

Resettlement Framework

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Nepal: Irrigation Modernization Enhancement Project

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Nepal: Irrigation Modernization Enhancement Project

CURRENCY EQUIVALENTS

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Currency unit	–	Nepali Rupee (NR)
NR 1.00	=	\$ 0.0075
\$1.00	=	NRs 132.76

ABBREVIATIONS

ADB	–	Asian Development Bank
AKC	–	Agriculture Knowledge Center
CAMO	–	Central Agriculture Development Office
CPMO	–	Central Project Management Office
DDR	–	due diligence report
DWRI	–	Department of Water Resources and Irrigation
FMIS	–	farmers-managed irrigation system
GRC	–	grievance redress committee
GRM	–	grievance readdress mechanism
HLIP	–	hill lift irrigation project
IMEP	–	Irrigation Modernization Enhancement Project
IP	–	Indigenous Peoples
IR	–	involuntary resettlement
RIP	–	Rajapur Irrigation Project
RIMO	–	Rajapur Irrigation Management Office
SMC	–	subproject management committee
SPS	–	Safeguard Policy Statement
WUA	–	water users' association
WUC	–	water users' cooperatives
WRIDD/SD	–	Water Resources and Irrigation Development Division/Subdivision

NOTE

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

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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 are eligible for resettlement assistance and compensation for loss of nonland assets.

National poverty line - the national poverty line (aggregate of the food, and the non-food poverty lines) is estimated at NRs. 72,908 per person per year for the year 2022-23.

Replacement cost - the calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any.

Vulnerable households - include affected households that comprise those falling below poverty

line household head with disability and/or is elderly (*Jestha Nagarik*)/child below 18 years, female-headed households who are the sole bread winners for the family, *Dalits*, Indigenous Peoples, landless households, and households without legal title to land.

Content

	Page
I. INTRODUCTION	8
A. Background	8
B. Scope of Involuntary Resettlement Impacts	13
II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS	14
A. Government of Nepal Policies	14
B. Asian Development Bank’s Safeguard Policy Statement 2009	19
C. Comparison of Government of Nepal Policies and ADB SPS 2009	20
D. Involuntary Resettlement Safeguard Policy Principles and Entitlements for the Project	25
III. SOCIOECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION	40
A. Social Impact Assessment	40
B. Resettlement Plan Formulation	40
C. Gender Impacts and Mitigation Measures	42
IV. CONSULTATION, PARTICIPATION AND DISCLOSURE	43
A. Consultation	43
B. Information Disclosure	44
C. Continued Consultation and Participation	45
V. GRIEVANCE REDRESS MECHANISM	46
A. Common Grievance Redress Mechanism	46
B. Grievance Redress Arrangements and Role Functions	47
VI. COMPENSATION, INCOME RESTORATION AND RELOCATION	50
A. Compensation	50
B. Eligibility and Cut-off Date	50
C. Income Restoration and Rehabilitation	51
D. Assistance for Temporary Impacts	52
D. Relocation	52
VII. BUDGETING AND FINANCING	53
VIII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION	54
Safeguards Capacity Development	60
IX. IMPLEMENTATION SCHEDULE	61
X. MONITORING AND REPORTING	63

Figures:

Figure-1: Coverage area of Irrigation Modernization Enhancement Project	12
Figure 2: Grievance Redress Mechanism	48
Figure 3. Overall Project Implementation Arrangement	55

Tables:

Table 1: Summary of Cost Estimates	11
Table 2: Overall Scope of the Project	12
Table 3. Summary of IR Impacts	13
Table 4: Detailed Policy Comparison	21
Table 5: Entitlement Matrix	32
Table 6: Public Consultation and Disclosure Plan	45
Table 8. Indicative cost for RP Implementation	54
Table 9: Institutional Roles and Responsibilities	60
Table 10: Safeguard Implementation Schedule	62
Table 11: Potential Indicators for Internal Monitoring	64

Appendices

APPENDIX 1. TOR FOR INDEPENDENT THIRD-PARTY	65
APPENDIX 2: SAMPLE CERTIFICATION FORMAT	67
APPENDIX 3: SAMPLE CONSENT FORM OF VOLUNTARY LAND DONATION FROM THE LANDOWNERS	68
APPENDIX 4: INVOLUNTARY RESETTLEMENT IMPACT ASSESSMENT	69
APPENDIX 5: CENSUS AND BASELINE SOCIO-ECONOMIC SURVEY GUIDELINES	70
APPENDIX 6: CENSUS AND SOCIOECONOMIC SURVEY QUESTIONNAIRE	72
APPENDIX 7: OUTLINE OF RESETTLEMENT PLAN	82
APPENDIX 8: SAMPLE TEMPLATE OF PROJECT INFORMATION DISCLOSURE LEAFLET	86
APPENDIX 9 : SAMPLE GRIEVANCE REGISTRATION FORM	87
APPENDIX 10: SOCIAL SAFEGUARDS MONITORING REPORT TEMPLATE	90

I. INTRODUCTION

A. Background

1. The Asian Development Bank (ADB) has supported in irrigation sector in Nepal since the 1980s through five farmer managed irrigation system (FMIS) sector projects consisting of 1,190 subprojects (456 small and 734 medium scale) irrigating a total area of 140,704 hectares (ha). Although the projects were evaluated successful¹, there are however key issues that need to be addressed to meeting the needs of productivity and climate resilience including; (i) the devolved irrigation and agriculture agencies lack capacities and resources to support the irrigation and agriculture management, issues include slow progress in formulating needed legislation, deploying staff, as well as lack of clarity on mandates and responsibilities and coordination among the three tiers of government; (ii) the management performance of the water users' association (WUA) remains weak, with insufficient capacities and resources to meet present needs and future requirement under climate change; (iii) there is a need for a strong nucleus organization at the field level for integrated management of irrigation and agriculture to meet operational requirements including, improved irrigation efficiencies, agriculture productivity and climate resilience; (iv) there is a lack of communications to the dispersed schemes, effective communication to the different sub-project stakeholders is critical to meet long term needs of irrigation and agriculture including advisories on weather, climate change, water and agriculture management, crop technologies; (v) farmers face many challenges including climate change, acute labor shortages, low productivity and lack of access to inputs, marketing constraints, food and nutrition security and lack of dissemination of technologies. The government needs to support the sector to prepare national strategies to address the increasing risks and understanding of climate change to make the systems resilient and self-sustainable.

2. The project will be aligned with the following impact: national food security increased. The project will have the following outcome: productivity, sustainability, and profitability of farms increased. To meet the project objectives the project will have three outputs as summarized below.

3. **Output 1: Irrigation infrastructure modernized.** This output will modernize FMIS infrastructure in Bagmati, Koshi, Lumbini, and Madhesh provinces to improve performance and increase resilience to climate change. Across those irrigation systems, the project will (i) provide gated intake structures and protect riverbanks and hill slopes to reduce flood and sediment ingress; (ii) improve irrigation efficiency, stability, and equitable management of irrigation water through targeted canal lining and improved control structures and provision of cross drainage; (iii) support on-farm irrigation by upgrading minor canals and expanding use of modern pipe distributions; (iv) introduce hill lift irrigation schemes in the largely unirrigated mid hill upland areas (Tar). The program will include:

4. Rehabilitation and upgrading of about 33,000ha of surface water irrigation including (i) 66 hill irrigation schemes (5,889ha), 34 terai irrigation schemes (11,563ha) in Koshi, Madhesh and Bagmati provinces; and (ii) upgrading for modernization of key infrastructure of the Rajapur Irrigation Project (RIP- 14,500ha) in Lumbini Province. In addition, the project will construct 12 new pilot hill lift schemes (1,400ha) with modern lifting and high efficiency piped irrigation in the mid hill

¹ ADB. 2020. Completion Report: Community Irrigation Project in Nepal. Manila. Covered small scale FMIS in Lumbini, Karnali and Sudurpaschim Provinces. Whereas the (i) ADB. Nepal: Irrigation Sector Project (1988), (ii) ADB. Nepal: Second Irrigation Sector Project (16 May 1996), (iii) ADB. Nepal: Community-Managed Irrigated Agriculture Sector Project (17 Nov. 2004), and (iv) Nepal: Community-Managed Irrigated Agriculture Sector Project-Additional Financing (10 April 2014) were the four medium scale FMIS supported by ADB, which covered Koshi, Madhesh, Bagmati, Gandaki, Lumbini, Karnali and Sudurpaschim Provinces.

areas of Gandaki and Lumbini Provinces.

5. Improved on-farm irrigation will be supported at all the FMIS subprojects and Rajapur. Advanced on-farm irrigation including piped, micro irrigation and polyhouses will be supported at the hill lift sub projects.

6. Pilot community conjunctive groundwater program at three selected terai FMIS locations focusing on the electrification of farmers and other tubewells.

7. **Output 2: Irrigation and Agriculture Agencies and Farmer Organizations Strengthened.** The output is designed to develop the management and institutional framework to ensure the project investments meet their targets of irrigation efficiency, productivity, and sustainability. The program will be implemented through a new and modernized approach to integrated Crop and Water Management (ICWM) incorporating climate change; sustainable operation and maintenance (O&M) of the irrigation infrastructure, empowered farmer organizations, support the development of agri-enterprises, support in market chain and access to finance. The output will strengthen the capacity of Water resource and Irrigation development division (WRIDDs), Agriculture knowledge centre (AKCs) and the irrigation and agriculture units at the local level in integrating irrigation management and agriculture development in overall FMIS sector development. At the farm level, the project will; (i) strengthen WUAs capacity to better operate and maintain irrigation systems;^[1] and (ii) establish in selected irrigation systems Water User Cooperatives (WUCs) at pilot level who will have integrated irrigation management and agribusiness functions designed to maximize the opportunities of irrigation investments including improved access to government subsidies and rural finance, support for the market chain, facilitate agro-enterprises, and network with private agri-enterprises.^[2] For the hill lift irrigation schemes the WUCs will operate as water utilities using metered charging systems and will collect fees to help meet full cost recovery for operating costs. The output will develop new Integrated crop and water management Program (ICWM) guidelines including design, management and extension support, climate change risks, and develop a road map for the long-term strategy for investment and management of the FMIS schemes in Nepal. The guidelines and parallel training modules will be used to support the project programs as well as wider training of irrigation and agriculture extension workers in Nepal. The program will include:

- (i) Training and strengthening of the devolved institutions with focus on the WRIDDs, AKCs and the irrigation and agriculture units at the local level.
- (ii) Strengthening of field level management including (a) strengthening of WUAs; and (b) explore for establishment of parallel new WUCs who could enhance support in irrigation management operations and agribusiness functions. The WUCs will be initially piloted in 20 subprojects (12 hill lift, 3 terai FMIS, 2 hill FMS and 3 Rajapur). Subject to the results of the pilots and farmer interest the WUC program would be upscaled to other sub-projects. The farmers will work with the WRIDDs who will support them in the initial establishment and registration of the WUCs through the cooperative units at the local level. Irrigation management functions will be supported by the WRIDDs/hill lift offices, and agribusiness functions supported by the AKCs. The WUC management will initially incorporate the key representatives of the WUA.
- (iii) Enhanced Access to Rural Finance: The project will review current policy and programs for finance and subsidies for irrigation and agriculture. Based on the review the project will work with selected local administrations, lending agencies, private sector, WUA and WUC to train and pilot new and workable models to improve access and better target financial support for farmers to invest in farm enterprises, on-farm irrigation, upgrading of irrigation etc. The program will also

address alternative ways to meet financing costs for irrigation maintenance and repairs beyond the capacities of the farmers themselves.

8. **Output 3: Modern agriculture and value chain facilities introduced:** The program will address core weaknesses in agriculture including the limited uptake of modern agriculture technologies, lack of mechanization and agriculture facilities. The program will explore upstream and downstream opportunities to promote value addition including demonstration and training in: (i) adopting climate-smart agricultural practices to improve crop yield, quality and production (ii) adopting advanced agricultural technologies including modern farm machineries and equipment to enhance efficiency, productivity, and address labor shortages; (iii) value adding through agriculture facilities including crop collection and processing, crop storage, and buying and selling of inputs and outputs. The Project will support the establishment of digital advisory services which through digital apps and mobile phones will provide information on weather, marketing and agriculture advisory services which will improve farmers' operational efficiency and decision-making. As the farmers and farmer organizations lack access to finance the project will pilot the provision of partial financing to selected WUAs/WUCs who based on viable and sustainable business models want to invest in modern agriculture machineries and construction or rehabilitation of agriculture facilities including marketing, storage and processing. The WUA/WUC will be required to contribute 50% of financing for machinery and 15% for facilities, following working directives of Department of Agriculture (DOA). The program will include:

- (i) **Development:** of agricultural technologies and enterprise development focusing on the interventions that will make the most impact to the needs of farmers in the sub-project areas and will include planning and management of cropping patterns using farmer field school approach, training and demonstrations including seed multiplications, green manuring, zero tillage, nature-based solution for soil conservation, and consolidated farming amongst others. The training will identify potential business opportunities and promote the establishment of agriculture enterprises.
- (ii) **Demonstrations:** of (a) agriculture equipment and machinery to support mechanization to reduce reliance on scarce agricultural labor; (b) agriculture facilities to improve the marketing and processing including agriculture collection centers, grain storage, WUC storage facilities and polyhouses. The project will procure equipment to be used in the demonstrations which will be assigned to the WUAs/WUCs for future rental to farmers once the demonstrations are completed.
- (iii) **Upscaling:** Following on from the demonstrations the project will provide financial support for selected WUAs/WUCs to invest in modern agriculture machinery, polyhouses and agriculture facilities. Support will be provided to WUA/WUCs to construct or rehabilitate WUA/WUC facilities for crop storage and agro processing. The aim will be to support selected investments that can demonstrate a viable and sustainable management and business model, be self-financing, and can show significant impact to the viability of the subproject. The project will procure and assign equipment and facilities to the relevant WUA/WUC who will contribute 50% of the costs for machinery and 15% for the WUA/WUC facilities.
- (iv) **Establishment:** of communications through digital advisory services to provide cost effective access to information to the dispersed and remote irrigation areas and stakeholders. The program will include targeted weather, climate change, marketing, and agricultural advisory services. The system will build on existing social media and include videos, SMS, and apps with emphasis on user experience focusing on how to meet the needs of different demographic groups of farmers, government, private sector and small-scale entrepreneurs.

9. The estimated costs of the project are summarized below.

Table 1: Summary of Cost Estimates

Item	Amount (US\$) in Million		
A. Base Cost			
Output 1. Enhanced Irrigation Infrastructure			86.07
Output 2. Modernized Irrigation and Agricultural Institutions			3.86
Output 3. Modernized Agricultural Systems			10.40
Project Management			8.24
Subtotal (A)			108.58
B. Contingencies			19.99
C. Financial Charges During Implementation			5.92
Total (A+B+C)			134.49
Figures may not sum due to rounding.			
a. Includes taxes and duties of \$10.5 million to be financed by the Government.			
b. Base costs in 2024 prices.			
c. Physical contingencies computed at 10% for all activities except for training, agriculture facilities, consultants and project management which are computed at 5%. Price contingencies computed at 1.8% in 2024 to 2027, 1.9% in 2028 and 2029 and 2.0% thereafter for foreign currency costs; and 6.2% in 2024 and 63.0% per year thereafter for local currency costs; conversion between currencies assumes purchasing power parity.			
d. Interest during construction for the ADB COL loan of 1.124%, for five years is added to the loan.			
Source: Asian Development Bank estimates			
Summary Financing Plan			
	Amount	Share of Total	
Source	(\$ million)	(%)	
Asian Development Bank			
ADB	115.00	85.51%	
Nepal Government	14.78	10.99%	
Beneficiaries	4.70	3.50%	
Total	134.49	100.0%	
Source: Asian Development Bank			

Notes:

- The WUAs will remain as core organization for irrigation management in all subprojects,
- The WRIDDs will support farmers in the initial establishment and registration of the WUCs through the cooperative units at the local level. Irrigation management functions will be supported by the WRIDDs, and Agribusiness functions supported by the AKCs. The board of directors of the WUCs will initially incorporate the key representatives of the WUA. The twenty pilot WUCs will initially include 12 hill lift, 3 terai FMIS, 2 hill FMS and 3 Rajapur). Subject to the results of the pilots and farmer interest, the WUC program would be upscaled to other sub-projects.

10. **Project Components:** The project will (a) rehabilitate the irrigation infrastructure of about 100 FMIS in Koshi, Madhesh, and Bagmati Provinces, using a participatory approach;² (b) construct 12 new lift irrigation systems to irrigate about 1,400 ha in the mid-hill areas of Gandaki and Lumbini Provinces; and (c) rehabilitate the Rajapur Irrigation Project³ which irrigates about 14,500 ha in Lumbini Province to improve agricultural water productivity and address the flood and

² The past ADB supported irrigation sector projects also covered Koshi, Madhesh, and Bagmati provinces but there is still demand for more rehabilitation. The remainder of the country was covered by irrigation sector projects implemented by the World Bank. The FMIS will be selected by strictly adhering to the 18 predefined subproject selection criteria including size of the schemes, farmer's demand and willingness to participate, water availability, indicative socio-economic situation including vulnerable community, urgency for rehabilitation, cropping pattern, and distribution of landholdings.

³ The Rajapur Irrigation Project, which is jointly operated by government and farmers, is an integrated system of many traditional FMIS. It is located in Terai between two braided and shifting channels of Karnali River. The system suffers from floods and high silt-laden inflows causing siltation of intakes, canals, and fields. Geruwa channel of river has been silted rendering three intakes of RIP dysfunctional. Rajapur command area is cereal pocket of Nepal.

sedimentation problems. All these interventions will help modernize systems to withstand extreme climatic events, increasing system resiliency, pump water to uphill dry land to boost agriculture production and ensure water availability despite declining water sources, protect infrastructure and farms from high floods and sediment loads, and encourage farmers to adopt climate-resilient agricultural practices. The scope of the project is summarized in the following table.

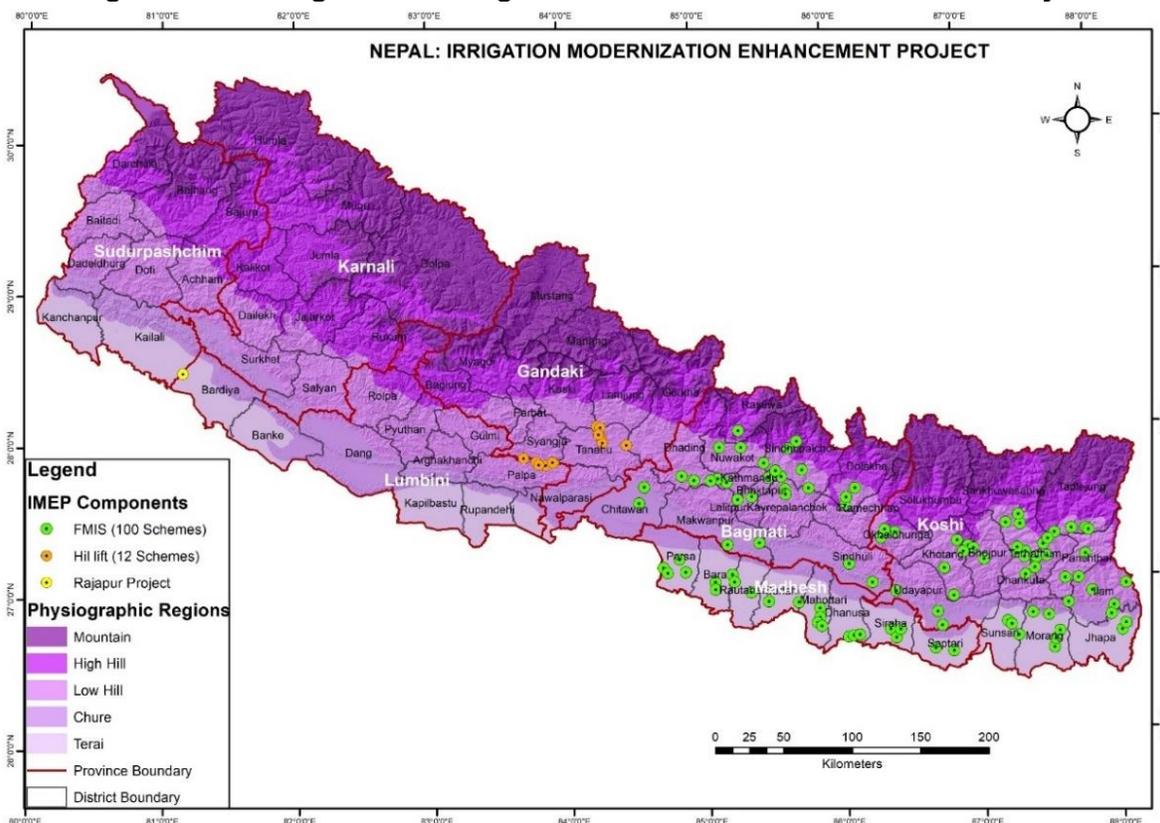
Table 2: Overall Scope of the Project

Project Component	Number of Systems	Command Area	Project Implementation Provinces
Farmer Managed Irrigation System	100	17,452	Koshi, Madhesh and Bagmati
Hill Lift Irrigation System	12	1,416	6 systems in Gandaki 6 system in Lumbini
Rajapur Irrigation System	1	14,500	Bardiya District of Lumbini
Grand Total	113	33,367	

Source: Compiled from Subproject preparation report, Detail design report 2022-23

11. The activities under output 3 envisioned supporting to add value by promoting processing, unit, storage facilities and with requiring 15% contribution by farmer. These agriculture facilities will be improved/developed in existing infrastructures. If further upgrading requires additional land the WUA/WUC will provide additional land. The cost of the land will be considered as a part of the 15% WUA/WUC share of contribution.

Figure-1: Coverage area of Irrigation Modernization Enhancement Project



Source: Administrative boundary, Survey Department Nepal: Project location plotted based on the design report 2022/23

B. Scope of Involuntary Resettlement Impacts

12. According to ADB's Safeguards Policy Statement (SPS) 2009, the project is classified as category B for involuntary resettlement (IR) safeguards. FMIS and RIP are existing systems operational for a long time, and intervention in these two components will be limited within the existing system, hence no IR impacts are anticipated. The construction of HLIP will involve drilling tube wells, constructing storage tanks, and laying out a water distribution network, with the first two activities (tubewell drilling and storage tank construction) proposed on GON land. Additionally, one system proposes constructing reservoir tanks on private land, for which the landowner (also the beneficiary of the proposed system) has offered voluntary donation. Therefore, these activities will not entail land acquisition or any IR impacts.

13. However, approximately 136 km of pipeline will be laid underground in predominantly rural areas, along the right of way (ROW), mostly parallel to side drains of local roads and farmers' fields, without requiring land acquisition, but will result to temporary economic impacts. The pipelaying work may cause temporary economic impacts due to potential losses of standing crops. Preliminary assessments indicate that farmlands are mostly fallow during the winter and spring seasons, and proper construction planning could significantly minimize economic losses. Although it may not be feasible to avoid 100 percent of impacts, adequate resource planning has been proposed. Once the alignment is finalized, a real-time assessment of standing crops, structures, and other assets will be carried out through a detailed measurement survey.

Table 3. Summary of IR Impacts

S.N	Project Component	Location	Type of Impacts	Categorization
1	FMIS	Koshi, Madhesh and Bagmati Provinces	No IR impact – intervention is limited within the existing canal system. A due diligence report has been prepared.	C
2	HLIP	Gandaki and Lumbini Provinces	Temporary economic impacts due to loss of standing crops in pipe alignment is envisaged. A resettlement plan for sample project in Baireni HLIP has been prepared.	B
3	RIP	Rajapur	No IR impact – intervention is limited within the existing canal system. A due diligence report has been prepared.	C

14. The activities under Output 3 will pilot the provision of partial financing to selected WUAs/WUCs who want to invest in modern agriculture machinery and facilities. The WUA/WUC will be required to contribute 50% of financing for machinery and 15% for agriculture facilities such as the improvement of crop storage and WUC storage units. Under this output the existing facilities will be improved where the additional land, if required, will be managed by the WUAs.

II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

15. The resettlement framework (RF) outlines the objectives, laws, policies, and regulations applicable to this project and will guide its activities. The legal framework and principles adopted to address resettlement issues for this project are guided by existing legislation and policies of the GON and ADB SPS 2009. While an Indigenous Peoples Plan has been prepared by the project, the RF will also guide the planning, assessment, and implementation for project areas/components where the presence of Indigenous Peoples is identified or finalized after Board approval.

16. The agriculture facilities including crop storage, WUC storage units, and modern agriculture processing centers under output 3 will only be selected after loan approval. In addition to this, each candidate HLIP will go through the acceptability assessment which may require alternative scheme in case of farmer's unwillingness. Furthermore, the due diligence report of the project suggested exploring alternative locations for reservoir to avoid forest land. HLIP will require identifying five storage tank locations in the future. During the project implementation, remarkable saving could expand the scope of FMIS beyond 100 system which will require IR impact screening of new candidate FMIS, if selected. On these grounds, this RF has been prepared in accordance with ADB SPS 2009 and applicable laws and regulations of the government that will guide project selection, screening, and categorization; resettlement planning; and the implementation of project components prepared after ADB Board approval. Efforts will be made to avoid and/or minimize the land acquisition and IR impacts of the project through adoption of technical design that can make best use of the existing available lands, exploring all viable alternative design and alternative sites or locations. Continuous meaningful consultations will be undertaken with the community from the design to implementation stage to obtain feedback from the community. Based on preliminary assessment, tube wells and reservoirs in the hill lift components are mostly proposed on vacant government land that is not being used for any purpose or claimed by anyone. IR impacts are expected to be insignificant.

17. The RF outlines the objectives, policy principles and procedures for land acquisition, resettlement, compensation, and other assistance measures for affected persons. This framework is guided by the Land Acquisition Act, 2034 (1977) of Nepal and ADB SPS 2009. A detailed description of compensation measures and assistance is provided in the entitlement matrix. This framework will be applicable to any land acquisition, voluntary land donation, negotiated settlement and any involuntary resettlement undertaken in anticipation of the project and will be applicable to projects identified after ADB board approval under the loan.

18. An entitlement matrix, consistent with the existing national laws and ADB SPS 2009 has been prepared to cover losses identified in this Project. The matrix recognizes that the lack of title or customary rights recognized under law will not be a barrier to entitlement and has special provisions for non-titleholder persons. The eligibility for compensation will be determined through a cut-off date. This resettlement framework will be the reference document for preparation of resettlement planning documents for projects proposed under the project.

A. Government of Nepal Policies

1. The Land Acquisition Act, 2034 (1977)

19. The Land Acquisition Act, 2034 (1977) specifies the procedures for land acquisition and compensation. The act empowers the government to acquire any land for public interest or for the execution of any development works. There is a provision for a compensation determination committee (CDC) under the chairmanship of the Chief District officer (CDO), which will fix the rate

of compensation for the affected property. The other members of the committee are the Chief of Land Revenue Officer, a representative from the concerned Rural Municipality or Municipality, and the concerned project director/manager. After fixing the compensation rates for the lost assets (land, structures, etc.), a list of entitled persons is prepared and submitted to the local officers for publication. Anyone who disagrees with the list can register a complaint with the Ministry of Home Affairs within 15 days of the issuance of notice. The ministry is required to solve any complaints within approximately 15 days, except for those that have to be resolved in a court of law. Section 37 of the act mentions the compensation to be received within the prescribed time limit. Section 37 states, "In case the concerned person fails to receive compensation within the time limit prescribed for the purpose under the different provisions of this act, or refuses to accept, the local officer shall issue a notice prescribing a final time limit of 3 months for receiving such compensation. In case the concerned person fails to receive such compensation even within such a time limit, he/she shall not be entitled to any compensation.

20. The basic function of the CDC is to review the verification of lands to be acquired, review and determine the compensation rate, identify the proper owners, distribute compensation, and address the issues related to land acquisition and compensation distribution. The District Administrative Office (DAO) is also responsible for notifying the public regarding the details of the land area, structure affected, and other assets affected in the concerned rural municipality for the project purposes. The Land Reform Act (1964) is relevant to compensation distribution, as it specifies the compensation entitlements for the registered tenant. Where the tenancy right is legally established, the owner and tenant each will be entitled to 50% of the total compensation amount. Section 42 of the Land Reform Act states that *guthi* (religious/trust) land required for the development work must be replaced with another piece of land.

21. CDC functions under the chairmanship of CDO of the respective districts. The other members to be included in the committee comprise the Chief of Land Revenue Office (LRO), an officer assigned by CDO, representative from Municipality/rural municipality, and concerned project manager. The project chief functions as the member secretary of the committee. The CDC determines the amount of compensation considering the following factors: (i) current price of land value; (ii) value of standing crops, houses, walls, sheds or other structures; (iii) loss incurred as a result of shifting residence or place of business; and (iv) relevant acts and periodic guidelines of government.

22. Clause 27 of the act provides an option for land acquisition through mutual agreement with the plot owners. Following this clause, the government may acquire any land for any purpose through negotiations with the concerned landowner. It shall not be necessary to comply with the procedure laid down in the Land Acquisition Act while acquiring lands through negotiations. Where Clause 27 is enacted, and the plot owner not satisfied with the compensation agreement offered, Clause 18 (Sub clause 2) states that the owner can file a complaint with the Ministry of Home Affairs.

23. Other key provisions under the Act include (i) clause 14 to compensate land-for-land provided that government land is available in the area, (ii) clause 13, 3 (1) envisages the possibility of two separate rates of compensation, distinguishing between families who lose entire land and those who lose only some part of their landholdings, (iii) clause 10 has provision for the affected households to take the crops, trees and plants from land and salvageable from the structures, (iv) clause 39 indicates options that allow affected households to take all salvageable assets without deduction of any costs from the affected households (v) clause 20 provides entitlement to the legal tenant for 100% compensation for the structure built on the land with the permission of the land owners.

2. Local Government Operation Act, 2017

24. 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.

25. Based on these authorities provided under LGOA 2017, the local governments across the country are allowing the use o 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.

26. However, the reviewing the concurrent policies regarding the use of government land, 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>).

3. The Working Policy on Registration, Use, and Leasing of Government Land (WPRULGL- 2079) (2022)

27. 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]).

28. 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.

29. 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 and 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 the federal government. If the land use proposal is related to provincial or local government, the Ministry then submits 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

4. Land Reform Act, 2021 (1963)

30. 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).

5. Land Acquisition, Resettlement and Rehabilitation Policy for the Infrastructure Development Projects (LARRP), 2015 (2071)

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

- (i) Recognizes the need of resettlement and rehabilitation plan to ensure the livelihood of the project affected persons or households at least above the pre-project conditions.
- (ii) Emphasize that the project development agency undertakes meaningful consultation with the project affected persons including all vulnerable groups such as 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.
- (iii) Requires compensation payment, resettlement and rehabilitation efforts to the project affected person/households including non-title holders.
- (iv) Emphasizes land acquisition through negotiation with the project affected person/households through transparent, free, fair and justifiable process.
- (v) Requires land-based compensation and resettlement to persons/households who lose all of the property or whose livelihood is agriculture based.
- (vi) Requires relocation and resettlement of the affected persons/households close to the current place of residence until and otherwise he/she willingly prefers to relocate him/ herself.
- (vii) Requires inclusive programs for the enhancement of their socioeconomic

- development of disadvantageous groups such as facility less groups (Dalit, indigenous or *Janajati* groups and single women etc.);
- (viii) Requires compensation of the built properties including resettlement and rehabilitation benefits for persons/ households who do not have land or legal right for the currently operated land.
 - (ix) Requires determination of compensation rates for affected land and property based on scientific methods such that the compensation rates are not less than the minimum market price.
 - (x) Requires access on project benefit (share allocations) to the affected persons/ households for projects where return on investment is potential.
 - (xi) Requires provisioning of subsidized rates to the project affected persons/ households for projects providing services; and
 - (xii) Requires following additional project assistance on the top of the compensation and resettlement to the physically displaced groups.
 - (a) Residential facilities.
 - (b) Goods transportation assistance.
 - (c) Relocation assistance.
 - (d) Relocation for business assistance.
 - (e) House rental assistance.
 - (f) Additional assistance as recommended by plan to seriously project affected households and vulnerable groups (Dalit, Janajati or marginalized indigenous single women, helpless, disabled, senior citizen etc.); and
 - (g) Employment opportunity and livelihood restoration to the seriously project affected households and vulnerable groups (Dalit, Janajati or marginalized indigenous, single women, helpless, disabled, senior citizen etc.) based on their skills and capabilities.
 - (h) Requires an adequate mechanism to listen, register and resolve the grievances of the project affected persons and communities.
 - (i) Requires project development agency to ensure the allocation of resources required for resettlement/ rehabilitation and livelihood restoration of the project affected persons/households; and
 - (j) Requires acquisition of economically unviable fragmented land parcels on request of the affected owners.

32. **Irrigation Policy 2080:** The recently released IP 2080 includes some provision regarding the management of land for irrigation system development. Under working policy, Strategy 9.3 (10) mentioned that the land required for the development of canals, field channels, tube wells etc. will have to be provided by the landowner concerned. Such land will then be transferred in the name of the WUA. The cost of such land has to be estimated based on the current price and the amount provided to the landowner will be adjusted with the farmer's share of contribution. While implementing the irrigation projects, the strategy 9.11(5) speaks about the minimization of IR impacts on women and marginal segment of society following appropriate safeguard measure while respecting prevailing laws of the country.

33. **The National Civil (Code) Act, 2017:** Chapter-7: Provisions Relating to usufruct: clause (352). Usufruct deemed to be constituted: (1) When a person gives free a property in which he or she has title and ownership and fruits, benefit, income, or facility to be yielded from that property to another person entitling that other person to enjoy such property and fruits, benefit, income or facility thereof, usufruct shall be deemed to be constituted. (2) The provisions of usufruct shall be as set forth in a contract entered between the concerned persons. The contract needs to be registered with the Land revenue Office concerned.

B. Asian Development Bank's Safeguard Policy Statement 2009

34. ADB has adopted SPS in 2009 including safeguard requirements for environment, involuntary resettlement, and indigenous peoples. The objective of ADB SPS 2009 is (i) to avoid involuntary resettlement wherever possible; (ii) to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and (iv) to improve the standards of living of the displaced poor and other vulnerable groups.

35. 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. The SPS covers them whether such losses and involuntary restrictions are full or partial, permanent, or temporary. The following are the policy principles of ADB's SPS, 2009:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to

- adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
 - (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.
 - (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
 - (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
 - (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
 - (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

36. The project will recognize three types of displaced persons like (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. The involuntary resettlement requirements apply to all 3 types of displaced persons.

C. Comparison of Government of Nepal Policies and ADB SPS 2009

37. The table below presents a comparison of the Government of Nepal policies, the state policies vis-à-vis ADB's SPS, 2009, and identifies gaps and gap filling measures.

38. A comparison of the key requirements has been made, and how the gaps will be addressed through this resettlement framework in case of any instance of involuntary land acquisition. The resettlement framework addresses the following identified gaps, namely: (i) screening past, present and future involuntary resettlement impacts and risks, the Project will undertake screening of all projects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks; (ii) gap in establishing a project-level GRM for projects that do not have significant resettlement impacts. The Project will establish project-level GRM. (iii) define vulnerable group as per SPS, policy principle 2. The Entitlement Matrix outlines assistance for vulnerable groups, as defined by ADB policy; (iv) third party monitor of negotiated settlement and voluntary land donation: to ensure a fair and transparent process, a third party independent monitor will be hired to certify the process the volunteer land donation was undertaken in a transparent, consistent and equitable manner; (v) non-titled users of project locations identified in accordance with the cut-off date will be eligible for compensation;

(vi) disclosure of resettlement plan and resettlement framework to affected persons; (vi) frequency of resettlement plan monitoring: frequency of monitoring will be semi-annual, as per ADB SPS.

39. The following goals are common between the Government of Nepal's legal frameworks and ADB's guidelines on resettlement:

- (i) Involuntary resettlement shall be avoided to the extent possible or minimized where feasible, exploring all viable alternative project designs.
- (ii) Where displacement is unavoidable, people losing assets, livelihood, or other resources shall be assisted in improving status at no cost to them.

40. However, there are certain key differences and gaps between ADB's guidelines and the Government of Nepal's legal frameworks. The table below summarizes the differences and gaps, and the remedial measures required to bridge those gaps between ADB's guidelines and the national policy.

Table 4: Detailed Policy Comparison

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	Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	The Government of Nepal has formulated Land Acquisition, Rehabilitation and Resettlement Policy 2071 (2015) to facilitate the land acquisition process for infrastructure project. The policy outlines the need to conduct an economic and Social Impact Assessment (SIA) of the development project, which was not a requirement under the Land Acquisition Act 1977. Based on this assessment, projects will be categorized as high, medium, and low risk. 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 Project will undertake screening of all projects using the ADB involuntary resettlement checklist, to identify past, present and future involuntary resettlement impacts and risks. 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.
2	Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options.	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	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

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
	<p>Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.</p>	<p>proposed for acquisition.</p> <p>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.</p>	<p>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. Another role in land ownership certificate distribution is also defined in these sub clauses.</p> <p>The LAA does not provide for public meetings and project disclosure, so stakeholders may not be informed 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 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.</p> <p>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.</p>
3	<p>Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing</p>	<p>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.</p> <p>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 whose land is partially acquired.</p>	<p>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.</p> <p>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 and spell out a mechanism to fix the replacement cost by having a valuation committee which will be responsible for</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
	schemes where possible.		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 is allowed to salvage materials.
4	Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.	Relocation assistance to affected persons is not specified in the 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 considered for computation of compensation.	The project will 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. Relocation/physical displacement, however, is not envisaged under the project.
5	Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.	The LAA does not address the issues related to income loss, livelihood, or loss of affected persons particularly the vulnerable groups. 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 project will provide compensation at replacement cost and will provide additional assistance to vulnerable affected persons to maintain their pre-project conditions or improve their standards of living. The resettlement plan(s) will include eligibility and entitlement for the affected persons.
6	Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	The Civil Code of Nepal is the legal basis for contractual agreements on the transfer of land from affected persons to the government. A negotiated purchase clause is provided under the Land acquisition Act (LAA) of Government of Nepal	The project will ensure a fair and transparent process, an independent third-party will be required to certify whether the process of negotiated settlement was undertaken without coercion, in a transparent, consistent, and equitable manner.

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
7	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 nonland assets.	The LAA does not provide such a provision.	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. Date of notification for land acquisition (as per 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.
8	Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	The LAA does not specify preparation of the resettlement planning document.	The project will prepare a resettlement plan for projects with impact following the template provided in this framework.
9	Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.	No specific provision in the LAA. 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.	The LAA does not specifically mention the disclosure of resettlement plan. 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.
10	Conceive and execute	The LAA has a provision to	The LAA partially meets the requirement

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
	involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.	include all the costs related to land acquisition and compensation of legal property and assets for legal titleholders. However, it does not consider the cost related to other assistance and involuntary resettlement.	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 assistance as part of the resettlement packages, and the entire cost will be part of the project cost.
11	<p>Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.</p> <p>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.</p>	<p>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.</p> <p>The ordinance only ensures the initial notification or the acquisition of a particular property.</p>	<p>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.</p> <p>The LAA does not specifically mention the disclosure of resettlement plan. 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.</p>
12	<p>Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.</p>	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.

D Involuntary Resettlement Safeguard Policy Principles and Entitlements for the Project

41. Based on Government of Nepal's state policies and regulations, and the ADB SPS, the following resettlement principles are adopted for this project:

- (i) Screening of the project to identify involuntary resettlement impacts and risks and minimizing these by exploring all viable alternative designs.
- (ii) Consulting affected persons, host communities, and NGOs; informing all displaced individuals of their entitlements and resettlement options; ensuring their

- (iii) participation in planning, implementing, and evaluating resettlement programs. Where the resettlement impacts are unavoidable, the affected persons should be assisted in improving or at least regaining their standard of living.
- (iv) Vulnerable households affected by the project, including those below the poverty line, with disabilities, female-headed, elderly (JesthaNagarik), children, dalits, indigenous people, landless, and without legal land title, will receive special assistance to improve their socioeconomic status.
- (v) Lack of formal land title does not prevent affected persons from policy entitlements.
- (vi) Compensation for all affected assets is based on replacement cost.
- (vii) Restoring livelihoods and residences of affected persons will be facilitated with adequate resources and a time-bound action plan in coordination with civil works.
- (viii) Assisting affected persons to integrate economically and socially into host communities minimizes adverse impacts and promotes social harmony.
- (ix) All payments, including compensation for loss of land, assets, structures, trees, income, and common properties, will be made before physical or economic displacement and commencement of civil work.
- (x) Timely disclosure of draft and final resettlement plans, including consultation documentation, to affected persons and stakeholders.

42. In accordance with the involuntary resettlement principles of this resettlement framework, all affected persons will be entitled to compensation/resettlement assistance. Compensation and assistance will be based on the nature of ownership rights on lost assets and the impacts, including vulnerability status of the affected persons.

43. **Negotiated Settlement.** The implementing agency is encouraged to use negotiated settlements to acquire land for project requirements. ADB SPS Safeguards Requirement 2 does not apply to negotiated settlement, provided there is no coercion or use of eminent domain if negotiation fails. Direct negotiations with landowners are conducted transparently, consistently, and equitably, land will be purchased upon agreement of a negotiated price. This resettlement framework and the policy guidelines encourage acquisition of land and other assets through negotiated settlements wherever possible, based on meaningful consultations with the affected people including non-title holders. In such settlements, both parties agree on a fair price for all losses incurred. The government will ensure that negotiations openly address risks of asymmetry of information and bargaining power. If negotiation fails and expropriation results, ADB SPS 2009 will be applied, and a resettlement plan prepared accordingly. Negotiation steps in this project include:

- (i) Negotiation will occur when there is a willing seller. SMC will initiate preliminary negotiations with the legal titleholders along the roadside. SMC 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) Consultation with the affected person must be carried out and documented.
- (iii) If the legal title is clear and the seller(s) is/are willing, a detailed measurement survey (DMS) of the land parcel proposed for negotiation will be conducted by a government surveyor, assisted by SMC. The survey will cover detailed measurement of the land parcel and inventory and status/condition of all other assets on the land such as trees, structures, and irrigation infrastructure. The minimum negotiated price to start negotiations should be offered at an adequate and fair price, not falling below the valuation of land based on its market value. The current value of the land and structures or assets, if any, based on the market price will be determined through a market survey. This process helps define the

- amount that can be offered to the landowner.
- (iv) All negotiations must be carried out transparently and validated by an independent third-party such as eminent citizen or any party without any interest in the process, appointed by the CPMO. The independent third-party will document the negotiation and settlement process (refer to Appendix 1 for terms of reference for engaging a third party and Appendix 2 for the sample third-party certification); The independent third party will also verify whether any person, such as tenants/users of the land or asset, will be rendered vulnerable as a result of the negotiated settlement.
 - (v) The government will also agree with ADB on consultation processes, policies, and laws that are applicable to such transactions; independent third-party verification; mechanisms for calculating the replacement costs of land and other assets affected; and record- keeping requirements. CPMO/SMC will document and keep record of all processes undertaken in the negotiated settlement.
 - (vi) In case of negotiation failure, compensation will be paid as outlined in the entitlement matrix of the resettlement framework and the entire process must be documented. The independent third-party will submit reports during and on conclusion of negotiations; costs related to third party certification will be borne by the project proponent.
 - (vii) The land transfer and updated records of the purchased lands must be completed before the start of civil works. Land transfer costs for registering new land titles should be borne by the government.
 - (viii) People who enter into a negotiated settlement will maintain the same or better income and livelihood status.

44. **Voluntary Land Donation.** The project may accept voluntary donation of land. Such offer would be considered only if donated land does 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);⁴ (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 verification will confirm this.. Community consultations undertaken for sample projects indicate that the land donation process was free from coercion or intimidation.

45. The process and steps to be followed for assessing eligibility of voluntary donation and documentations are given below:

- (i) **Step 1:** The project will be open to the possibility of voluntary land donation from any interested person/community. The land requirement will be explained to the interested donor(s). ADB SPS 2009 social safeguards requirements will also be explained to the people willing to donate land.
- (ii) **Step 2:** After the donor(s) decide to donate land, the SMC will initiate the formalization of land donation by issuing a letter to the willing donor(s) detailing the public purpose for which the land is required. The donor will signify their consent

⁴ <10% of the total landholding is only allowed for donation.

by signing the voluntary donation consent form (sample template is attached in Appendix 3). The SMC, with the help of PIMS, will take necessary legal steps to formalize the donation of land. SMC/CPMO will facilitate the entire donation process and maintain its documentation.

- (iii) **Step 3:** The donated land will either be transferred to the name of the WUA or an agreement will be made between the land donor and the WUA chair with a witness from elected local representatives. The Deed of Gift will be executed, and the ownership transfer for the land parcels will be registered in the name of the WUA. All necessary fees and stamp duties will be borne by the project. Henceforth, the land ownership and related land records will be revised/amended with the Record of Rights showing the transfer of ownership in the name of WUA/WUC.
- (iv) An independent third-party will be engaged by the PMU in case of voluntary land donation to verify that the donation is indeed voluntary and not a result of coercion, using verbal and written records, and to ensure that the donor meets the eligibility criteria as stated above. The report of the independent third party will be included in the semi-annual social safeguards monitoring reports. (Appendix 1 - TOR for third party verification and Appendix 2 - sample certification form)

46. A mechanism will be established ensuring transparent processes are followed and coercion is not used for donation of land. The whole process will be verified and validated by an independent third party for all voluntary offers of land for the project. The above information has to be included in a report to be prepared by the external third party, preferably from reputed and qualified agencies/non-government organizations (NGO)/firms/individuals. The concerned SMC shall submit a due diligence report to ADB for review and approval including information on impact assessment, voluntary donation process and report of independent third party.

47. The resettlement framework broadly defines three types of involuntary resettlement impacts that are eligible to have mitigation measures. The types of impacts are (i) loss of assets, including land and structures; (ii) loss of income or livelihood; and (iii) collective impacts on groups, such as loss of common property resources and loss of access or limited access to such resources. Every effort will be made during the preparation of detailed design to minimize acquisition of land and other assets and to reduce any involuntary resettlement impacts. Other unforeseen impacts, including relocation,⁵ will also be compensated and addressed in accordance with the principles of this resettlement framework.

48. A detailed description of each compensation measure and assistance is provided in the entitlement matrix. Affected persons will be entitled to a combination of compensation measures and resettlement assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including social and economic vulnerability of the affected persons.

Project Screening Criteria and Checklists

49. Involuntary resettlement screening for subprojects will be carried out during the project identification. The SMC, with the support of the CPMO of IMEP will be responsible for screening and categorization. The IR screening criteria will be based on the degree of resettlement impacts. For the preparation of resettlement plans, the involuntary resettlement checklist in **Appendix 4** will

⁵ Should relocation be required, consultations will be carried out with affected persons in terms of the choice of their relocation options. Affected persons requiring relocation of residential or commercial structures will be assisted by the CPMO in identifying sites that minimizes social disruption and have access to similar services and facilities. Tenant affected persons will be assisted by the CPMO in finding suitable rental accommodations.

be used to identify involuntary resettlement impacts. The subprojects will be selected using the subproject selection criteria developed for the Project, and IR screening will be conducted immediately after identification of the subproject site.

50. To ensure that the project meets the social safeguard requirements, as stipulated in the ADB SPS 2009, each subproject will be categorized. The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks as follows.

- (i) **Category A.** A proposed project is classified as category A if it is likely to have significant involuntary resettlement impacts.⁶ A resettlement plan, including an assessment of social impacts, is required.
- (ii) **Category B.** A proposed project is classified as category B if it includes involuntary resettlement impacts that are not deemed significant. A resettlement plan, including assessment of social impacts, is required; and
- (iii) **Category C.** A proposed project is classified as category C if it has no involuntary resettlement impacts.

51. The project's involuntary resettlement category is determined by the magnitude of involuntary resettlement impacts. The involuntary resettlement impacts of ADB-supported projects are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). The level of detail and comprehensiveness of the resettlement plan will be commensurate with the significance of the potential impacts and risks. For category B projects, a resettlement plan is required. For category C project, a due diligence report (DDR) is required. For output three and the HLIP under output, the project impacts of proposed project components are envisaged to be not significant and will mostly be category B or C. Any subproject with significant resettlement impacts or category A for IR will be excluded.

52. Measures will be undertaken to avoid and minimize involuntary resettlement impacts including, exploring all viable alternatives for project designs and alternative sites or locations for project components to ensure that land acquisition and other involuntary resettlement impacts are avoided or minimized. These measures and criteria will be applied and rehabilitation within existing facility premises will be prioritized over new construction so as not to require land acquisition and result in resettlement impacts. Based on a thorough survey of all possible site alternatives, project components will be proposed on existing facilities and/or vacant government land, where available.

Eligibility, Entitlements and Benefits

Eligibility

53. The following affected persons are eligible for compensation, assistance, and benefits under the project. This entitlement policy, in line with the applicable laws and policies of the Government of Nepal particularly the provisions made under the Land Acquisition Act 1977, and Policy on Land Acquisition, Resettlement and Rehabilitation for the Infrastructure Development Projects 2015, and ADB SPS 2009. Eligible persons include:

- (i) persons who will lose land/assets/income in their entirety or in part and have formal

⁶ The involuntary resettlement impacts of an ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income-generating).

- legal rights to the land.
- (ii) persons who will lose the land they occupy in its entirety or in part, and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g., tenants and leaseholders.
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g., sharecroppers, squatters, encroachers, wage labour without formal contracts; and vulnerable households.⁷

Entitlements, Assurances and Benefits

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

55. The project entitlement policy addresses potential direct and indirect impacts of project construction and operation on displaced persons, households, and communities due to involuntary acquisition, including those that will be acquired through LAA. The most direct and immediate impacts are those associated with project construction, mainly land acquisition, loss of livelihood and impacts to residential and commercial structures. Other potential losses include the impact on secondary structures and common property resources. Mitigation is provided through compensation and assistance to project-displaced persons, households, and groups on the basis of this policy framework adopted by the project. The policy provides mitigation for:

- (i) Structure Loss (*Partial/Minor*)
- (ii) Loss of livelihood or income opportunities.
- (iii) Collective impacts on groups, such as loss of community assets, common property resources, and others; and
- (iv) Temporary impacts or disruptions due to project construction work.

56. Compensation eligibility is limited by a cut-off-date. Date of notification for land acquisition (as per the # 9 of the Land Acquisition Act, 1977) will be the cut-off date for titleholders. Similarly, for the non-titleholders, start of census survey date will be considered as the cut-off date. The project Entitlement Matrix identifies and lists various types of losses resulting from the project and specific compensation and resettlement packages for each category.

57. All affected persons who are identified in the project-impacted areas by the cut-off date will be entitled to compensation for their affected assets, and sufficient rehabilitation measures to help them to improve or at least maintain their pre-project living standards, income-earning capacity, and production levels will be carried out. Those who encroach into the area after the cut-off date will not be entitled to compensation or any other assistance. The absence of legal/formal titles to the affected assets will not prevent the affected people from receiving full compensation and assistance as required by ADB SPS (2009) on involuntary resettlement.

58. Any damages and losses to people's assets and community property resources caused during construction will be borne by the contractor by paying compensation or restoring the assets. Such construction issues will be identified and closely monitored by the safeguard monitoring unit

⁷ 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.

of the CPMO and SMCs. Unanticipated IR impacts, if any, will be mitigated and compensated as per the entitlement matrix of this resettlement framework. Damages to community property resources due to land acquisition and any IR-related issues will be compensated per the entitlement matrix.

Table 5: Entitlement Matrix⁸

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
1. Loss of Land (Agricultural, Residential and Commercial)				
1.1. Residential/ Commercial Land	Titleholders, including persons with traditional land rights ⁹	<ul style="list-style-type: none"> (i) Cash compensation based on replacement value;¹⁰ (ii) All fees, taxes and other charges applicable under relevant laws and regulations will be borne by the project. (iii) Project will facilitate transfer of ownership of the land. (iv) In case the remaining land will no longer be economically viable after acquisition, an option for acquisition and compensation will also be offered. (v) In case of commercial lands, additional assistance to restore business loss as per item 5 of this entitlement matrix and exemption of municipal business tax for a year. 	<ul style="list-style-type: none"> (i) CDC will determine land valuation and compensation as per procedure of the Land Acquisition Act (ii) Payment will be made in full to the affected person prior to taking possession of the land. (iii) With the consent of the titleholder, compensation will be paid preferably under the joint account of husband and wife. (iv) PCU will ensure provision of notices. (v) SMC with support of SDC will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households. 	As per the Land Acquisition Act (clause 13 and 16), the compensation determination committee will determine the replacement value as per procedures outlined in Chapter V of this resettlement plan. The committee comprises of CDO, Land Administrator or Chief of the Land Revenue Office, concerned Project Manager or Officer assigned by CDO and representative from CDC.
1.2. Agricultural Land (crops, pastures, ponds, etc.)	Titleholders, including persons with traditional rights	<ul style="list-style-type: none"> (i) Land-for-land options of equal or more productive capacity will be offered if government unregistered land or <i>ailani</i> land is available for affected persons losing entire land of his/ her ownership; or (ii) Cash compensation based on replacement value as per Land Acquisition Act; (iii) All fees, taxes and other charges as applicable under relevant laws and regulations will be borne by the project. (iv) Additional support will be provided for significantly affected persons and/or vulnerable affected persons as described in item 5, as applicable. (v) Project will facilitate transfer of ownership of 	<ul style="list-style-type: none"> (i) CDC will determine land valuation and compensation as per procedure of the Land Acquisition Act (ii) Payment will be made in full to the affected person prior to taking possession of the land (iii) Affected household will be notified will be advance of the actual acquisition (iv) With the consent of the titleholder, compensation will be paid preferably under the joint account of husband and wife. 	As per the Land Acquisition Act (clause 13 and 16), the compensation determination committee will determine the replacement value as per procedures outlined in Chapter V in this resettlement plan. The committee comprises of CDO, Land Administrator or Chief of the Land

⁸ 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
		<p>the land.</p> <p>(vi) Preferential employment in project construction and maintenance work provided, if interested.</p> <p>(vii) Advance notice to harvest standing crops will be provided.</p>	<p>(v) SMC will ensure provision of notices.</p> <p>(vi) SMC with support of PIMS will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households.</p>	<p>Revenue Office, concerned Project Manager or Officer assigned by CDO and representative from CDC.</p> <p>SMC/CPMO, with the support of SDC</p>
<p>1.3. Loss of tenanted agricultural, residential and commercial by permanent tenants/ sharecropper</p>	<p>Landowner, Registered tenants Non-registered sharecropper</p>	<p>(i) 50% cash compensation to the sharecropper (registered tenants) of the affected plots as per the prevailing laws (LAA, Clause 20). Another 50% to the landowner.</p> <p>(ii) Cash compensation at replacement cost to the standing crops in line with informal agreement between the owner and sharecropper.</p> <p>(iii) Income disruption allowance up to 3 months of wage labor for the affected registered tenants/ sharecroppers and landowners.</p> <p>(iv) Provision under item 5 will also apply.</p>	<p>(i) Payment will be made in full to the affected person before taking possession of the land</p> <p>(i) Concerned local body shall validate the person has reached an agreement of sharecropping and cultivating the land and the person has not violated any by-laws once they declared effective.</p>	<p>CDC, SMC/CPMO, with the support of PIMS</p>
<p>1.4. Leased or rented land.</p>	<p>Person leasing or renting out the affected land, tenants.</p> <p>Persons using land with formal leasing or renting agreement.</p>	<p>(i) Loss of income and investment will be compensated based on the actual day's loss incurred.</p> <p>(ii) Lease holder or renter will get notice of termination as specified in the agreement.</p>	<p>(i) The owner will reimburse tenants/leaseholders on rental deposit or unexpired lease and will provide proof of such reimbursements to the project.</p> <p>(ii) The lease holder shall provide an original copy of the agreement paper with renters (landowners) to be eligible for the entitlements. The user occupying land prior to the cutoff date will be eligible for entitlements. The date of completion of census survey/or DMS will be the cut-off date for entitlement. The SMC will publish cut-off date in a communication media easily accessible to affected</p>	<p>SMC, assisted by CPMO and PIMS</p>

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
			<p>persons. (iii) SMC, with the support of SDC will ensure provision of notice</p>	
2. Loss of Structures				
2.1. Loss of Residential and Commercial Structures	Titleholder Tenant Landless squatters/ encroachers/non- titleholders	<p>(i) Cash compensation as per the 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.</p> <p>(ii) In the case of relocation, transfer allowance to cover shifting (transport plus loading/unloading) of household goods and materials will be paid, based on actual cost estimated by the engineer.</p> <p>(iii) Every physically displaced household will receive 12 months' rental assistance or alternatively provided with temporary accommodation facilities.</p> <p>(iv) Rental assistance (3 months) OR facilities (alternate shop or space to operate) will be provided for permanent loss caused to business/commercial structure.</p> <p>(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. The latest government approved wage rate shall be applicable.</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/SMC/CPMO, supported by SDC

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		(vi) Provision of all taxes/fees, registration cost, and other fees incurred for the replacement of structures. (vii) Owners of affected structures will be allowed to take/reuse salvageable 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) ¹¹	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. CPMO to monitor restoration works made by the contractor	CDC/SMC/CPMO, supported by SDC
3. Loss of Crops and Trees				
3.1 Loss of crops and trees (fruit bearing and timber)	Owner of crops and trees-Titleholder Tenant/Sharecropper Crops owned by encroachers/squatters/ non-titleholders	(i) Advance notice of 3 months to harvest their crops. (ii) Cash compensation for loss of crops at replacement rate based on average production in last 2 years. The unit rates for the same will be determined based on the wholesale market and in consultation with the concerned Agriculture Knowledge center. (iii) Cash compensation at replacement rate calculated based on their productive life for loss of fruit trees that have been grown for both self-consumption and commercial production. The unit price at replacement rate will be determined based on wholesale price and in consultation with the concerned Agriculture Knowledge Centre. (iv) Compensation for loss of wood-trees at current market value of wood (timber or firewood, as the case may be);	Compensation for loss of agricultural crops at current market value of mature crops, based on average production.	SMC, assisted by CPMO and PIMS

¹¹ Secondary structures include associated/annexed structures such as toilet, safety tank, tap, animal shed. Other secondary structures may include, but not limited to fences, sheds, etc. All impacts will be known 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.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
		<ul style="list-style-type: none"> (v) Compensation for loss of future harvest at net value of 3 times the harvest for seasonal crops. (vi) Compensation for felling and transportation of timber trees from field to residence computed based on Ministry of Forest and Environment norms. 		
4. Loss of Income and Livelihood				
4.1. Permanent Loss of Livelihood (without the possibility of establishing alternative business or job)	Legal titleholder/tenant/leaseholder/non titled/ employee of commercial structure, farmer/agricultural worker	<ul style="list-style-type: none"> (i) Subsistence allowance for a period of 6 months as per the current minimum wage rate. (ii) One-time shifting allowance of NPR 10,000 will be provided. (iii) Included in livelihood resilience program. This includes (i) skill training for one member of the household; and (ii) a livelihood development grant of NPR 15000. (iv) For employees, compensation will be provided equivalent to their net income for the duration of twelve months based on the payment/salary/wage receipts. If income documents are not available, compensation will be calculated as per the minimum wage rate. (v) Preferential employment in wage labour in project construction and maintenance work, if interested. (vi) Additional assistance for vulnerable households as per item 5.1 (i) 	<ul style="list-style-type: none"> (i) Determination of livelihood loss will be carefully done during socioeconomic survey and impact assessment. (ii) Skill training will be based on a training needs assessment, market assessment and skills matching. 	SMC assisted by CPMO and PIMS
4.2. Temporary Income Loss	Legal titleholder/tenant/leaseholder/non titled/ employee of commercial structure	<ul style="list-style-type: none"> (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;¹² (iii) For construction activities involving unavoidable livelihood disruption, 	<ul style="list-style-type: none"> (i) Identification of alternative temporary sites to continue economic activity. (ii) SMC will ensure that civil works will be done in phases to minimize disruption through construction scheduling in coordination 	SMC assisted by CPMO and PIMS

¹² 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
		<p>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.</p> <p>(iv) Assistance to vendors/hawkers to temporarily shift for continued economic activity (NRs. 2000 as one- time assistance)¹³.</p>	<p>with the contractors. This will be included in the contractor's contract.</p> <p>(iii) SMC with support of SDC and contractor will verify the extent of impacts through a 100% survey of affected persons, determine assistance, and identify vulnerable households.</p> <p>(iv) After a detailed assessment and in case livelihood impact is unavoidable, the project will be responsible for providing compensation/assistance.</p> <p>(v) 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 damage at market value replacement cost.</p> <p>(i) Contractor shall be responsible for regulating</p>	

¹³ 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>time of usage of heavy machineries, dust suppression, schedule of construction to allow normal traffic during morning and evening and signage of sensitive areas where safety is a concern.</p> <p>(ii) GRC will be used to measure the construction-induced impact in both scenarios.</p>	
5. Additional Assistance to Vulnerable Affected Persons				
5.1. Impacts to Vulnerable ¹⁴	A. All permanently affected vulnerable households	<p>(i) One-time rehabilitation allowance equivalent of 3 months minimum wage rate.</p> <p>(ii) Livelihood enhancement program will be provided – This will include provision of skill training for any one member of the affected vulnerable household.</p> <p>(iii) Additional financial grant of NRs. 15,000 per vulnerable household.</p> <p>(iv) Assistance to access microfinance institutions for livelihood ventures, in case of permanent livelihood impacts/impact to commercial structures.</p> <p>(v) Vulnerable persons will be entitled to preferential employment in the project construction, if interested.</p>	<p>(i) Vulnerable persons to be identified during census survey.</p> <p>(ii) 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.</p>	SMC, assisted by CPMO and PIMS
	B. Temporarily affected vulnerable households	<p>(i) Additional cash compensation equivalent to seven days of the prevalent minimum wage rate.</p> <p>(ii) Preferential employment in the project construction for one family member.</p>		
6. Community Facilities and Resources				
6.1 Government and community structures, ¹⁵ and	Local community Local government Informal settlers/	(i) Restoration of affected community buildings and structures to at least their original condition or better, or provision of alternative	(i) Extreme care should be taken by the contractors to avoid damaging any properties	SMC, assisted by CPMO and PIMS Contractor/s

¹⁴ 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.

¹⁵ Community structures include roads, inner roads, temples, foot paths/trails, culverts, and water points.

Type of Loss/Impacts	Category of Affected Person	Compensation and/or Entitlement/ Implementation Procedures	Implementation Issues/Remarks	Responsible Institution
infrastructures	squatters on government land	<p>access in consultation with affected communities and relevant authorities.</p> <p>(ii) Where damage does 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.</p>	<p>during construction.</p> <p>(ii) 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.</p> <p>(iii) Impacts to cultural properties will be avoided to the maximum extent possible through special measures such as project alignment modification and/or alteration.</p>	
6.2. 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	<p>(i) Immediate replacement and restoration of the affected facilities.</p> <p>(ii) Advance announcement to the households prior to construction/flow disturbance and providing alternative source.</p>	<p>(i) The time gap between the construction of the new system and transfer from the old system should be minimized.</p> <p>(ii) 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)</p>	SMC, assisted by CPMO, PIMS and, Contractor/s
7. Unanticipated Impacts				
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 framework and rectified through implementation of a time-bounded 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.		CPMO/SMC/PIMS

CDO = chief district officer, CDC = compensation determination committee, CPMO: Central Project Management Office, DMS = detailed measurement survey, LAA = Land Acquisition Act, ROW = right of way, PIMS= Project Implementation Management Support: SMC subproject Management Committee

III. SOCIOECONOMIC INFORMATION AND RESETTLEMENT PLAN PREPARATION

A. Social Impact Assessment

59. **Social impact assessment (SIA)** surveys will be undertaken in each project location. The SMCs with support from PIMS, CPMO and along with the contractor/s will undertake detailed measurement and socio-economic census surveys for each identified project based on technical design. The SMCs will be guided by the PIMS which will have social development officers. The SIA will determine the magnitude of impacts and prospective losses, identify vulnerable groups for targeted interventions, ascertain costs of resettlement, and prepare a resettlement plan for implementation. As part of the social impact assessment, a social development specialist placed in PIMS will guide SMCs to identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the project will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them, and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development.

60. **Census.** The purpose of the census and detailed measurement survey (as part of the SIA) is to register and document the status of potentially affected persons¹⁶ within the project impact area. The census will cover 100% of affected persons. The census will provide a demographic overview of the population and will cover people's assets and main sources of livelihood. The survey will cover the following: (i) boundaries of the site identified for the proposed project components in case of projects involving new interventions; (ii) proposed right-of-way (RoW) boundaries, which will include titleholders and non-titleholders occupying the proposed RoW; (iii) current occupants of the project site, including businesses, vendors, and crop holders, whether titleholders or otherwise, experiencing temporary or permanent disruptions during construction; and (iv) list of potential loss of assets and income opportunities of affected persons due to the project activity. Appendix 5 and Appendix 6 provided the census and baseline and census and socioeconomic survey guidelines, respectively.

61. **The detailed measurement survey (DMS)** and inventory of loss surveys will be conducted for each of the project sites and alignments based on detailed design before implementation. The DMS will establish the number of affected persons/businesses along each proposed components with potential impacts (both temporary and permanent). It will collect only essential information for determining entitlements. The DMS will gather personal information on the affected person, type of business, type of structure, number of persons employed, income and profits per day, vulnerability, if any of the owner or employees, and will record the type of distress likely.

62. SIA will also be conducted for those landowners from whom land will be procured through negotiated purchase or received through voluntary donation, to assess the socio-economic profile of the landowners and to assess whether the land donation or land selling process would render them landless/vulnerable.

B. Resettlement Plan Formulation

63. The Central Project Management office (CPMO) with the support of sub project management committee (SMC) will prepare/update the resettlement plan if the proposed project

¹⁶ The potentially affected persons will include both the titleholders and the non-titleholders and those with traditional rights within the project impact zone.

will have involuntary resettlement impacts. The resettlement plan will be based on the SIA and prepared through meaningful consultation with the affected persons. The resettlement plan will be prepared based on the results of the census and socio-economic survey; the database on affected persons should be completed before resettlement plan preparation. Some of the key steps to be followed during resettlement plan preparation include:

- (i) screening of projects and project involuntary resettlement categorization.
- (ii) conducting SIA covering 100% census and socio-economic surveys.
- (iii) preparation of draft resettlement plan including extent of loss, list of affected persons, entitlements, budget, implementation schedule, consultation, and grievances etc., requirements for resettlement plan implementation.
- (iv) disclosure of draft resettlement plan with various stakeholders including with affected persons and the ADB.
- (v) addressing various grievances (if any) in line with the procedures outlines in the resettlement framework/resettlement plan.
- (vi) preparation of final resettlement plan incorporating suggestions/outcome of consultations from various stakeholders.
- (vii) submission and clearance of final resettlement plan from the ADB and its final disclosure.

64. SMC Safeguard unit, with the support of Project implementation management support (PIMS) consultant and CPMO Social Development Specialists, will carry out preliminary investigations and field visits to understand the extent of impacts due to proposed projects. An inventory of key indicators such as extent of land/structure loss, number of affected persons, broad social-economic profile of affected persons will be collected and based on this involuntary resettlement checklist and indigenous people checklist will be prepared. The involuntary resettlement screening checklist will specify the safeguard category of the project in line with ADB SPS 2009 and identified impacts. It will also specify the requirement for an appropriate plan to mitigate the identified impacts. The checklist along with category suggested will be reviewed and cleared by the ADB prior to the preparation of actual resettlement plan.

65. A resettlement plan will include measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives. During the identification of the impacts of resettlement and resettlement planning, and implementation, the CPMO/SMC will pay adequate attention to gender concerns, including specific measures addressing the need of female headed households, socially inclusive consultation, information disclosure, and grievance mechanisms, to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule. An outline of a resettlement plan is presented in **Appendix 7**

66. The draft resettlement plan will also be shared with affected persons and host communities and revised to reflect their views. The entitlements and information about the grievance redress mechanism will be prepared in local language or translated and disclosed to affected persons and the public through posters and/or resettlement information handouts. The completed resettlement plan based on detailed design and the detailed measurement survey will include the census of affected persons, and their entitlements to restore losses, institutional mechanisms and schedules, budgets, assessment of feasible income restoration mechanisms, grievance redress mechanisms, and participatory results monitoring mechanisms. As per the

ADB's SPS, 2009, the resettlement plan should be broadly structured in the following manner:

- (i) Executive summary
- (ii) Project description
- (iii) Scope of land acquisition and resettlement
- (iv) Socioeconomic information and profile
- (v) Information disclosure, consultation, and participation
- (vi) Grievance redress mechanisms
- (vii) Legal framework
- (viii) Entitlements, assistance, and benefits
- (ix) Relocation of housing and settlements
- (x) Income restoration and rehabilitation
- (xi) Resettlement budget and financing plan
- (xii) Information disclosure
- (xiii) Institutional arrangements
- (xiv) Implementation schedule
- (xv) Monitoring and reporting

65. The draft resettlement plan/RIPP will be finalized incorporating the outcomes of final census of affected persons, final involuntary resettlement impacts based on final detailed design and consultations disclosure activities (suggestions made by various stakeholders including the affected persons). The resettlement plan/RIPP should be finalized before the award of contracts.

C. Gender Impacts and Mitigation Measures

66. The project will identify any specific needs to address the issues of the vulnerable groups such as households falling below poverty line, households with persons with disability, female-headed households, households having elderly (*JesthaNagarik*) and children, dalits, Indigenous Peoples (IPs), landless households, and households without legal title to land. The resettlement plan will formulate measures to ensure that socioeconomic conditions, needs, and priorities of these groups are considered. The resettlement plan will also ensure that gender impacts are adequately addressed and mitigated. Women's focus group discussions will be conducted to address specific women's issues. In addition to the measures provided for gender concerns of the affected households, the resettlement plan will be implemented in accordance with the gender equality and social inclusion (GESI) action plan prepared for this project. Similarly, issues of IPs will be addressed, and if required, mitigation measures will be provided during the preparation of resettlement plan. In the event that IP-related issues are identified, the project authorities will inform ADB and prepare an Indigenous Peoples Plan (IPP) following the ADB SPS 2009 Safeguards Requirements 3 procedures and requirements.

67. Any negative impacts of a project on female-headed households will be taken up on a case-to-case basis and assistance to these households will be treated on a priority basis. The resettlement plan will formulate measures to ensure that socio-economic conditions, needs, and priorities of women are identified, and the process of land acquisition and resettlement does not disadvantage women. The resettlement plan will ensure that gender impacts are adequately addressed and mitigated. Women's focus groups discussions will be conducted to address specific women's issues. During disbursement of compensation and provision of assistance, priority will be given to female-headed households. Joint ownership in the name of husband and wife will be provided in cases of non-female-headed households.

IV. CONSULTATION, PARTICIPATION AND DISCLOSURE

68. Consultation, participation, and disclosure constitute an integrated part in the preparation and implementation of a resettlement plan. A range of formal and informal participatory methods will be carried out for all projects including, but not limited to, focus group discussion (FGDs), public meetings, community discussions, one-to-one consultation, in-depth and key informant interviews, in addition to the census and socioeconomic surveys. Consultations will be held with special emphasis on vulnerable groups. SMCs with the support of PIMS will disseminate information to affected persons and consult with them in a manner that is commensurate with the anticipated project impacts on the affected communities. SMC will inform and consult with the affected persons on resettlement and compensation options and provide them with project-related information during resettlement planning and implementation.

69. Comprehensive planning is required to ensure that affected persons, communities, local government, project staff and other key stakeholders interact regularly, and meaningful consultation is conducted at all stages of the project through FGD, public community meetings, key informant interviews and participation in census and survey. The following are the key stakeholders who will be consulted with at various stages of the program implementation:

- (i) all affected persons, project beneficiaries, including representatives of various sectors such as women, youth, indigenous peoples, elderly, persons with disabilities and other vulnerable groups.
- (ii) decision makers, policy makers, government officials, community members.
- (iii) CSOs, including community-based organizations, policy makers, elected local officials, community leaders and members; and
- (iv) representatives from concerned local government authority and various government departments, as required.

70. It is expected that a consultative process will be carried forward to ensure that the affected population and other stakeholders are informed, consulted, and allowed to participate actively in the development process. This will be done throughout the project, during preparation, implementation, and monitoring of project results and impacts. During implementation and monitoring, information will be disseminated to affected persons and other key stakeholders. This information will be prepared in the local language, as required, describing the main project features including the entitlement matrix.

A. Consultation

71. The objectives of involuntary resettlement safeguards are to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels and to improve the standards of living of the affected persons and other vulnerable groups. Achieving these objectives requires engaging the affected persons, communities, and key stakeholders in a transparent, public, and deliberative process of participation in planning resettlement.

72. CPMO and SMCs will carry out meaningful consultations with the affected persons, communities, vulnerable groups, and other key stakeholders. The consultation process established for the project will employ a range of formal and informal consultative methods such as focus group discussions (FGD), public community meetings, and key informant information (KII). To understand the socioeconomic profile of city residents, questionnaires are designed to collect information from individuals. The consultations will be held with special emphasis on vulnerable groups. The key informants during the project preparation phase and resettlement plan implementation are the following:

- (i) heads and members of households are likely to be affected.
- (ii) groups/clusters of affected persons.
- (iii) local CSOs and CBOs;
- (iv) government agencies and departments; and
- (v) key project stakeholders, such as women and trader's associations.

73. Resettlement Plans for projects will be prepared and implemented in close consultation with stakeholders, particularly with affected households. All affected persons and households will participate in the census of households and individuals located within the Project to register and document the status of the potentially affected population within the impact area for the preparation of resettlement plan. The census will provide basic demographic and socioeconomic data, such as household size, age, gender, (especially of the head of household), ethnicity, occupation, household income, vulnerability, and profiles of household assets. It will cover 100% of the potentially affected population within the project impact area. Consultations with affected persons during resettlement plan preparation will ensure that views of affected persons on compensation and rehabilitation measures are fully incorporated while consultations conducted during resettlement plan implementation will further identify assistance required by the affected persons. The most important thing is that the affected households and communities are taken into confidence and meaningful consultation is carried out with them during resettlement plan preparation, implementation, and monitoring resettlement activities.

74. The Safeguards Liaison Officers of CPMO and SMCs with assistance of PIMS social development staff 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 process. Vulnerable affected persons will particularly be given special attention and will be encouraged to choose options that entail the lowest risk. This exercise will be conducted throughout the project life during preparation, implementation, and monitoring of project results and impacts.

B. Information Disclosure

75. Summaries of resettlement plans will be made available in the Nepali language in a timely manner, in an accessible place, and in a form and language that the affected persons can understand. In the initial stage, the SMCs will be responsible for informing potential affected persons and the general public of the project and any resettlement-related requirements through project information brochures, leaflets, and other means. The relevant information includes the project components and location, impact estimates, entitlements, and implementation schedule and GRM will be presented to affected persons. This will enable stakeholders to provide inputs on the resettlement process. The project information disclosure leaflet will also contain the contact numbers of CPMO, SMC, contractor, project engineers and social safeguards personnel and concerned engineer, and grievance redress hotline number which will be distributed among affected persons and project beneficiaries. Furthermore, suggestions and comments raised by the affected persons will be documented in the project records and summarized in project monitoring reports. The sample project information disclosure leaflet is in **Appendix- 8** of this document.

76. In addition to disclosure to the affected persons, CPMO will submit to ADB the resettlement documents such as draft and final resettlement plan or combined resettlement and indigenous peoples plan (RIPP) new or updated resettlement plan or RIPP (if there is a change in scope or there are unanticipated impacts), corrective action plan (if any) and social safeguards monitoring reports (SSMR) for disclosure on the ADB website.

77. The approved entitlement matrix and resettlement plans will be placed in the CPMO and WRIDD/SD offices and will be made accessible to affected persons. Further, the electronic version of resettlement framework/resettlement plans will be placed on the official website of the CPMO. The CPMO, SMC along with PIMS will continue the consultations, information dissemination and disclosure. The updated and final resettlement plans or RIPP will be disclosed on the DWRI/CPMO. Project information will be continually disseminated through disclosure of resettlement planning documents, as and when updated. Information relating to resettlement planning, management, and entitlements for loss of income will be made available in local language and the same will be distributed to affected persons. The consultation process will continue throughout the project cycle.

C. Continued Consultation and Participation

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

79. Further, successful implementation of the resettlement plans is directly related to the degree of continuing involvement of those affected by the Project. Consultations with affected persons have been proposed during resettlement plan implementation and the JSV will be responsible for conducting these consultations. Public consultation and disclosure activities to be followed project as per the following table.

Table 6: Public Consultation and Disclosure Plan

Activities	Details	Responsible Agency
A. Initial Stage		
Mapping of the Project area	Project area to be mapped, clearly showing survey numbers of titleholders of land/property proposed for acquisition	Subproject Management Unit (SMC) under the overall supervision of the central project management office
Stakeholder identification	Mapping/identification of stakeholders in order to facilitate their level of engagement and participation in the project.	SMCs, under the overall supervision of the CPMO.
Project information dissemination; Disclosure of proposed land acquisition and project details	Leaflets containing information on the Project. Public notice issued in local newspapers (and disclosed on CPMO website) including survey numbers and names of titleholders for land to be acquired concurrent with consultation with titleholders.	SMC, in coordination with local government authorities will be involved in information dissemination, under the overall supervision of the CPMO and PIMS. SMCs will be assisted by PIMS for leaflet preparation.
Stakeholder Meetings	Meetings at community/household level with titleholders of affected land/property and their family members during project scoping.	Respective SMCs with local government authorities handling land acquisition will facilitate the meeting with the affected landowners. At least two such meetings should be conducted.
(i) Resettlement Plan Preparation Stage		
Socio-economic surveys and social impact assessment	Resettlement framework will be made available in the local government office handling land acquisition and SMC office, to be translated in local language.	CPMO and SMCs will ensure the availability of resettlement framework.
Formulating compensation measures and	Conducting discussions/ meetings/workshops with all affected	SMCs under overall supervision of CPMO will conduct all required

Activities	Details	Responsible Agency
rehabilitation measures	persons and other stakeholders	discussions/ meetings/ workshops and will invite all secondary stakeholders.
Disclosure of Resettlement Framework and Resettlement Plan or RIPP with entitlements and other rehabilitation packages and cut-off dates	Specific activities will include: (i) Disclosure of the resettlement plan in the project websites (ii) Circulation of copies of resettlement plans to all stakeholders including affected persons (iii) Translation and preparation of resettlement plan summarized in local language and share with stakeholder including affected person Cut-off date for permanent land acquisition, adhere to the LAA. For temporary impacts, start date of the census/survey is the cut-off date.	SMC will undertake all activities related to circulation of Resettlement Plan or RIPP with the PIMS. SMC will arrange public meetings of all stakeholders with affected persons for resettlement plan or RIPP endorsement SMC will document all the comments and suggestions made by affected persons and will send it to the CPMO along with the resettlement plan.
(iv) Resettlement Plan Implementation Stage		
Disclosure of the ADB-cleared updated and/or final resettlement plans to all important stakeholders	(i) Final resettlement plans or RIPP are required prior to award of contracts. These are reviewed and cleared by ADB and will be disclosed on the implementing agency/executing agency's website. (ii) The final plans will be disclosed to affected persons. (iii) Ensuring the availability of copy of the updated and/or approved resettlement plans or RIPP and ADB involuntary resettlement policy at CPMO, SMC offices. (iv) Disclosure of periodic social safeguards monitoring reports on CPMO and ADB websites and make available hard copies in SMC offices.	Executing agency/CPMO and SMC
Consultation with affected persons during income restoration/rehabilitation activities	(i) Meetings/discussions will be arranged with affected persons. (ii) Households to identify help required by Affected persons during rehabilitation	SMCs will arrange the meetings/discussions. Designated staff from the CPMO and PIMS will participate and monitor consultation activities.

V. GRIEVANCE REDRESS MECHANISM

A. Common Grievance Redress Mechanism

80. A common GRM will be in place to redress environmental and social safeguards concerns about the project. Grievance is defined as any issues/concerns that resulted to non-performance of obligations of any of the parties involved in project processes, particularly in safeguards implementation. The GRM described below has been developed in consultation with the stakeholders and will be applicable to all subprojects implemented by DWRI and CAMO under the IMEP. The GRM is anchored on the five principles, underpinning the grievance redress processes and the arrangements envisaged to implement these:

81. **Transparency.** The GRM encourages comments and feedback (negative and positive) to improve the Project. The community must be aware of all complaints, grievances and problems

reported; must be involved in their redress; and must be kept informed on progress made in resolving grievances. Public awareness campaign will be conducted to ensure that awareness on the project and its grievance redress procedures is generated. The campaign will ensure that the poor, women, IPs, the vulnerable and the disadvantaged groups are made aware of grievance redress procedures and CPMO (the central office of the DWRI) and the CAMO (the central agriculture management office of DOA) will ensure that their grievances are addressed according to the time schedule, and feedback will be provided to the affected person or the complainant.

82. **Socially Inclusive.** The whole community, and even those outside, are given the opportunity to raise concerns and the right to receive a response. The GRM provides an accessible, inclusive, gender-sensitive, and culturally appropriate platform for receiving and facilitating resolution of affected persons' grievances related to the project.

83. **Simple and Accessible.** Procedures to file complaints and seek redress are kept simple and easy to understand by the affected people, most especially the non-literate, and their communities. Affected persons will have the flexibility of conveying grievances/suggestions through verbal narration from walk-in affected person, by dropping grievance redress/suggestion forms in complaints/suggestion boxes put up at accessible locations, through telephone hotlines, by e-mail, by post, or by writing in a complaint register at project site, SMC (Subproject Management Committee), and CPMO offices.

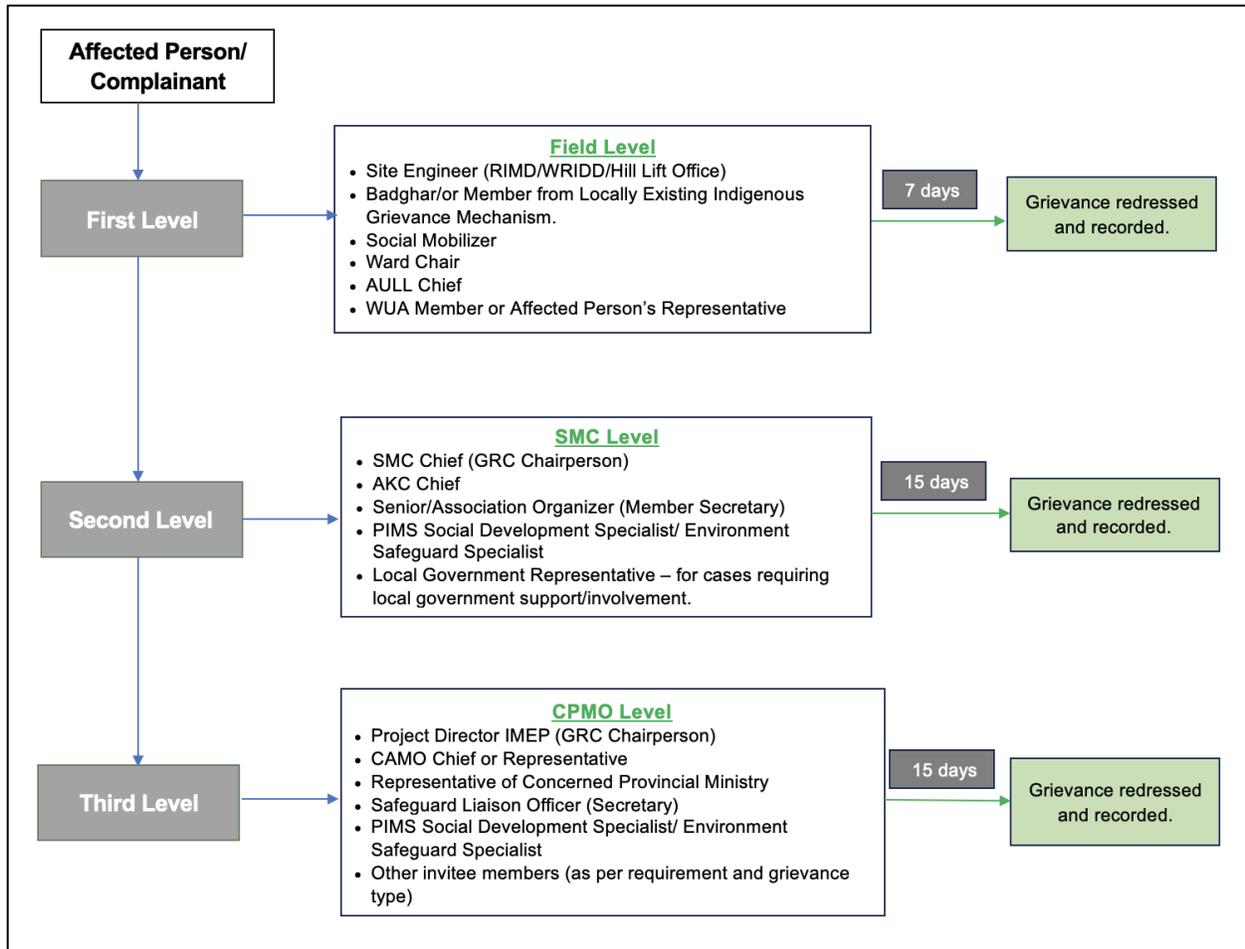
84. **Anonymity and Security.** To remain accessible, open, and trusted, the GRM ensures that the identities of those complaining are kept confidential. This encourages people to openly participate and file grievances. Careful documentation of the name of the complainant, date of receipt of the complaint, address/contact details of the person, location of the problem area and the grievance detail will be maintained by the project. The project will ensure a system for grievance tracking and monitoring, response accorded, its resolution status and closure. SMC together with CPMO's Social Development Specialists will have the joint responsibility for timely grievance redressal on safeguards and gender issues and for registration of grievances, related disclosure, and communication with the aggrieved party.

85. **Institutional Capacity Building.** Through the GRM, the SMC and CPMO will strengthen channels of communication and mechanisms for grievance redress at the community/project area level.

B. Grievance Redress Arrangements and Role Functions

86. The GRM is a three-tier arrangement that facilitates time-bound grievance resolution at each level. Responsible persons and agencies/offices are identified to address grievances and seek appropriate advice at each stage, as required. Institutional arrangements, including constitution of grievance redress committees (GRC) at various levels, will be ensured to function throughout the project duration. The CPMO shall ensure the constitution of these committees and oversee the implementation of grievance redress processes, including adherence to time limits, record keeping, and documentation at each level.

Figure 2: Grievance Redress Mechanism



87. **Field Level:** The first level of the GRM will function at the project location/site (field level). The field-level arrangement will consist of ground implementation staff led by the project's Site Engineer, contractors engineer or representative, a Community Organizer a Barghar¹⁷ or a member from a locally existing indigenous grievance settlement mechanism, or a representative from local community, and a representative of the affected persons. All minor issues and those perceived as immediate and urgent by the complainant will be resolved at the field level itself (within 7 days). For cases requiring input and involvement of local bodies, the field-level grievance cell will be strengthened by including a Ward Chair. The cell will consist of at least one female member and one representative from the local indigenous community. In cases of larger issues that cannot be resolved at the field level, the matter will be escalated to CMC level GRC, the second level arrangement. The Community Organizer will be responsible for documentation and record-keeping. A summary of grievance records and resolution status will be submitted to the CPMO monthly. The province-based PIMS Social Development Specialist will both monitor and provide guidance and support to the field staff in grievance redress and its record-keeping.

¹⁷ The Barghar is an elected/selected chief of a Mauja/village or settlement for the period of one year and responsible for the wider range of activities such as organization and management of cultural traditions of the community, mobilization of villagers for repair and maintenance of canal and development work, resolve all social conflicts etc. The Badghar system is only exist in Rajapur area and may not be applicable to other project component.

88. **SMC Level:** A GRC will be established at the SMC level, headed by the SMC chief. The Senior/Association Organizer of the Institutional Development section of WRIDD/SD/RIMD will function as the member secretary of the GRC, supported by the PIMS Social Development Specialist/Environmental Safeguard Specialist. The committee will include a representative from the concerned local government, AKC Chief, as per the nature of the grievance. All grievances that cannot be resolved at the field level and those directly registered at this level will be addressed by this body within 15 days of complaint receipt. Proper documentation of grievances (including records of grievances redressed at the field level) will be maintained by the Institutional Development unit of WRIDD/RIMO and offices responsible for hill lift schemes. In cases where the GRC at this level is unable to resolve a grievance within the stipulated period, the case will be escalated to CPMO level GRC for resolution. The SMC level will also maintain follow-up for each grievance, periodically disseminate information to complainants on the status of their grievance and record their feedback (satisfaction/dissatisfaction and suggestions).

89. **CPMO Level:** The arrangement at the highest level will involve the constitution of a project-level committee headed by the CPMO PD as the chairperson. The committee will receive support from the Social Development Specialist/Environmental Safeguard Specialist or technical experts relevant to grievances, CAMO Chief or representative, representative or senior officer from the concerned provincial ministry, and other members as required based on the type of grievance¹⁸. All grievances that cannot be resolved by the SMC level GRC will be brought to the attention of this body, seeking its advice or referral for resolution at this level. Grievances received or referred to this committee will be resolved within 15 days. Periodic information will be provided to complainants on the resolution status of their grievance. The Safeguard Liaison Officer will act as the secretary for the CPMO level committee and will also be responsible for compiling grievance redress records, including project-level documentation and reporting.

90. The affected person/complainant shall have access to the country's legal system at any stage. Furthermore, accessing the country's legal system can run parallel to accessing the GRM and is not dependent on the negative outcome of the GRM.

91. **ADB Accountability Mechanism.** At any point during the project cycle, any affected person can directly write to the Complaint Receiving Officer of ADB's Accountability Mechanism¹⁹ at ADB headquarters. However, before submitting a complaint to the Accountability Mechanism, affected/aggrieved person/s should make a good faith efforts to resolve their problems by working with the concerned ADB operations department and/or Nepal Resident Mission (NRM). If they are still dissatisfied only after doing so, the Accountability Mechanism considers the processing of the complaints.^[1] The complaint can be submitted in any of the official languages of ADB's developing member countries. Information on ADB Accountability Mechanism will be included in the project-relevant information to be distributed to the affected communities.

92. **Consultation arrangements and information dissemination.** The GRM will adopt a consultative and participatory approach to grievance resolution, which may, in some cases, require one-to-one consultation with individual complainants or the aggrieved community. Furthermore, the CPMO with support from the PIMS Social Development Specialist/Environmental Safeguard Specialist will be responsible for disseminating information to affected persons on the grievance redressal procedure, ensuring that the affected communities and other concerned stakeholders understands the grievance redress mechanism and process. Adequate consultations, meetings,

¹⁸ In case of complaints related to IPs, the CPMO level GRC will include representative from the affected indigenous peoples community or group.

¹⁹ <http://www.adb.org/Accountability-Mechanism/default.asp>

and public awareness campaigns will be conducted in this process.. Information on grievances received and responses provided will be documented and reported back to the affected persons. All grievances will be treated with utmost confidentiality, and the identity of the complainant will not be disclosed without their written consent. A sample grievance registration form is provided in **Appendix 9.**

93. **Record Keeping.** Records of all grievances received, including contact details of complainant, date the complaint was received, nature of grievance, agreed actions and the date these were taken, and outcome will be maintained by the CPMO (with the support of PIMS Social Development Specialist/Environmental Safeguard Specialist). As part of record-keeping and reporting practices, information on grievance tracking will also be maintained. Grievance reporting by SMC and CPMO at their respective levels will include information for the reporting period and the cumulative data on select parameters such as total grievances received, redressed, pending, etc., since the project's inception. A summarized information will be included as part of periodic reporting by the CPMO, with support from PIMS, to ADB.

94. **Periodic review and documentation of lessons learned.** The CPMO will periodically review the functioning of the GRM and record information on the mechanism's effectiveness, particularly in preventing and addressing grievances within the project.

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

VI. COMPENSATION, INCOME RESTORATION AND RELOCATION

A. Compensation

96. Involuntary resettlement impacts will be compensated in accordance with the provisions of the entitlement matrix. Compensation for the loss of land will be determined based on the replacement cost principle in accordance with ADB SPS. The valuation committee will comprise of CDO, Land Administrator or Chief of the Land Revenue Office, concerned Project Manager or Officer assigned by CDO and representative from concerned Rural Municipality or Municipality. The valuation committee will finalize the replacement cost without any depreciation cost.

97. The following displaced persons are eligible for compensation, assistance, and benefits under the project. All affected persons will be eligible for assistance/compensation as per the entitlement matrix. Eligible persons include:

- (i) persons who will lose land/assets/income in their entirety or in part and have formal legal rights to the land.
- (ii) persons who will lose the land they occupy in its entirety or in part, and have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws, e.g., tenants and leaseholders.
- (iii) persons occupying land over which they neither have legal title, nor have claims recognized or recognizable under national law e.g., sharecroppers, squatters, encroachers, wage labor without formal contracts, and vulnerable households.

B. Eligibility and Cut-off Date

98. Date of notification for land acquisition (as per section 9 of the Land Acquisition Act, 1977) will be the cut-off date for titleholders. Similarly, for the non-titleholders, the start of census survey will be considered as the cut-off date.

99. All affected persons who are identified in the project-impacted areas by the cut-off date²⁰ will be entitled to compensation for their affected assets, and sufficient rehabilitation measures to help them to improve or at least maintain their pre-project living standards, income-earning capacity, and production levels will be carried out. The absence of legal/formal titles to the affected assets will not prevent the affected people from receiving full compensation and assistance as required by ADB SPS (2009) on involuntary resettlement.

C. Income Restoration and Rehabilitation

100. Income restoration schemes will be designed in consultation with affected people. The strategy for income restoration will be prepared prior to the resettlement impact. Based on the information collected from the census and the socio-economic surveys, income restoration strategies will be framed, and activities planned. Social Development Specialist of PIMS in coordination with CPMO and SMC will consider the resource base of affected persons and their socio-economic characteristics and preferences to develop appropriate income restoration schemes.

101. The objective of income restoration is to ensure that each affected person will have at least the same or improved income after the project. PIMS through SMC level support staff (Association organizer) will identify the number of eligible affected persons based on the census of affected persons and will conduct training need assessment in consultations with the affected persons. The SMC/PIMS will examine local employment opportunities and produce a list of possible income restoration options. Suitable trainers or local resources will be identified by the PIMS in consultation with local institutions available.

102. The project will provide short-term income restoration activities intended to restore affected person incomes in the period immediately focusing on rehabilitation and providing short-term allowances such as (i) transitional allowance and (ii) shifting assistance. Medium-term income restoration activities such as provision of longer-term training will also be provided. Longer-term training will be developed based on the degree of disruption to livelihood activities. These will be derived from detailed socio-economic survey information, conducted as a part of the resettlement plan. The time frame will be decided based on training to be provided and will also be outlined in the resettlement plan. The resettlement plan budget will reflect the cost of providing training. The SMC with the support from CPMO and PIMS will facilitate affected person access to Government schemes that could help them to restore income and livelihood.

103. Key steps to be undertaken in livelihood skills training by the SMC/PIMS for vulnerable households are:

- (i) Identification of affected vulnerable households²¹ through the census and socio-economic survey of affected persons.
- (ii) Identification of potential trainees and training needs assessment for vulnerable households, which would require a detailed survey and assessment of the literacy, educational level, and/or skill sets of one member of the household nominated for skill training. The needs assessment will also document income from various sources, assets, resources, and coping strategies currently used by the household.

²⁰ Those who encroach into the project area after the cut-off date will not be entitled to compensation or any other assistance.

²¹ 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.

The strategy will improve/maximize returns from present occupation of the principal earning member or introduce a new/supplementary occupation aimed at achieving the right mix of activities in order to enable the household to improve/maintain its living standards. Baseline details will be documented for post-training impact assessment.

- (iii) Identification of requirements for credit support and assistance in accessing employment.
- (iv) Identification of local trainers, resource persons or training institutes by PMCDC. A maximum time frame of 3 months is planned for training.
- (v) Internal monitoring of training and submission of progress reports; and
- (vi) Post-training impact assessment will be conducted, one year after project implementation. Indicators would be developed during the detailed design stage.

D. Assistance for Temporary Impacts

104. Loss of land and impact to common property resources are not expected based on the preliminary assessment of the tentative list of components of hill lift schemes. Nonetheless, the resettlement framework provides provisions through the entitlement matrix should there be partial losses (please see items 1 and 6, for the detailed provisions). To highlight, the affected persons will be provided with:

- (i) Compensation for assets lost at replacement value/cost, including trees and crop loss in accordance with the entitlement matrix.
- (ii) Restoration, replacement, or provision of alternative access in consultation with the affected communities in case of common resources.

105. Proposed projects requiring work on forest and public land such as construction of tubewell or reservoir tanks are not expected to require land acquisition nor affect permanent structures. However, temporary impacts on standing crops may occur. In case of temporary impacts, affected persons will be provided with:

- (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 initial environmental examination. This includes leaving spaces for access between mounds of soil, providing walkways and metal sheets to maintain access across trenches for people and vehicles where required, increased workforces to finish work in areas with impacts on access, timing of works to reduce disruption during business hours, phased construction schedule and working one segment at a time and one side of the road at a time.
- (iii) Although the project area lies in the rural domains, the existence of mobile vendors is not expected. In case of the temporary impacts, assistance to mobile vendors/hawkers to temporarily shift for continued economic activity. For example, assistance to shift to the other side of the road where there is no construction or NRs.5000 as one-time cash shifting assistance; and
- (iv) 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.

D. Relocation

106. The project does not anticipate any displacement or relocation of affected persons. Should

relocation be required, consultations will be carried out with affected people regarding the choice of their relocation options. affected persons requiring relocation of residential or commercial structures will be assisted by the CPMO in identifying sites that (a) minimize disruption of social networks and/or access to means of livelihood, and (b) provide access to similar (pre-project level) or improved services and facilities. Tenant affected persons (residential or commercial tenants) requiring relocation will be assisted by the CPMO in finding suitable rental accommodations. Adequate compensation measures are outlined in the entitlement matrix if the project envisages physical displacement of the affected people.

VII. BUDGETING AND FINANCING

107. Detailed budget estimates for involuntary resettlement will be prepared for each resettlement plan, by the SMC with the support of the PIMS, under the guidance of the CPMO. It will be included in the overall project estimate. The budget will include (i) detailed costs of land acquisition, relocation, and livelihood and income restoration and improvement, (ii) source of funding, (iii) cost for GRM and (iv) monitoring costs. Funds for land acquisition (including land acquisition for non-titled affected persons) if any, compensation for all assets lost, related resettlement assistance, and relocation and transfer will be provided by the GoN. The Administrative and implementation costs, including engagement of the PIMS, cost of census and survey of affected persons and inventory of assets, cost of information and consultations, third-party verification (in case of voluntary land donation or negotiated settlement) training and monitoring will be provided by the project. Land acquisition and resettlement costs will be considered as an integral component of costs.

108. All entitlements will be paid directly into the individual accounts of displaced persons. The SMC will be involved in facilitating the disbursement process and rehabilitation program and will facilitate opening bank accounts for the displaced persons who do not have them. The CPMO will ensure that affected persons are compensated prior to land acquisition and commencement of civil works.

109. Under the scope of the project, temporary access is required for pipeline installation, with commensurate compensation paid for possible loss of crops. This has been determined using the preliminary length of the pipeline layout, which will be verified and reconfirmed during the detailed design surveys. The following table summarizes the pipeline lengths and estimated crop compensation. Each pipe requires an excavation of 0.6 m but necessitates a way-leave of 2.0 m. The estimated resettlement cost is provided in the following table and is applicable only to HLIP.

Table 7. Estimate Cost for Crop Compensation

Total length of Distribution pipelines (KM)	Area required (m2) <i>(multiplied by 2 to get affected area)</i>	Total cropped area (hectare)	Cost of production / hectare ²²	Cost of crop damage (<i>Option-1: if 100% pipeline follows farm field requiring crop compensation</i>)	Cost of crop damage (Option-2: <i>if 50% pipeline follows road alignments or 50% farm field are fallow</i>)	Remark
136	272,000.00	27.20	115,000	3,128,000	1,564,000	For safer side cost under option 1 is considered as a real

²² The estimated cost is calculated based on per ha income from the wheat crop.

Total length of Distribution pipelines (KM)	Area required (m2) (multiplied by 2 to get affected area)	Total cropped area (hectare)	Cost of production / hectare ²²	Cost of crop damage (Option-1: if 100% pipeline follows farm field requiring crop compensation)	Cost of crop damage (Option-2: if 50% pipeline follows road alignments or 50% farm field are fallow)	Remark
						time assessment will be carried for loss assessment

110. Based on the preliminary estimation of pipeline and crop compensation and other cost, indicative overall IR implementation cost is represented in following table. The actual costs will be indicated in the respective RP of the subproject

Table 8. Indicative cost for RP Implementation

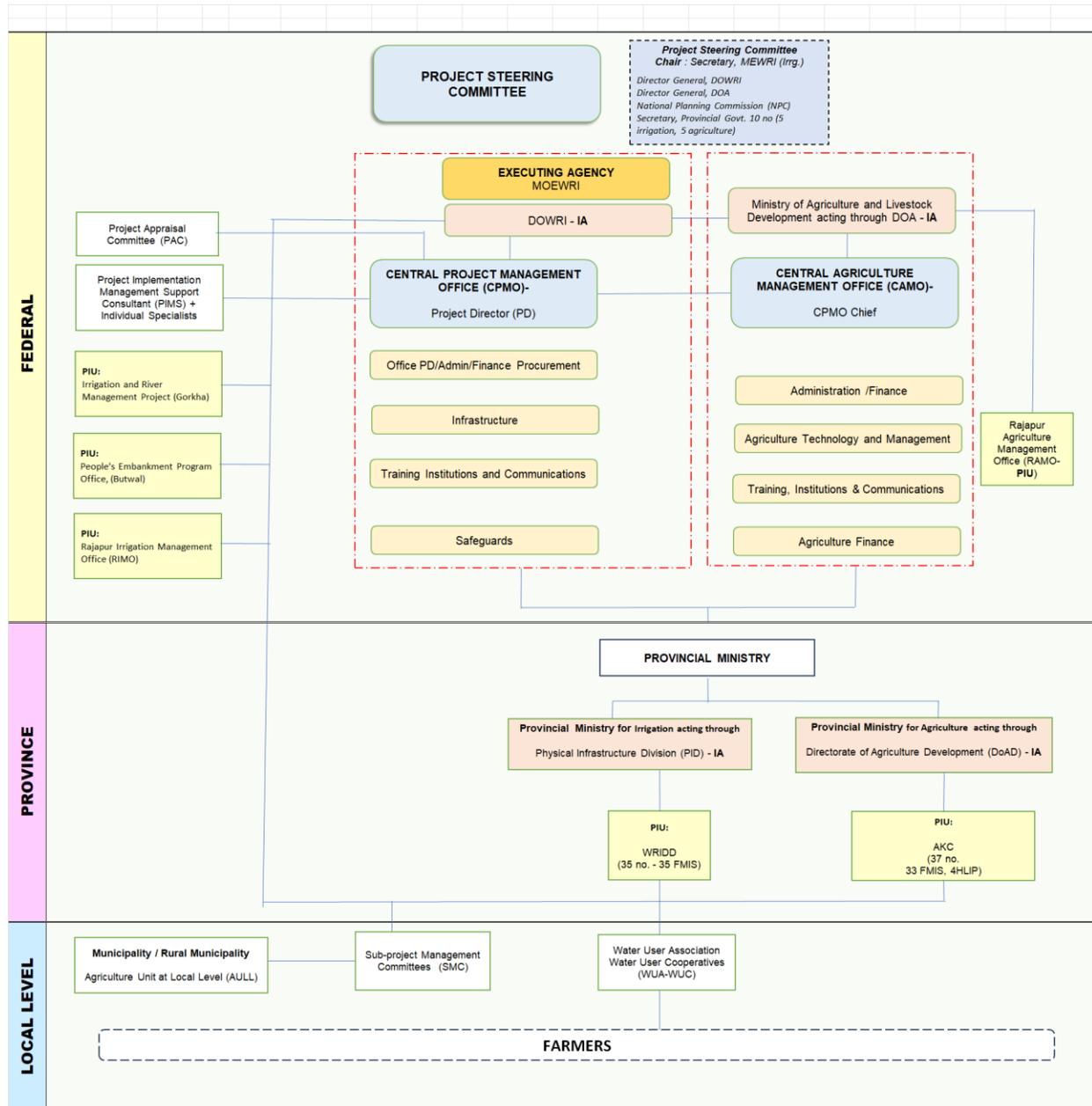
S. No.	Item	Unit / Number	Unit Rate	Amount (in NPRs)	Remark
A. Resettlement Cost					
1	Provision for loss of standing crops (hectare)	27	115000	3,128,000.00	
	Sub-total (A)			3,128,000.00	
B. Voluntary Land Donation					
1	Independent Third-party certification for estimated 6 VLD	6	130,000.00	780,000.00	
	Sub-total (B)			780,000.00	
C. Administrative Cost					
1	Socio economic /DMS Survey for one RP updating and 11 RP Preparation in HLIP		Lumpsum	1,200,000.00	
2	Consultations/Meetings, Grievance Redress		Lumpsum	500,000.00	PIMS consultant will carry the consultation
			Lumpsum	250,000	Will be budgeted under CPMO and included in annual program and budget of each year
3	Awareness generation and capacity-building				
	Sub-total (C)			1,950,000.00	
	TOTAL = A +B + C			5,858,000.00	
11	Contingency cost (15%)			878,700.00	
	Grand Total (in NPRs)			6,736,700.00	
	USD@ 1 USD=132			51,036	

VIII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

111. Institutional Arrangement. The executing agency of the project is the Federal Ministry of

Energy, Water Resources, and Irrigation (MOEWRI) through the Department of Water Resources and Irrigation (DWRI). The overall safeguard activities will be implemented and monitored by Central Project Management Office at DWRI, District based Water Resource and Irrigation Development Divisions under Provincial Government; Irrigation and River Basin Management Office Gorkha and People’s Embankment Program Office Butwal for HLIP and Rajapur Irrigation Management Office for RIP. The agriculture component will be implemented by the central agriculture management office and AKCs under provincial government. These project management units will also be responsible for the implementation of IPP activities.

Figure 3. Overall Project Implementation Arrangement



112. **Social Safeguards Roles and Responsibilities.** The CPMO will engage a Safeguard Liaison Officer (SLO), who will be responsible for overall safeguards coordination across the project. The SLO will be supported by six Social Development Specialist of the PIMS. The project will also engage 122 Social Mobilizers to facilitate social mobilization, consultation, and capacity support at the subproject level for a period of 2 years.

Safeguards Liaison Officer

- (i) Design and organize capacity building and training programs for safeguards staff as well as the other project staff at all levels.
- (ii) Lead the preparation of annual safeguard implementation program and include in CPMOs' annual program and budget.
- (iii) Organize formal communications required for awareness campaigns, consultations and participation programs and participate in all consultations/meetings.
- (iv) Ensure adoption and compliance of resettlement framework in all project activities.
- (v) Endorse all RP, IPP and corrective action plan, if any, prepared under the project to ADB and obtain timely approvals.
- (vi) Submit semi-annual social safeguards monitoring reports (SMRs) to ADB and obtain timely approvals.
- (vii) Monitor the overall implementation of RP and IPP.
- (viii) Ensure payment to all affected persons is completed before commencement of civil works.
- (ix) Ensure timely resolution of complaints and maintain an updated record of complaints.
- (x) Monitor implementation of GESI-AP.
- (xi) Ensure that RP implementation and monitoring are integrated in the Project's information and technology monitoring system.
- (xii) Disclose the RF, RP, IPP, IR-DDR and social safeguards monitoring reports.
- (xiii) Ensure that land donation process is verified and certified by an independent third-party.

PIMS Social Development Specialist – (1 position in CPMO)

- (i) Prepare and update the RP and IPP based on detailed designs and RF prepared for the project.
- (ii) Ensure the timely disclosure of draft and final RP and IPP in locations and formats accessible and understandable to the public and affected persons.
- (iii) Guide the CPMO to coordinate across the project components in the overall management, implementation, monitoring and reporting of social safeguards compliance.
- (iv) Provide oversight on the social safeguard management aspects of projects and ensure that RP and IPP and impact avoidance measures outlined in the RF are implemented by project implementation offices and contractors.
- (v) Review, monitor, and evaluate the effectiveness of the implementation of RP and IPP, and recommend necessary corrective actions.
- (vi) Facilitate as a resource person in social safeguards training activities conducted by CPMO for the project implementation offices, contractors, and WUAs for capacity building to implement the RP and IPP.
- (vii) Guide the CPMO and other project implementation offices in addressing any grievances brought about through the grievance redress mechanism in a timely manner.
- (viii) Consolidate monthly and quarterly social safeguard monitoring report and (including specific activities proposed under IPP) s from FMIS, HLIP and RIP and submit quarterly and semi-annual social safeguard monitoring reports to ADB through CPMO.
- (ix) Guide the CPMO to prepare and implement a community awareness and participation plan and support in preparing other information and campaign materials. Lead implementation, monitoring and reporting of the IPP and prepare monitoring reports against the indicators outlined in IPP

- (x) Identify any non-compliances and assist in preparing time-bound corrective action plans, if and as required.

PIMS Social Development Specialist – (3 positions in FMIS)

- (i) Assist WRIDD/AKC in overall management, implementation, monitoring, and reporting of social safeguards compliance.
- (ii) Ensure that information on safeguard planning and implementation is updated and submitted to CPMO with the support of WRIDD and the contractor.
- (iii) Hold consultations with beneficiary farmers, update IR-DDR (if required), and submit it to CPMO for review and approval, then further submission to ADB.
- (iv) Be responsible for the day-to-day implementation and monitoring of IPP.
- (v) Conduct continuous public consultations and information disclosure with the support of Community Organizers.
- (vi) Ensure timely submission of monthly and quarterly progress reports, as well as semi-annual social monitoring reports to CPMO, with the support of WRIDDs.
- (vii) Facilitate the establishment of project-GRM at the subproject and SMC level, ensuring it is fully functional prior to or during the award of the first contract, or within three months of loan effectiveness, whichever is earlier. Address any grievances brought about through the grievance redress mechanism in a timely manner as per the RF.
- (viii) Identify any non-compliances and assist in preparing time-bound corrective action plans, if and when required.
- (ix) Maintain and update a subproject-wise database of grievance-related issues and report to CPMO for timely actions.
- (x) Lead implementation, monitoring and reporting of the IPP and prepare monitoring reports against the indicators outlined in IPP
- (xi) Support WRIDDs/AKC/WUA in all awareness, training, and capacity-building activities related to social safeguards and GESI-AP implementation.

PIMS Social Development Specialists – (1 position in HLIP)

- (i) Update sample RP of HLIP in Baireni based on detailed designs and prepare new RPs for remaining HLIPs in accordance with the RF prepared for the project.
- (ii) Ensure that all conditions in the RP and IPP are implemented and/or complied with before the execution of project works.
- (iii) Supervise voluntary land donation and temporary economic impacts with crop compensation and provide any assistance required for conducting independent third-party verification.
- (iv) Support HLIP implementation offices in supervising voluntary land donation and compensation-related surveys, including: (a) census/inventory of loss surveys for permanent and temporary land use/impacts; and (b) socio-economic surveys of affected landowners donating lands for the reservoir tank if required.
- (v) Assist implementation offices in the implementation of the community awareness and participation plan in the HLIP area.
- (vi) Conduct continuous meaningful consultations and information disclosure with the support of the Community Organizer. e courses for training contractors, preparing them for resettlement RP implementation, social safeguard monitoring requirements, and taking immediate action to mitigate IR impacts during RP implementation.
- (vii) Ensure timely submission of monthly, quarterly progress reports, and semi-annual social safeguards monitoring reports to CPMO, with the support of implementation offices.
- (viii) Facilitate the establishment of project-GRM at the subproject and SMC levels and ensure it is fully functional prior to or during the award of the first contract or within three months of loan effectiveness, whichever is earlier. Address any grievances brought about through

- (ix) the grievance redress mechanism in a timely manner as per the RF.
- (ix) Identify any non-compliances and assist in preparing time-bound corrective action plans, if and when required.
- (x) Maintain and update project component-wise database of resettlement/grievance-related issues and inform implementation offices for timely actions.
- (xi) Lead implementation, monitoring and reporting of the IPP and prepare monitoring reports against the indicators outlined in IPP
- (xii) Support CPMO/CAMO/HLIP implementation offices/AKC/WUA in all awareness, training, and capacity-building activities related to social safeguards and GESI-AP.

PIMS Social Development Specialists – (1 position in RIP)

- (i) Assist the Rajapur Irrigation Management Office (RIMO) in overall management, implementation, monitoring, and reporting of social safeguards compliance.
- (ii) Ensure that information on safeguard planning and implementation is updated and submitted to CPMO with the support of RIMO and contractors.
- (iii) Hold consultations with beneficiary farmers, update IR-DDR (if required), and submit it to CPMO for review, approval, and further submission to ADB.
- (iv) Be responsible for the day-to-day implementation and monitoring of IPP.
- (v) Conduct continuous public consultations and information disclosure with the support of Community Organizer
- (vi) Ensure timely submission of monthly, quarterly progress reports, and semi-annual social monitoring reports to CPMO, with the support of RIMO.
- (vii) Facilitate the establishment of project-GRM at the project and SMC levels and ensure it is fully functional prior to 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 RF.
- (viii) Lead implementation, monitoring and reporting of the IPP and prepare monitoring reports against the indicators outlined in IPP
- (ix) Identify any non-compliances and assist in preparing time-bound corrective action plans, if and when required.

Community Organizer (122 Positions: 100 FMIS, 12 HLIP and 10 in RIP)

- (i) The Community Organizers will work closely with the WUA, beneficiary farmers, and implement as instructed by the Social Development Specialist, especially in consultation, training, awareness, institutional development, and coordinating various activities at the subproject level. A total of 122 positions of community organizer will be deployed by concerned project implementation offices. The main duties include:
- (ii) Assist the Social Development Specialist in organizing public consultations to disseminate project information and GRM, ensuring the participation of women, the poor, Dalit, and IP beneficiary households at the subproject level.
- (iii) Assist the Social Development Specialist in identifying vulnerable households (marginal farmers, female-headed households, and landless sharecroppers) and conducting separate meetings to ensure their needs are fully incorporated into project-supported activities.
- (iv) Support the implementation of training, ensuring the representation of women, IPs, Dalit, and marginal farmers, and maintaining records disaggregated by sex, and caste.
- (v) Facilitate CAMO/AKC in the implementation of agriculture development programs, ensuring that women, small and marginal farmers are consulted in the process, and data on farmer group composition are collected and maintained, disaggregated by sex, caste.
- (vi) Support WUAs in their works related to WUA formation/reorganization and mobilization, conduct meetings, WUA contribution, monitoring of construction works, and mobilization of

- farmers, linking them to AKC and AULL.
- (vii) Support the Social Development Specialist in conducting safeguard and gender capacity and sensitization training for WUA executives at the community level.
 - (viii) Support the Social Development Specialist in identifying the need for voluntary land donation for irrigation subproject rehabilitation and discussing arrangements with beneficiaries for such land donation.
 - (ix) Collect and maintain disaggregated socioeconomic data in close coordination with WUA and facilitate WUA in attaining equitable representation of Dalit, IPs, and marginal farmers in the WUA executive committee.

Contractor

- (i) In close coordination with the project implementation offices and the PIMS Social Development Specialist/Environmental Safeguard Specialist, finalize detailed designs while adhering to the social safeguard principles adopted for the project.
- (ii) With the assistance of the PIMS Social Development Specialist/Environmental Safeguard Specialist, ensure that all design-related measures (e.g., special considerations for vulnerable populations related to project locations or design, mitigation measures for affected persons, etc.) are integrated into project designs.
- (iii) Conduct joint walk-throughs with design engineers from project implementation offices and the PIMS Social Development Specialist/Environmental Safeguard Specialist at sites/sections ready for implementation. Assist in identifying the need for detailed measurement surveys and support PIMS in jointly conducting/updating detailed measurement surveys and census surveys to arrive at the final inventory of loss.
- (iv) Provide required data/information to PIMS Social Development Specialist for preparing and updating the draft RP, IRDDR and IPP for submission to CPMO and to ADB for review and approval.
- (v) Ensure strict adherence to agreed impact avoidance and mitigation measures outlined in the RP and IPP during implementation.
- (vi) Assist with grievance redressal and ensure recording, reporting, and follow-up for resolution of all grievances received.
- (vii) Submit monthly progress reports including safeguards, health and safety, and sex-disaggregated data as required for monitoring.

113. **Civil Works Contracts.** The provisions of resettlement plans are to be included in bidding and contract documents for which contractor is responsible and verified by the SMCs and CPMO. All contractors will be required to designate a Social Safeguards Officer to ensure implementation of the resettlement plan and IPP during civil works and O&M, who will also have the responsibility for communication with the public under the guidance of CPMO and SMCs and grievance registration. Contractors are to carry out all mitigation and monitoring measures outlined in their contract.

114. The CPMO and SMCSMCs 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.

115. Furthermore, specific social safeguards requirements are included in the bidding documents. The contractor must ensure that there are no damage to the residential structures

and no loss and/or access to houses, shops, and any community property resources. At no additional cost, the contractor will ensure (i) maintaining access to houses, shops, parks, and any community property resources; (ii) ensuring public safety; (iii) reinstating and compensating any damages due to construction activities; (iv) not commencing civil works until 100% compensation and assistance has been provided to the affected persons; and (v) addressing any complaints at the first level of the project's grievance redress mechanism. in collaboration and coordination with the first level of GRC.

Table 9: Institutional Roles and Responsibilities

S. No.	Activity	Responsibility
Project initiation stage		
1	ADB website disclosure	ADB
2	Disclosure of summary resettlement plan in local language	CPMO-PIMS
3	Finalization of network alignments and project components design	CPMO-PIMS
4	Update resettlement plan based on detailed design and send to ADB for review and approval	CPMO-PIMS /ADB
5	Consultation meetings at community/household level with displaced persons	CPMO-PIMS Contractor
6	Establish GRM and GRC	CPMO-PIMS
Resettlement plan implementation		
7	Contractor to identify roads/ street in case of full closure	Contractor
8	Detailed survey to confirm Project impacts and affected persons, and income loss survey on roads/streets that will witness full closure	CPMO-PIMS /Contractor
9	Calculation of compensation and entitlements	CPMO
10	Updated RP/RIPP consultations and disclosure to the affected peoples	CPMO-PIMS
11	Awarding of checks for compensation	CPMO
12	Contractor to begin work	CPMO /Contractor
13	Grievances redress	CPMO-PIMS
14	Internal monitoring	CPMO

Safeguards Capacity Development

116. The PIMS Social Development Specialist will be responsible for capacitating the CPMO safeguard unit, and SMC engineers and safeguards officers. The IEEs and resettlement plans, DDR include indicative training modules on safeguards. The PIMS will coordinate with CPMO and WRIDDs on specific capacity development program, which include but not limited to:

- (i) Sensitization on ADB's policies and guidelines on social and indigenous people's safeguards (ADB's Safeguard Requirement 2 and 3: Involuntary Resettlement and Indigenous Peoples) including meaningful consultation, information disclosure, 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 roads, and drainage subprojects.
- (iii) Functioning of the GRM and how to make the process effective.
- (iv) Preparation and review of resettlement plans/RIPPs/IPP/DDR based on preliminary design and updating of the documents based on the final design.
- (v) Disbursement of compensation, consultation; and
- (vi) Monitoring and Reporting requirements.

117. The training and capacity support for CPMO and PIU staff members will be an integral part of institutional strengthening of the EA and IAs. The project will plan and organize training programs during the project inception period. A refresher training will be planned each year for efficient implementation and monitoring of safeguard activities. PIMS Social Development Specialists will periodically assess the training needs of the staff members of the PIU-based

subproject management committee and support the project in designing and implementing training programs.

IX. IMPLEMENTATION SCHEDULE

118. The project will be implemented over a period of 6 years. The resettlement plan implementation schedule will vary from project to project. In general, the project implementation will consist of the three major phases, namely project preparation, land acquisition (if required), and rehabilitation of affected persons and construction and operational phase. In line with the principles laid down in this resettlement framework, the executing agency and implementing agency will ensure that project activities are synchronized between the resettlement plan implementation activities and the project implementation. The executing agency and implementing agency will ensure that no physical or economic displacement of affected households will occur until: (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan are provided to the displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by adequate budget, is in place to help displaced persons improve, or at least restore, their incomes and livelihoods.

119. All land acquisition, resettlement, and compensation for a project will be completed before award of civil works contracts. All land required will be provided free of encumbrance to the contractor prior to handing over of project sites and the start of civil works. The implementation of the resettlement plan will include: (i) identification of cut-off date and notification; (ii) verification of losses and extent of impacts; (iii) finalization of entitlements and distribution of identity cards; (iv) consultations with affected persons on their needs and priorities; and (v) resettlement, provision of compensation and assistance, and income restoration for affected persons. The Indicative implementation schedule for a project is in the succeeding table.

Table 10: Safeguard Implementation Schedule

Activities	2024(Q)		2025(Q)				2026 (Q)				2027(Q)				2028(Q)				2029 (Q)				2030 (Q)																			
	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4																
Setting up of CPMO/SMC																																										
Setting up of project level GRM and Formation of GRC			←	→																																						
Prepare a community awareness and participation plan (CAPP) and submit it to ADB for review by the end of the first quarter after loan effectiveness			←	→																																						
Awareness campaign among affected persons on entitlements, impact avoidance and mitigation measures to be implemented by the contractor			←	→																																						
Conduct DMS, census surveys and issuance of ID cards in sections ready for construction by SMC with the support of the PIMS			←	→																																						
Identification of vulnerable affected persons, (if any)						←	→																																			
Update draft resettlement plan to reflect surveys, consultations, design changes, and due diligence results						←	→																																			
Consultations and Information Disclosure			←	→																																						
Review and approval of updated resettlement plan/RIPP (ADB)										◆																																
Training/capacity building of CPMO and SMC safeguards officers, engineers, and other staff, PIMS supervision staff and contractor's staff		←	→																																							
Payment of compensation		←	→																																							
Handover of sites and alignments to contractors		←	→																																							
Start of civil works								←	→																																	
Internal monitoring, including surveys of affected persons on entitlements, satisfaction surveys																																										
Repair/reconstruction of affected facilities, structures, utilities, if any							Immediately, in consultation with other departments, as required																																			

ADB = Asian Development Bank, GRM = grievance redress management, CAPP= community awareness and participation plan, PIMS: project implementation management support consultant, SMC = Subproject implementation Committee,

X. MONITORING AND REPORTING

120. The CPMO with the support from PIMS, will establish a monitoring system with pre-designed, discussed and approved indicators for monitoring social safeguards prior to approval of the project as a part of Design and Monitoring Framework (DMF). During implementation, monitoring will involve collecting, analyzing, reporting and use of information about the progress of resettlement, based on the approved RIPs/IPP and frameworks. The Central Safeguard Desk at CPMO will be responsible for overall safeguards monitoring across the projects. The safeguard desk will be supported by PIMS consultant for monitoring the progress of all aspects of resettlement and income generation. During project implementation, PIMS will prepare quarterly progress reports on all aspects of social safeguards implementation. These will be submitted to CPMO for review. CPMO with support from PIMS will prepare semi-annual social safeguard monitoring reports (SMRs) and will submit to the ADB for approval and disclosure. The prescribed semi-annual monitoring reporting template is in **Appendix 10**. The start of SMR report submission is six months from date of loan effectiveness. The monitoring activities will continue until a project completion report is prepared by ADB.

127. The RP implementation monitoring will be done internally to provide feedback to CPMO through monitoring and evaluation reports and other relevant data, to identify any action needed to improve resettlement performance or to respond to changing circumstances. Evaluation of the resettlement activities will be undertaken during and after implementation of each RP to assess whether the resettlement objectives were appropriate and whether objectives were met, including specifically whether livelihoods and living standards have been restored or enhanced. The evaluation will also assess resettlement efficiency, effectiveness, impact and sustainability, drawing lessons as a guide to future resettlement planning.

Table 11: Potential Indicators for Internal Monitoring

Category	Data requirements/ Indicators
Affected People Database (based on Census/ Socio-economic surveys)	Location Demographic details (family structure, sex, age, education) Gender and Ethnicity Occupation/employment-Income sources and levels Housing type and ownership Land holdings, ownership and cropping patterns
IR impacts and Implementation	Loss of land / structure/ assets acquired and crop losses for each affected household Compensation and resettlement assistance estimates and disbursement of payment Number of consultations conducted and disclosure of required documents GRCs in place, grievances received and addressed Is there any displacements and relocation?
Training and Capacity Building	Total capacity building and training programs conducted No. of staff trained at various levels Number of WUA member trained
Restoration of Livelihoods	Were all VLDs in line with the eligibility criteria. Were all compensation and assistance provided in line with the entitlement matrix and payments made were free of deduction of depreciation, fees or transfer cost to the affected people? Were compensation payments sufficient to replace lost assets? Have vulnerable affected households given priority in RP implementation activities and received additional assistance (if applicable) Have the vulnerable affected households provided with jobs in project civil works?
Levels of Satisfaction (From consultations conducted at various levels of RP preparation and implementation)	Number of affected people know all resettlement procedures and entitlements and entitlements offered to them Do the affected people know if these have been met? How the affected people assess the extent to which their own living standards and livelihoods have been restored? How much do the affected people know about grievance procedures and conflict resolution procedures?
Effectiveness of Resettlement Planning	Were the affected people and their assets correctly enumerated? Was the time frame and budget sufficient to meet objectives? Were entitlements too generous? Were vulnerable groups identified and assisted? How did resettlement implementers deal with unforeseen problems?
Other Impacts	Were there any unidentified impacts? If yes, how they were addressed?

APPENDIX 1. TOR FOR INDEPENDENT THIRD-PARTY

Purpose of the Assignment

An Independent Third-Party will be engaged by Department of Water Resources and Irrigation (DWRI) to verify the process of land donation under the Nepal: Irrigation Modernization Enhancement Project (IMEP). The Independent Third-Party is not associated with IMEP - past and present, in any capacity.

Scope of Services

The scope of the services of the Independent Third-Party is to ensure that IMEP follows a fair and transparent process of land donation and confirm the process is indeed voluntary, and will include the following, but not limited to:

- (i) Review the project documents such as the Resettlement Framework, Indigenous Peoples Plan, Resettlement Plan, specifically the correspondences related to the project's land donation.
- (ii) Ensure that voluntary donation is in fact voluntary through verbal and written record, with photos and minutes of the meetings with the concerned parties.
- (iii) Ensure that voluntary donations do not severely affect the living standards of affected people and are linked directly benefits for the affected people.
- (iv) Ensure there is no coercion involved in the process of land donation.
- (v) Ensure that the preferences and concerns of the landowner/donor related to access, selection of site within lands held are recorded and any stipulated conditions met.
- (vi) Ensure that the land donation agreement and certificate is drafted in a fair and transparent manner.
- (vii) Identify and recommend mitigation measures to landowner/donor, affected third party, if required.
- (viii) Ensure that taxes, stamp duties and registration fees for purchased / donated land are borne by government.
- (ix) Submit a report and signed certificate as witness to land use donation and transfer process.

Duration of the Assignment

This intermittent assignment is required by DWRI under the IMEP. . During the assignment, the Independent Third-Party will have to travel to the project villages and coordinate with DWRI. The performance of the Independent Third-Party shall be subject to periodical review. Invoices of the Independent Third-Party shall be approved subject to verification of the tasks completed.

Minimum Qualification and Experience Required

- (i) Master's Degree in Social Sciences, Anthropology, Development Studies, Social Work, or any other relevant Social Sciences discipline directly relevant to this assignment.
- (ii) Minimum 8 years' experience in rural development, irrigation, community mobilization, livelihood and agriculture sectors with at least 2-3 project level experience funded under Asian Development Bank (ADB), World Bank, and other multilateral development banks. Experience of projects involving involuntary resettlement/voluntary land donation in irrigation projects is an advantage.
- (iii) Expertise in analyzing data and production or reports.
- (iv) Knowledge on ADB's Safeguard Policy Statement and Government of Nepal's national policies on land donation and irrigation. Knowledge and experience of Nepal's government procedures on land donation.
- (v) Fluency in Nepali, Bajjika and English language.
- (vi) Familiarity with Microsoft Office Package.

Deliverables

Reports documenting the results of the review and validation activities will be prepared and submitted to DWRI. The reports will form part of the project's quarterly progress reporting and social safeguards semi-annual monitoring reports to ADB.

- (i) Inception report with work plan aligned with project implementation schedule
- (ii) Land donation process report including process documentation such as minutes and photos
- (iii) Certificate of land donation as a witness to the donation process
- (iv) Corrective action plan or mitigation measures (as required)
- (v) Completion report

APPENDIX 1: SAMPLE CERTIFICATION FORMAT

This is to certify that Mr/Miss _____ (profession, designation, address) is appointed as independent third party to certify the process of negotiated purchase/land donation of plot no. _____ area _____ owned/donated by _____ (name of the owner), who is a signatory to this certificate. It also placed on record that none of the signatories to this certificate have any objection to appointment of _____ as a third-party witness.

Date: _____

Officers (SMC or CPMO representative) and land donor

1. _____

2. _____

I, _____ of _____ (address) certify that I was a witness to the process of negotiated purchase / land donation (details of plot _____ from _____ (landowners' names). I certify that:

- (i) The process of purchase / donation of the said land was transparent; the landowner(s) was/were happy to sell/donate the land for the welfare of the community.
- (ii) No coercion was used in the purchase/donation process.
- (iii) Land transfer costs (registration fee and stamp duty) were borne by the government and not by the owner/donor.
- (iv) All concerns expressed by the owner/donor as agreed, were addressed and no pending issues remain.
- (v) The following mitigation measures were identified and implemented /provided to the landowner/donor.
- (vi) Attached are the minutes of meetings held between project proponents and the landowner/donor, which I was witness to.

Signed/ Name

Date: _____ Place: _____

Enclosed: Minutes of meetings held between landowner/donor and project proponents

APPENDIX 2: SAMPLE CONSENT FORM OF VOLUNTARY LAND DONATION FROM THE LANDOWNERS²³

I, _____, (name of land donor) am a permanent resident of Ward No. _____, _____(name of the municipality), Province of _____, Nepal, do hereby solemnly affirm and declare that I own the land comprising of _____(land details such as plot no.). I hereby give my consent to donate _____m² of land to the _____(name of concerned project authorities)for the construction of _____ under the _____(name/title of the project component).

Signature of Landowner:

(i) _____ (sign/stamp)

(ii) _____ (sign/stamp)

Project Authorities representative:

Sign/stamp

²³ This consent form will be followed by a legal agreement between the landowner and project proponents on no land compensation and/or formal transfer of land own/Deed of Donation and formal transfer of ownership reflected in the land records will be involved. In addition, a third-party certificate will be obtained.

APPENDIX 3: INVOLUNTARY RESETTLEMENT IMPACT ASSESSMENT

(i) Introduction

Each component needs to be screened for any involuntary resettlement impacts which will occur or have already occurred. This screening determines the necessary action to be taken by the project team.

(ii) Information on subsection/section:

- (i) District/Province: _____
- (ii) Municipality: _____
- (iii) Civil work dates (proposed): _____
- (iv) Technical description: _____

(iii) Screening Questions for Involuntary Resettlement Impact

Below is the initial screening for involuntary resettlement impacts and due diligence exercise. Both permanent and temporary impacts must be considered and reported in the screening process.

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

APPENDIX 5: CENSUS AND BASELINE SOCIO-ECONOMIC SURVEY GUIDELINES

(i) Census Requirements

The cut-off date for titleholders will be the date of notification under the Land Acquisition Act. For the non-titleholders, the census survey date in each locality will be considered as the cut-off date. People moving into the project area after the cut-off date will not be entitled to support. Persons, who were not enumerated during the census but can show documentation or evidence that he/she is rightfully an affected persons will be included. The SMC with the support of the Supervision and Design Consultant is responsible for such verification. Only those affected persons within the project impact area will be considered eligible for support under the IMEP.

(ii) Census Requirement and Contents

A census of households and individuals located within the project has to be undertaken to register and document the status of potentially affected population within the project impact area. It will provide a demographic overview of the population covered by the resettlement plan/ and profiles of household assets and main sources of livelihood. It will cover 100% of the potentially affected population within the project impact area.

Resource Base – The resource base including land, water, and forest, etc., with an assessment of its development and ecological potential in the pre-project conditions. During the conduct of the census, legal boundaries of affected properties and the right of way (ROW) are to be verified. Structures, trees and other assets are to be recorded.

Economy Base – The economy base of the affected people including the modes and magnitude of production, consumption pattern, related economic institutions.

Household Census – Household census covering immovable property owned by the affected persons and other resources in their possession/use. These surveys would be carried out in association with local and host communities as well as with the local representatives.

Social Structures – The social structure, norms, customs, cultural centers, traditions, patterns of leadership and institutions of social network.

Affected Persons – The census will identify the affected population including tenants, leaseholders, sharecroppers, encroachers, employees and agricultural workers. During such census, those affected persons dependent on the existing infrastructure link for their livelihood, shall also be identified and listed along with their identified income. The census will also identify affected persons falling in the vulnerable category. 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.

(iii) Census Procedures

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

- (i) Preliminary screening to provide initial information on social impacts;
- (ii) Verification of legal boundaries and ownership of the project area, to document existing structures, land plots, and others physical assets. This involves:

- (i) All encroachments, private land holdings and others assets in the project area is to be documented;
- (ii) Identification of suitable resettlement sites, in close proximity to the affected area if required;
- (iii) Assets, structures, land holdings, trees, etc. to be recorded;
- (iv) All information is to be computerized; photography to be used to document existing structures; and
- (v) The baseline socio-economic survey shall cover information on the various categories of losses and other adverse impacts likely under the project;
- (vi) The census will identify potentially affected populations with special attention to vulnerable groups; and
- (vii) Assessment on the value of various assets to be made.

(viii) **Database Management**

- (i) **Data Sources.** As a pre-requisite for conducting the primary household surveys, relevant information is to be collected from secondary sources. These include:
 - (i) Revenue records maintained, with regard to land particulars for facilitating acquisition of properties and resettlement of displaced;
 - (ii) Census records for demographic information;
 - (iii) Development agencies to get information on various development programs for special sections of population like those living below poverty line, indigenous peoples, etc.; and
 - (iv) Local organizations including non-government organizations (NGOs) in order to involve them and integrate their activities in the economic development programs of the displaced population.
- (v) **Data Collection.** Household level contacts and interviews with each affected family for completing the household socio-economic profile. Each of the households surveyed and the structure/land likely to be affected by the project has to be numbered, documented and photographed. Public consultation exercises in different project areas to be conducted with the involvement of affected persons. In these exercises, women among the affected persons are to be involved to elicit their views and options on the overall planning of resettlement activities. Discussions with a cross-section of affected population will help towards understanding the problems and preference of the affected persons.
- (vi) **Data Analysis.** The analysis would cover the following: population, population density, age, sex ratio, literacy rates/education, gender issues, tribal issues, religious groups, income, occupation and poverty line.
- (vii) **Data Update.** The SMC responsible for implementation of resettlement plan/RIPP, should conduct a rapid appraisal to continuously update information.

APPENDIX 6: CENSUS AND SOCIOECONOMIC SURVEY QUESTIONNAIRE

Part I: Socio-economic Information

1. General Information

S. No	Question	Answer
1.1.	Questionnaire No. (Code)	
1.2	Date of Interview	
1.3	District	
1.4	Name of Municipality	
1.5	Ward Number	
1.6	Name of the Village/tole	
1.7	Name of the Respondent	
1.8	Gender of Respondent	Male1 Female 2
1.9	Contact Number of Respondent	
1.10	Relation with Household Head (if HHH is other than respondent)	
1.11	Gender of Household Head	Male 1 Female 2
1.12	If Women-headed household, what positioned her to such situation?	Out Migration of Spouse----- 1 Widow----- 2 Separated----- 3 Male members provided such role----- 4 Cultural region----- 5 Other (Specify)----- 6
1.13	Caste/Ethnicity of Household: (Please circle the correct one) [see attached sheet for classification of Janajatis in Nepal]	Brahmin /Chhetri/Thakuri----- 1 Janjati (Advantaged-Newar&Thakali)- 2 Janjati (Disadvantaged)----- 3 Janjati (Endangered/Marginalized)-- -4

S. No	Question	Answer
		Dalit (Kami/Dama/Sarki/Badi/Gaine) - -5 Religious Minority (Muslim/Churaute)- -6 Madhesi----- 7 Other (Specify) 8
1.14	Religion: (Please circle the correct one)	Hindu 1 Buddhist 2 Muslim3 Kirat4 Christian 5 Prakriti----- 6 Other (Specify) 7
1.15	Type of Family: (Please circle only one)	Nuclear1 Joint2 Extended3

Vulnerability Status of household - Tick if any of the following is true for the household

S. No.	Vulnerability Parameters	Tick '✓' if applicable for family	If applicable, mention no. of members
1.	Person with disability* in the family, with or without disability certificate (indicate if medical certificate is available or not)		
2.	Widow in the family		
3.	Women headed household with dependents		
4.	Elderly* over 65 years with no immediate family members to support		
5.	Household belongs to an indigenous peoples group (if yes, indicate the IP classification and the specific region/IP group from Table 1)		
6.	Household is 'Below Poverty Line' or BPL* family or in abject poverty or having no income source		
7.	Household is landless (not having land with or without title)		
8.	Household does not have legal title for any land parcel		
9.	Any other (please mention).....		

*Disability, Elderly, BPL, ethnic minority, indigenous or tribal as defined by the government

Table 1: Classification of Adivasi Janajatis (Indigenous) Group in Nepal

Region	Classification of Adivasi Janajatis				
	Endangered (10)	Highly Marginalized (12)	Marginalized (20)	Disadvantaged (15)	Advantaged (2)
Mountain (18)		Shiyar, Shingsawa (Lhomi), and Thudam	Bote, Dolpo, Larke, Lhopa, Mugali, Tokpegola, and Walung	Bara Gaule, Byansi (Sauka), Chhaintan, 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
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 + Rana Tharu		

1.2. Demographic Information

Household Profile

SN	Family Members (Start with HH Head and other members in relations): Code-1	Sex (Circle)		Age (Completed Years)	Marital status- Code - 2	Education (>5 Yrs age) Code- 3	Occupation (>14 Yrs age) Code- 4	Currently at home or not ((Circle)	
		M	F					Yes	No
1		1	2					1	2
2		1	2					1	2
3		1	2					1	2
4		1	2					1	2
5		1	2					1	2
6		1	2					1	2
7		1	2					1	2
8		1	2					1	2
9		1	2					1	2
10		1	2					1	2
11		1	2					1	2

Codes: HH head-1, Spouse -2, Daughter-3, Son-4, Daughter in Law-5, Father-6, Mother-7, Grandson-8, Grand Daughter-9, Sister-10, Elder Brother-11,

Elder Brother's wife -12, Younger Brother-13, Younger Brother's Wife-14, Cousin male -15, Cousin Female-16, others- 17

2. Marital Status: Married-1, Unmarried -2, Divorce-3, Widow
3. Education: Illerate-1, Can read and write-2, Primary/ lower secondary-3, Secondary-4, SLC/ Higher Secondary-5, College Dropout-6, Graduate-7, Postgraduate-8, Professional (doctor, engineer, lawyer and so on)-10, others-11
4. Occupation: Agriculture-1, Service-2, Trade/Business-3, Labor (agriculture / non agriculture)-4, Foreign Employment-5, Student-6, House Wife-7, Disable-8, Pension-8, others (specify)-9

1.3 Land Ownership

S. No.	Name of landowner	Type of ownership ¹	Number of parcels	Total Area			Unregistered land cultivated					
				B	K	D	Sq. ft	B	K	D	Sq. ft	
1												
2												
3												
4												
	Total											

B=Bigha, K=Kattha, D=Dhur (1 Bigha = 20 Kattha = 6772.63 m²: 1 Katha 20 Dhur = 338.63 m² : 1 Dhur = 16.93 m²)

¹Titleholder.1; Nontitle holder 2; Right to use granted by Local Authority.4; Encroacher 5, Squatter 6

1.4 Annual Income:

Please provide the household income from all (different) sources as follows (Provide last one year figure. Enumerators will require calculating the income from household's own production as well as from rented in and rented out lands)

S.No.	Sources of Income	Total Income (Rs)
1.	Cereal Crops	
2.	Vegetable and Cash Crops	
3.	Fruits	
4.	Non-Timber Forest products/Herbs	
5.	Livestock and Poultry	
7.	Service/Remittances/Foreign Employment/Pension	
8.	Trade/Business/Cottage Industry	
9.	Local Employment/Wages/Paid Labor	
10.	Rent/Interest	
11.	Others (Specify)	
Total gross income		

Part II. Impact Assessment

2. Assets affected by the proposed project

2.1. Impact on Land				
2.1.1 Ownership of affected land	Private1	2.1.2 Status of ownership	Project Affected Persons Type/Category:	
	GoN.....2			
	Religious.....3		Non-titleholder.....2	
	Community ...4		Right to use granted by Local Authority.....4	
	Other specify...5	_____	Encroacher.....5	
		_____	Squatter.....5	

2.1.3 Number of affected parcels No:	2.1.4 Area of affected parcels <i>Kattha:</i> <i>Dhur:</i>	2.1.5 % loss of affected parcels	2.1.6 Current use of affected land	Cultivation.....1
			_____	Residential.....2
			_____	Commercial.....3
			_____	Barren.....4
				Other5
2.1.7: Location of affected land parcel: left.....1: Right :.....2				
2.1. 8: Is remaining part of land viable to continue cultivation/use Yes.....1; No.....2				

2.2. Impacts on Structure and other Assets				
2.2.2 Present use of affected structure	2.2.3: Type of construction material used in affected structures.	2.4.4 Type of the affected utilities and number		
Residential1	Permanent1	Handpumps.....2		
Commercial2	Semi permanent2	Open well3		
Residential + commercial ...3	Temporary.....3	Bore well4		
Toilet.....4	Dismantlable Projection / Extension4	Water tap.....5		
kitchen..... 5		Other6		
store room6				
cattle shed.....7				
compound wall8				
Other specify9				
2.2.5 scale of impacts on affected Structure	Affected structures	Total area of structure m ² .	Affected area m ² .	Scale of impact (Circle 1 for less than 10% and 2 for above 10%)

2.2. Impacts on Structure and other Assets					
	1			1	2
	2			1	2
	3			1	2
	4			1	2
<p>2.4.6: Is the remaining part of the Structure sufficient to continue to use /live or enough area available to shift the structure. Yes:.....1 No.....2:</p>					
2.3. Impacts on Business					
2.3.1: Name of the owner		2.3.2 Affected business run in Rental property1 Own property.....2		2.3.3: Year of establishment	
2.3.4. Level of Impacts Permanent1 Temporary2					
2.3.5 Nature of business (name of affected shop)		Grocery1 Fresh house2 Furniture.....4 Dairy.....5 Kiosk6 Canteen.....7 Other specify8		2.3.6: Number of employees/family Employee Man: Women: Family worker: Man: Women:	
2.3.7: Total family member Men: Women:		2.3.8: Initial investment in business NPR.		2.3.9: Monthly net income NPR:	

2.3.10 Temporary impacts: In order to lay the distribution pipeline , a part of the road stretch would be dug-up. The work on this road section will take about 2/3 weeks to complete. This could cause difficulty to pedestrians and vehicles using this road. In view of the above, please answer the following:

Will it affect customers coming to your shop? Yes1: No.....2

If yes , will there be the loss of income ? Yes1: No.....2

If yes .. what is your estimated income loss for said period: NRs. _____

Daily Income/Earnings from the business: _____

Code of House Categories:

Kuchha: 1-Bamboo/ wood/ stone wall with mud mortar with thatch/ straw roof

Semi Pukka: 2-Stone wall with cement mortar/ plaster and GI sheet roof

Pukka: 3-Cement mortar wall/ pillar with RCC/RBC roof

4.2 Sanitation facilities

Question	Answer	Skip
Do you have toilet facility in your current residence?	Yes 1 No 2	7.7
If yes, what type of toilet facility is available?	Open 1 Pit Toilet (Khalte) 2 Kuchha Toilet 3 Pukka Toilet 4 Others 5	

4.3 What types of facilities you have for drinking water? Please circle all sources used.

S. No.	Sources	Used the Source		Order the sources starting from most frequently used
		Yes	No	
1.	Pipe water (Private tap)	1	2	
2	Ground water	1	2	
3	Both			
8.	Others (Specify).....	1	2	

5.0 Social Participation

SN	Question	Answer
1	Does your family have membership (s) in the local social organizations?	Yes 1 No 2

If yes, mention the organization,

- 1.
- 2.
- 3

APPENDIX 7: OUTLINE OF RESETTLEMENT PLAN

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

Executive Summary

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

Project Description

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

Scope of Land Acquisition and Resettlement

(iv) This section:

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

Methodology for Impact Assessment

(v) This section outlines the methodology and tools adopted for:

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

Socio-economic Information and Profile

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

- (i) define, identify, and enumerate the people and communities to be affected;

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

Stakeholders Consultation and Participation

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

Legal Framework

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

Entitlements, Assistance and Benefits

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

Relocation of Housing and Settlements

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

Income Restoration and Rehabilitation

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

Resettlement Budget and Financing Plan

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

Information Disclosure

- (xiii) This section:
- (i) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;

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

Grievance Redress Mechanisms

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

Institutional Arrangements

(xv) This section:

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

Implementation Schedule

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

Monitoring and Reporting

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

APPENDIX 8: SAMPLE TEMPLATE OF PROJECT INFORMATION DISCLOSURE LEAFLET

Project Information	Description/Details
About the Project	
Name of the Executing Agency/Implementing Agency	
Proposed Project technical details and Project Benefits	
Summary of Project Impacts	
Compensation and Entitlement	
Resettlement Plan Budget	
Resettlement Plan Implementation Schedule	
GRM Information	
Contact Number of SMC, CPMO and contractor	

Note: List of affected persons and entitlement matrix to be attached with this leaflet.

APPENDIX 9 : SAMPLE GRIEVANCE REGISTRATION FORM
(Available in English and Nepali)

The _____ Project welcomes complaints, suggestions, queries, and comments regarding project implementation. We encourage persons with grievance to provide their name and contact information to enable us to get in touch with you for clarification and feedback.

Should you choose to include your personal details but want that information to remain confidential, please inform us by writing/typing *(CONFIDENTIAL)* above your name. Thank you.

Date	Place of registration	Project Town			
		Project:			
Contact information/personal details					
Name		Gender	(i) ale	Age	
			(ii) ema le		
Home address					
Place					
Phone no.					
E-mail					
Complaint/suggestion/comment/question Please provide the details (who, what, where, and how) of your grievance below:					
If included as attachment/note/letter, please tick here:					
How do you want us to reach you for feedback or update on your comment/grievance?					

FOR OFFICIAL USE ONLY

Registered by: (Name of official registering grievance)	
Mode of communication: Note/letter E-mail Verbal/telephonic	
Reviewed by: (Names/positions of officials reviewing grievance)	
Action taken:	
Whether action taken disclosed:	Yes No
Means of disclosure:	

गुनासो दर्ता फारम

सिँचाई आधुनिकरण अभिवृद्धि आयोजना सम्पूर्ण सरोकारवाला ब्यक्ति/संस्थाहरुलाई आयोजना कार्यान्वयन सम्बन्धमा कुनै गुनासा/जिजासा/सल्लाह/सुझाव भए सो बारे जानकारी गराउन अनुरोध गर्दछ । तपाईंले दर्ता गर्नु भएका गुनासा, जिजासा, सल्लाह, सुझाव उपर गरिएका निर्णय बारे जानकारी गराउन सहज होस् भन्नका लागि आफ्नो नाम तथा ठेगाना प्रदान गर्न अनुरोध गर्दछौ । यदि तपाईं आफ्नो व्यक्तिगत विवरण गोप्य राख्न चाहनुहुन्छ भने आफ्नो नाम को माथि “गोप्य” अंकित गर्नु होला ।

मिति:	दर्ता गरिएको स्थान:	आयोजनाको नाम:
सम्पर्क विवरण		
नाम:		
ठेगाना	गा.पा/न.पा: वार्ड: गाउ /टोल:	फोन: इमेल:
गुनासा, जिजासा, सल्लाह, सुझाव: गुनासो सम्बन्धित बिषय, स्थान, कारण तथा सो मा संलग्न व्यक्ति आदि बारे बिस्तृत विवरण उल्लेख गर्नुहोला ।		
दर्ता भएका गुनासा/जिजासा/सल्लाह/सुझाव उपर गरिएको छानविन / निर्णय बारे तपाईंलाई जानकारी गराउने उपयुक्त माध्यम		
कार्यालय प्रयोजनका लागि		

दर्ता गर्ने व्यक्तिको नाम:	पद:
संचार को माध्यम: (क) चिट्ठी (ख) इमेल (ग) मौखिक (घ) अन्य	
प्राप्त गुनासो सम्बोधनमा संलग्न पदाधिकारी:	
नाम:	पद:
प्राप्त गुनासो सम्बोधन गर्न लिईएका निर्णय कार्यान्वायनको अवस्था:	
प्राप्त गुनासो सम्बोधन गर्न लिएका/कार्यान्वयन गरिएका निर्णय सार्वजनिकीकरण : (क) भएको (ख) भएको छैन	
सार्वजनिकीकरण गर्न उपयोग गरिएको माध्यम:	

APPENDIX 10: SOCIAL SAFEGUARDS MONITORING REPORT TEMPLATE

Executive Summary

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

Background of the Report and Project Description

This section provides a general description of the project, including:

- (i) Background and context of the monitoring report, which includes the information on the project, project components, safeguards categorizations and general scope of the social safeguards impacts;
- (ii) Information on the implementation progress of the project activities, scope of the monitoring report and requirements, reporting period, including frequency of submission, and changes in project scope and adjusted safeguard measures, if applicable; and
- (iii) Summary table of identified impacts and the mitigation actions.

Scope of Impacts

This section outlines the detail of

- (i) Scale and scopes of the project's safeguards impacts;
- (ii) Vulnerability status of the affected people and/or communities; and
- (iii) Entitlements matrix and other rehabilitation measures, as applicable, as described in the approved final resettlement plans and IPPs.

Compensation and Rehabilitation

This section describes the process and progress of the implementation of the safeguards plan and other required activities as determined in the plan, including:²⁴

- (i) Payment of compensation for the affected assets, allowances and/or loss of incomes to the entitled persons; and
- (ii) Provisions of other types of entitlement as described in the matrix and implementation of livelihood rehabilitation activities as determined in the plan.
- (iii) Specific provisions or beneficial and mitigation measures identified for indigenous peoples.

Quantitative as well as qualitative results of the monitoring parameters, as agreed in the plan, should be provided.

Public Participation and Consultation

This section describes public participation and consultations activities during the project implementation as agreed in the plan. This includes final consultations with affected people/indigenous peoples during resettlement plan/IPP/RIPP finalization after the completion of the detail design, the numbers of activities conducted, issues raised during consultations, and responses provided by the project team, implementing nongovernment organizations, project supervision consultants, and/or contractors.

²⁴ Depending on the status of the final detail design during the submission of the report, this activity might not yet have started. Provide instead the information on the expected date the activity will be conducted.

Grievance Redress Mechanism

This section described the implementation of the project's grievance redress mechanism (GRM) as designed in the approved resettlement plan. This includes evaluations of its effectiveness, procedures, complaints received, timeliness to resolve issues and complaints, and resources provided to solve the complaints. Special attention should be given if there are complaints received from the affected people or communities.

Institutional Arrangement

This section describes the actual implementation or any adjustment made to the institutional arrangement for managing the social safeguards issues in the projects. This includes the establishment of safeguards unit or team and appointment of staff in the executing agency and/or implementing agency, implementation of the GRM and its committee, supervision and coordination between institutions involved in the management and monitoring of safeguards issues, and the roles of nongovernment organizations including indigenous peoples organizations and women's groups in the monitoring and implementation of the plan, if any.

Monitoring Results – Findings

This section provides a summary and describes the key findings of the monitoring activities. The results are compared against previously established benchmarks and compliance status (e.g., adequacy of involuntary resettlement compensation rates and timeliness of payments, adequacy and timeliness of involuntary resettlement rehabilitation measures including livelihood support measures, and training; budget for implementing EMP, resettlement plan, or RIPP, timeliness and adequacy of capacity building.). The section also compares the findings against the objectives of safeguards or desired outcomes documented (e.g., involuntary resettlement impacts avoided or minimized; livelihood restored or enhanced). If noncompliance or any major gaps are identified, include the recommendation of corrective action plan.

Compliance Status

This section will summarize the compliance status of the project activities with the loan covenants, ADB SPS (2009) and the approved final social safeguards planning documents.

Follow up Actions, Recommendations, and Disclosure

This section describes recommendations and further actions or items to focus on for the remaining monitoring period. It also includes lesson learned for improvement for future safeguards monitoring activities. Disclosure dates of the monitoring report to the affected communities should also be included. A time-bound summary table for required actions should be included, with the following:

- (i) List of affected persons and entitlements.
- (ii) Summary of resettlement plans with entitlement matrix.
- (iii) Copies of affected people's certification of payment (signed by the affected peoples).
- (iv) Summary of minutes of meetings during public consultations.
- (v) Summary of complaints received and solution status.