilitation support/assistance for the affected structures following the replacement cost principle. The compensation for such structures will be determined by a committee formed under the prevailing law/regulation of local government. The PCO will approve a directive for guiding the determination of compensation if the local governance does not have appropriate regulations.

### **A. Type of Losses**

122. The anticipated type of losses due to the proposed project components under URLIP in the Siddharthnagar Municipality comprise of:

- (i) Partial/minor structure loss such as commercial structure and residential secondary/annexed structures such as compound wall and fences not requiring physical displacement or relocation.
- (ii) Temporary income loss due construction activities to commercial owners
- (iii) Potential disruption to daily activities including going to work and other livelihood-related activities (secondary structure owners)
- (iv) Impacts to vulnerable households.

123. The PIU will deal with any unanticipated consequences of the project during project implementation as per the principle of entitlement matrix agreed in this resettlement plan.

### **B. Cut-off Date**

124. All affected persons who are identified in the project-impacted areas before the cut-off date will be entitled to compensation for their affected assets, and rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards, income-earning capacity and production levels. The cut-off date for titleholders will be the date of notification under the Land Acquisition Act and for non-titleholders will be the census date.<sup>15</sup> People moving in the area after the cut-off date will not be entitled to any kind of compensation or assistance as per provision made herein. They, however, will be given sufficient advance notice, to vacate premises/dismantle in the case of affected structures prior to project implementation.

125. Damages/unanticipated losses causes during construction if any will be eligible for compensation and/or restoration. Such issues will be identified and closely monitored by the safeguard's personnel of the PCO and PIU. Any damage during construction will be borne by the contractor. Unanticipated loss, if any, will be mitigated and/or compensated as per GoN policies and ADB SPS 2009. The project proposes the compensation and entitlements of different impact category through the project entitlement matrix in Table 19. The entitlement matrix provides guidance for compensation, resettlement, and rehabilitation assistance. The entitlement matrix lists various types of losses, defines eligibility criteria and entitlements and provides basic parameters for preparation of compensation and resettlement benefits. The entitlement matrix is prepared in accordance with GON and ADB SPS, 2009.

---

<sup>15</sup> In Siddharthnagar, the census date in a particular locality will serve as the cut-off date which is end 31 March 2023.



**Table 19: Entitlement Matrix<sup>16</sup>**

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
<b>A. Loss of Structures</b>				
2.1. Loss of Residential and Commercial Structures	Titleholder Tenant Landless squatters/ encroachers/non-titleholders	<ul style="list-style-type: none"> <li>(i) Cash compensation as per replacement cost of the structure shall be provided. No deductions for depreciation shall be made. In case the remaining structure is uninhabitable/unviable for use, compensation will be provided for the entire structure;</li> <li>(ii) In case of relocation, transfer allowance to cover shifting (transport plus loading/unloading) of household goods and materials will be paid, based on actual cost or current market price;</li> <li>(iii) Every physically displaced household will receive 12 months' rental assistance or alternatively provided with temporary accommodation facilities;</li> <li>(iv) Rental assistance (3 months) OR facilities (alternate shop or space to operate) will be provided for permanent loss caused to business/commercial structure;</li> <li>(v) Additional relocation assistance will be paid to households and business/commercial establishments that are physically displaced at 30 days minimum wages if displaced to another plot and at 15 days minimum wages if displaced within same plot. Latest government approved wage rate shall be applicable;</li> <li>(vi) Provision of all taxes/fees, registration cost, and other fees incurred for the replacement of structures;</li> <li>(vii) Owners of affected structures will be allowed to take/reuse salvageable</li> </ul>	<p>Full list of vulnerable households identified during DMS as part of resettlement plan update.</p> <p>Replacement value of affected structures will be determined by the CDC.</p> <p>Compensation payment for land and assets attached to the land will be paid before occurrence of impact.</p>	CDC/PIU/PCO, supported by SDC

<sup>16</sup> All cash compensations will be adjusted for inflation until the year of compensation payment.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		materials for rebuilding/rehabilitation of structures without deducting any cost; (viii) Additional assistance for vulnerable households as described in section item 5.		
2.2 Loss of Secondary or Associated Structures (Toilet, Safety Tank, Tap, Animal Shed, and others) <sup>17</sup>	Owners of the structure with or without proof of ownership, including encroachers (non-titleholders)	(i) Replacement or full restoration of the affected secondary structures and/or associated structures to its original or better condition, or, cash compensation to restore affected structures if space is available. No deductions for depreciation shall be made.	The scope of work of the contractor should include the replacement and/or restoration of the structures if affected during project implementation.  PCO to monitor restoration works made by the contractor	CDC/PIU/PCO, supported by SDC
<b>2. Loss of Income and Livelihood</b>				
2.1 Temporary Income Loss	Legal titleholder/tenant/leaseholder/non titled/ employee of commercial structure	(i) 30 days' advance notice regarding construction activities, including duration and type of disruption; (ii) Contractor's actions to ensure there is no income/access loss consistent with the IEE; <sup>18</sup> (iii) For construction activities involving unavoidable livelihood disruption, compensation for loss of income will be paid as per average daily income arrived at from census or as per applicable minimum wage, whichever is greater. This assistance shall be paid for the actual period of disruption; (iv) Assistance to vendors/hawkers to temporarily shift for continued economic	<ul style="list-style-type: none"> <li>• Identification of alternative temporary sites to continue economic activity.</li> <li>• PIU will ensure that civil works will be done in phases to minimize disruption through construction scheduling in coordination with the contractors. This will be included in the contractor's contract.</li> <li>• PIU with support of SDC and contractor will verify the extent of impacts through a 100% survey of affected persons, determine</li> </ul>	PIU, assisted by PCO and SDC.

<sup>17</sup> Secondary structures include annexed/extended structures such as toilet, safety tank, tap, animal shed, other secondary structures may include, but not limited to fences, sheds, etc. All impacts are identified during final detailed engineering design and detailed measurement survey stage. All impacts will be mitigated with appropriate compensation, and assistance based on this entitlement matrix.

<sup>18</sup> This includes: (i) leaving spaces for access between mounds of soil, (ii) providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, (iii) increased workforces to finish work in areas with impacts on access, (iv) timing of works to reduce disruption during business hours, (v) phased construction schedule and (vi) working one segment at a time and one side of the road at a time.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		activity (NRs. 2000 as one-time assistance). <sup>19</sup>	<p>assistance, and identify vulnerable households.</p> <ul style="list-style-type: none"> <li>• After a detailed assessment and in case livelihood impact is unavoidable, the project will be responsible for providing compensation/assistance.</li> <li>• The census survey will serve as the cut-off date. All businesses identified in the project-impacted areas on the cut-off date will be entitled to compensation for their lost income based on the tax records, or the option of using the actual income based on survey followed by a verification of the income data based on comparable incomes in the project area. The contractor shall bear the cost of any impact on structure or land due to movement of machinery during construction restoring it to former state or better and providing cash compensation for crop replacement cost.</li> <li>• Contractor shall be responsible for regulating time of usage of heavy machineries, dust</li> </ul>	

<sup>19</sup> For example, assistance to shift to the other side of the road where there is no construction. Such assistances will be given only to non-movable businesses (which are not on wheels).

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
			<p>suppression, schedule of construction to allow normal traffic during morning and evening and signage of sensitive areas where safety is a concern.</p> <ul style="list-style-type: none"> <li>GRC will be used to measure the construction-induced impact in both scenarios.</li> </ul>	
<b>3. Additional Assistance to Vulnerable Affected Persons</b>				
4.1. Impacts to Vulnerable <sup>20</sup>	A. All permanently affected vulnerable households	(i) One-time rehabilitation allowance equivalent of 3 months minimum wage rate; (ii) Livelihood enhancement program will be provided. This will include provision of skill training for any one member of the affected vulnerable household. (iii) Additional financial grant of NRs. 15,000 per vulnerable household; (iv) Assistance to access microfinance institutions for livelihood ventures in case of permanent livelihood impacts/impact to commercial structures; (v) Vulnerable persons will be entitled to preferential employment in the project construction, if interested.	<ul style="list-style-type: none"> <li>Vulnerable persons to be identified during census survey.</li> <li>Permanently displaced vendors/hawkers, to be determined after detailed design is prepared and census survey of affected households conducted to identify and establish income/livelihood impacts.</li> </ul>	PIU, assisted by PCO and SDC
	B. Temporarily affected vulnerable households	(i) Additional cash compensation equivalent to ten days of the prevalent minimum wage rate; (ii) Preferential employment in the project construction for one family member.		
<b>5. Community Facilities and Resources</b>				

<sup>20</sup> The vulnerable groups include households falling below poverty line, households with persons with disability, female-headed households, households having elderly (JesthaNagarik) and children, dalits, indigenous people, landless households and households without legal title to land.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
5.1 Government and community structures, <sup>21</sup> and infrastructures	Local community Local government Informal settlers/ squatters on government land	(i) Restoration of affected community buildings and structures to at least their original condition or better, or provision of alternative access in consultation with affected communities and relevant authorities;  (ii) Where damages do occur to government property as a result of construction works, the cost of restoring to at least their original condition will be the responsibility of the project.	<ul style="list-style-type: none"> <li>• Extreme care should be taken by the contractors to avoid damaging any properties during constructions.</li> <li>• Reconstruction and/or restoration works will be done by the contractor to original or better condition. This will be a contractual requirement and will be reflected in the contractor's contract.</li> <li>• Impacts to cultural properties will be avoided to the maximum extent possible through special measures such as project alignment modification and/or alteration.</li> </ul>	PIU, assisted by PCO and SDC, Contractor/s
5.2. Loss of access to water supply, wells, sewerage network/sanitation and sanitation facilities (public/private toilets, solid waste collection points, etc.)	Private persons and community that own the water points and sanitation	(i) Immediate replacement and restoration of the affected facilities  (ii) Advance announcement to the households prior to construction/flow disturbance and providing alternative source	<ul style="list-style-type: none"> <li>• The time gap between the construction of new system and transfer from the old system should be minimized.</li> <li>• Alternative sources of water and sanitation facilities should be made available during the construction period (such as supply through water tanker, mobile toilets, increased frequency of solid waste collection)</li> </ul>	PIU, assisted by PCO and SDC, Contractor/s
<b>5. Unanticipated Impacts</b>				
Any other losses not identified in the matrix	Any affected persons or affected entity	Unforeseen impacts will be documented and mitigated based on the principles agreed upon in this resettlement plan and rectified through		PCO/PIU/SDC

<sup>21</sup> Community structures include roads, inner roads, temples, foot paths/trails, culverts, and water points.

<b>Type of Loss/Impacts</b>	<b>Category of Affected Person</b>	<b>Compensation and/or Entitlement/ Implementation Procedures</b>	<b>Implementation Issues/Remarks</b>	<b>Responsible Institution</b>
		implementation of a time-based corrective action plan and where necessary, updates to the RP. Specific entitlement will be determined following all applicable safeguards policies of GoN and ADB SPS 2009.		

CDO = chief district officer, CDC = compensation determination committee, DMS = detailed measurement survey, LAA = Land Acquisition Act, PCO = project coordination office, PIU = project implementation unit, ROW = right of way, SDC = supervision and design consultants

## VIII. RESETTLEMENT BUDGET AND FINANCING PLAN

126. The resettlement budget for the proposed components in Siddharthnagar includes entitlements/compensation, as outlined in the entitlement matrix and contingency provision amounting to 25% of the total cost. The cost estimates also includes estimated costs for voluntary land donation, including cost for independent third-party verification. The resettlement cost is presented in Table 20. PCO and PIU social safeguards personnel with the support of the SDC will be involved in facilitating the disbursement process and will facilitate opening bank accounts for the affected persons who do not have bank accounts. The total resettlement cost for the project is **NPRs. 5,720,911.43** DUDBC will be responsible to ensure payment of compensation to affected persons prior to the impact.

127. This resettlement plan will be updated during project implementation period. If any unanticipated impacts are identified, this document will be updated including the budgetary requirements. Details of the resettlement plan budget estimate are as follows:

- (i) **Budget for structure loss (partial/minor)** –3 commercial structures and 19 secondary structures (boundary walls and fences of residential structures) were identified as per detailed assessment. The estimate is based on detailed quantity estimates provided by the Project Engineers based on the Department of Urban Development and Building Construction schedule of rates. The affected structures are based on detailed design and will be revalidated by the subcommittee formed under CDC. The estimable used is based on the detailed quantity calculation during detailed assessment.
- (ii) **Compensation against temporary income loss to commercial structure owners** - Three commercial structures have partial impacts and is expected to face temporary income loss due to business disruption loss during dismantling and rebuilding of the commercial structures and during construction activities. For the project, the estimated period of disruption is assessed to be 10 days. In case the period is greater that 30 days, the affected persons will be compensated on the actual days of disruption as per the agreed entitlement matrix for the project.. As per the census survey, the average daily income of affected business owners is 5000. Accordingly, 5000 has been considered as average daily income of affected persons in the budget estimate.
- (iii) **Compensation against potential disruption to secondary structure owners –** budgetary provision for the owners of 19 secondary structures is included. This support will be provided during the demolition or reconstruction period, which is estimated to last five days, with compensation to be paid as per the minimum wage rate. In case the period is greater 5 days, the affected persons will be compensated on the actual days of disruption as per the agreed entitlement matrix for the project.
- (iv) **Additional assistance will be provided to the 3 vulnerable affected persons** facing partial/ minor structure loss on residential structures. Budget allocations are included for: (i) one-time rehabilitation allowance equivalent of 3 months minimum wage rate; (ii) allocation for the livelihood enhancement program which will include (a) training cost for skill development. Training is conducted by a training institute certified by the Council for Technical Education and Vocational Training. The minimum duration of the training is generally one month at NPRs; 59,000/person; and (b) an additional financial grant of NPRs.15,000/person has also been budgeted.

- (v) The **cost of third-party certification** which will be required for voluntary land donation for land donors/owners not falling under the vulnerable category, is also included in the resettlement plan budget. The donation paper/NOC are from the donors will be formalized into legal agreements. Associated costs and other legal fees are also included.

128. This resettlement plan will be updated as and when required. If any changes are required, this document will be updated including the budgetary requirements for resettlement. Details of the resettlement plan budget estimate are as follows:

**Table 20: Resettlement Budget**

S. No.	Item	Unit/ Number	Unit Rate	Amount (in NPRs)
<b>A. Resettlement Cost</b>				
1	Allocated budget for the structure losses (secondary/annexed structures)	19	36,948.25	702,016.75
2	Allocated budget for the commercial structure loss	3	39654.13	118,962.39
<b>Subtotal (A)</b>				<b>820,979.14</b>
<b>B. Compensation for the Structures Owners (Temporary Income Loss)<sup>22</sup></b>				
3	Temporary income loss due to business disruption during dismantling and restoration of the commercial structures and construction activities	3	5000/day X 10 days	150,000.00
4	Support for potential disruption to daily activities including going to work and other livelihood-related activities	19	750 X 5 days	71,250.00
<b>Subtotal (B)</b>				<b>221,250.00</b>
<b>C. One Time Vulnerable Allowance</b>				
5	One-time rehabilitation allowance equivalent of 3 months minimum wage rate to permanently affected vulnerable households (minor/partial impacts to secondary/annexed and commercial structures)	3	750/day X 90 days	202,500.00
6	Training cost for livelihood enhancement program	3	59,000	177,000.00
7	Financial grant	3	15,000	45,000.00
<b>Subtotal (C)</b>				<b>424,500.00</b>
<b>D. Land Donation (Third-party certification)</b>				

<sup>22</sup> Footnote 9.



S. No.	Item	Unit/ Number	Unit Rate	Amount (in NPRs)
8	Third-party certification for 261 landowners (non-VAPs/eligible donors), legal agreement costs and other associated fees/cost for land registration/title/ownership transfer	261	10,000	2,610,000.00
<b>Subtotal (D)</b>				<b>2,610,000.00</b>
<b>E. Administrative Cost</b>				
9	Consultations/Meetings, Grievance Redress		Lump sum	250,000.00
10	Awareness generation and capacity-building		Lump sum	250,000.00
<b>Subtotal (E)</b>				<b>500,000.00</b>
<b>TOTAL = A +B + C +D +E</b>				<b>4,576,729.14</b>
	Contingency cost (25%)			1,144,182.29
<b>Grand Total (in NPRs)</b>				<b>5,720,911.43</b>

Notes:

\*Cost estimates were provided by the Project Engineers based on the Department of Urban Development and Building Construction schedule of rates. The detailed quantity estimate includes the dismantling and masonry works.

\*\*The daily wage rate is NPRs 750/day. This is the district wage rate decided by the District Administration Office. The rate varies in each district and is updated annually by the district authorities.

Source: <https://dccrupandehi.gov.np/detail/12>

\*\*\* The list of affected vulnerable households is finalized based on census survey at detailed design stage and included in this updated resettlement plan. Under the loan, a socioeconomic development program (SDP) is also included to cover skill development training and provide community level infrastructure around tourism and heritages sites. The SDP has a budget allocation of USD 7 million (1 million per municipality). One family member of each affected vulnerable household, as well as interested land donors, can avail benefits under the SDP (skill development component) based on their interest and availability.

## IX. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION SCHEDULE

### A. Institutional Arrangement

129. The Ministry of Urban Development through the Department of Urban Development and Building Construction will be the executing agency of the project, which will be supported by the Project Management and Capacity Development Consultant (PMCDC), and Institutional Strengthening and Community Participation Consultant (ISCPC). The PCO will be responsible for the overall management of the project. The municipalities will be the key implementing units of the project. The PIU with the support of the Supervision and Design Consultant (SDC) will be responsible for social safeguards compliance, monitoring, and reporting to ADB.

### B. Safeguards Implementation Arrangement

130. **Project Coordination Office (PCO).** The PCO is headed by a Project Director responsible for the overall project management. The Project Director is supported by three Deputy Project Directors (DPDs) – DPD WUC cluster, DPD Pokhara and Janakpur cluster, and DPD for Urban Planning and Development. The PCO has an environment and social safeguards officers of engineer rank, responsible for social safeguards compliance, planning, and implementation as

per the agreed resettlement framework, resettlement plans/RIPP prepared consistent with the ADB's SPS and GON rules and regulations.

**131. Roles and Responsibilities of the PCO (Social Safeguards) are as follows:**

- (i) guide PMCDC and PIU social safeguards staff on all matters related to preparation, implementation and monitoring of social safeguards documents;
- (ii) review and finalize project involuntary resettlement and indigenous peoples category;
- (iii) oversee preparation of resettlement plans/indigenous people plans (IPPs)/RIPP; confirm existing resettlement plans/DDR/IPP/RIPPs are updated based on detailed designs, and that new project resettlement plans/DDRs (output 2) are prepared in accordance with the resettlement framework prepared for the project;
- (iv) responsible for issuing the public notice to acquire a particular land/ property for the project along with project information/details as well as the project cut-off date;
- (v) ensure that resettlement plans/DDRs/IPP/RIPPs are included in bidding documents and civil works contracts;
- (vi) provide oversight on social safeguard management aspects of projects and ensure resettlement plans/IPP/RIPPs and impact avoidance measures outlined in the resettlement framework/environmental management plan/resettlement plans/IPP/RIPP are implemented by PIU and contractors;
- (vii) ensure and monitor the provision in the contract to include the indigenous people households/poor communities to be the beneficiaries of the facilities constructed;
- (viii) monitor and ensure effective implementation the specific action plan as indicated in each RIPP/DDR;
- (ix) facilitate and ensure compliance with all government rules and regulations regarding no objection certificates, third party certificates for negotiated settlement or voluntary land donation, land ownership and transfer details etc. for each site, as relevant;
- (x) supervise and guide the PIUs to properly carry out the social safeguard monitoring (involuntary resettlement/indigenous people) as per the resettlement plans/RIPP;
- (xi) review, monitor, and evaluate the effectiveness with which the resettlement plans/ IPPs/RIPPs provisions are implemented, and recommend corrective actions to be taken as necessary;
- (xii) consolidate monthly social safeguard monitoring reports from PIUs and submit quarterly and semi-annual social safeguard monitoring reports (SSMR) to ADB;
- (xiii) ensure timely disclosure of final resettlement plans/DDRs/IPP/RIPPs in locations and form accessible to the public and affected persons;
- (xiv) address any grievances brought about through the grievance redress mechanism in a timely manner;
- (xv) oversee training needs assessment of affected persons and vulnerable persons by PIUs/SDC, coordinate training activities and convergence with livelihood programs of the government;
- (xvi) facilitate as resource person social safeguards training activities conducted by PMCDC/ISPC for the PIUs/ contractors/ community-based organizations for capacity building to implement the resettlement plans/IPP/RIPP, project GRM; and
- (xvii) coordinate database management for social safeguards implementation and monitoring.

132. **Project Implementation Units (PIU).** The municipalities will act as the implementing agencies of the project, under the guidance and overall management of the PCO. The roles and responsibilities of the PIU (Social Safeguards) are as follows:

- (i) fill up involuntary resettlement and indigenous people impact checklist and classify safeguards categorization of the project;
- (ii) oversee and conduct census and socioeconomic surveys, detailed measurement surveys, and verification surveys of affected persons together with the SDC during detailed design;
- (iii) prepare list of affected persons and inventory of losses, and ensure that all data required to prepare and/or update the resettlement plan/RIPPs, including specific plan for benefit enhancement for indigenous people, if/as required, with the assistance of the social safeguards specialist;
- (iv) Ensure updated information is submitted to PCO for preparation and/or updating of documents with PMCDC and contractor's support;
- (v) hold consultations with affected persons, finalize list of affected persons prepare/update resettlement plan/RIPP with the assistance of SDC, and submit to PCO for review and approval and further submission to ADB;
- (vi) inform and/or disseminate information to the affected persons on (a) the project cut-off date; (b) public notice for schedule of land acquisition, if any (c) public notice on the start of construction works; (d) entitlement matrix; and (e) compensation packages against different categories of loss, and tentative schedule of land clearing/ acquisition for starts of civil works activities; issue identity cards;
- (vii) facilitate and oversee updating of resettlement plans/RIPP, with the support of SDC; coordinate valuation of assets, trees of various species, etc. Based on proper due diligence and assessment, finalize compensation packages;
- (viii) liaise/facilitate compensation processes in consultation with the chief district officer; coordinate, supervise and monitor disbursement of compensation;
- (ix) obtain NOCs, land documents, third party certifications for negotiated settlement and voluntary land donation as required for the project and ensure compliance with all government rules and regulations and ADB SPS safeguards requirements;
- (x) include resettlement plans/IPPs/RIPP in bidding documents and civil works contracts;
- (xi) responsible for the day-to-day implementation and monitoring of resettlement plans/RIPP; and ensure timely payment of compensation and other assistance are provided prior occurrence of impacts;
- (xii) oversee resettlement plan/IPPs/RIPP and maintenance of data for monitoring;
- (xiii) take corrective actions when necessary to ensure no adverse social impacts;
- (xiv) Conduct continuous public consultation and information-disclosure with the support of the SDC social safeguards specialist and support staff;
- (xv) ensure timely report submission of monthly, quarterly progress reports and semi-annual social monitoring reports to PCO, with the support of SDC;
- (xvi) facilitate establishment of project-GRM at the ward-level and PIU level and ensure it is fully functional prior or during the award of the first contract or within one month of loan effectiveness, whichever is earlier; address any grievances brought about through the grievance redress mechanism in a timely manner as per the resettlement plans/ IPPs/RIPPs;

- (xvii) organize course for the training of contractors, preparing them on resettlement plan/IPP/RIPP implementation, social safeguard monitoring requirements related to mitigation measures, and on taking immediate action to remedy unexpected adverse impacts found during implementation.
- (xviii) Extend support in carrying out awareness campaigns, as needed.

133. The PCO and PIUs will be supported by PMCDC, ISCPC and SDC. The PMCDC will support the PCO on its day-to-day operation. The PIUs will be supported by the SDCs. The ISCPC will support the PCO and PIUs.

134. **Project Management and Capability Development Consultants (PMCDC).** PMCDC will provide capacity building support on safeguards, and safeguards compliance in line with ADB procedures. PMCDC will appoint a social safeguards specialist to carry out all social safeguards related tasks and provide support to PCO safeguards team to oversee the implementation of the safeguards framework/safeguards planning documents. The social safeguards specialist will guide the safeguards officers at the PCO and shall coordinate with the SDC's Social Safeguards Specialist (PIU-support) for carrying out all social safeguards related tasks. The Social Safeguards Specialist (PMCDC) will be responsible for carrying out following tasks:

- (i) assist PCO in the overall management, implementation, monitoring and reporting of social safeguards compliance;
- (ii) screen/classify involuntary resettlement and indigenous peoples safeguards classification of the projects; finalize social safeguards documents, periodic social monitoring reports etc. prepared at PIU level and get ADB's timely approvals/clearances;
- (iii) resolve any issues, if involved; and, assist in obtaining all NOCs/permissions for project sites prior to civil works;
- (iv) guide PCO's safeguards officers in implementation of all social safeguards related tasks including grievances redressal;
- (v) develop periodic data collection/monitoring formats/indicators and guide safeguards officers and SDC in obtaining the information required for the same;
- (vi) Support PCO to prepare monitoring reports received from PIUs and submit to PCO for approval and submission to ADB;
- (vii) identify any non-compliances and help prepare time-bound corrective action plans, if and as required;
- (viii) maintain and update municipality-wise database of resettlement/grievance related issues and inform safeguards officers PCO for timely actions; and
- (ix) support ISCPC in all awareness, training and capacity building activities related to social safeguards.

135. **Supervision and Design Consultant (SDC).** One SDC will be established –the WUC cluster, covering Devdaha, Siddharthnagar, Tilottama, Sainamaina and Lumbini. SDC will be responsible to support the PIU in the implementation and monitoring of safeguards compliance. They will also be responsible to prepare Output 2 designs, prepare and/or update the municipality-level safeguards documents in line with the resettlement framework and shall include Output 2 components. The SDC will be supported by two support staff per municipality who will handle gender, environment and social safeguards, community mobilization, and communication.

136. **The key social safeguards tasks** of the social safeguards (SDC) include:

- (i) based on final designs, conduct census and socioeconomic surveys/verification surveys/finalization of sites etc. and update resettlement plans/RIPP/due diligence reports;
- (ii) finalize the requirement for land certificates, NOCs for project sites in each municipality and assist PIUs in obtaining the same prior to start of civil works;
- (iii) assist PIUs in day-to-day implementation of DDRs/resettlement plans/RIPP activities, including specific plan for benefit enhancement of indigenous peoples and ensure contractors comply with conditions of resettlement framework/DDR/resettlement plan/RIPP;
- (iv) assist municipalities/PIUs (through the support staff) to ensure resettlement plans are implemented and all compensation paid prior to start of civil works and prior to occurrence of impact;
- (v) take proactive action to anticipate and avoid delays in implementation;
- (vi) under the guidance of SSS, develop system of indicators to monitor implementation of resettlement activities and ensure corrective actions are undertaken, if and as required;
- (vii) obtain resettlement related municipality level information with the help of field support staff and consolidate them; prepare periodic social safeguard monitoring reports;
- (viii) compile all monitoring inputs at PIU level for quarterly progress reports, for onward transmission to PCO;
- (ix) assist PIUs in conducting public consultation and disclosure activities related to social safeguards and that suggestions made by the affected persons will be documented and summarized in the monitoring reports ;
- (x) actively participate as member of ward-level and PIU-level GRCs, assist in grievance resolution and reporting;
- (xi) assist PIUs in monitoring the socioeconomic status of affected persons, post - resettlement plan/RIPP implementation;
- (xii) support ISCBC in all training and capacity building activities.

137. **Contractor/s.** The Contractor will have a dedicated Social Supervisor, who will engage with the PIU, and SDC on social safeguard, health and safety and core labor standards. Contractors are to carry out all the requirements and compliances as mentioned in their contract.

- (i) In close coordination with the PIU, SDC, and safeguards personnel, finalize detailed design keeping the safeguard principles adopted for the project.
- (i) With the assistance of engineers and social safeguard personnel of SDC, ensure that all design-related measures (e.g., special considerations for the vulnerable related to project locations or design, mitigation measures for affected persons, etc.) are integrated into project designs;
- (ii) Conduct joint walk-throughs with PIU, design engineers, and social safeguards personnel of SDC in sites/sections ready for implementation; assist to identify the need for detailed measurement surveys, and support SDC to jointly conduct detailed measurement surveys and census surveys to arrive at the final inventory of loss;
- (iii) Support project consultants in updating the draft resettlement plan/DDR/RIPP for submission to PIU/PCO and ADB for review and approval;
- (iv) Ensure strict adherence to agreed impact avoidance and mitigation measures in the resettlement plan/DDR/RIPP during implementation;
- (v) Assist with grievance redressal and ensure recording, reporting, and follow up for resolution of all grievances received; and

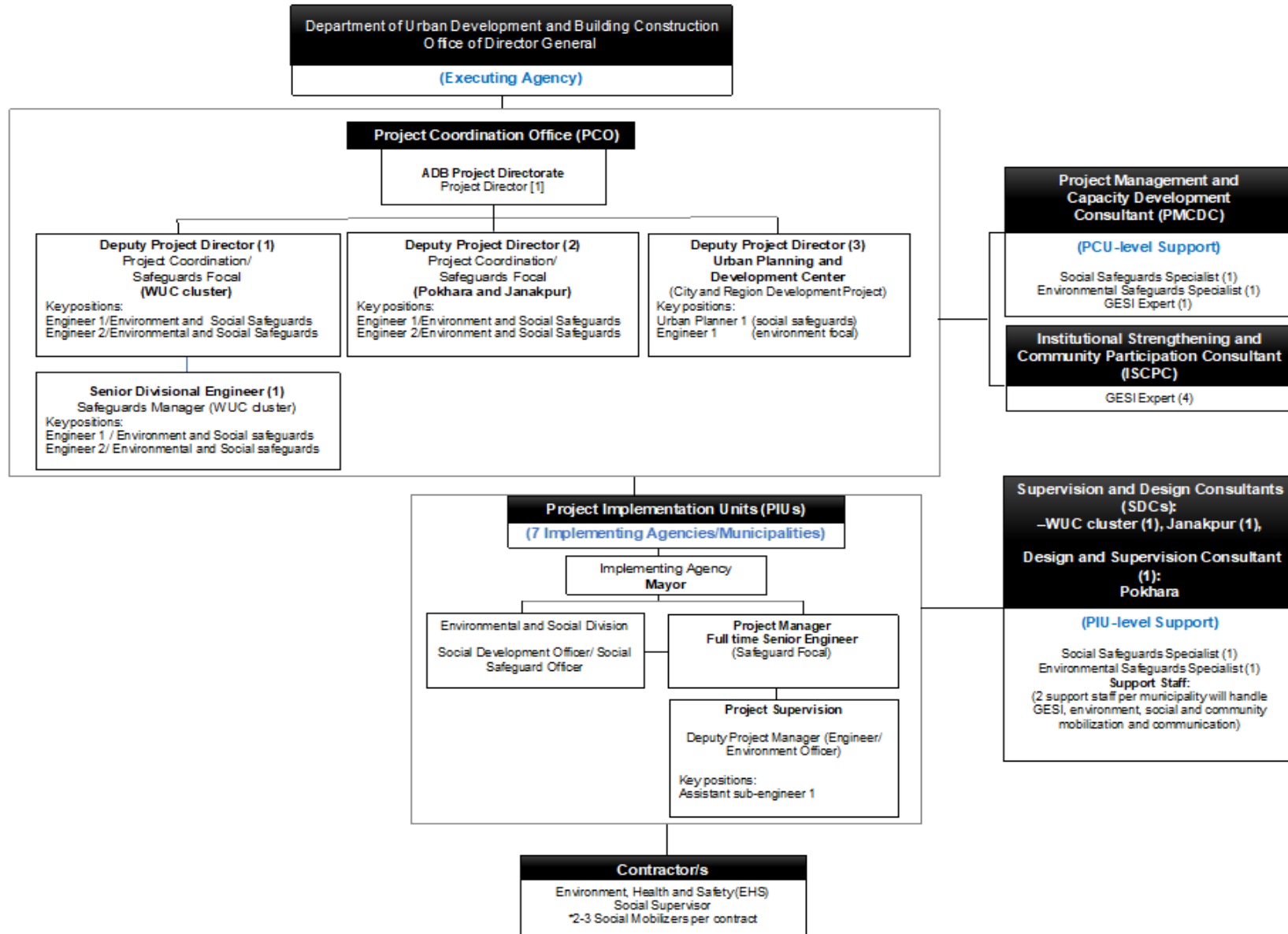
- (vi) Submit monthly progress reports including safeguards, health and safety, and sex-disaggregated data as required for monitoring.

138. **Civil works contracts.** The resettlement plans/IPPs/RIPPs are to be included in bidding and contract documents and verified by the PIUs and PCO. All contractors will be required to designate a social supervisor to ensure implementation of resettlement plan/RIPP/DDR social safeguard provisions during civil works and O&M, who will also have the responsibility for communication with the public under the guidance of PCO/PIUs and grievance registration. Contractors are to carry out all mitigation and monitoring measures outlined in their contract.

139. The PCO and PIUs will ensure that bidding and contract documents include specific provisions requiring contractors to comply with: (i) all applicable labor laws and core labor standards on: (a) prohibition of child labor as defined in national legislation for construction and maintenance activities; (b) equal pay for equal work of equal value regardless of gender, ethnicity, or caste; and (c) elimination of forced labor; and with (ii) the requirement to disseminate information on sexually transmitted diseases, including HIV/AIDS, to employees and local communities surrounding the project sites.

140. Figure 3 below depicts the implementation arrangement for safeguards (environmental and social), including gender-related aspects of the project.

**Figure 3: Safeguards and Gender Implementation Arrangement**



141. The summary of social safeguards implementation responsibilities is given in the table below:

**Table 21: Institutional Roles and Responsibilities**

Activities	Agency Responsible
<b>Project initiation stage</b>	
Finalization of sites/alignments for projects	PIU/SDC
Finalization of detailed design/conduct of Detailed Measurement Survey (DMS)	PCO/PIU/SDC
Meetings at community/ household level with APs	PIU/SDC
<b>Resettlement Plan preparation stage</b>	
Conducting census survey of all APs including identification of poor and vulnerable households	PIU/SDC
Conducting FGDs/ meetings / workshops during surveys	PIU/SDC
Verification of survey results, vulnerable households	PIU/SDC/PMCDC
Computation of compensation and other allowances/assistances	LACFC/PIU
Formulating compensation and rehabilitation measures	PIU
Conducting discussions/ meetings/ workshops with all APs and other stakeholders for this	PIU/SDC
Finalizing entitlements	PIU
Disclosure of final entitlements and compensation packages	PIU/SDC
Disclosure of grievance redress mechanism	
Approval of Resettlement Plan	PCO/ADB
Compensation prior to displacement/shifting	PIU
<b>Resettlement Plan implementation stage</b>	
Implementation of proposed rehabilitation measures	PIU
Consultations with APs during rehabilitation activities	PIU
Grievances redressal	PIU/GRC
Monitoring	PIU

SDC = Supervision and Design Consultant; PIU= Project Implementation Unit; PMCDC = Project Management and capacity development Consultant; PCO = Project Coordination Office

### C. Safeguard Capacity Development

142. The PMCDC Social Safeguard Specialist along with the PCO Project Director will be responsible for development of a training program based on a capacity assessment of target participants (PIU staff, Contractor(s)) and for implementation of the training program to build capabilities on resettlement policy, planning, mitigation measures and safeguards. The PMCDC will coordinate with PCO and PIUs on specific capacity development program. The following are the indicate training modules:

- (i) sensitization on ADB's Policies and guidelines on social and indigenous people safeguards (ADB's Safeguard Requirement 2 and 3: Involuntary Resettlement and Indigenous Peoples) including meaningful consultation, GRM and accountability mechanism.
- (ii) introduction to the assessment of involuntary resettlement and indigenous peoples impacts and mitigation measures, including best practices, in the design, construction, operation and maintenance of sewerage, roads, and drainage projects and other municipal infrastructures.
- (iii) preparation and review of resettlement plans/DDRs based on preliminary design and updating of the documents based on the final design.
- (iv) improved coordination within government departments.
- (v) disbursement of compensation, consultation; and



(vi) monitoring and reporting requirements.

143. PCO and PMCDC will also organize trainings for PIU staffs, SDC, contractors, municipal officials preparing them on resettlement plan implementation including ADB policy, GRM, and social safeguards monitoring requirements and mitigation measures. Table 22 provides the indicative training needs assessment. The cost of trainings will be borne under the Project's capacity building program by PCO.

**Table 22: Indicative Training Program**

<b>Description</b>	<b>Training Contents</b>	<b>Schedule</b>	<b>Participants</b>
Program 1 Orientation Workshop	Module 1 – Orientation ADB Safeguard Policy Statement Government of Bangladesh policy  Module 2 – Social/Environmental Assessment and Resettlement Planning/IEE Process  ADB policy and process, identification of impacts and mitigation measures, resettlement plan/IEE preparation, implementation, and monitoring requirements. Incorporation of safeguards into project design and contracts. Importance of robust GRM.	1 Day	DUDBC officials involved in project implementation PCO, PIUs, municipal officials
Program 2 Workshop for Contractors and Supervisory staff	Involuntary Resettlement/environmental issues during construction Implementation of resettlement plan/IEE Monitoring of resettlement plan/IEE implementation, Reporting Requirements, GRM	1 Day	PIUs, Contractors
Program 3 Experiences and Best Practices Sharing	Experiences on resettlement plan/IEE implementation, grievance redress – Issues and Challenges - Best Practices followed	1 Day (on a regular interval to be determined by PCO and PMCDC)	PCO, PIUs PMCDC, Contractors

SDC = Supervision and Design Consultant; IEE = Initial Environment Examination; DUDBC = Department of Urban Development and Building Construction; PIU = Project Implementation Unit; PMCDC = Project Management and Capacity Development Consultant; PCO = Project Coordination Office

## **X. MONITORING AND REPORTING**

144. The monitoring of or social safeguard related activities internally with the support of the social safeguards consultant. The monitoring will track (i) the delivery of the planned social safeguard activities to the affected people and (ii) whether the planned activities are producing the desired outcomes. Monitoring will be done by the Design and Supervision Consultants engaged by the project. The consultant will bring to the notice of about observed progress, issues, and challenges during internal monitoring. The monitoring should be carried out against the activities, time frames and budget set out in the safeguard documents.

145. In addition to recording the progress in social safeguards activities, the Supervision Consultants will prepare a monitoring report to ensure that implementation has produced the





## XI. NEXT STEP ACTIONS

149. This chapter presents the next step actions to be carried out which is shown in Table 24.

**Table 24: Next Step Actions**

SN	Actions	Agency Responsible	Current Status
1	The project considered adjustment of the road width and will be further re-verified during joint survey/verification to be conducted by the SDC, PIU and contractors prior start of civil works. Design modification have been initiated in specific road alignments to avoid impacts on lands owned by vulnerable families. This document will be updated/finalized to document re-confirmation of these adjustments/reverifications and/or reported in the semi-annual social monitoring report. No land donation will be taken from vulnerable households.	Implementing Agency(PIU) / Design consultant, PCO	Ongoing
2	Formalize legal agreements with the land donors, specifying the donation terms including title transfer and other terms and/or concerns specified and agreed with the donors. The legal agreements and other associated legal fees will be borne by the project. The PCO with the support of project consultants (SDC and PMCDC) will share the draft legal agreement in the SSMR, for ADB's review and clearance.	PIU, PCO, SDC/PMCDC	
3	In case of impact avoidance, proper documentation will be provided through videographic and/or photographic evidence taken in the pre-implementation, during construction and post-construction stages. Consultation will also be undertaken with the concerned owners/entities to confirm that impact has been avoided. This documentation will be included in the SSMR.	PIU, PCO, SDC/PMCDC	
4	The third-party certifications signed by all donors will be obtained before handing over the donated stretches or road sections to the contractor. The third-party verifier must document the process through meeting minutes and photographs, which should be included in the submission. These signed certifications (using the template appended in this RP) must be submitted and included into the SSMR and/or the updated social safeguards document, whichever is submitted first.	PCO/Concerned municipalities	Third party verification is in progress. The third-party certifier is completing all certifications, and other supporting documents. The certifications will be attached in the updated RP or SSMR, whichever is submitted earlier.
5	Land ownership records or certification on ownership of road right of way from the municipality or road owning entity.	PCO/Concerned municipalities	To be obtained prior start of civil works

SN	Actions	Agency Responsible	Current Status
6	Recruitment of PMCDC	PCO	Under evaluation
7	Recruitment of SDC	PCO/PIU	-Under evaluation
8	Public consultations and engagement will be carried out throughout the entire project implementation. These will include both formal and informal consultative methods such as: focus group discussions (FGDs), meetings and community discussions, and in-depth and key informant interviews. An extensive information dissemination campaign for affected persons will also be conducted to ensure they are well-informed and consulted. Information will be continuously disseminated. A project information disclosure leaflet translated in Nepali will be distributed to the community.	PIU/SDC	To be initiated. SDC will prepare the PID once recruited.
9	In case any involuntary resettlement and/or Indigenous Peoples impact is identified at any stage of the project implementation, this safeguard document needs to revise in accordance with ADB's Safeguards Policy Statement 2009.	PCO/PMCDC/PIU/SDC	-